

**Charnwood Community**  
SAFETY PARTNERSHIP



# **Charnwood CCTV System Code of Practice**



**Provided by Charnwood Borough Council  
in support of  
Charnwood Community Safety Partnership**

**Charnwood**

Version 0.1

Revised April 2015 following the introduction of a Home Office Code of Practice in June 2013, pursuant to the Protection of Freedom Act 2012 and the Data Protection Code of Practice for Surveillance Cameras and Personal Information, issued by the Information Commissioner's Office in October 2014.

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# Charnwood



**Charnwood CCTV System  
Code of Practice  
Agreed by Charnwood Community Safety Partnership**

**CERTIFICATE OF AGREEMENT**

The content of the Code of Practice is hereby approved in respect of the Charnwood Closed Circuit Television System and as far as is reasonably practicable, will be complied with by all who are involved in its management and operation.

Signed for and on behalf of **Charnwood Community Safety Partnership**

Signature:.....

Name: Councillor David Snartt

Position Held: Charnwood Community Safety Partnership Chair Person

Dated the ..... day of .....2015

Signed for and on behalf of **Charnwood Borough Council**

Signature:.....

Name: Chris Traill

Position Held: Director of Neighbourhoods and community wellbeing

Dated the .....day of .....2015

Signed for and on behalf of **Leicestershire Constabulary**

Signature:.....

Name:

Position Held: Chief Inspector, North Area BCU

Dated the..... day of .....2015

Anstey, Birstall, Carillion Court, Sileby, Syston, Thurmaston, Robert Bakewell, Quadron, Housing, Green Spaces

## Chapter 1: Introductions

### Definitions

#### 1.1 In this code:

- “1998 Act” means the Data Protection Act 1998.
- “2000 Act” means the Regulation of Investigatory Powers Act 2000.
- “2012 Act” means the Protection of Freedoms Act 2012.
- “Overt Surveillance” means any use of surveillance for which authority does not fall under the 2000 Act.
- “Public Place” has the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- “Relevant Authority” has the meaning given by Section 33(5) of the 2012 Act.
- “Surveillance Camera Systems” has the meaning given by Section 29(6) of the 2012 Act and is taken to include: (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b); (d) any other systems associated with, or otherwise connected with (a), (b) or (c)1.
- “System Owner” means Charnwood Borough Council (except where specified otherwise)
- “System Operator” - person or persons that take a decision to deploy a surveillance camera system, and/or are responsible for defining its purpose, and/or are responsible for the control of the use or processing of images or other information obtained by virtue of such system.
- “System User” – person or persons who may be employed or contracted by the system operator who have access to live or recorded images or other information obtained by virtue of such system.
- “Data Controller” means Charnwood Borough Council.
- “Monitoring Provider” , refers to Charnwood Borough Council as the provider of monitoring services for CCTV Systems owned by third parties.

## Background

- 1.2 A Closed Circuit Television System (CCTV) was introduced to Charnwood in 1996. This system, known as the Charnwood CCTV System, comprises a number of cameras installed at strategic locations. Most have pan, tilt and zoom functionality but a small number are fixed cameras. All images are presented in the same monitoring suite. The System is currently monitored from a Control Room situated within Charnwood Borough Council premises. The option for secondary control facilities within another Control Room is covered by this Code of Practice.

The Charnwood CCTV System has evolved from the original formation of a partnership between Charnwood Borough Council, Leicestershire Constabulary, Loughborough Chamber of Trade and Commerce and Syston Town Council. Since its implementation as well as monitoring cameras that were installed as part of the original partnership, Charnwood Borough Council now provides a monitoring service for CCTV cameras owned by a number of Parish Councils and other customers. Charnwood Borough Council, as owner of its own CCTV system and monitoring provider for other systems, is accountable for the day to day operation of equipment in its control, in accordance with this Code of Practice and manages those interests through a governance structure that includes: the Charnwood CCTV Strategy Group and the Charnwood CCTV Operational Group.

The System is an important facility for delivering the crime and disorder reduction objectives of the Charnwood Community Safety Partnership. Partnership interests and responsibilities are managed through the multi-agency Charnwood CCTV Strategy Group.

***Terms of Reference of the Charnwood CCTV Strategy Group and of the Charnwood CCTV Operational Group are set out at Appendix A.***

This Code of Practice has regard for the Code of Practice issued in June 2013 by the Secretary of State, pursuant to Section 30(1) of the Protection of Freedoms Act 2012. It also takes cognisance of the Data Protection Code of Practice for Surveillance Cameras and Personal Information, issued by the Information Commissioner's Office (ICO), in October 2014, to highlight the data protection implications of using CCTV and other forms of surveillance cameras.

The Charnwood CCTV System has been notified to the Office of the Information Commissioner and Partners represented on the Charnwood CCTV Strategy Group all certify their acceptance of the requirements of this code, by way of a signature at the front of this document.

## Purpose of this Code

- 1.3 Public realm surveillance cameras are widely deployed within the Borough of Charnwood. Charnwood Borough Council owns and monitors 119 of its own CCTV Cameras and provides a monitoring service in respect of an additional 66 CCTV Cameras, which are owned by its Partners. These cameras are a valuable tool, which contribute to public safety and security and in protecting both people and property within our borough.
- 1.4 The government supports our use of overt surveillance cameras in public places, when we pursue a legitimate aim; necessary to meet a pressing need and when proportionate, effective and compliant with relevant legal obligations.

The primary objectives of the Charnwood CCTV System, as determined by the Data Controller, and which form the lawful basis for the processing of data are:-

- To help reduce the fear of crime
- To help prevent and detect crime and provide evidential material for court proceedings
- To deter and detect acts of anti-social behaviour including alcohol and drug related incidents
- To enhance community safety, assist in developing the economic well-being of the Charnwood area and encourage greater use of the Town Centres
- To assist the Local Authority in their enforcement and regulatory functions within the Charnwood area
- To assist in Traffic Management, and encourage safer and more sustainable use of all modes of transport
- To assist in supporting civil proceedings
- Assisting with the maintenance of public order
- Preventing persons from committing crimes and to enhance the opportunities for detecting those who do
- Improving the safety and security of residents, visitors and the business community
- Preventing vehicle crime in public spaces and car parks

- Identifying and preventing hate related incidents and crimes, violent and acquisitive crimes.
- To provide CCTV support for pre-planned events and operations.

Within this broad outline, the Data Controller may draw up specific key objectives (which will be reviewed annually) and propose these to the Charnwood CCTV Strategy Group based on local concerns, performance management information and strategic assessments.

- 1.5 This Code of Practice is designed to ensure that individuals and wider communities have confidence that our surveillance cameras are deployed to protect and support them, rather than spy on them. We seek to conduct our surveillance openly; being transparent about our powers and demonstrating our integrity and accountability in the exercise of our functions.
- 1.6 In order to achieve this, this Code of Practice sets out 12 key principles that we apply to the management and use of the Charnwood CCTV System. These principles provide a framework for our Operators and System Users, so that there is proportionality and transparency in their use of the System and the System is capable of providing good quality images and other information which are fit for purpose.
- 1.7 In support of the application of these principles, we will have due regard to the information and advice provided by the Surveillance Camera Commissioner, on appropriate and approved operational and technical standards and on appropriate and approved occupational and competency standards for persons using our System or processing images and information obtained by the same.
- 1.8 We have developed and will publish this Code of Practice, to address concerns over the potential for abuse or misuse of the Charnwood CCTV system, in public places.

### **Scope of activity to which this Code applies**

- 1.9 This Code of Practice applies to the 185 public realm CCTV Cameras that make up the Charnwood CCTV system, which is managed by and in the care and control of the Council's Community & Partnerships Team.

Charnwood Borough Council's Street Management Team, also make use of surveillance equipment in the form of Body Worn Cameras. Use of these Body Worn Video Recorders is covered by separate Operating Guidelines but

Users of these devices will comply with the general principles contained within this Code of Practice.

***Body Worn Video Recording Operating Procedures is attached at Appendix B***

- 1.10 Any Covert surveillance carried out via the Charnwood CCTV System, either by Charnwood Borough Council, Leicestershire Police or other public authority is not covered by this code but is regulated by the Regulation of Investigatory Powers Act (RIPA) 2000 and prescribed for in the Charnwood CCTV Surveillance Protocol

***Charnwood Borough Council's Policy Statement in respect of the Regulation of Investigatory Powers Act 2000 is set out at Appendix C and the Charnwood Borough Council & Leicestershire Police CCTV Surveillance Protocol is attached at Appendix D.***

### Effect of this Code of Practice

- 1.11 Charnwood Borough Council and its Partners will have due regard for this Code of Practice when they consider that, the continued deployment of the existing CCTV Cameras that make up the Charnwood CCTV System or the future deployment of additional CCTV Cameras to observe public places, may be appropriate. The duty to have regard for this Code of Practice, will also apply if Charnwood Borough Council, or any of its Partners (listed as signatories at the front of this document), uses a third party to discharge relevant functions covered by this code and where they enter into partnership arrangements. Contractual provisions agreed after this Code of Practice comes into effect with such third party providers or partners must ensure that contractors are obliged by the terms of the contract to have regard to this Code when exercising functions to which the Code relates.
- 1.12 A failure on the part of any person to act in accordance with any provision of this Code of Practice does not of itself make that person liable to criminal or civil proceedings. However, this Code of Practice is admissible as evidence in criminal or civil proceedings and a court or tribunal may take into account a failure by a relevant person to have regard to this Code in determining a question is any such proceedings.

### Relevant Documents

- 1.13 The Information Commissioner's Data Protection Code of Practice for Surveillance Cameras and Personal Information. ***Appendix E***

- 1.14 The Surveillance Camera Code of Practice pursuant to the Protection of Freedoms Act 2012. **Appendix F**
- 1.15 The relevant Surveillance Camera Commissioner's Recommended Standards for the CCTV Industry (BS 7958 & BS 8418). **Appendix G**

## Chapter 2: Overview and Guiding Principles

### Overview

- 2.1 The growth of the Charnwood CCTV System and advancing surveillance camera technology has increased our potential for the gathering of images and associated information. The current CCTV System is a valuable tool in the management of public safety and security, in the protection of people and property, in the prevention and investigation of crime and in bringing criminals to justice. Technological advances have also provided us with a greater opportunity to safeguard privacy. The appropriate use of our CCTV system provides a proportionate and effective solution where our surveillance is in pursuit of a legitimate aim and meets a pressing need.
- 2.2 It follows therefore, that this increase in capability, also has the potential to increase the likelihood of intrusion into an individual's privacy. The Human Rights Act 1998 gives effect in UK law to the rights set out in the European Convention on Human Rights (ECHR). Some of these rights are absolute, whilst others are qualified, meaning that it is permissible for the state to interfere with the right provided that the interference is in pursuit of a legitimate aim and the interference is proportionate. Amongst the qualified rights is a person's right to respect for their private and family life, home and correspondence, as provided for by Article 8 of the ECHR.
- 2.3 This Code has been designed to regulate that potential now and in the future. In considering the potential to interfere with the right to privacy, Charnwood Borough Council and its CCTV Partners have taken account of the fact that expectations of privacy are both varying and subjective. Charnwood Borough Council and its Partners recognise that in a public place there is a zone of interaction with others which may fall within the scope of private life. The Council places appropriate signage in all areas where public realm surveillance cameras are deployed. Whilst an individual may therefore expect to the subject of surveillance in our borough, we respect the fact that such an individual can expect that surveillance to be both necessary and proportionate, with appropriate safeguards in place.
- 2.4 In order to gauge support for and to inform decision making in respect of the Charnwood CCTV System, the Borough Council carries out an annual survey. This survey seeks, amongst other things, the views of members of the public

around our use of surveillance cameras. In 2014, the results of these surveys indicated that 74% of those persons surveyed said that they felt “more safe” as a result of the presence of CCTV Cameras in the Borough.

- 2.5 Any decision that Charnwood Borough Council or its Partners make, must be consistent with a legitimate aim and a pressing need. Such aims and needs, will be clearly documented and should reflect one or more of the primary System objectives, set out in Section 1.4 of this Code of Practice. Efforts will be made to ensure that the technical design solutions for any future deployment are proportionate to the stated purpose rather than driven by the availability of funding or technological innovations. Decisions over the most appropriate technology will take into account its potential to meet the stated purpose without unnecessary interference with the right to privacy and family life.
- 2.6 Any proposal for the future deployment of surveillance cameras; either by Charnwood Borough Council in its capacity as the Charnwood CCTV System owner or in its capacity as a provider of monitoring services, will be discussed and approved by the Charnwood CCTV Strategy Group, to ensure compliance with this Code of Practice. Where appropriate, the Charnwood CCTV Strategy Group may require a level of public consultation prior to approving any such deployment/monitoring.
- 2.7 The Charnwood CCTV System Operators/Users will achieve an appropriate balance between public protection and individual privacy, thereby achieving surveillance by consent, by adopting the following single set of principles. These principles will allow both Operators and Users to establish a clear rationale for any overt surveillance, to run the System effectively, help to ensure compliance with other legal duties and maximise the likelihood of achieving surveillance by consent.

### **Guiding Principles**

- 2.8 The Charnwood CCTV System Owners, Operators and Users will adopt the following 12 guiding principles:
1. Use of the Charnwood CCTV 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 the 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 the System as possible, including a published contact point for access to information and complaints.

4. There must be clear responsibility and accountability for all System activities including images and information collected, held and used.
5. All relevant rules, policies and procedures should be communicated to all who need to comply with them and their signatures obtained to confirm that they have read, understood and will comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of the System, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and the clearly defined rules on who can gain access and for what purpose such access is granted should be complied with; the disclosure of images and information will only take place when it is necessary for such a purpose or for law enforcement purposes.
8. System Operators should consider any approved operational, technical and competency standards relevant to the System and its purpose and work to meet and maintain those standards.
9. System images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the System is deployed in pursuit of a legitimate aim, and there is a pressing need for its use, it should 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.
12. Any information used to support the System, which compares against a reference database for matching purposes should be accurate and kept up to date.

## Chapter 3: The Development and Use of the Charnwood CCTV System

This chapter expands of guiding principles 1-4 and their specific impact on the Charnwood Closed Circuit Television System.

**Principle 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.**

3.1.1 The Charnwood CCTV System operates in public places within the Borough of Charnwood. The primary objectives set out in Section 1.4 of this Code of Practice define the System's purpose and provide evidence of a legitimate aim and pressing need. This legitimate aim and pressing need is informed, on an annual basis, by the Charnwood Community Safety Partnership Strategic Assessment and associated Charnwood Community Safety Delivery Plan.

***A copy of the Charnwood Community Safety Partnership Plan is set out at Appendix H***

3.1.2 In continually assessing whether the Charnwood CCTV System is meeting its objectives and in designing the appropriate technological solution to do so, Charnwood Borough Council and its Partners will consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.

Charnwood Borough Council's CCTV Team works very closely with Officers from the local Neighbourhood Policing Area. The Team provides an evidence gathering service to the Police, on request. The Team robustly responds to and records all such requests from the Police. The CCTV Team Leader produces regular reports that enable evaluation of the service provided to the Police. Feedback from the Police is also regularly received and monitored, with remedial action taken where necessary.

3.1.3 The Charnwood CCTV System will only be used in a public place for the specific purposes set out in Section 1.4 of this Code of Practice. Any proposed extension to the purposes for which the System was established and images and information collected will be the subject of consultation with

members of the Charnwood CCTV Strategy Group, before any decision is made.

**Principle 2 – 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.**

- 3.2.1 The right to respect for private and family life set out in Article 8 of the ECHR enshrines in law a long held freedom enjoyed by visitors to and residents of Charnwood Borough. However, people have varying and subjective expectations of privacy with one of the variable being situational. With this in mind, Charnwood Borough Council and its Partners will not ordinarily deploy CCTV cameras in public areas where there is a high expectation of privacy, such as toilets and changing rooms. Any such deployment, for the specific purpose of addressing a particularly serious problem, will be subject to frequent review, at least every 3 months, to ensure it remains necessary.
- 3.2.2 At present, the Charnwood CCTV System does not utilise audio equipment. However, the Council's Street Management Team does make use of Body Worn Video Recorders, considering that it has strong justification of necessity, which is set out in specific Operating Procedures. **Appendix B**
- 3.2.3 At present, Charnwood Borough Council and its Partners have no plans to use facial recognition or other biometric characteristic recognition systems.
- 3.2.4 Charnwood Borough Council and its Partners recognise that this principle indicates the need for a privacy impact assessment process to be undertaken whenever it develops or reviews its CCTV System, to ensure that it is and remains justifiable. Where necessary, the Partnership will consult with those most likely to be affected and the impact on their privacy will be assessed and any appropriate safeguards put in place. This process enables the CCTV Partnership to demonstrate that both the necessity and extend of any interference with Article 8 rights has been considered.

***The current Privacy Impact Assessment is attached at Appendix I***

**Principle 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.**

3.3.1 Charnwood Borough Council and its Partners will use their best endeavours to make people in public places aware that they are being monitored, who is undertaking that activity and the purpose for which the information may be used. Signage is currently deployed at the main entrance points to the relevant areas covered and includes the following details:-

- The presence of CCTV Monitoring
- The 'ownership' of the System
- A contact telephone number for the System

3.3.2 The provision of this information is Charnwood Borough Council's first step in transparency. In the development and review of the CCTV System Charnwood Borough Council and its Partners will undertake proportionate consultation and engagement with the public, which will be an important part of assessing whether there is a legitimate aim and a pressing need, and whether the CCTV System itself is a proportionate response. This consultation and engagement will provide an opportunity to identify any concerns and modify the proposition to strike the most appropriate balance between public protection and individual privacy.

3.3.3 Charnwood Borough Council and its Partners will ensure effective engagement with representatives of those affected and in particular where the measure may have a disproportionate impact on a particular community. They will use their best endeavours to ensure that consultation is meaningful and carried out at a point in the process when there is a realistic opportunity to influence developments. Particular consideration will be given to the provision of Section 106 monies, connected to crime and disorder reduction.

3.3.4 Charnwood Borough Council, through the Council's CCTV Team Leader, will be proactive in the provision of regularly published information about the purpose, operation and effect of the Charnwood CCTV System. It will make use in particular of the Council's Website, and pages specifically dedicated to providing information about the Charnwood CCTV System and Service.

<http://www.charnwood.gov.uk/pages/cctv>

3.3.5 In addition to the proactive publication of information relating to the stated purpose of the Charnwood CCTV System, the Partnership will publish on the Council's Website, information on the procedures and safeguards in place, impact assessments that are undertaken, performance statistics and any reviews or audits undertaken.

3.3.6 The CCTV Partnership will disclose the exact location of the cameras that make up the Charnwood CCTV System, unless to do so would be contrary to the interests of law enforcement or national security.

[http://www.charnwood.gov.uk/pages/about\\_the\\_camera\\_system](http://www.charnwood.gov.uk/pages/about_the_camera_system)

3.3.7 The CCTV Partnership will make effective use of Charnwood Borough Council's *Complaints Procedure* for handling concerns from individuals and organisations about the use of the CCTV system. Information about this procedure is published on the Council's website. Where a complainant is not satisfied with the response provided, an internal review process is in place. The procedure ensures that any complaints are handled in a timely fashion and complainants are given notice of how long their complaint will take to handle from the outset.

<http://www.charnwood.gov.uk/pages/complaints3289>

3.3.8 Once a complaint has been concluded, information will be provided to the complainant about regulatory bodies who have jurisdiction in their case, such as the Information Commissioner or the Investigatory Powers Tribunal.

3.3.9 If a complaint is brought to the attention of the Council's CCTV Team Leader, or other relevant person, that indicates criminal offences may have been committed in relation to the CCTV System, then these matters will be referred to either the Police or the Information Commissioner for any offences under the Data Protection Act 1998.

3.3.10 Charnwood Borough Council will publish statistical information about the number and nature of complaints received and how these have been resolved on an annual basis.

3.3.11 In support of the Council's commitment to 'open data', we will make information available in reusable form so that others can develop their services based on this data. For example, we will provide monthly statistical data to the partners whose cameras we monitor, relating to the number and types of crime and anti-social behaviour incidents that have occurred in their geographical areas. We will also provide monthly statistical data relating to the number of incidents that have been detected in their areas as a result of CCTV monitoring and other key performance indicators in line with their Service Level Agreements (SLA).

***Example of a current Service Level Agreement and associated reports is attached at Appendix J***

3.1.12 Whilst the Surveillance Camera Commissioner has no statutory role in relation to the investigation and resolution of complaints, The Council's CCTV Team Leader will sharing information about the nature or complaints with him, on an ad hoc basis to assist in any review of the operation of his Surveillance Camera Code of Practice.

**Principle 4 – There must be a clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.**

3.4.1 Charnwood Borough Council has established proper governance arrangements in respect of the Charnwood CCTV System. The CCTV Service sits within the Council's Communities and Partnerships Team and responsibility for the service sits the Community Safety Manager. A CCTV Team Leader is responsible for the day to day operation of the service. There is clear accountability and responsibility, which is informed by the Terms of Reference, developed to inform the work of the two governance groups: The Charnwood CCTV Strategy Group and the Charnwood CCTV Operational Group. **Appendix A**

3.4.2 The Charnwood CCTV System is owned by Charnwood Borough Council. However, a number of district Parish Councils; a local School and a local Shopping Centre, own their own CCTV Cameras, which are monitored by the Council's CCTV Service. Charnwood Borough Council's CCTV Partners include: Leicestershire Police and the organisations for whom, the Council provides monitoring services (as detailed at the front of this document). All Partners are required to sign up to this Code of Practice and to participate in the two governance groups.

Charnwood



## **Chapter 4: The use or processing of images or other information obtained by the Charnwood CCTV System**

This chapter expands on guiding principles 5-12, which address the use or processing of images and information. It takes full cognisance of the Code of Practice, issued by the Information Commissioner's Office in October 2014 (A Data Protection Code of Practice for Surveillance Cameras and Personal Information) **Appendix E**

**Principle 5 – Clear rules, policies and procedures must be in place before a surveillance camera system is used and these must be communicated to all who need to comply with them.**

- 4.5.1 Charnwood Borough Council has produced this Code of Practice and Terms of Reference for each of the CCTV System Governance Groups, to aid the effective management of the System and to ensure that legal obligations affecting the use of the System are addressed.
- 4.5.2 Charnwood Borough Council will use its best endeavours to ensure that relevant quality management standards are followed, as a step in controlling and improving its key processes. In particular it will aim to follow British Standard 7958, which sets out recommendations on the management and operation of CCTV Systems and British Standard 8418, which sets out recommendations on the design installation, commissioning, maintenance, operation and remote monitoring of detector activated CCTV. **Appendix G**
- 4.5.3 The communication of this Code of Practice and its appendices takes place as part of the induction and ongoing training of relevant Council staff and Partners. This should maximise the likelihood of compliance by ensuring that the System Users are competent have relevant skills and training on the operation, technical and privacy consideration and fully under the policies and procedures. All relevant Staff and Partners will be required to sign this Code of Practice, to confirm that they have read, understood and will comply with it.
- 4.5.4 Charnwood Borough Council currently ensures the reliability of all Charnwood CCTV System Users in the following way:-

- CCTV Operators will not be permitted to use the System until they have received appropriate training.
- CCTV Operators will have received training and assessment to the level required by the Security Industry Authority Public Space Surveillance (PSS) CCTV Standard and will be licensed by the SIA.
- Every person involved in the management and operation of the Charnwood CCTV System will be vetted to DBS (Disclosure and Barring Service) Level and will be personally issued with a copy of this Code of Practice. They will be required to sign, confirming that they fully understand their obligation to adhere to these documents and that any breach is likely to be considered a disciplinary offence.
- CCTV Operators will be fully conversant with the contents of the Code and appropriate procedures, which may be updated from time to time.
- Arrangements may be made for a Police Officer to be present in the CCTV Control Room at certain times. Any such person must also be conversant and comply with this Code of Practice and associated procedures.
- Arrangements may be made on an ad hoc basis for other persons to be present in the CCTV Control Room at certain times. For example:
  - Other Council Staff, during the Loughborough Fair, when the CCTV Control Room is utilised as a base for 'Silver Control'
  - Public Access and visits
  - Third party review of equipment

Ad hoc access to the Charnwood CCTV Control Room as described above is governed by a specific protocol.

***A copy of the CCTV Control Room Ad Hoc Access Protocol is attached at Appendix K***

- 4.5.5 Whenever the Surveillance Camera Commissioner provides advice and guidance, on relevant quality management and occupational competency standards, Charnwood Borough Council will use its best endeavours to adhere to them.
- 4.5.6 Because Charnwood Borough Council's CCTV Service provides a monitoring service to 3<sup>rd</sup> parties, it may be required in the near future, to hold a Public Space Surveillance Licence.

**Principle 6 – No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system and such images and information should be deleted once their purposes have been discharged.**

- 4.6.1 Images and information obtained from the Charnwood CCTV System will not be kept for longer than necessary to fulfil the purpose for which they were obtained in the first place.
- 4.6.2 The standard storage period is currently 30 days, unless specific images have been 'locked down' or burned to disc for use in criminal/legal proceedings. All CCTV Operators have been trained to ensure the integrity of the evidence obtained and will record precisely how the information has been obtained, handled, stored and where appropriate passed to the Police or other prosecuting agent.
- 4.6.3 Any information that has been locked down or burned to disc, which is subsequently not required, will be deleted as soon as practicable. A record of the deletion will be made. Recorded material is stored in a way that maintains its integrity. This ensures that the rights of individuals recorded by the Charnwood CCTV System are protected and that the information can be used effectively for its intended purpose.

**Principle 7 – Access to retained images and information should 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 should only take place when it is necessary to such a purpose of for law enforcement purposes.**

Access to the Charnwood CCTV Control Room is restricted at all times. Even within the Control Room, access to images that have been burned to disc for use in legal proceedings, is restricted by being placed under separate lock and key. Any person entering the Control Room is required to sign in and sign out.

Any access by persons not holding specific security clearance, either by virtue of holding an SIA Badge or being a warranted Police Officer, will require the permission of the Council's Community Safety Manager, who will implement the CCTV Control Room Ad Hoc Access Protocol to ensure that access is carefully controlled.

- 4.7.1 The Charnwood CCTV System Operators understand the need to carefully control the disclosure of images and to ensure that disclosure is consistent with the stated purpose for which the System was established. In particular they understand that disclosure of images may be appropriate in line with the

1998 Act exemptions, or where permitted by other legislations including the Counter Terrorism Act 2008. In instances where there is any doubt about the disclosure of images, CCTV Operators will seek the advice of the Council's CCTV Team Leader, who in turn may seek the advice of the Council's Community Safety Manager.

4.7.2 There may be other occasions when the disclosure of images to a third party is appropriate. For example, a member of the public may request footage from a car park that shows their car being damaged; saying that it is required for insurance purposes. All such requests will be handled by the Council's CCTV Team Leader. Where appropriate the CCTV Team Leader may consult with the Council's Community Safety Manager to ensure that any such disclosure would not be an unfair intrusion of the privacy of the individuals concerned.

4.7.3 Staff within the Council's CCTV Service will comply with the following guidelines:-

- The Council's CCTV System Operators/Advisors (providing that they have received the relevant training) may make disclosures where exemptions in the Data Protection Act 1998 and other legislation such as the Counter Terrorism Act 2008, allow such disclosures; for the prevention and detection of crime and for national security purposes. Such disclosure is in line with the primary objectives for the Charnwood CCTV System, set out in Section 1.4. Care should be taken to disclose the minimum amount of footage necessary, to meet the aim required.
- The Council's CCTV Team Leader will handle all other requests for disclosure. If in doubt about the appropriateness of any such disclosure he will seek that advice of the Community Safety Manager.
- The Council's CCTV Staff will ensure that their method of disclosure is secure. Police viewing of any recorded images will only be allowed in the controlled area of the Council's CCTV Control Room.
- The Council's CCTV Operators will only hand over images that have been burned to disc to the Police or other prosecuting agent.
- In either case, they will ensure the continuity of the evidence disclosed, by providing a supporting statement which will include details of the time and date of the disclosure, who the information has been provided to, which organisation they represent and why the information is required.
- When disclosing images to individuals, particularly when responding to subject access requests, the Council's CCTV Team Leader will consider the privacy intrusion to persons other than those making the

request, as the Charnwood CCTV System does not allow for the obscuring of identifying features of other individuals in the image.

- The Council's CCTV Staff will keep a contemporaneous record of all requests for images, all image viewings and all other disclosures.

4.7.4 All Charnwood CCTV System Operators have the discretion to refuse any request for information unless there is an overriding legal obligation such as a court order or information access rights. Once the Operators have disclosed an image to another body, such as the police, then the recipient becomes responsible for their copy of that image. If the recipient is a relevant authority, it is then the recipient's responsibility to have regard to this code of practice and to comply with any other legal obligations such as the 1998 Data Protection Act and the Human Rights Act 1998 in relation to any further disclosures.

4.7.5 Individuals can request images and information about themselves through a subject access request under the 1998 Act. Detailed guidance on this can be found on Charnwood Borough Council's Website at the following link:-

<http://www.charnwood.gov.uk/pages/cctv>

#### **Under related documents – Application for CCTV Images**

Individuals whose information is recorded on the Charnwood CCTV System have the right to be provided with that information. Charnwood Borough Council's CCTV Service will provide the information promptly but in any event within no longer than 40 calendar days of receiving the request. Bearing in mind that the routine storage time for information is 30 days, Operators should ensure that relevant images are 'locked down' in a timely fashion, when requests are received.

All Subject Access Requests (relating to CCTV Images) will be handled by the Council's CCTV Team Leader or Community Safety Manager and copies of any relevant images will be supplied in a permanent form (disc) where possible.

***A copy of the Subject Access Request Form is available on our website.***

4.7.6 Requests for information relating to the Charnwood CCTV System may be made under the Freedom of Information Act (FOIA). Charnwood Borough Council has a member of staff who is responsible for responding to Freedom of Information requests, within 20 working days from receipt of the request. If a request is received for the Charnwood CCTV System, the service will consider:

- Is the information personal data of the requester? If so, then that information is exempt from the FOIA. Instead this request will be

treated as a data protection subject access request as explained above.

- Is the information personal data of other people? If it is, then the information can only be disclosed if this would not breach the data protection principles.

It is generally unlikely that the Charnwood CCTV Team Leader would disclose this information as the requester could potentially use the information for any purpose and the individual concerned is unlikely to expect this. It may be unfair processing in contravention of the Data Protection Act.

However, in deciding on whether disclosure is appropriate, the Charnwood CCTV Team Leader will consider the expectations of the individuals involved, what the information considered for disclosure would reveal and the legitimate public interest in the information.

Requests for information may also be made about the CCTV System itself. For example: the cost of the system and the siting of CCTV cameras. In such cases consideration will be given to whether or not it is appropriate to disclose this information under the FOIA. If it is not appropriate then the Council's CCTV Service will provide information about the FOIA exemption to be used, if one is applicable.

### **Principle 8 – Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.**

4.8.1 Charnwood Borough Council recognises that approved standards are available to inform good practice for the operation of our CCTV system, including those developed by the British Standards Institute. Charnwood Borough Council is currently considering the approved standards, which appear relevant to the effective application of their technology to meet the purpose of the System and is taking steps to secure certification against those standards.

4.8.2 As well as owning the Charnwood CCTV System (managed by the Council's CCTV Service), to which this Code of Practice applies, the Council also uses body-worn video recorders. These are utilised by the Council's Street Management Team and fall outside of the care and control of the Council's CCTV Service. These body-worn video recorders, record both video and audio. Whilst their specific use is governed by separate operating procedures, the Council's Street Management Team also signs up to the principles contained within this Code of Practice. Use of these Body-Worn Video Recorders is governed by the policy attached at **Appendix B**.

**Principle 9 – Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.**

- 4.9.1 Charnwood Borough Council has put in place safeguards to ensure the integrity of images and information, should they be necessary for use as evidence in legal proceedings.
- 4.9.2 All relevant staff have received training in the secure handling of images and information and abide by a clearly defined policy that controls how images and information are stored and who has access to them. The Policy ensures that the use or processing of such images and information is consistent with the purpose of the CCTV System deployment and are only used for the stated purpose for which they were collected.
- 4.9.3 The Security Policy extends to technical, organisational and physical security and consideration has been given to the ICO CCTV Code or Practice, in its development.

**Principle 10 – There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice and regular reports should be published.**

- 4.10.1 Standard Local Government audit arrangements apply to the CCTV Service; including routine audits in relation to the associated use of Regulation of Investigatory Powers Act procedures.
- 4.10.2 In addition, Charnwood Borough Council will carry out an annual review of the Charnwood CCTV System, to ensure that it remains necessary, proportionate and effective in meeting its stated purpose. In support of these annual reviews, the Council has ensured the provision of routine camera re-deployment via its maintenance contract.
- 4.10.3 As part of these annual reviews, which will be carried out by the Charnwood CCTV Strategy Group, consideration will be given to whether the location of cameras remains justified in meeting the stated purpose set out in Section 1.4 and whether there is a case for removal or relocation.
- 4.10.4 The Charnwood CCTV Strategy Group will undertake a periodic evaluation of the Charnwood CCTV System, to enable comparison with alternative interventions with less risk of invading individual privacy and different models of operation (to establish for example any requirement for 24 hour monitoring). In doing so, there will be consideration of an assessment of the

future resource requirement for meeting running costs, including staffing, maintenance and repair.

4.10.5 Most recently a full and comprehensive review of the Charnwood CCTV System and Service was undertaken by both Council Officers and a Council Scrutiny Committee in May 2013. The Committee made a recommendation to Cabinet, which was approved, for a continuation of 24/7 monitoring. The review found that the Service was effective in meeting the stated purpose for the system.

As a result of the Scrutiny Committee Review, a revised business model was introduced which led to the re-tendering of the CCTV System Maintenance Contract and a review of staffing.

The resulting Council Scrutiny and Cabinet Reports were made public.

**Principle 11 – When the use of a surveillance camera system is in pursuit of a legitimate aim and there is a pressing need for its use, it should 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.**

4.11.1 Charnwood Borough Council and its CCTV Partners recognise that the effectiveness of the Charnwood CCTV System depends on its capability to capture, process, analyse and store images and information at a quality which is suitable for its intended purpose. Evidence indicates that in relation to crime prevention, detection and investigation, the Charnwood CCTV System is capable through processes, procedures and effectively trained staff, of delivering images that are of evidential value to the Police and wider criminal justice system. The Council's CCTV Team Leader participates in the Charnwood Crime Joint Action Group, providing a support service to assist Partners to achieve their joint crime and anti-social behaviour reduction targets. The post holder also works closely with the Loughborough Street Pastors, ensuring their safety when patrolling the streets to support users of the borough's night time economy.

The Council has in place a CCTV System Surveillance Protocol with Leicestershire Police. This protocol exists to cater for the following:-

- Use of The Charnwood CCTV system in police operations and in circumstances that may require authorisation under the Regulation of Investigatory Powers Act 2000.
- Cooperation between the Council and Police in response to incidents and events.

The Council's CCTV Service provides an evidence gathering service for the Police, responding to such requests and facilitating the viewing and recovery of footage. The CCTV Team Leader is in regular contact with the local police management team to ensure that this service is fit for purpose and takes feedback on a regular basis about the service provided.

4.11.2 The Council has safeguards in place to ensure the forensic integrity of recorded images and information and its usefulness for the purpose for which it is intended to be used. These safeguards include an all-inclusive maintenance contract with an accredited provider, which is monitored at bi-monthly meetings to ensure that key performance indicators are being met and that all CCTV cameras are operable and fit for purpose. The Council's CCTV Service has a 3yr capital programme plan in place and has recently invested heavily in its infrastructure, by replacing its 3 Servers with state of the art technology, to ensure that meta-data is recorded reliably and compression of data does not reduce its quality. Access to recorded images is restricted and records are kept as an audit trail of how images and information are handled if they are likely to be used as exhibits for the purpose of criminal proceedings in court. Once there is no longer a clearly justifiable reason for retaining recorded images, they are deleted. The CCTV Team Leader ensures compliance through use of an electronic spreadsheet, which captures all relevant information, including deletion dates.

4.11.3 All Charnwood CCTV System Images are digital and interoperability with other law enforcement agencies has been achieved. Images can be shared with ease.

4.11.4 Images can be burned to disc, along with relevant software, to ensure viewing of the same on any platform and without the loss of forensic integrity. In particular:-

- All members of the Council's CCTV Team are able to export images to disc from any of the Charnwood CCTV System Cameras, when requested to do so by a law enforcement agency (the Council's CCTV Service is 24/7).
- The export of images is possible without interrupting the operation of the System.
- The exported images are always burned to disc, along with software that enables viewing on any platform.
- The exported images preserve the quality of the original recording and any associated meta-data.

**Principle 12 – Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.**

The Charnwood CCTV System does not currently make use of ANPR or facial recognition systems which rely on information generated elsewhere such as databases provided by others.



## Chapter 5: Miscellaneous

This chapter covers areas of business not covered elsewhere in the Code of Practice.

### 5.1 Operation of the Charnwood CCTV System by the Police

5.1.1 Day to day control and monitoring of the Charnwood CCTV System cameras is the responsibility of Charnwood Borough Council's CCTV Team Leader. However, the Police may request assistance in order to:

- Assist with the deployment of resources
- Monitor potential public disorder or other major security situations
- Assist in the detection of crime
- Facilitate the apprehension and prosecution of offenders in relation to crime and public order
- Assist with the detection of moving traffic offences where it is considered that public safety is at risk

5.1.2 In circumstances when problems are anticipated, arrangements may be made for a Police Officer to be present within the CCTV Control Room for liaison purposes. This will normally apply for the duration of the incident and will be subject to the arrangements made by the CCTV Team Leader. On each occasion a record must be made in the Incident Log (VTAS).

5.1.3 In "extreme" circumstances the Police may make a request to assume direction and control of the Charnwood CCTV System, to which this Code of Practice applies. Only requests made on the written authority of a police officer of Superintendent rank or above will be considered. Any such request will only be accommodated on the personal authority of the Strategic Director of Neighbourhoods and Community Wellbeing or designated deputy of equal standing. In the event of such a request being permitted, the CCTV Control Room will continue to be staffed and equipment operated, by only those personnel who are authorised to do so as described in the section of this Code of Practice (Principle 5), who will then operate under the direction of the police officer designated in the written authority.

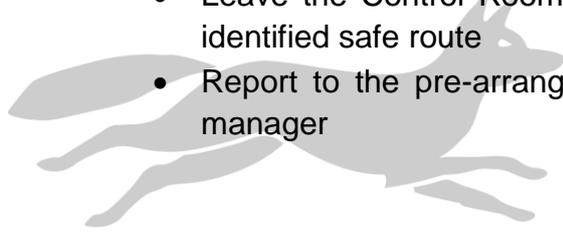
5.1.4 In "very extreme" circumstances a request may be made for the Police to take total control of the Charnwood CCTV System in its entirety, including the staffing of the CCTV Control Room and personal control of all associated equipment, to the exclusion of all representatives of the owners. Any such request must be made to the Strategic Director of Neighbourhoods and

Community Wellbeing. A request for total and exclusive control must be made in writing by a police officer of the rank of Chief Superintendent or above.

## **5.2 Emergency Evacuation of the Charnwood CCTV Control Room**

5.2.1 On the occasion of the Charnwood CCTV Control Room lying within an emergency evacuation area or other building emergency, CCTV Operators will be expected to vacate the Control Room. The following procedures will be followed:

- Cameras will be focussed on the optimum positions to assist management of the incident
- Portable hand held radio equipment and Council mobile phones must be taken by the duty CCTV Operator or CCTV Team Leader
- Leave the Control Room secure and evacuate the building using the identified safe route
- Report to the pre-arranged rendezvous point (RVP) and update line manager



# Charnwood

