

CCTV Policy

CCTV that complies with the law and has public support and confidence.

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Introduction

Basildon Borough Council is committed to enhancing Community Safety within the borough and protecting Council owned property, whilst respecting people's rights to privacy and the individual's entitlement to go about their lawful business. This is a primary consideration in the use of any surveillance operating system. This covers a wide range of overt surveillance tools, however, the Policy will concentrate on Closed Circuit Television, which will be referred to as CCTV.

Executive Summary

CCTV surveillance has become a common feature of our daily lives. Whilst the use of CCTV continues to receive general public support the public expect CCTV to be used responsibly with effective safeguards in place. This policy affects everyone who lives, works and visits the Borough so it is essential that the Council has a policy that reflects the uses of CCTV in a manner that complies with the law and continues to receive public support and confidence.

In April 2016 the General Data Protection Regulation was adopted. The GDPR regulates the data protection and privacy for individuals. Its primary aim is to give citizens control over their personal data including their image. The legislation came into force on 25 May 2018.

Adoption of this policy will ensure the Council is compliant not only with GDPR but other related legislation.

Policy Statement

The Council is committed to improving community safety and to protect the Council's assets.

This policy sets out how the Council will operate and maintain CCTV across the Borough. It sets out the criteria and standards for the maintenance, upgrading and replacement of CCTV cameras and the rationale for the purpose of siting and installation of any new cameras.

The Council will ensure the use of CCTV is regulated to ensure consistency and compliance with relevant legislation, whilst respecting people's right to privacy.

Policy

Surveillance systems will be operated to ensure the privacy of the individual and their human rights. The CCTV system will not be used for any other purpose than those set out in this document.

The Council will adhere to the "Surveillance Camera Code of Practice" (Appendix 1) issued by the Secretary of State in June 2013 which forms the basis of the Council's CCTV policy:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures will be in place before any surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information shall be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information shall be deleted once their purposes have been discharged.
7. Access to retained images and information shall be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information shall only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators shall consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information shall be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There shall be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports will be published, hence the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it shall then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
11. Any information used to support a surveillance camera system, which compares against a reference database for matching purposes will be accurate and kept up to date.

This policy applies to all staff employed by Basildon Borough Council and will be the standard expected from any external agencies or persons who operate CCTV systems on the Council's behalf.

This policy does not cover Individual CCTV on residential Council property.

Monitoring and Evaluation

The CCTV will be monitored and controlled by authorised members of staff trained in the operation of the system and the rules and procedures relating to its operation. CCTV operators will be required to adhere to the Council's Code of Practice, which will be developed as part of the CCTV Action Plan (Appendix 2).

CCTV Deployment Process

This policy sets out why and in what circumstances the Council will consider installing CCTV in the borough.

The Council receives a number of requests from various sources to install CCTV at new locations.

CCTV cameras operating in public places must have a clearly defined purpose in pursuit of a legitimate aim and to address a pressing need. It is therefore necessary for the Council to undertake a privacy impact assessment whenever the installation of a CCTV camera is being considered to ensure the purpose of the system is justifiable; that there is consultation with those most likely to be affected and the possible impact on their privacy. The consideration of all new requests for CCTV cameras will be considered by a panel of Officers who will follow the guidance as set out in the attached flowchart (Appendix 3).

The privacy impact assessment follows a formal and documented process, which ensures that sound decisions are reached on implementation and on any necessary measures to safeguard against disproportionate interference with privacy.

Consideration must also be given to the physical environment to establish the feasibility of installing CCTV cameras and if this installation will displace crime rather than reduce it.

Maintenance Obligations

Effective and regular maintenance of a CCTV system is essential to ensure that the system is effective at all times.

The Council has recently invested in upgrading a number of CCTV cameras and recording equipment and has arrangements in place for the repair and maintenance of all equipment. The Council has also invested in a new system which will trigger an alarm if any cameras being monitored fail. All cameras receive an annual service, which includes cleaning and testing of physical equipment.

As set out in the attached Action Plan (Appendix 2), it is the Council's intention to upgrade all cameras and recording equipment across the Borough.

Surveillance Compliance

The Council will complete, on an annual basis, the SCC Self-Assessment tool (Appendix 4) which will confirm compliance with the twelve guiding principles of the Surveillance Camera Code of Practice in conjunction with the Council's own Code of Practice for the operation of CCTV.

Complaints

All complaints about the operation of a CCTV system will be addressed via the Council's corporate complaints procedure.

Context

In April 2016 the General Data Protection Regulation was adopted. The GDPR regulates the data protection and privacy for individuals. Its primary aim is to give citizens control over their personal data including their image. The legislation came into force on 25 May 2018.

In addition to the Council's policies, procedures, guidelines and Codes of Practice, CCTV and its operation are subject to legislation and guidance under:

- The Human Rights Act 1998 (HRA).
- The Freedom of Information Act 2000 (FOIA).
- The Regulation of Investigatory Powers Act 2000 (RIPA).
- The Protection of Freedoms Act 2012 (PFA)
- The Home Office Surveillance Camera Code of Practice
- The Surveillance Camera Commission

Delivery of Policy

This aims of this policy will be delivered in conjunction with the CCTV Action Plan (Appendix 2).

Levels of Impact

Corporate promises	High	Medium	Low	None
Strong, safe and healthy communities with access to quality homes	X			
Vibrant town centres and a thriving economy for everyone		X		
Enhanced local environment and increased pride in our Borough		X		

Outcome and priorities

Outcome

To use CCTV to enhance Community Safety; increase public confidence and protect Council assets, whilst complying with relevant GDPR and associated legislation.

Priorities

- Ensuring compliance with Home Office Surveillance Code of Practice.
- Agreeing an Action Plan to assess and evaluate current CCTV locations; review functionality and make a recommendations for the replacement/upgrade of cameras and recording equipment across the Borough.
- Ensure operational compliance within the Council's control room and staff are fully trained in legislation and operational procedures governed by the Council's code of practice.
- To implement a robust system to maintain CCTV equipment.
- To ensure that CCTV is being used cost effectively and to its full advantage by reviewing, monitoring and continuing to investigate new and developing technology solutions.
- To work in partnership with the Police and other community partners (including retailers) to establish potential investment opportunities.
- Increase public confidence in areas of concern such as fly tipping and anti-social behaviour.
- To annually review CCTV to ensure it continues to meet the requirements of the community, the Council and partner agencies.

Key actions – Contained within the CCTV Action Plan

Links to other Corporate Policies or Partner documents

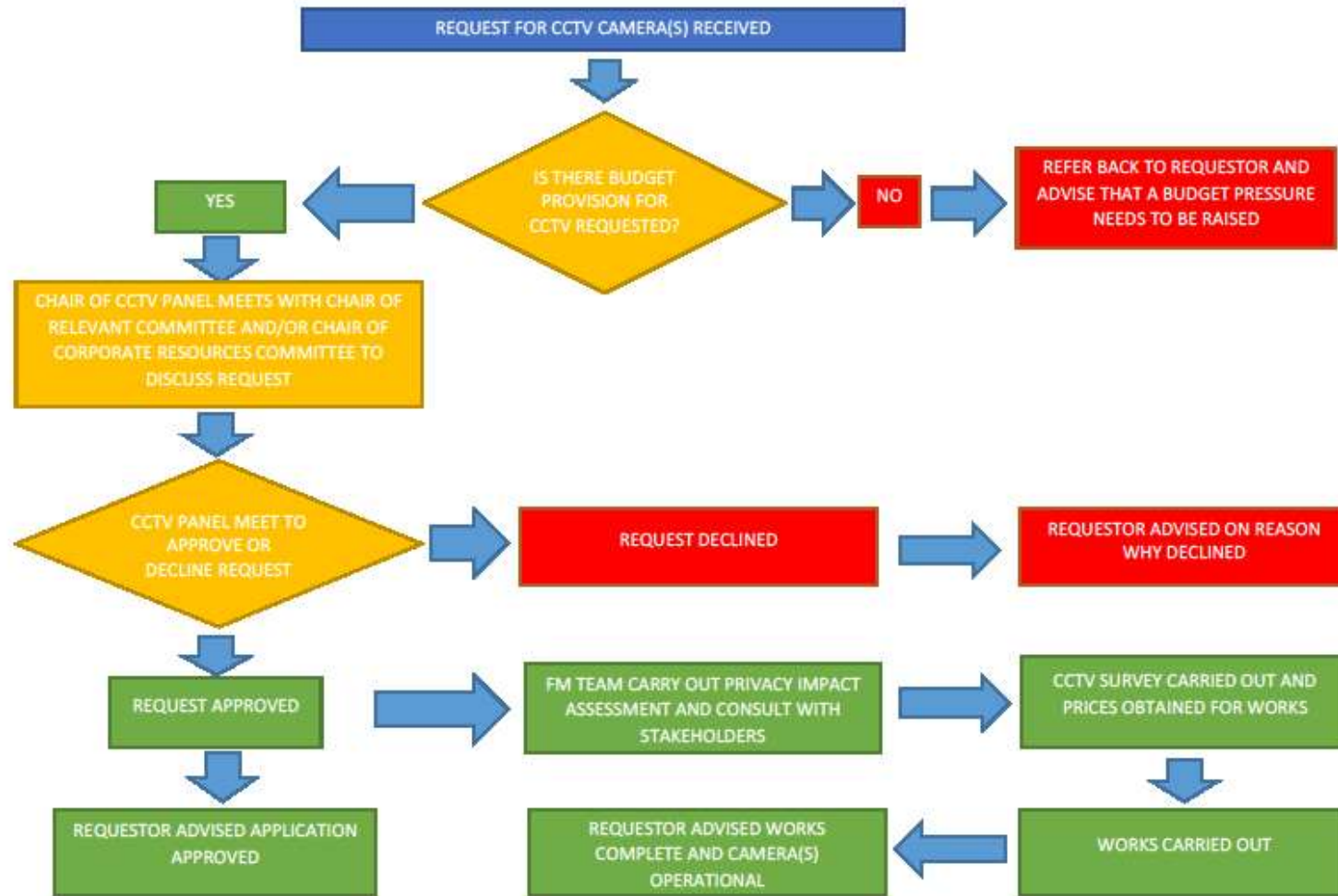
- The Safer Basildon Partnership Strategy
- The Corporate Asset Management Strateg
- The Regulation of Investigatory Powers Policy

Appendices

- Flowchart (on following page)
- CCTV Action Plan (included as Enclosure No. 2 of the report to Committee)
- Home Office Surveillance Camera Code of Practice -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/282774/SurveillanceCameraCodePractice.pdf
- Annual Self Assessment Tool -
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524525/Self_assessment_tool_v3_WEB_2016.pdf

Procedure diagram - Requests for CCTV camera installation

Figure 1- Diagram showing the procedure for approval or denial of a request for a CCTV camera.



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