

## 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.

This Policy should be read alongside the Council's General Privacy Notice, Data Protection Policy and Data & Document Retention Policy, which together explain how the Council processes personal data and uphold data protection rights.

## Introduction

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.

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)
- e) Protection of Freedoms Act 2012 (including the Surveillance Camera Code of Practice and its 12 guiding principles)

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
- c) any guidance issued by the Biometrics and Surveillance Camera Commissioner relevant to local authorities

## Data Protection Principles

This Policy aims to ensure that the Council's CCTV installations:

- a) are correctly and efficiently installed, maintained and operated;
- b) are used in a way that is necessary and proportionate to achieve clearly defined and legitimate purposes;
- c) are supported by appropriate governance, accountability and documentation, including a record of processing activities and data protection impact assessments where required.

The Town Council accepts and applies the data protection principles set out in the UK GDPR and Data Protection Act 2018, Personal data captured by CCTV will be:

- processed lawfully, fairly and in a transparent manner;
- 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;
- supported by appropriate policies, procedures and staff training to promote good practice.

CCTV data will not be used for personal gain or interest or for any purpose that is incompatible with the purposes set out in the Policy or the Council's General Privacy Notice.

### **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.
- To support the Council's management and protection of its assets and to enhance public safety in areas under its control, where this is necessary and proportionate.

CCTV will only be used where there is a legitimate aim and an identified pressing need, and the level of surveillance will be regularly reviewed to ensure it remains justified and proportionate in light of privacy considerations.

### **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**

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.

The Town Council is the 'controller' of personal data captured by its CCTV systems for the purposes of UK data protection law, and is responsible for ensuring compliance with the UK GDPR and DPA 2018.

The Town Clerk acts as the responsible owner of the CCTV systems and is accountable for their day-to-day management, including authorising access, disclosures and any directed or covert surveillance in accordance with applicable law.

Officers who operate, maintain or access CCTV equipment or images will only do so where authorised, trained and subject to appropriate confidentiality obligations.

## **System Operating and Control**

Cameras are not live monitored, only pre-recorded footage is viewed by council officers except in specific circumstances where real-time monitoring is necessary and proportionate to respond to an incident or law enforcement request.

Essex Police officers may monitor cameras at the Council Offices or on a hand-held device provided by the Town Council for policing purposes, subject to an appropriate data sharing agreement, information security controls and compliance with police internal CCTV policies.

The CCTV system will be operated 24 hours a day, 365 days of the year subject to technical availability.

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, Access and Security**

On a weekly basis, the Clerk or delegated officer will check and confirm:

- a) the cameras are functional; and
- b) the equipment is properly recording
- c) Maintain a record to confirm inspection.

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.

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.

The CCTV control room at the Council Offices shall be kept locked at all times when not in use. All PC or tablets with CCTV access shall be password protected and kept locked when not in use.

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.

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.

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.

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.

All CCTV equipment and recordings will be protected by appropriate technical and organisational measures, including user access controls, secure storage, and encryption where appropriate, logging of access and regular review of system security.

## **Retention and disposal of Data**

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

CCTV footage will be retained only for as long as necessary to fulfil the purposes set out in this Policy, normally for a defined and documented retention period, unless a longer retention period is required where footage has been downloaded or preserved for a specific incident, investigation, legal claim or statutory requirement.

At the end of the retention period, footage will be securely deleted or overwritten so that it cannot be reconstructed or recovered, in line with the Council's retention and disposal procedures.

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

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.

A record will be maintained of the release of Data and a register will be available for this purpose.

If footage is not released via DAMS then a completed Request Access form will be required before CCTV can be processed. If the footage is not being processed through DAMS or a council's internal system then it should only be shared via a memory stick.

Requests by the Police can only be actioned under section the applicable provisions of the Data Protection Act 2018 and UK GDPR that allow disclosures for the prevention or detection of crime or the apprehension or prosecution of offenders, subject to appropriate checks and documentation.

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 District Council.

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.

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.

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.

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**

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

Individuals may also raise concerns about the Council's handling of their personal data with the Town Clerk or Data Protection Officer (if appointed). If they remain dissatisfied, they have the right to lodge a complaint with the Information Commissioner's Office (ICO). Contact details are available in the Council's General Privacy Notice and on the ICO website.

### **Access by the Data Subject**

The UK GDPR Data Protection Act 2018 provides Data Subjects (individuals to whom "personal data" relate) with rights in relation to their personal data, including the right of access, rectification, erasure, restriction, objection and data portability, subject to certain conditions and exemptions.

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.

The Council will respond to Subject Access Requests within one month of receipt, or within any extended time limit permitted by the UK GDPR where requests are complex, in accordance with data protection law. as required by the UK GDPR.

In some cases, it may not be possible to provide copies of CCTV images where doing so would involve disclosing personal data about other identifiable individuals who cannot reasonably be anonymised, or where an exemption applies (for example, where disclosure would prejudice crime prevention or detection). In such cases the Council will explain, as far as possible, the reasons for its decision.

### **Privacy, impact assessments and reviews**

The Council will consider the impact of CCTV on individuals' privacy and will undertake data protection impact assessments (DPIAs) before introducing new CCTV systems, significantly changing existing systems or using new surveillance technologies, in line with ICO guidance.

CCTV locations, coverage and technical settings (such as zoom and audio capability) will be configured to minimise unnecessary intrusion into private spaces or areas where people have a higher expectation of privacy, unless there is a clear and lawful justification.

The Council will regularly review the necessity and proportionality of its CCTV use, including the purposes, locations, signage, retention periods, access controls and data sharing arrangements, to ensure ongoing compliance with data protection and surveillance guidance.

### **Training and awareness**

Staff and members with responsibilities under this Policy will receive appropriate training on CCTV operation, data protection, information security and handling of requests and complaints, with refresher training as required.

The Council will promote awareness of this Policy and related privacy information so that staff, members and the public understand why and how CCTV is used.

### **Policy management**

This Policy is owned by the Policy & Resources Committee and will be reviewed at least every two years, or sooner if required by changes in law, guidance or the Council's operations.

Any substantive changes to this Policy will be approved by the Council and the latest version will be published on the Council's website or made available upon request.

The Council will regularly review and update its CCTV signage to ensure it meets the requirements of the UK GDPR and ICO guidance.

**POLICY NO:** WTC/043

**ADOPTED:** P&R 5.12.2022

**REVIEWED:** 9<sup>th</sup> March 2026 by Town Council

**REVIEW DATE:** March 2027