

Witham Town Council: Public CCTV Policy

Policy Overview

This Policy is to control the management, operation, use and confidentiality of the CCTV systems at the locations listed at the end of this document. Its sets out to comply with best practice in the CCTV Code of Practice, Charter for a democratic use of video-surveillance and other relevant guidance.

Introduction

1. This Policy is to control the management, operation, use and confidentiality of the CCTV systems at the locations listed at the end of this document.
2. This policy will be subject to annual review by the Town Council to ensure that it continues to reflect the public interest and that it and the systems meet all legislative requirements, principally:
 - a) Data Protection Act 2018
 - b) Human Rights Act 1998,
 - c) Regulation of Investigatory Powers Acts 2000
 - d) UK General Data Protection Regulation (UK GDPR)

The Council also wishes to adopt best practice and protocols set out in national guidance, including:

- a) the CCTV Code of Practice,
 - b) Charter for a democratic use of video-surveillance
3. This policy aims to ensure that the Council's CCTV installations:
- a) are correctly and efficiently installed and operated.
 - b) The Town Council accepts the principles of the UK GDPR and the Data Protection 2018 Act based on the Data Protection Principles as follows:
 - data must be fairly and lawfully processed
 - processed for limited purposes and not in any manner incompatible with those purposes;
 - Adequate, relevant and not excessive;
 - not kept for longer than is necessary;
 - processed in accordance with individuals' rights;
 - Secure;
 - not transferred to countries with inadequate protection;
 - subject to guidance on good practice;
 - Examples of how to implement the standards and good practice.
 - Data will not be used for personal gain or interest

Statement of Purpose

The public CCTV network is used for the following purposes:

- to reduce the fear of crime, so they can enter and leave without fear of intimidation by individuals or groups;
- to reduce the vandalism of property and to prevent, deter and detect crime and disorder;

- to assist the police, the Town Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by
- examining and using retrievable evidence relating to crime, public order or contravention of bye-laws;
- To deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display.
- To assist all “emergency services” to carry out their lawful duties.

Locational Information

- All administration and footage processing takes place at the Town Hall, 61 Newland Street.
- Full details of all camera locations can be obtained by written request addressed to the Town Clerk.

System Management

4. The CCTV operating system will be administered and managed by the Town Clerk, in accordance with the principles and objectives expressed in this policy document.
5. Cameras are not live monitored, only pre-recorded footage is viewed by council officers however Essex Police Officers may monitor cameras at the Council Offices or on a hand held device provided by the Town Council.
6. The CCTV system will be operated 24 hours a day, 365 days of the year.
7. Warning signs, as required by the Code of Practice of the Information Commissioner, will be placed at all access routes to areas covered by the Council’s CCTV cameras

System Control

8. On a weekly basis, the Clerk will check and confirm:
 - a) the cameras are functional; and
 - b) the equipment is properly recording
 - c) Maintain a record to confirm inspection.
9. Access to the CCTV System will be strictly limited to the Town Clerk and nominated staff delegates, and other authorised persons, such as Police Officers.
10. Unauthorised persons are not permitted to view live or pre-recorded footage. Access to footage is strictly controlled and limited to those with a legitimate need to view it.
11. The CCTV control room at the Council Offices shall be kept locked at all times when not in use.
12. Unless an immediate response to events is required, cameras may not be re-directed at an individual, their property or a specific group of individuals, without an authorisation being obtained from Clerk for Directed Surveillance to take place, as set out in the Regulation of Investigatory Power Act 2000.
13. If covert surveillance is planned or has taken place, copies of the written authorisation, including any review or cancellation, must be returned to the Clerk.
14. Materials or knowledge secured via CCTV will not be used for any commercial purpose. Recorded data will only be used for the stated purposes outlined in this policy.
15. Recorded data will only be released to the media for use in the investigation of a specific crime and with the written authority of the police. Recorded data will never be released to the media for purposes of entertainment.

Retention and disposal of Data

16. All matters of retention are set out in the Council's Data & Document Retention Policy available online.

Dealing with official requests: use of CCTV in relation to criminal investigations

17. CCTV recorded images may be viewed by the Police for the prevention and detection of crime, authorised officers and members of Witham Town Council for supervisory purposes, discipline reasons or authorised demonstration and training.
18. A record will be maintained of the release of Data through DAMS to the Police or on disk to other authorised applicants. A register will be available for this purpose.
19. Requests by the Police can only be actioned under section 29 of the Data Protection Act 1998.
20. As the Controller, Witham Town Council, allows the processing of personal data on our behalf by Essex Police (Processor) for policing purposes in accordance with a data sharing agreement and other councils such as Braintree Town Council.
21. As the Controller, we will allow access to any Essex Police officer to access our public CCTV system for policing purposes as long as it is being used in line with Essex Police internal policy and controls regarding CCTV and in compliance with data protection laws.
22. Should footage be required as evidence, a copy may be released to the Police under the procedures described in this Policy and shall be treated in accordance with all aspects of this policy.
23. The Council retains the right to refuse permission for the Police to pass to any other person the footage or any part of the information contained therein.
24. Applications received from outside bodies (e.g., solicitors or insurance companies) to view or release disks or memory sticks will be referred to the Clerk. In these circumstances, disks/memory sticks will normally be released where satisfactory documentary evidence is produced showing that they are required for legal proceedings, or in response to a Court Order. A fee can be charged in such circumstances and this fee shall not exceed £25.00.

Complaints

25. Any complaint concerning CCTV or the application of this policy should be made under the Council's adopted Complaints Procedure, available online.

Access by the Data Subject

26. The UK GDPR Data Protection Act 2018 provides Data Subjects (individuals to whom "personal data" relate) with a right to access data held about themselves, including that obtained by CCTV.
27. All such requests should be made in writing to the Town Clerk. Before making a request, you should read the Council's Privacy Notice which is available online, and provides further information with respect to such requests.
28. The Council will respond to Subject Access Requests within one month of receipt, as required by the UK GDPR.
29. The Council will regularly review and update its CCTV signage to ensure it meets the requirements of the UK GDPR and ICO guidance.

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