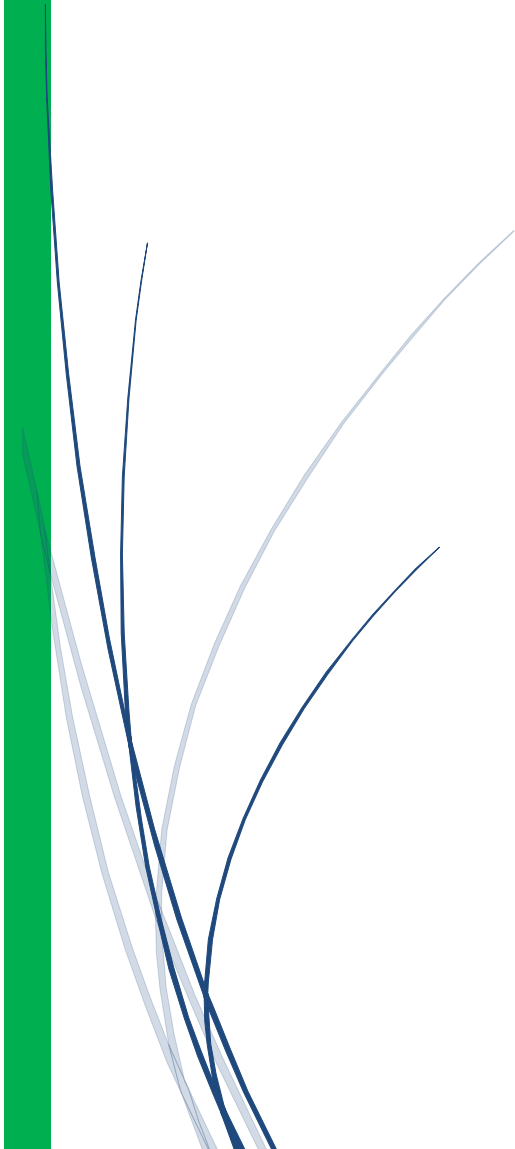




Winchcombe

# Winchcombe Town Council CCTV Policy



# CCTV Policy

## 1. Introduction

- 1.1 Winchcombe Town Council believes that Closed Circuit Television (CCTV) camera systems have a legitimate role and are a valuable tool in assisting with public safety and security, enforcement of legislation, and protection of property.
- 1.2 However we recognise that this may raise concerns about the effect on individuals and their privacy. This policy is intended to address such concerns. Images recorded by surveillance systems are personal data that must be processed under data protection laws. We are committed to complying with our legal obligations and ensuring that the legal rights of individuals relating to their personal data are recognised and respected.

## 2. Policy statement

- 2.1 This policy is intended to assist Winchcombe Town Council in complying with their legal obligations when working with personal data. Winchcombe Town Council (WTC) will operate its system to the requirements of Data Protection legislation and good practice guidelines, such as those issued by the Information Commissioner's Office (ICO) and the Surveillance Camera Commissioner (SCC), to ensure the need for public protection is balanced with respect for the privacy of individuals.
- 2.2 The purpose of this policy is to control the management, operation, use, and confidentiality of the CCTV system at Winchcombe Park Greet Road Winchcombe. The policy has been prepared taking due account of the legislative and governance framework which includes:
- Data Protection Act 2018
  - Human Rights Act 1998
  - Freedom of Information Act 2000
  - Protection of Freedoms Act 2012
  - Information Commissioner's Office - Code of Practice on CCTV
  - Surveillance Commissioner Code of Practice

## 3. Purpose of scheme

- 3.1 The CCTV motion-activated cameras are only used where they will assist the council to meet one or more of the following purposes:
1. To protect the play equipment, structures, and other assets in the Park;
  2. To increase personal safety and reduce the fear of crime;

3. Address levels of anti-social behaviour;
4. To support the Police in a bid to deter and detect crime;
5. To assist in identifying, apprehending, and prosecuting offenders;
6. To protect members of the public and private property;
7. To assist in managing the Recreation Ground;
8. Help protect councillors and officers at work (for Health and Safety purposes);
9. Provide evidence to support insurance or internal investigations (complaints);
10. Help investigate breaches in Health and Safety incidents, complaints, legal matters, and grievances;
11. For audit and assessment purposes as a measure of the level of activity in the Park.

This list is not exhaustive and other purposes may be or become relevant.

#### **4. Personnel responsible (Accountable Person)**

- 4.1 The Town Council is the Data Processor and holds overall responsibility for ensuring compliance with relevant legislation and the effective operation of the CCTV system under the principles and objectives expressed in the code. Day-to-day management and responsibility for deciding what information is recorded, how it will be used, and to whom it may be disclosed and the first line of contact is the Town Clerk who may seek advice from the Chairman or Members of the Council.
- 4.2 The CCTV system will be routinely checked to confirm that the equipment is properly recording and that the cameras are functional.

#### **5. Statement of intent**

- 5.1 Winchcombe Town Council is registered with the Information Commissioner (ICO) (ICO Registration Number: ZA156116) and will seek to comply with the requirements both of the Data Protection Act and the Commissioner's Code of Practice.
- 5.2 The Town Council will treat the system and all information, documents and recordings obtained and used as data that are protected by the Act.
- 5.3 The CCTV cameras will be used to monitor activities within the Park to identify criminal activity occurring, anticipated, or perceived, and for the purpose of securing the safety and well-being of the Park together with its visitors.
- 5.4 The cameras are static and do not focus on private homes, gardens, and other areas of private property.



of access are password controlled. The footage is stored on the Network Recorder on a rolling basis.

## **7. How we will operate the CCTV system**

- 7.1 Wherever CCTV cameras are placed, The Town Council will ensure that signs are displayed at the entrance of the surveillance zone to alert individuals that their image may be recorded. Such signs will contain details of the organisation operating the system, the purpose of using the surveillance system, and who to contact for further information, where these things are not obvious to those being monitored.
- 7.2 Live feeds from CCTV motion-sensing cameras will only be monitored or downloaded where this is reasonably necessary, for example, to protect health and safety or as part of an investigation. The Town Council will ensure that live feeds from cameras and recorded images are only viewed by personnel approved by the Accountable Officer and/or the Town Council.
- 7.3 Where practical a minimum of two people should view the CCTV footage preferably in a private location and only for specific reasons.
- 7.4 Access to the CCTV system will be controlled. A complete and contemporaneous log book will be maintained where details of those viewing the data, the data accessed, and the purpose of access will be recorded.
- 7.5 If covert surveillance is planned or has taken place e.g. on instruction from the Police copies of the Authorisation Forms, including any Review, or Cancellation must be retained by the Town Clerk.
- 7.6 The Town Council retains the right to refuse permission for the Police to pass data to any other person. On occasions when a Court requires the release of data, this must be signed for by an authorised person e.g. Police Officer or Officer of the Court and secured in a sealed bag as it may be evidence.
- 7.7 Applications received from outside bodies (e.g. solicitors) to view or release the data or images will be referred to the Town Clerk. In these circumstances, disks will normally be released where satisfactory documentary evidence is produced showing that they are required for legal proceedings, a subject access request, or in response to a Court Order. A fee can be charged in such circumstances: £10 for subject access requests; a sum not exceeding the cost of materials in other cases.
- 7.8 Individuals be they data subjects or from authorised agencies will be asked to provide ID and information on the date and time wishing to view or download.

7.9 Data subjects should be made aware that the data may have been automatically deleted.

## **8. Retention and storage of data**

8.1 Data storage is automatically managed by the CCTV Network digital recorder which uses software programmed to overwrite historical data in chronological order to enable the recycling of storage capabilities. The retention time for which images are stored is dependent on the quality of the images being stored i.e. number of pixels used holding a maximum of up to 30 days. The data is automatically deleted as the storage becomes full.

8.2 On occasion it may be necessary to retain downloaded images or footage for a longer period, for example when a law enforcement body is investigating a crime, to allow them to view the images as part of an active investigation.

8.3 At the end of their useful life, all images stored in whatever format will be erased permanently and securely. Any physical matter such as tapes or discs will be disposed of as confidential waste. Any still photographs and hard copy prints will be disposed of as confidential waste.

## **9. Use of additional surveillance systems**

9.1 Before introducing any new surveillance system, including placing a new CCTV camera in any location, Winchcombe Town Council will carefully consider if they are appropriate by carrying out a privacy impact assessment (PIA). A PIA is intended to assist us in deciding whether new surveillance cameras are necessary and proportionate in the circumstances and whether they should be used at all or whether any limitations should be placed on their use. Any PIA will consider the nature of the problem that we are seeking to address at that time and whether the surveillance camera is likely to be an effective solution, or whether a better solution exists. In particular, we will consider the effect a surveillance camera will have on individuals and therefore whether its use is a proportionate response to the problem identified. No surveillance cameras will be placed in areas where there is an expectation of privacy (for example, in changing rooms or in public toilets) unless, in very exceptional circumstances, it is judged by us to be necessary to deal with very serious concerns. All additional cameras and upgrades of the CCTV system must be approved by the Town Council.

## **10. Covert monitoring**

10.1 Winchcombe Town Council will not engage in covert monitoring or surveillance (that is, where individuals are unaware that the monitoring or surveillance is taking place) unless, in highly exceptional circumstances, there are reasonable

grounds to suspect that criminal activity or extremely serious malpractice is taking place and, after suitable consideration, we reasonably believe there is no less intrusive way to tackle the issue.

10.2 Any intended use for any covert purpose must only take place after the Accountable Officer, the Town Clerk is satisfied that a completed Regulation of Investigatory Powers Act 2000 (RIPA) authorisation, signed by a senior police officer or a magistrate, is in place. The Accountable Officer must keep a copy of the authorisation for their records.

10.3 The decision to carry out covert monitoring will be fully documented and will set out how the decision to use covert means was reached and by whom. The risk of intrusion on innocent individuals will always be a primary consideration in reaching any such decision.

10.4 Only limited numbers of people will be involved in any covert monitoring. Covert monitoring will only be carried out for a limited and reasonable period consistent with the objectives of making the recording and will only relate to the specific suspected illegal or unauthorised activity.

## **11. Ongoing review of CCTV use**

11.1 The Town council will ensure that the ongoing use of existing CCTV cameras is reviewed periodically to ensure that their use remains necessary and appropriate and that any surveillance system is continuing to address the needs that justified its introduction.

## **12. Requests for disclosure**

12.1 The Town Council may share data with others where we consider that this is reasonably necessary for any of the legitimate purposes as set out above in Paragraph 3 "Purpose for Scheme".

12.2 Requests must be made in writing to the Town Clerk.

12.3 No images from our CCTV cameras will be disclosed to any third party, without express permission being given by the Town Clerk and Chairman of the Council.

12.4 Data will not normally be released unless satisfactory evidence that it is required for legal proceedings or under a court order has been produced. However, under appropriate circumstances, we may allow law enforcement agencies to view or remove CCTV footage where this is required in the detection or prosecution of crime.

12.5 We will maintain an accurate and contemporaneous record of all disclosures of CCTV footage subject to document retention guidelines. No images from CCTV will ever be posted online or disclosed to the media.

12.6 No images will be shared internationally.

### **13. Data Subject access requests**

13.1 The Data Protection Act provides Data Subjects (individuals to whom "personal data" relate) with a right to data held about themselves, including those obtained by CCTV.

13.2 Requests for Data Subject Access should be made to the Town Clerk in writing.

13.3 Individuals be they data subjects or from authorised agencies will be asked to provide ID.

13.4 Data subjects should be made aware that the data may have been automatically deleted.

13.5 A response should be provided within a month. We should tell the individual why we are processing the information, the types of data involved, who we have shared it with, and how long we will keep it and advise them as to their rights including the right to complain to the ICO if concerned about our processing.

13.6 For us to locate relevant footage, any requests for copies of recorded CCTV images must include the date and time of the recording, the location where the footage was captured, and, if necessary, information identifying the individual.

13.7 We will provide a copy of the individual's personal data to them but reserve the right to obscure images of third parties when disclosing CCTV data as part of a subject access request, where we consider it necessary to do so. We will consider the ICO Code of Practice and the law when deciding whether to disclose third-party personal data.

### **14. Breaches of the code (including breaches of security)**

14.1 Any breach of the Code of Practice by Council staff, will be initially investigated by the Town Clerk, in order for them to take the appropriate disciplinary action.

14.2 Any serious breach of the Code of Practice will be immediately investigated and an independent investigation carried out to make recommendations on how to remedy the breach.

14.3 Any breach must be reported to the Council Members.

## **15. Complaints**

15.1 Any complaints about the Town Council's CCTV system should be addressed to the Town Clerk.

## **16. How to contact us**

Please contact us if you have any questions about our CCTV system at:

The Town Clerk,  
Winchcombe Town Council,  
Abbey Fields Community Centre,  
Back Lane, Winchcombe,  
Gloucestershire  
GL54 5QH  
Telephone 01242 604 087

Or

By email at: [Info@winchcombetowncouncil.co.uk](mailto:Info@winchcombetowncouncil.co.uk)

## **17. Further advice and information**

More information is available at the Information Commissioner's Office: [www.ICO.org.uk](http://www.ICO.org.uk)