

BARROWBY PARISH COUNCIL

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CCTV DATA PROTECTION POLICY

1.0 Introduction

1.1 The purpose of this policy is to provide Barrowby Parish Council (the "Parish Council") with guidance to comply with relevant legislation relating to the use of Closed Circuit Television ("CCTV") in Barrowby.

1.2 The definition of CCTV in this policy is "equipment used to capture and store images, potentially including those of persons".

1.3 The purpose of the CCTV installed by the Parish Council is to provide a safe and secure environment for the benefit of those who might visit, work or live in the area. The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law. The scheme will be used for the following purposes:

- to monitor the security of premises or equipment.
- to ensure public safety.
- to reduce the vandalism of property and to prevent, deter and detect crime and disorder.
- to assist the Police in the identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime or public order.
- to deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and prominent signs on display.
- to assist all emergency services to carry out their duties.

1.4 CCTV will only be installed at premises or assets owned or administered by the Parish Council. Each installation will need to be justified, normally because of logged incidents where CCTV can be judged to be appropriate in order to deter or prevent future incidents. Cameras are sited so they only capture images relevant to the purposes for which they are installed, and care will be taken to ensure that reasonable privacy expectations are not violated. The location of equipment will be carefully considered to ensure that images captured comply with the Data Protection Act 2018. Every effort will be made to position cameras so that their coverage is restricted to premises, which may include outdoor areas.

1.5 The Parish Council shall comply fully with the requirements of relevant legislation and guidance in the consideration and possible use of CCTV.

1.6 The Parish Council accepts the principles of that data must be:

- fairly and lawfully processed.
- processed for limited purposes and not in any manner incompatible with these purposes.
- adequate, relevant and not excessive.
- accurate.
- not kept for longer than is necessary.
- processed in accordance with individuals' rights.
- held securely.

1.7 Responsibility for the management of the CCTV will lie with the Parish Council.

2.0 Legislative Requirements

2.1 The Parish Council has the power to incur expenditure in respect of CCTV under powers granted by the Local Government and Rating Act 1997, section 31.

2.2 The Parish Council shall comply with all legislation, and resultant codes, apply to gathering and use of data.

2.3 The Parish Council recognises that images captured by CCTV may have to be released following a request made under the Data Protection Act 2018 ("FOI subject access request").

3.0 Roles and responsibilities

3.1 Day-to-day maintenance and operational responsibility rests with the Parish Council.

3.2 The CCTV installation company are appointed to carry out regular checks of the CCTV and can access the system to carry out essential maintenance repairs when requested by the Clerk to the Council.

3.3 Any breach of this policy shall be investigated by the Clerk to the Council.

3.5 A CCTV system prevents crime largely by increasing the risk of detection and prosecution of an offender. Any relevant tape or digital evidence must be in an acceptable format for use at Court hearings. This policy must be read and understood by all persons involved in this scheme and will be publicly available on the Parish Council website.

3.6 Only those appointed may access the cameras, monitors and associated systems, the following points must be understood and strictly observed by those persons:

- they must act with due probity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual.
- no public access will be allowed to the monitor except with the express approval of the Clerk and the Parish Council.
- the Police will be permitted access to recording media if they have reason to believe that such access is necessary to investigate, detect or prevent crime. Any visit by the Police to view images will be logged by them.
- the accuracy of the date/time displayed will be checked on each occasion that the system is accessed.
- digital records and images shall be securely stored to comply with data protection. Records and images will normally be erased after a certain period but may be retained for longer because of a known incident and required for the apprehension or prosecution of offenders.
- digital records or images shall not be supplied to the media, except on the advice of the Police. Such a decision will be taken by the Parish Council.
- as records may be required as evidence in a court of law, each person handling a digital record may be required to make a statement to a Police Officer and sign an exhibit label. Any extracted data that is handed to a Police Officer should be signed for by the Police Officer and information logged to identify the recording and showing the Officer's name and police station. The log should also show when such information is returned and/or the outcome of its' use.
- any event that requires checking of recorded data should be clearly detailed in the logbook of incidents, including crime numbers if appropriate.
- any damage to equipment or malfunction discovered should be reported immediately to the person responsible for maintenance, and the call logged showing the outcome. When a repair has been made this should also be logged showing the date and time of completion.
- any request by an individual member of the public for access to their own recorded image must be made on an 'Access Request Form' and is subject to a standard fee.

3.7 In exceptional circumstances covert monitoring may be set up:

- i) Where there is good cause to suspect that an illegal or unauthorised action(s), is taking place, or where there are grounds to suspect serious misconduct.
- ii) Where notifying the individuals about the monitoring would seriously prejudice the reason for making the recording.

In these circumstances, authorisation must be obtained from the Parish Council. Monitoring must cease following completion of an investigation. Cameras sited for the purpose of covert monitoring will not be used in areas which are reasonably expected to be private, for example toilets.

3.8 Data is retained within the system for 28 days. If data is downloaded to a CD, data will not be retained for longer than is necessary. While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded. All retained data will be stored securely.

4.0 Accountability

4.1 Copies of this policy are available in accordance with the Freedom of Information Act, as will any reports that are submitted to the Parish Council, providing that does not breach security needs.

4.2 Any written concerns or complaints regarding the Parish Council's use of the system will be considered under the Parish Council's existing complaints policy.

4.4 The CCTV system installed and used by the Parish Council does not require to be registered with the Information Commissioner due to its static nature.

4.5 The Parish Council is registered with the Information Commissioner as a data handler.

4.6 One or more signs (black and yellow) shall be displayed in the vicinity of where the CCTV is deployed. One or more laminated notice shall be erected providing the following information:

- why CCTV is being used.
- who manages the CCTV.
- contact details for the organisation(s) responsible should anyone want to find out more about the scheme or request access to their CCTV images.

4.7 This policy, together with the continued need for CCTV usage, will be reviewed annually.

Further Information

Further information on CCTV and its use is available from the following:

- CCTV Code of Practice (published by the Information Commissioners Office)
- Surveillance Camera Code of Practice (published by the Surveillance Camera Commissioner)
- Data Protection Act 1998
- General Data Protection Regulation
- Protection of Freedom Act 2012
- Human Rights Act 1998

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