



# **ASHBURTON TOWN COUNCIL**

## **CCTV Code of Practice 2022**

**Reviewed 10 May 2022**

## **Introduction**

The use of Closed Circuit Television is viewed by Ashburton Town Council as a key element in its promotion of Security and Safety. CCTV cameras are installed at: Bull Ring, North Street, car park, Ashburton Town Hall.

This Code sets out the minimum standards that are expected of all employees and authorised users managing and operating the CCTV systems at the above location.

The efficient operation of CCTV rests with the standards contained within the Code of Practice. It should be considered as a benchmark for good practice that will ensure accountability and command employee and public confidence.

Ownership of recorded material remains at all times the property of Ashburton Town Council.

## **CCTV - A Strategy**

The use of CCTV should not be regarded as the solution to every problem of crime or safety issue within the town. However, there is no doubt that the effects of such systems can have a considerable bearing on the reduction of crime in designated areas.

In developing such a strategy, available resources can contribute to achieving the expressed aims and objectives, but success in such an achievement cannot be undertaken by CCTV alone.

The uses of CCTV are wide and varied, but in broad terms, its use can contribute to the following objectives:

Promoting a safer working environment.

Reducing vandalism / other criminal damage. Improving the environment and reducing costs.

Detecting, preventing or reducing the incidence of property crime and offences against the person.

Preventing and assisting with the detection of matters concerning intellectual property and industrial espionage.

Preventing and assisting with the resolution of cases of internal discipline. Reducing the theft of cars and theft from cars both on street and car parks

Preventing and responding effectively to harassment.

Provide a safer environment and sense of security for the residents of Ashburton

## 1.0 Ownership details

The scheme is established within Ashburton.

For the purposes of the Data Protection Act 1998 the beneficial owner of the system(s) is:

Ashburton Town Council  
The Town Hall  
North Street  
Ashburton  
Devon  
TQ13 7QQ

The system is registered with the Information Commissioner under registration Z5205614

Others who have responsibility for the management, administration and operation of the system are:

Title	John Germon	Role: Town Clerk
Title	Karen Turner	Role: Deputy Town Clerk

## 2.0 Purpose Statement

### 2.1 Principles

The system will be operated fairly, within the applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

The system will be operated with due regard to the privacy of the individual.

The public interest in the operation of the system will be recognised by ensuring the security and integrity of operational procedures.

Participation in this system by local organisations and public authorities will depend upon their willingness to comply with this Code of Practice and to be accountable under this Code of Practice.

### 2.2 Purposes

The main purposes of the scheme are:

- A reduction in the fear of crime and reassurance of the public
- To help secure a safer environment for those who live, work or trade in the area and those who visit the area
- The detection, deterrence and prevention of crime including:

Providing assistance in the prevention of crime;

Deterring and detecting crime;

Helping to identify, apprehend and prosecute offenders;

Providing the Police with evidence to take criminal action in the Courts;

The maintenance of public order.

- Assisting in aspects of traffic management within the Town .
- Assisting in improving the Town environment.
- Assisting in regeneration initiatives to improve quality of life.

### **2.3 Key Objectives**

The key objectives of the system are:

- To reduce the level of street crime, vandalism and public disorder.
- To detect, prevent or reduce the incidence of property crimes and offences against the person;
- To improve communication and the operational response of Police patrols.
- To reduce vehicle crime and improve general security in car parks;
- To improve public safety in the main retail streets, both in terms of personal security
- and security of buildings and premises, to make the Town Centre a more attractive area to shop, work, and visit.
- To monitor traffic flow particularly during peak periods.
- To monitor major events such as carnivals and fairs and other visitor attractions, which may take place within the town.

### **2.4 Provisions of Evidence**

Recorded material resulting from the operation of the system will normally only be made available to the Police for criminal prosecution purposes.

Recorded material will also be made available to Ashburton Town Council for criminal prosecutions in respect of the enforcement of Byelaws, unlawful street trading and Health and Safety offences.

On occasion specific requests may be received from other organisations with prosecution powers such as H M Revenue and Customs, District Council, the Health and Safety Executive and Trading Standards. In the event that the evidence is required in connection with a prosecution that will assist in the achievement of the key objectives of the system, the evidence will be supplied if agreed by the owners and after consultation with the Police.

Any evidence supplied will be subject to an undertaking that it will only be used strictly in accordance with this Code of Practice and for the reasons for which it has been supplied.

## **2.5 Statement of Commitment**

The partners involved in the provision, use and operation of the system commit themselves to act only in accordance with the applicable law and this Code of Practice.

## **2.6 Fairness**

There is a need for continued staff and public understanding and acceptance of CCTV, which involves providing a high quality of information. The recording and retention of images (data) of people in public places shall be undertaken fairly and lawfully in accordance with the Human Rights Act 1998 and the Data Protection Act 1998. For this reason, the purpose for which information is obtained by a system should be known, and information should not be used for any purpose that has not been disclosed to the staff and public. People should be aware that their image is being recorded and that the identity of the owner and purpose of the scheme should be made known. The provision of information to staff, other users and members of the public, that the images of individuals are being recorded is an important aspect of the Data Protection principles; therefore signage to this effect will be displayed as sufficient.

**2.7** Cameras should not be hidden but as far as is consistent with the purposes of the scheme be placed in public view.

**2.8** All signs will be fit for purpose and careful consideration will be given to placement, size, opportunity to view etc.

**2.9** The signs will indicate that CCTV cameras are operating and will be displayed at the perimeter of the area covered by the scheme and at other key points.

**2.10** The signs will inform both the staff and the public that cameras are in operation and allow people entering the area to make a reasonable approximation of the area covered by the scheme.

**2.11** The signs will identify the owner by name, purpose of a scheme (A camera logo may be used) and give a daytime contact telephone number.

This is an essential requirement of the Data Protection Act 1998 (Principle 1) A serious breach of the Act is committed if it is not complied with.

## **3.0 Data Protection Implications**

### **3.1 Registration under the Data Protection Acts**

The scheme is required to be registered under the Acts.

Ashburton Town Council undertakes to co-operate with the Data Protection Commissioner in all matters involving the Commissioner.

3.2 Purpose for which data is held Data will be held and stored only for the purpose set out in this Code of Practice and in accordance with its provisions.

3.3 Data Controller

Ashburton Town Council is the Data Controller. The Clerk and Deputy Clerk to the Council will have the authority of the day to day running of the system devolved to him/her.

3.4 Signage

Signs will be placed so that the public will be aware that they are entering a zone that is covered by CCTV. The signs will display information that identifies the owners and a contact telephone number for office hours.

## **4.0. Disks and recorded material**

4.1 Principles

Recorded material may be admitted in evidence. It must be of good quality and be accurate in content. Recorded material must be treated according to defined procedures to provide continuity of evidence and to avoid contamination of the evidence

Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, destruction or accidental loss of recorded material.

Recorded material will be held only for the purposes provided by this Code of Practice. Information recorded shall be accurate, adequate, relevant and not exceed that necessary to fulfil the purpose and key objectives of this system.

Recorded material will be kept no longer than is necessary for the purposes and key objectives of the system. It shall then be safely destroyed.

Members of the public must be confident that information recorded about their ordinary activities in the area covered by the cameras is treated with regard to their individual privacy.

4.2 Statement of Intent

In accordance with the principles underlying this section Ashburton Town Council will adopt the following statement of intent on the use of and access to recorded material:

- a) Recorded material will be used only for purposes defined in this Code of Practice
- b) Access to recorded material will only take place as defined in this Code of Practice

- c) Recorded material will not be sold or used for commercial purposes or the provision of entertainment.
- d) The showing of recorded material to the public will only be allowed in accordance with the law; either in compliance with the needs of the Police, in connection with the investigation of crime which will be conducted in accordance with the provisions of any relevant Code of Practice under The Police and Criminal Evidence Act 1984, The Criminal Procedure and Investigations Act 1996 and any advice and guidance given to the Police from time to time, or in other circumstances provided by law.

#### 4.3 Ownership

Ownership of recorded material and copyright in recorded material is that of Ashburton Town Council

#### 4.4 Recording Equipment

Recording equipment will be checked regularly to ensure it is in good working order. A test recording will be made monthly to check quality. Regular maintenance of recording equipment will be undertaken.

#### 4.5 Use of Compact Disks

A supply of disks will be kept which is sufficient for the purpose of the system.

Disks will be individually and uniquely identified and labelled when recorded and catalogued.

#### 4.6 Evidential Use of Recordings

Disks required for evidential purposes will be treated as exhibits and will be marked with the date, camera number and times.

Any disk that is provided for evidential purposes must be of proven integrity. Staff will provide the Police with statements required for evidential purposes.

#### 4.7 Police Access to recordings

Police will apply for access in accordance with an agreement made with the owners where the Police reasonably believe that access to specific disks is necessary for the investigation and detection of a particular offence or offences or the prevention of crime.

Police may obtain access under the provisions of the Police and Criminal Evidence Act 1984.

Disks provided to the Police will at no time be used for anything other than the purpose specified and identified.

#### 4.8 Third Party Access to recordings

Access to disks may be obtained in connection with civil disputes by Court Order or be extended to Lawyers acting for defendants or victims in connection with criminal proceedings.

No other access will be allowed unless approved by the owners and for reasons that fall within the purposes and objectives of the system and in accordance with this Code of Practice and the Data protection Acts.

### 5.0 Management of the System

Effective management of the scheme requires that:

5.1 Access to all the data held, and the control room, should comply with specific guidelines, and be recorded and monitored.

5.2 The operational documentation required to run a scheme must be developed from and specifically linked to this Code of Practice.

5.3 Recording Archive Log to include:

- Date
- Policy number or name of person collecting copy
- Time of recording
- Camera number
- Area name
- Signature
- Print name

5.4 All incidents witnessed on the CCTV system or on review of a recording will be logged.

5.5 Each recording will have brought into use The Recording Archive Log, which will be complete in full each time it is used.

5.6 Any external request made to use the system to observe a person(s) or an incident will be recorded having been authorised by the town clerk and data controller.

5.7 Any recording removed from the system for viewing will be recorded on the log.

5.8 Third parties, who are authorised to view recordings by virtue of their inclusion in the list of disclosees notified to the Information Commissioner, will have a record made of such viewings and logged accordingly.

5.9 Any recorded data seized as evidence will be logged at all times and signed for.



5.10 All CCTV equipment will be kept in good working order and be serviced according to manufacturer's recommendations

5.11 When a fault develops on the CCTV system, it shall be recorded on the log and the appropriate action taken to ensure a speedy repair is effected. The service engineer should be asked to sign off the repair on this form

5.12 The system time clock and or recording device time clocks shall be checked on a weekly basis and set to the correct hour with reference to a reliable time signal.

5.13 All CCTV equipment shall be secured so as to prevent interference from unauthorised personnel.

5.14 CCTV data will be afforded a high level of security. Access to recordings shall be limited to staff authorised by the Data Controller

5.15 All CCTV data that has been recorded will be locked in the clerk's office safe until collected.

5.16 Any data held for evidential purposes will be kept away from other personal data in a secure location

5.17 No unauthorised copies will be made of any personal data except with the permission of the Data Controller who shall record the reason and ensure that all copies are numbered and that they are only disclosed to authorised parties. The Data Controller will also ensure such personal data is not kept for longer than is necessary and is destroyed as if it were an original recording

## **6.0 Control**

### **6.1 Principles**

Information recorded should be accurate, adequate, relevant and should not exceed that necessary to fulfil the purpose of the system. Information recorded should be obtained fairly and in accordance with the provisions of this Code of Practice on privacy.

6.2 The operators of camera equipment shall act with the utmost propriety at all times.

6.3 Only those staff with direct responsibility for using the equipment shall have access to the operating controls.

6.4 All use of the cameras shall accord with the purposes and key objectives of the system and shall comply with this Code of Practice and Operating Procedures.

6.5 Cameras shall not be used to look into private property. Where appropriate operational procedures and technological measures will be adopted to impose restraints upon the use of cameras in connection with private premises.

## **7.0 Accountability**

### **Staff and the Public**

In accordance with the Code of Practice and the Data Subject Access Rights of s7 Data Protection Act 1998, anyone wishing to acquire a copy of the Code of Practice or to request further information with regard to accessing the recorded Data under the Data Protection Act 1998 should be directed to contact the Data Controller in writing

7.1 Copies of this Code of Practice will be made available by

The Data Controller  
Ashburton Town Council  
Town Hall, North Street, Ashburton TQ13 7QQ

## **8.0 Subject Access Requests**

### **8.1 Your rights**

Subject to certain exemptions, you have a right to be told whether any personal data is held about you. You also have a right to a copy of that information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or if you agree otherwise Ashburton Town Council will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, the council is not obliged to comply with an access request unless:

- The other individual(s) has consented to the disclosure of information, or
- It is reasonable in all circumstances to comply with the request without the consent of the other individual(s).

### **8.2 Ashburton Town Council's rights**

Ashburton Town Council may deny access to information where the Act allows. The main exemptions in relation to information held on the CCTV system are where the information may be held for:

- Provision and detection of crime.
- Apprehension and prosecution of offenders,

And giving you the information may be likely to prejudice any of these purposes.

8.3 A fee of £10 is payable for each access request, which must be in pounds sterling. Cheques, Postal Orders, etc. should be made payable to Ashburton Town Council

#### 8.4 The application form

**NB All sections of the form must be completed. Failure to do so may delay your application.**

Section 1 – Asks you to give information about yourself that will help the council to confirm your identity. The Ashburton Town Council CCTV system coordinator has a duty to ensure that information it holds is secure and it must be satisfied that you are who you say you are.

Section 2 – Ask you to provide evidence of your identity by producing TWO official documents (which between them clearly show your name, date of birth and current address) together with a recent full face photograph of you.

Section 3 – Asks you to confirm whether you will accept just viewing the information, or if you want a copy of the information.

Section 4 – You must sign the declaration.

When you have completed and checked this form send it together with the two identification documents, photograph and fee to:

The CCTV Coordinator, Ashburton Town Council, Town Hall, North Street, Ashburton TQ13 7QQ.

If you have any queries regarding this form or your application, please ring the CCTV Coordinator on 01364 652142.

8.5 Any member of staff receiving a Subject Access Request must note the name and address of the person making the request in order that the appropriate form may be sent to them. The details should then be passed without delay to the Data Controller or nominated deputy.

8.6 On receipt of the completed form, identification documents and fee, the Data Controller will assess if there is sufficient information to locate the data subject contained within the application. If not he/she will, without delay, write to the data subject and request the necessary information. If a reply is not received within seven working days he/she shall disregard the request and record the reason for so doing.

8.7 On receipt of a Subject Access Request and the required fee, the Data Controller shall process the request within 30 working days.

8.8 Only the Data Controller or nominated deputy will attempt to locate the images and be responsible for decisions regarding disclosure.

8.9 The Data Controller or nominated deputy will decide if disclosing images will identify 3rd parties and whether those images are held under a duty of confidence.

8.10 All third party viewings will take place in private area away from the CCTV recording and monitoring facility.

8.11 If subject access is denied, the Data Controller will record the details of the refusal and inform the enquirer of the decision in writing.

8.12 If the Data controller receives a request to cease processing Personal Data on the grounds that it is likely to cause unwarranted damage or distress, he must respond in writing to the individual within 21 days and state whether or not he will comply with the request, giving reasons for the decision.

8.13 The Data Controller will maintain a record of all such requests and the resultant decision.

8.14 This CCTV system makes no use of Automated Decision Taking

## **9.0 Third party access to data**

Access to CCTV data will be limited to those parties listed in the system notification to the Information Commissioner:

Namely: The police

Other agencies with a statutory power to investigate or prosecute

Authorised legal representatives

Others nominated by the Data Controller and agreed by Ashburton Town Council

## **10.0 Complaints**

To obtain universal recognition, the Code of Practice must address the interests of all who may be affected by it, and not just be confined to the interests of the system owner, or the needs of the criminal justice system. The Code of Practice does include checks and sanctions, and will only be effective if it does so.

CCTV schemes covered by the Data Protection Act 1998, provide individuals with certain remedies including the right to complain to the Information Commissioner.

Complaints will be included in an annual report providing information on the number of complaints received, of those complaints that have been substantiated, and any action taken to remedy the complaint. Remedies will vary according to the complaints received. It may be appropriate to allow the complainant access to the CCTV system in certain limited circumstances but only with the Data Controller's informed consent. (The Data Protection Act '98 may well prevent this as this could be deemed unauthorised processing). This could be done to allow a complainant to confirm whether residential premises can be seen on a particular camera, or to be satisfied that a remedy to prevent oversight by the camera has proved effective.

We will ensure that copies of the Code of Practice and particulars of the complaints system and a set of standard Subject Access Request forms will be available from the Data Controller in accordance with the Code of Practice and General Data Protection Regulation . There will be specific information about the manner in which an individual can make a complaint or Data Subject Access request about any aspect of the scheme.

Signed on behalf of the Data Controller CCTV

Date

Adopted by Ashburton Town Council on..... **Reviewd 14<sup>h</sup> May 2019**