

NEW HOLLAND PARISH COUNCIL

Code of Practice on the Operation of CCTV

The Scope of this Code

Introduction and accountability

New Holland Parish Council in association with Humberside Police installed a CCTV surveillance system in New Holland. Cameras have been installed in the following areas:

Barrow Road, New Holland

Images will not be monitored as a matter of course, but will be accessible to persons who have legitimate reason to use footage from the cameras.

It is a possibility that in the near future some monitoring may be carried out.

The system is owned by New Holland Parish Council.

This Code of Practice has been prepared for the guidance of managers and the operators of the CCTV system and for the information of all members of the local community.

Its purpose is to ensure that the CCTV system is used to create a safer environment for residents and visitors to the area, and to ensure that its operation conforms with obligations of The Data Protection Act 1998. The Code is widely available for consultation.

The Chairman of the Parish is responsible for the operation of the CCTV system, and, in the first instance, for ensuring compliance with this Code of Practice. Breaches of the Code may constitute matters of discipline, but it is also recognised that other members of the public may have concerns or complaints in respect of the operation of the system. Any concerns in respect of the system's use or regarding compliance with this Code should, in the first instance, be addressed to the Clerk to the Council.

Contact numbers:

New Holland Chairman - 01469 531027

New Holland Parish Council – 0784 220 1877

Code of Practice

1. Objectives

- 1.1 CCTV has been installed by New Holland Parish Council for the principal purposes of preventing and detecting crime. It is recognised, however, that ancillary benefits of operating CCTV for these purposes may include reduction of the fear of crime generally and the provision of a safer public environment for the benefit of those who live or work within the area or visit. These objectives must, however, be consistent with respect for individuals' privacy. The system will be managed in accordance with these objectives, and accordingly monitoring will be permitted only to:

Assist in the prevention and detection of crime;

Facilitate the identification, apprehension and prosecution of offenders in relation to crime and public order; and as an aid to public safety.

Provide and operate the system in a manner which is consistent with respect for the individuals privacy

2. The System

- 2.1 The system of CCTV surveillance will encompass the southern areas of Barrow Road and surrounding area in New Holland. It will also encompass all other CCTV images that, in due course, are added to the system and future improvements in the monitoring of the system. References in this code to the "CCTV system" or "system" should be read accordingly.
- 2.2 The system is operational and images are capable of being downloaded during hours of business.
- 2.3 The public is made aware of the presence of the system and its ownership by appropriate signage. This sets out the purposes for processing CCTV images (in accordance with paragraph 1.1 above), and identifies New Holland Parish Council as the party responsible for processing those images.
- 2.4 Images captured on camera will be recorded onto a hard drive which will work on an overwrite loop basis. Therefore unless there is a legitimate reason to view data no collateral intrusion will occur. This is in accordance with this Code of Practice. Persons monitoring the images at locations will not be permitted to record those images or to have access to archived images unless the relevant request form has been submitted and agreed by the CCTV manager.

- 2.5 Although every effort has been made in the planning and design of the CCTV system to give it maximum effectiveness, it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.
- 2.6 For the purposes of the Data Protection Act 1998, the Data Controller is The New Holland Parish Council and is legally responsible for the management and maintenance of the CCTV system.

3. **Administration and Procedures**

- 3.1 It is recognised that the images obtained compromise personal data and are subject to the law on Data Protection. All copies will be handled in accordance with the procedures outlined in appendix I of this Code, and are designed to ensure the integrity of the system. The Chairman will be responsible for the development of and compliance with the working procedures when requesting data.
- 3.2 Recorded images will only be reviewed with the authority of the Chairman or his/her nominee. Copies of digital images will only be made for the purpose of crime detection, evidence in relation to matters affecting safety, evidence for prosecutions, or where otherwise required by law.

4. **Staff**

- 4.1 All staff involved in the operation of the CCTV system will, by access to this Code of Practice, be made aware of the sensitivity of handling CCTV images and recordings.
- 4.2 The Chairman will ensure that all involved, are fully briefed and trained in respect of all functions, both operational and administrative, arising within the CCTV control operation. Advice in the requirements of the Data Protection Act and this Code of Practice will also be provided.

5. **Recording**

- 5.1 The system used to record the data is digital which will allow the retrieval of images for a set time before the data is over written.
- 5.2 Because the images are recorded digitally, the process of identifying retrieval dates and times will be computerised. Images will be cleared automatically after a set time.

- 5.3 Unless required for evidential purposes or the investigation of crime, recorded images will be automatically erased after a set period, which will be no longer than 51 days.
However, New Holland Parish Council recognises that, in accordance with the requirements of the Data Protection Act, no images should be retained for longer than is necessary. Accordingly, some recorded images may be erased after a shorter period, for example, where it can be determined more quickly that there has been no incident giving rise to the need to retain the recorded images. Digital images will be automatically erased after a set period, which will be no longer than 51 days.
- 5.4 In the event of the digitally recorded image being required for evidence or the investigation of crime it will be retained for a period of time until it is no longer required for evidential purposes or any investigation into a crime has been completed.

6. **Monitoring Procedures**

- 6.1 The control of the system will always remain with New Holland Parish Council but at their discretion the cameras may be operated in accordance with requests made by the Police during an incident to:-
- 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.

On each occasion the Police obtain assistance with their operations, a report setting out the time, date and detail of the incident will be submitted to the CCTV Manager.

7. **Digital Recording Procedures**

7.1 Control and management of digital recordings

The digital recorder will in essence manage this itself as all footage will be overwritten after a set period.

7.2 Access to recordings

Generally, requests by persons for viewing or obtaining digital recordings will be assessed on a case by case basis.

Requests from the Police will arise in a number of ways, including: -

- Requests for a review of recordings, in order to trace incidents that have been reported.
- Immediate action relating to live incidents e.g. immediate pursuit.
- For major incidents that occur, when images may have been recorded continuously.
- Individual Police Officer seeking to review recorded images.

Access by data subjects will be in accordance with paragraph below headed Access by Data Subjects.

Requests for access to recorded images from persons other than the Police or the data subject will be considered on a case-by-case basis. The CCTV Manager or his/her nominee will consider such requests. Access to recorded images in these circumstances will only be granted where that is consistent with the obligations placed on New Holland Parish Council by the Data Protection Act 1998 and, in particular, with the purposes set out in paragraph 1.1.

8. Standards

It is important that access to, and disclosure of, the images recorded by CCTV is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes. Users of CCTV will also have to ensure that the reasons for which they may disclose copies of the images are compatible with the reasons or purposes for which they originally obtained those images. These aspects of the Code reflect the Second and Seventh Data Protection Principles of the Data Protection Act 1998.

- 8.1 All staff involved should be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images.
- 8.2 Access to recorded images will be restricted to staff who need to have access in order to achieve the purposes of using the equipment.
- 8.3 All access to the medium on which the images are recorded, will be documented.
- 8.4 Disclosure of the recorded images to third parties will be made only in the following limited and prescribed circumstances, and to the extent required or permitted by law:
 - Law enforcement agencies where the images recorded would assist in a Preventing, Detecting and Reducing Criminal activity
 - Prosecution agencies.
 - Relevant legal representatives.

- People whose images have been recorded and retained and disclosure is required by virtue of the Data Protection Act 1998.

All requests for access or for disclosure will be recorded. The CCTV Manager or his/her nominee will make decisions on access to recorded images by persons other than police officers, and there may be a charge for such services. Requests by the Police for access to images will not normally be denied and can be made without the above authority provided they are accompanied by a written request signed by a Police Officer, who must indicate that the images are required for the purposes of a specific crime enquiry.

If access or disclosure is denied by the CCTV Manager, the reasons will be documented and forwarded to New Holland Parish Council offices for filing.

If access to or disclosure of the images is allowed then the following will be documented:

- The date and time at which access was allowed or the date on which disclosure was made.
- The reason for allowing access or disclosure.
- The extent of the information to which access was allowed or which was disclosed.
- Control Room staff using the appropriate forms will document routine disclosure to the Police.
- Requests for non-Police disclosures will be forwarded to the CCTV Manager and if agreed may be subject to a charge.

9. **Access By Data Subjects**

- 9.1 All staff involved in monitoring or handling image data will proceed in accordance with the following protocol in respect of subject access requests.

10. **Rights Of Data Subjects**

- 10.1 The procedure outlined above and the use of the subject access request form complies with Section 7 of the Data Protection Act 1998, enabling the CCTV Manager or his/her nominee to inform individuals as to whether or not images have been processed by the CCTV system.

- 10.2 Where New Holland Parish Council cannot comply with the request without disclosing information relating to another individual who can be identified from that information, it is not obliged to comply with the request unless -
- The other individual has consented to the disclosure of the information to the person making the request, or
 - It is reasonable in all the circumstances to comply with the request without the consent of the other individual.
11. Continuity Of Evidence - Procedures For Tracking Tapes/Computer Disks/Still Photographs And Printed Images
- 11.1 Photographs taken from video recordings and hard copy prints of digital images are subject to the same controls and principles of Data Protection as other data collected. They will be treated using the same procedures (contained within Appendix I of this code) as digital images.

Code of Practice on the Operation of CCTV

APPENDIX I

PROCEDURES FOR THE HANDLING OF CCTV IMAGES

Computer disks-Still photographs/Printed images

All computer disks containing CCTV images, or any still photograph or printed image, shall be marked with a unique number. A log will be maintained within New Holland Parish Council containing details as to the dates when the disk/photograph/print was introduced into the system or created and when it was disposed of. An entry will be made in the log of any dates the disk/photograph/print was removed from the hard drive, together with the identity of the person removing it and the reason for such removal.

Disclosure of images to third parties

In this section “Authorised data handler” means, the CCTV Manager or his/her nominee.

The Police

Where a Police Officer requests access to CCTV images (hereafter referred to as data), either by viewing such data, or requesting a copy, then an authorised data handler shall complete, sign and date Part A of the appropriate Data Protection form (copy contained within Appendix II) containing details of the data required.

The Police Officer shall complete, sign and date Part B, which contains the reasons for requiring the data; his/her name rank and number, Police Station address, crime/incident number if applicable and property reference number.

When the form has been completed the authorised data handler may pass the required data to the Police Officer requiring it.

The completed form shall be handed to the CCTV Manager or nominee to be retained for evidential purposes.

Other persons

The CCTV Manager or his/her nominee, having been satisfied as to the bona-fide of the person requesting access to CCTV images (hereafter referred to as data) and that the reasons for so requesting access, fall within the exemptions contained within sections 28(1), 29(1)(a) and (b) and 35(2)(a) of the Act, may authorise such access, by signing and dating Part B of the appropriate Data Protection form (copy contained with Appendix III). On receiving such authorisation an authorised data handler shall complete, sign and date Part A of the form containing details of the data required.

The person requiring access shall complete, sign and date Part C of the form, which contains the reasons for requiring the data, his/her name, home/business /agency name and address (whichever is applicable) together with any applicable reference number.

When the form has been completed the authorised data handler may pass the required data to the person requiring access.

Other persons may include law enforcement agencies (other than the Police), Solicitors, Private individuals.

(An example of a private individual being given access to the data would be where a victim of a theft, is permitted to view a recorded image to point out to an investigator the exact location where an item subject to theft was located. This would allow the investigator to view the images and concentrate their attention on that location).

The security manager or his/her nominee shall retain the completed form for evidential purposes.

APPENDIX II

NEW HOLLAND PARISH COUNCIL

DATA PROTECTION ACT 1998

Disclosure of Data to Police

Section A Description of Data required to be disclosed (To be completed by Town Council representative)

Digital Data

View: / Take possession of: (Tick as required): No. (s) and date(s).....

Data contained within documents

View: / Take possession of: Original / Copy / Given verbally: (Tick as required)

Description of document(s)

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Disclosure of Data contained within computerised records.

View: / Take possession of: Disc copy: / printout Given verbally:

State what data is required and where data stored (i.e. home address of named person; occupant of named address etc-From Banner system)

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Parish Council representative making disclosure.

Dept.....
Name.....
Signature.....
Date.....

Section B. Reason Data required (To be completed by Police Officer)

I can confirm that the above data is required by me for any of the following reasons contained within sections 28(1), 29(1) (a) and (b) and 35(2) (a) of the Act.

- For the purpose of safeguarding national security
- The prevention or detection of crime
- For the purpose of, or in connection with, any legal proceedings

(including prospective legal proceedings)

- Is otherwise necessary for the purposes of establishing, exercising

or defending legal rights

Name.....Collar
Number.....
Police
Force.....Station.....
Signature.....Date.....

Other than Found Property Number for articles taken into possession.....

Crime/Incident

No.....

APPENDIX III

NEW HOLLAND PARISH COUNCIL

DATA PROTECTION ACT 1998

Disclosure of Data to Persons other than the Police

Section A Description of Data required to be disclosed (To be completed by Council representative)

Digital image(s)

View: / Take possession of: (Tick as required): No. (s) and date(s).....

Data contained within documents

View: / Take possession of: Original / Copy / Given verbally: (Tick as required)

Description of document(s)

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Disclosure of Data contained within computerised records.

View: / Take possession of: Disc copy: /Printout Given verbally:

State what data is required and where data stored (i.e. home address of named person; occupant of named address etc-From Banner system)

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Parish Council representative making disclosure

Department.....
Name.....
Signature.....
Date.....

Section B. Authorisation for disclosure by CCTV manager/nominee

Name.....
Signature.....
Position.....
Date.....

Section C. Reason Data required (To be completed by person requesting data)

I can confirm that the above data is required by me for any of the following reasons contained within sections 28(1), 29(1) (a) and (b) and 35(2) (a) of the Act.

(tick as required)

- For the purpose of safeguarding national security
- The prevention or detection of crime
- For the purpose of, or in connection with, any legal proceedings
- (including prospective legal proceedings)
- Is otherwise necessary for the purposes of establishing,

exercising or defending legal rights

Name.....
Position (If applicable).....
Business/Agency (if applicable).....
Business/Agency/Home address (Whichever applicable).....
.....
.....

Signature.....Date.....

Reference No.....