



BUDE-STRATTON TOWN COUNCIL

CCTV Code of Practice 2003

Introduction

The use of Closed Circuit Television is viewed by Bude and Stratton Town Council as a key element in its promotion of Security and Safety. CCTV cameras are installed at:
Bude

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 Bude and Stratton 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.

1.0 Ownership details

The scheme is established within Bude.

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

Bude and Stratton Town Council.

The Castle,

Bude,

Cornwall,

EX23 8LG

The system is registered with the Information Commissioner under registration
Z5754816

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

Title	Role
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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 Bude and Stratton 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 Customs and Excise, 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. Data Protection

3.1 Registration under the Data Protection Acts

The scheme is required to be registered under the Acts.

Bude and Stratton 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

Bude and Stratton Town Council is the Data Controller. The Clerk to the Council will have the authority of the day to day running of the system devolved to him/her or in their absence the current Mayor.

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. TAPES 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 Bude and Stratton 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 Bude and Stratton 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 tape quality.

Regular maintenance of recording equipment will be undertaken.

4.5 Use of Tapes

A supply of tapes will be maintained which is sufficient for the purpose of the system including a supply of spare tapes to replace those removed for evidential purposes.

Tapes will be used in rotation and shall be retained for a maximum of **31** days before being reused.

Tapes required for evidential purposes will be separately indexed and securely stored separately to avoid accidental re-use..

All previous recordings on tapes will be erased, by the use of a degaussing machine, prior to re-use. Procedures will be maintained to allow erasure of tapes in advance to avoid the use in error of a previously recorded tape.

Tapes will be maintained and used no more than the maximum number of times as recommended in current technical guidance.(13) Tapes shall be disposed of in a secure manner. All tapes having reached the end of their working life will be degaussed prior to disposal.

4.6 Cataloguing, Storage and Recording of Use of Tapes. Tapes will be stored in a secure cabinet.

Tapes will be individually and uniquely identified and labeled.

A register will be maintained giving exact date and time of each use of each tape, recording the whereabouts of the tape, the reason for its removal and the individual then responsible for it.

The Tape Register will be stored securely.

Staff will be informed that records kept for library purposes and the Tape Register will be included in the regular Audit.

4.7 Evidential Use of Recordings

Tapes required for evidential purposes will be treated as exhibits and will be retained and stored according to procedures agreed with the Police. Where appropriate, procedures will be agreed with another prosecuting authority (e.g. Customs and Excise).

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

4.8 Police Access to Tapes

Police will apply for access in accordance with an agreement made with the owners where the Police reasonably believe that access to specific tapes 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.

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

4.9 Third Party Access to Tapes

Access to tapes 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 as described in 3.5 to 3.8.

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 Documentation in use comprises in whole or in part of:

1.0 Recording Archive Log

2.0 Incident/Download Report

3.0 Compliance Guide and Code of Practice

4.0 Video Print Log

5.0 Subject Right of Access

6.0 Control Room Operator Duty Log

7.0 Control Room Visitor Log

8.0 Repairs and Maintenance Report

9.0 System Diagram

- 5.4** All incidents witnessed on the CCTV system or on review of a recording will be logged on 2.0 Incident/Download Report form
- 5.5** Each video recording in use will bear an individual Unique Reference Number (URN)
- 5.6** Each video recording will have brought into use 1.0 Recording Archive Log, which will be complete in full each time it is used.
- 5.7** Any external request made to use the system to observe a person(s) or an incident will be recorded on form 7.0 Control Room Visitor Log, having been authorised by the Data Controller or nominated deputy
- 5.8** Any recording removed from the system for viewing will be recorded on form 2..0 Incident/Download Report
- 5.9** 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 on form 6.0 Control Room Operator Duty Log. Any visitor having access to view recorded material must book into and out of the Control Room using form 7.0
- 5.10** Any recorded data seized as evidence will be recorded on form 2.0 Incident/Download Report and the person receiving the data shall sign in receipt. Any print copy produced must be treated as a controlled document and labeled using the 4.0 Video Print Log
- 5.11** When an individual recording medium has reached the end of its useful life, it shall be erased of all data and destroyed
- 5.12** The maximum number of times a video cassette will be used by this system is 13 times
- 5.13** All CCTV equipment will be kept in good working order and be serviced according to manufacturers recommendations
- 5.14** When a fault develops on the CCTV system, it shall be recorded on form 8.0 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
- 5.17** 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, e.g. Speaking Clock (123)
- 5.18** All CCTV equipment shall be secured so as to prevent interference from unauthorised personnel. This means that recording equipment shall be kept in a secure room or under lock and key in a special cabinet
- 5.19** CCTV data will be afforded a high level of security. Access to recordings shall be limited to staff authorised by the Data Controller

5.20 All CCTV data will be stored under lock and key in a secure cabinet or other secure environment to prevent unauthorized or unlawful processing of personal data and against accidental loss, damage or destruction of personal data

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

5.22 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 and Operation of Cameras

6.0 CONTROL AND OPERATION OF CAMERAS

6.1 Principles

Information recorded should be accurate, adequate, relevant and should not exceed that necessary to fulfill 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 Camera Operation

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

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

6.5 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.

6.6 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.

6.7 Camera operators shall at all times be subject to supervision sufficient to ensure compliance with this part of the Code of Practice.

6.8 All camera operators and supervisors shall be made aware that all recordings are subject to routine audit and that they may be required to justify their interest in a member of the public or premises.

6.9 The effectiveness of individual operators shall be subject to regular review. Bude and Stratton Town Council will ensure that its operators act at all times in accordance with current best practices.

6.10 All camera operators will be trained in their duties and responsibilities under their Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000, The Human Rights Act 1998.

6.11 The system will only be viewed/operated by trained operators who comply with paragraph 6.10 above. This will apply to staff from the Devon and Cornwall

Constabulary and staff employed by Bude and Stratton Town Council. The Data Controller will maintain a list of all trained personnel.

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

Bude and Stratton Town Council,

The Castle

Bude

Cornwall,

EX23 8LG

8.0 Subject Access Requests

8.1 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.

8.2 The Data Controller or nominated deputy will then send by first class mail the statutory information notice concerning the CCTV system and a Subject Access Request application form.

8.3 The Data Controller will only deal with Subject Access Requests that are in writing and that are accompanied by a fee of £ 10.00.

8.4 On receipt of the completed form and the fee, the Data Controller will assess if there is sufficient information to locate the data subject contained within the reply. If not he/she will, without delay, write to the data subject and request the necessary information. If a reply is not received within 7 working days he/she shall disregard the request and record the reason for so doing.

8.5 On receipt of a Subject Access Request and the required fee, the Data Controller shall process the request with 40 days.

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

- 8.7** 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.
- 8.8** Any images so held will have the images of third parties blurred out or disguised.
- 8.9** Data Subjects may be asked if they merely wish to view their data, otherwise they will be provided with a copy of the CCTV data in standard VHS format.
- 8.10** All 3rd 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
- 8.15** Copies of Subject Access forms and information leaflets can be found in Section 5 of the CCTV Log Book
- 8.16** All staff that handle or manage personal data derived from the CCTV system will receive appropriate training in the following fields:
1. Recognition of a Subject Access Request
 2. Recognition of a request to prevent processing likely to cause a Data Subject unwarranted damage or to prevent automated decision taking
 3. The use of appropriate forms and information leaflets
 4. What action to take on receipt of a request
 5. How enquirers might be provided with a copy of this Code of Practice
 6. How enquirers might make a complaint about the CCTV system either to the owner or Information Commissioner

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

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 Data Controller

In accordance with the Code of Practice and the Data Subject Rights of s7 Data Protection Act 1998. 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