

CODE OF PRACTICE
FOR REDDITCH BOROUGH COUNCIL CCTV and BROMSGROVE DISTRICT COUNCIL CCTV
SCHEMES

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Date: 01.12.2015	Revision 14.06.18 - 22.10.19 – 18.09.2020 – 08.11.2021 – 22.11.2022

**Redditch Borough Council
And
Bromsgrove District Council
Shared Service**

**CCTV
Code of Practice**

November 2022



Bromsgrove
District Council
www.bromsgrove.gov.uk



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1.0 INTRODUCTIONS & DEFINITIONS

Introduction

1.1 This Code of Practice shall apply to the closed circuit television surveillance scheme known as the Redditch and Bromsgrove Shared Service CCTV System. The scheme initially comprises of cameras located in specific external and internal locations within the Redditch and Bromsgrove Council areas; with control, monitoring and recording facilities at a dedicated location. A problem orientated process was utilised to assess the appropriateness of CCTV in the areas mentioned. The cameras have therefore been sited to capture images of identifiable individuals or information relating to individuals which are relevant to the purposes for which the scheme has been established.

1.2 Ownership

The system in the Redditch area is owned by Redditch Borough Council (RBC) and the owner of the system in Bromsgrove is Bromsgrove District Council (BDC), the service is a shared service hosted by Redditch Borough Council. Both Councils will ensure the protection of individuals and the public by complying with this joint Code of Practice.

1.3 Closed Circuit Television Mission Statement

To promote public confidence by developing a safe and secure environment for the benefit of those employed, visiting or using the facilities of the area covered by the respective CCTV systems. The Councils are committed to the recommendations contained in the Information Commissioners CCTV Code of Practice and the Surveillance Camera Codes of Practice which can be found on the relevant websites.

1.4 Codes of Practice Mission Statement

To inspire public confidence by ensuring that all public area Closed Circuit Television (CCTV) systems which are linked to the CCTV Control and Monitoring Centre are operated in a manner that will secure their consistent effectiveness and preserve the civil liberty of law abiding citizens at all times.

1.5 Terms and Definitions

1.5.1 The CCTV Monitoring Centre secure location for a CCTV scheme where images are collected, used, disclosed retained and disposed of.

1.5.2 CCTV scheme shall mean the totality of the arrangements for closed circuit television in the locality but is not limited to the technological system, staff and operational procedures.

1.5.3 CCTV system means the surveillance items comprising cameras and associated equipment for monitoring, transmission and controlling purposes.

1.5.4 Contractor party contracted by the owner to undertake agreed services.

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- 1.5.5 **Controlled environment** anywhere that data which might be offered as evidence is received, stored, reviewed or analyzed including at the CCTV Monitoring Centre.
- 1.5.8 **Data** shall mean all information, including that about a person.
- 1.5.9 **Personal Data** means data which relates to a living individual who can be identified:
- a) from that data or
 - b) from that data and other information which is in the possession of or is likely to come into the possession of, the data controller.
- 1.5.10 **Sensitive personal data** is personal data which is deemed to be sensitive. The most significant of these, for the purposes of this code are information about:
- The commission or alleged commission of any offences
 - Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.
- 1.5.11 **An incident** is an activity that warrants a response.
- 1.5.12 **The owner** is legal person or entity, agency or individual designated as having overall responsibility for the formulation and implementation of the policies, objectives and control of a CCTV scheme. The ‘owner’ of the system in Redditch is Redditch Borough Council (RBC) and the owner of the system in Bromsgrove is Bromsgrove District Council (BDC), the service is a shared service hosted by RBC.
- 1.5.13 **Privacy impact assessment** of the impact a CCTV system has on an individual’s right to privacy.
- 1.5.14 **The systems manager** has the responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme, as defined by the owner of the scheme. The systems manager means the CCTV and Lifeline Service Manager.
- 1.5.15 **Data controller** means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are about to be processed. The Data Controller for the respective CCTV schemes are Redditch Borough Council (RBC) and Bromsgrove District Council (BDC),
- 1.5.16 **Operator** person specifically designated and authorized by the owner of a CCTV scheme to carry out the physical operation of controlling that scheme. All operators are screened, trained and licensed to the standards required in the Private security Industry Act 2001.
- 1.5.17 **Recorded material** any data recorded on any medium that has the capacity to store data and from which data can later be recalled irrespective of time.

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1.5.18 **Recording material** any medium that has the capacity to store data and from which data can later be recalled

1.5.19 **A hard copy print** is a paper copy of an image or images, which already exist on recorded material.

1.6 System description

1.6.1 Background

Bromsgrove District Council installed CCTV within the Borough in 1998 following a robust consultation and analysis of need. The initial system was funded through a Government grant to Local Authorities. Redditch Borough Council, also successful in a funding bid, set up a CCTV scheme in 2000.

To ensure sustainability and economies of scale for both authorities a shared service arrangement has been agreed between BDC and RBC. RBC are the host authority and BDC contribute to the costs associated to staffing and other shared resources.

1.6.2 Whilst the schemes are owned by the above mentioned Councils and operated by Redditch Borough Council staff, its implementation and/or expansion is supported by the following bodies (the partners)

- 1 West Mercia Police
- 2 The Community Safety Partnerships
- 3 Local Management forums
- 4 Local Businesses

The owners, operators and all partners will work in accordance with the Codes. The partners named above will have no involvement in the operating of the system with the exception of the Police and authorised and trained personnel of Redditch Borough Council.

1.6.3 This Code of Practice shall apply to the closed circuit television surveillance Systems known as the Redditch Borough Council and Bromsgrove District Council CCTV schemes.

1.6.4 The system consists of static and fully functional (pan, tilt and zoom) cameras and either a fibre optic or other transmission system which sends images to the Redditch Borough Council control, monitoring and recording facility.

1.6.5 Images from all cameras are recorded simultaneously throughout 24 hour period 365 days each year.

1.6.6 There is also a dedicated CCTV transmission link to Police control rooms Operating within the areas of CCTV coverage where live pictures and events can be monitored.

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- 1.6.7 High quality cameras both fully functional with pan, tilt and zoom and static are in use.
- 1.6.8 The physical and intellectual rights in relation to any and all material recorded within the CCTV Control and Monitoring facility shall at all times remain in the ownership of the respective Councils.
- 1.6.9 Images from the system can also be accessed from the secure Disaster Recovery Monitoring Centre, at Bromsgrove District Council Offices, named Parkside.

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2.0 CHANGES TO THE CODE OF PRACTICE

2.1 Any major changes to this Code of Practice will take place only after consultation with the relevant management group and upon agreement of all organisations with a participatory role in the operation of the system.

2.1.1 Major changes to this code are defined as changes which affect its fundamental principles and shall be deemed to include:

- additions and omissions of cameras to the system
- matters which have privacy implications
- additions to permitted uses criteria e.g. purposes of the scheme
- changes in the right of access to personal data, except statutory requirements
- significant legal implications.

2.1.2 Minor changes to this Code of Practice are defined as operational and procedural matters which do not affect the fundamental principles and purposes; these include:

- additions and omissions of contractors
- additional clarifications, explanations and corrections to the existing code
- additions to the code of practice in order to conform to the requirements of any statutory Acts and changes in criminal legislation

A minor change may be agreed between the manager and the owner of the system.

The Code of Practice will be subject to annual review which will include compliance with the relevant legislation and Standards.

2.2 Supplementary Documentation

The Code of Practice will be supplemented by the following documents:

CCTV Operations Procedural Manual

CCTV Procedures file.

Redeployable Camera Procedure

Each document contains instructions and guidance to ensure that the objectives and principles set out in this Code of Practice are achieved. These documents will be restricted to the partners and staff members only.

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3.0 OBJECTIVES OF THE CCTV SCHEME & CODE OF PRACTICE

3.1 Purpose of and Compliance with the Code of Practice

- 3.1.1 This Code of Practice is to detail the management, administration and operation of the closed circuit television (CCTV) systems in the Redditch Borough Council and Bromsgrove District Council areas and the associated Control and Monitoring Facility.
- 3.1.2 The Code of Practice has a dual purpose, in that it will assist owners, management and operators to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.
- 3.1.3 The owners, CCTV Operators and users of the CCTV systems and associated safety and security equipment connected to the Control, Monitoring and Recording facility shall be required to give a formal undertaking that they will comply with this Code of Practice and act in good faith with regard to the basic principles contained within it.
- 3.1.4 The owners, CCTV Operators, users and any visitors to the Control, monitoring and recording facility will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.

3.2 Purpose and Objectives of the scheme

- 3.2.1 The following objectives have been established for the Redditch Borough Council and Bromsgrove District Council CCTV and associated systems:
- To reduce the fear of crime.
 - Help detect crime by providing evidence in criminal proceedings.
 - Prevent and reduce crime, public disorder and anti-social behaviour.
 - Help the police track and capture people suspected of committing crime
 - Help identify witnesses
 - To assist the Local Authority in its enforcement and regulatory functions
 - Work in Partnership to achieve objectives set by the North Worcestershire Community Safety Partnership.
 - Protecting property.
 - Providing assistance with issues relating to public safety and health

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4.0 FUNDAMENTAL PRINCIPLES & POLICIES

4.1 Rights of Privacy

4.1.2 Redditch Borough Council, Bromsgrove District Council and partners support the individual's right to privacy and will insist that all agencies involved in the provision and use of Public surveillance CCTV systems connected to the control, monitoring and recording facility accept this fundamental principle as being paramount.

4.2 Principles of management of the scheme

4.2.1 Prior to the installation of cameras a 'Data Protection Impact Assessment' to determine whether CCTV is justified and how it will be operated will be undertaken in compliance with both the Information Commissioners CCTV Code of Practice and the Surveillance Camera Codes of Practice.

4.2.2 The cameras have been sited to capture images which are relevant to the specified purposes for which the scheme has been established.

4.2.3 Cameras will be sited to ensure that they can produce images of the right quality, taking into account technical and environmental issues.

4.2.4 To accomplish the above an 'Operational Requirement' will be completed at the time of the 'Impact Assessment' for each proposed camera to dictate the quality of images required. This is a recommendation of the Information Commissioner and the Surveillance Camera Commissioner.

4.2.5 Where wireless transmission systems are used to control CCTV equipment, sufficient safeguards are in place to protect them from being intercepted.

4.2.6 The scheme 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 the Code of Practice.

4.2.7 Operators are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.

4.2.8 The scheme will be operated with due regard for the privacy of the individual.

4.2.9 Before cameras are placed in residential areas the residents in that area will be consulted concerning the proposed system. The results of the consultation will be taken into account.

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

4.2.11 The system will only be operated by trained and authorised personnel.

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4.3 Policy of the Scheme and Signage

4.3.1 The scheme aims to provide surveillance of the public areas within the Redditch Borough Council and Bromsgrove District Council areas in order to fulfill the stated purposes of the scheme. The area protected by CCTV will be indicated by the presence of signs. The signs will be placed so that the public are aware that they are entering a zone which is covered by surveillance equipment. The signs will state the organisation responsible for the scheme, the purposes of the scheme and a contact telephone number.

4.3.2 Members of the public will be directed to the Council's website where the CCTV Privacy Notice can be viewed. Data will not be held for longer than necessary and disposal of information will be regulated. Privacy notices have been extended to include the following:

- ID of data controller
- ID of data Protection Officer
- Purposes and legal basis of processing
- Legitimate interests
- Recipients of the data (where you share the images for the purposes in section 8.7.1 & 8.8)
- international transfers
- Retention period of the data
- Right to request rectification
- Right to withdraw consent
- Right to complain to ICO
- Consequences of failure to supply data
- Existence of profiling and other automated processing

4.4 Point of contact

Should the public wish to make contact with the owners of the scheme they may write to: cctv@bromsgroveandredditch.gov.uk or

CCTV and Lifeline Manager

Redditch Borough Council

The Town hall

Walter Stranz Square

Redditch

Worcestershire

B98 8AH

The contact point will be available to members of the public during office hours. Enquirers will be provided with the relevant documentation.

4.5 Release of information to the public

Information will be released to third parties, itemised in Section 8, who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves. Information will only be released if the data captures identifiable

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individuals or information relating to individuals and the reasons are deemed acceptable, the request and release of information complies with current legislation and on condition that the information is not used for any other purpose than that specified.

Individuals may request to view information concerning themselves held on record in accordance with the Data Protection Act. The procedure is outlined in Section 8.9 of this Code of Practice.

4.6 Release of information to statutory prosecuting bodies

The policy is to assist statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Statutory bodies may have access to information permitted for disclosure on application to the owner of the scheme or the manager/supervisor, provided the reasons and statement of purpose, accord with the objectives of the scheme and conditions outlined in section 8.0. The information will be treated as evidential exhibits.

4.7 Annual Policy Review

There will be an annual policy review covering the following aspects:

- a) whether the purpose and objectives statements remain valid
- b) change in extent of the scheme
- c) contracts with suppliers
- d) a review of the data protection or legal requirements
- e) maintenance schedule and performance test of the system
- f) the annual report and statistics
- g) complaints procedure and evaluation

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5.0 DATA PROTECTION AND OTHER LEGISLATION

5.1 Data Protection Registration

The schemes are registered with the Data Protection Commissioner. Redditch Borough Council registration Number is Z5554276 and Bromsgrove Borough Council registration number is Z5192939. The scheme will be managed in accordance with the principles of the GDPR 2018. The Regulation encompasses six Data Protection Principles.

Article 5 of the GDPR requires that personal data shall be:

- “a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

Article 5(2) requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

Compliance can be demonstrated by adhering to and being audited as compliant to the Surveillance Camera Commissioner’s Code of Practice. This includes robust procedures and training, an auditable trail for the viewing and releasing of data, use of Privacy Impact Assessments (PIA).

5.2 Human Rights Act 1998

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The system will be operated by or on behalf of two public authorities, the authorities have considered the wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life).

- 1 Everyone has the right to respect for his private and family life, his home and his correspondence.

- 2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Therefore, to comply with Article 8 (1), and Article 8 (2) the CCTV Service will always considers the following:

Proportionality - Article 4.2.1, 4.2.2, 4.2.3 and 4.2.6 of the code of practice
Legality - Article 4.2.7 and 4.2.8 of the code of practice
Accountability - Article 4.2.10 and 4.2.11 of the code of practice
Necessity/Compulsion - Article 4.2.3 of the code of practice

Any infringement by a public authority of another's rights must be justified.

If this is not the case then it will not be appropriate to use CCTV.

5.3 Criminal Procedures and Investigations Act 1996

The Criminal Procedures and Investigations Act 1996 came into effect in April 1997 and introduced a statutory framework for the disclosure to defendants of material which the prosecution would not intend to use in the prosecution of its own case (known as unused material) but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the data controller by Section 7 of the Data Protection Act 1998, (known as subject access).

5.4 Freedom of Information Act 2000

If a request for images is received via a FOIA application and the person requesting is the subject, these will be exempt from the FOIA and will be dealt with under The Data Protection Principles.

Any other requests not involving identification of individuals can be disclosed but only if it does not breach the data protection principles.

5.5 Regulation of Investigatory Powers Act 2000

General observation forms part of the duties of many law enforcement officers and other public bodies. Police officers will be on patrol at football grounds and other venues monitoring the crowd to maintain public safety and prevent disorder. Officers may also

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target a crime "hot spot" in order to identify and arrest offenders committing crime at that location. Trading standards or HM Customs & Excise officers might covertly observe and then visit a shop as part of their enforcement function to verify the supply or level of supply of goods or services that may be liable to a restriction or tax. Such observation may involve the use of equipment to merely reinforce normal sensory perception, such as binoculars, or the use of cameras, where this does not involve systematic surveillance of an individual. It forms a part of the everyday functions of law enforcement or other public bodies. This low-level activity will not usually be regulated under the provisions of the 2000 Act.

Neither do the provisions of the Act cover the normal, everyday use of **overt** CCTV surveillance systems. Members of the public are aware that such systems are in use, for their own protection, and to prevent crime. However, it had not been envisaged how much the Act would impact on specific, targeted use of public/private CCTV systems by 'relevant Public Authorities' covered in Schedule 1: Part1 of the Act, when used during their planned investigations.

The consequences of not obtaining an authorisation under this Part may be, where there is an interference by a public authority with Article 8 rights (invasion of privacy), and there is no other source of authority, that the action is unlawful by virtue of section 6 of the Human Rights Act 1998 (Right to fair trial) and the evidence obtained could be excluded in court under Section 78 Police & Criminal Evidence Act 1984.

The Act is divided into five parts. Part II is the relevant part of the act for CCTV. It creates a system of authorisations for various types of covert surveillance. The types of activity covered are "intrusive surveillance" and "directed surveillance". Both types of surveillance if part of a pre-planned operation will require authorisation from specified persons named in the Act. In addition, the reasons for such surveillance must be clearly indicated and fall within the criteria outlined by this legislation. A procedure is in place for regular reviews to be undertaken into authorisation.

The Redditch Borough Council and Bromsgrove District Council CCTV schemes will observe the criteria laid out in the legislative requirements.

Further information is available from the Home Office website:-

<https://www.gov.uk/government/publications/investigatory-powers-act-2016-codes-of-practice>

5.6 Protection of Freedoms Act 2012 / Surveillance Camera Code of Practice

The Code of Practice was a requirement of the Protection of Freedoms Act 2012 and sets out guidelines for CCTV and Automatic Number Plate Recognition (ANPR) systems to ensure their use is open and proportionate and that they are able to capture quality images that give police a better chance to catch criminals and cut crime.

The code has been built upon 12 guiding principles, which provide a framework of good practice that includes existing legal obligations. Those existing obligations include the

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processing of personal data under the Data Protection Act 1998, a public authority's duty to adhere to the Human Rights Act 1998 and safeguards under the Regulation of Investigatory Powers Act 2000 associated with the use of directed and covert surveillance by a public authority.

12 Guiding Principles

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.
2. The user 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. 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.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
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.
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.
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 for such a purpose or for law enforcement purposes.
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.
9. Surveillance camera 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 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.

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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.

Information and a copy of the Codes can be found on

<https://www.gov.uk/government/publications/update-to-surveillance-camera-code/amended-surveillance-camera-code-of-practice-accessible-version>

5.7 Crime & Courts Act 2013

The Crime and Courts Act became law on 1st October 2013 and replaced the Serious Organised Crime and Police Act 2005. CCTV Control Rooms are under Section 7 of the Crime & Courts Act 2013 required by law to share information (CCTV images) to the National Crime Agency (NCA). If a request is received from the NCA then the Redditch Borough Council and Bromsgrove District Council CCTV Control room **MUST** comply with the request and provide the data.

Section 7, Subsection (3) provides information obtained by the NCA in connection with the exercise of any NCA function may be used by the NCA in connection with the exercise of any other NCA function. For example, information obtained in the course of gathering criminal intelligence may be used in connection with NCA's crime reduction function.

Section 7, Subsection (4) provides that the NCA may disclose information in connection with the exercise of any NCA function if the disclosure is for any "permitted purpose" as defined within Section 16(1) of the Act. This would apply in situations where, for example, the NCA has received information on suspected criminal activity (such as a 'Suspicious Activity Report' – which help banks and financial institutions protect themselves and their reputation from criminals and help law enforcement to track down and arrest them) and has decided to share this information with an organisation or person outside the NCA (such as a financial institution) for the purpose of preventing or detecting crime.

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6.0 ACCOUNTABILITY

6.1 Redditch Borough Council and Bromsgrove District Council and the Partners support the principle that the community at large should be satisfied that the Public surveillance CCTV systems are being used, managed and controlled in a responsible and accountable manner and that in order to meet this objective there will be independent assessment and scrutiny. It is the responsibility of all parties to maintain a continuous review of it's integrity, security, procedural efficiency, methods of operation and retention and release of data.

6.2 Hierarchy of Responsibilities

6.2.1 The Owners

The owners shall be responsible for policy, effective management and public relations of the scheme. They shall produce a written policy and be responsible for its implementation. This shall be carried out in consultation with users of the scheme and provide for the release of information relating to the operation of the system. The owner is responsible for dealing with complaints, and ensuring a fair system of staff selection and recruitment is adopted for staff employed in the control and monitoring environment. The role of owner also includes all statutory responsibilities including the role of "data controller" as prescribed by the Data Protection Act.

6.2.2 The Manager

The manager or designated member of staff should undertake regular reviews of the documented procedures to ensure that the provisions of this Code are being complied with. These should be reported back to the owner of the scheme. To facilitate this, regular minuted meetings will be held with the Team Leader to go through the points listed below:-

The manager is the person who has direct control of the scheme and as such he/she will have authority for the following

- Staff management
- Observance of the policy and procedural practices
- Release of data to third parties who have legal right to copies
- Control and security clearance of visitors
- Security and storage of data
- Security clearance of persons who request to view data
- Release of new and destruction of old data
- Liaison with police and other agencies
- Maintenance of the quality of recording and monitoring equipment

The manager should retain responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it was installed and in accordance with the objectives identified for the system.

The manager shall also ensure that on a day-to-day basis all equipment is working correctly and that the operators of the scheme comply with the Code of Practice and

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Procedural Manual. Dealing with breaches of the codes and disciplinary measures shall lie with the manager.

6.2.3 **The Team Leader**

The team leader has a responsibility to ensure that at all times the system is operated in accordance with the policy and all procedural instructions relating to the system, and for bringing to the immediate attention of the manager any matter affecting the operation of the system, including any breach or suspected breach of the policy, procedural instructions, security of data or confidentially. In the Managers absence the Team Leader will have responsibility for:

- Release of data to third parties who have legal right to copies
- Control and security clearance of visitors
- Security and storage of data
- Security clearance of persons who request to view data
- Release of new Media
- Liaison with police and other agencies

The team leader should ensure that at all times operators carry out their duties in an efficient and responsible manner, in accordance with the objectives of the scheme. This will include regular checks and audit trails to ensure that the documentation systems in place are working effectively. These systems include:

- The media log
- The incident log
- Witness statements
- Faults and maintenance log
- The security of data
- Audit logs
- Authorisation of visitors

The team leader should ensure operators comply with Health and Safety Regulations.

6.2.4 **The Operators**

The operators will be responsible for complying with the code of practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme. They are required to be proficient in the control and the use of the CCTV camera equipment, recording and playback facilities, media erasure, and maintenance of all logs. The information recorded must be accurate, adequate and relevant to the purpose of the scheme. They should immediately bring to the attention of the Team Leader any equipment defect that may occur, and report in accordance with procedures.

In the Managers/Team Leaders absence the Operator will have responsibility for:

- Release of data to third parties who have legal right to copies
- Control and security clearance of visitors

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- Security and storage of data
- Security clearance of persons who request to view data
- Release of new Media
- Liaison with police and other agencies

6.2.5 Contractor's Responsibilities

There is one contractor responsible for Maintenance of CCTV equipment.
The response provided by the contractor is subject of a written contract and records of responses are maintained

6.3 Accountability

The Manager/Team leader shall be accountable to the owner of the scheme and will provide periodic progress reports on the scheme. The Manager/Team Leader will resolve technical and operational matters.

Failure of the operators to comply with the procedures and code of practice should be dealt with by the Manager/Team leader. Person(s) misusing the system will be subject to disciplinary or legal proceedings in accordance with Council policy.

6.4 Overview report

A report of the scheme will be undertaken by an independent consultancy appointed by the owner to evaluate the effectiveness of the system every 5 years. This will include annual reviews of the scheme's operation, performance and working practices and, where appropriate make recommendations for improvements. The results will be assessed against the stated purposes of the scheme. If the scheme is not achieving its purpose modification and other options will be considered.

The results of the assessment will be made available to the public through Redditch Borough Council and Bromsgrove District Council.

The Information Commissioner's CCTV Code of Practice and Surveillance Camera Code of Practice stipulates that the system should be reviewed annually to determine whether CCTV continues to be justified. They further state that it is necessary to establish the system's effectiveness to ensure that it is still doing what it was intended to do. If it does not achieve its purpose, it should be stopped or modified.

The report should include the following;

- a) a description of the scheme and the geographical area(s) of operation.
- b) the scheme's policy statement.
- c) the objective and scope of the scheme.
- d) any changes to the operation or management of the CCTV scheme;
- e) any changes that have been made to the policy.
- f) any proposals to expand or reduce the operation of the scheme; and
- g) the scheme's aims and objectives for the next 12 months.

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The report should also provide details of the scheme's achievements during the previous 12 months. The details of the scheme's performance should include:

- 1) the number of incidents recorded by the scheme.
- 2) the number of incidents reported to the law enforcement agencies and, where appropriate, other bodies, e.g. the local authority;
- 3) an assessment of the scheme's impact on crime levels and types of crime in the area covered by it; and
- 4) an assessment of the scheme's impact on its objectives, including:
 - the number of privacy impact assessments completed;
 - the number of reviews of footage by police and authorized agencies; and
 - the number of incidents per camera for the previous twelve months.

6.5 Complaints

A member of the public wishing to make a complaint about the system may do so through Redditch Borough Council or Bromsgrove District Council's complaint procedure. Copies of the complaints procedure are on the websites:

<https://www.redditchbc.gov.uk/council/corporate/we-want-your-feedback/compliments-and-complaints.aspx>

<https://www.bromsgrove.gov.uk/council/corporate/we-want-your-feedback/compliments-and-complaints.aspx>

A complaints procedure has been documented. A record of the number of complaints or enquiries received will be maintained together with an outline of the action taken.

A report on the numbers of complaints will be collated by the systems manager or designated member of staff in order to assess public reaction to, and opinion of, the use of the system. The annual report will contain details of the numbers of complaints received, the time taken to acknowledge and respond to complaints, the method of receiving and handling complaints and the degree of satisfaction in handling complaints.

6.6 Personnel

6.6.1 Employment

All operators will be employed according to the Council's Recruitment and Selection Policy.

6.6.2 Training

All operators are or will be trained to the criteria required by the private Security Industry Act 2001 and licensed by the Security Industry Authority for Public Space Surveillance systems

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All persons employed to act as operators of the system are trained to the highest available industry standard. Training has been completed by suitably qualified persons and has included:

- Terms of employment
- The use of all appropriate equipment
- The operation of the systems in place
- The management of recorded material including requirements for handling and storage of material needed for evidential purposes.
- All relevant legal issues including Data Protection and Human Rights
- Progression to nationally recognized qualifications
- Recognise and understanding privacy and disclosure issues
- The disciplinary policy

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7.0 CONTROL ROOM MANAGEMENT AND OPERATION

7.1 Access to Control Room

- 7.1.1 Access to the monitoring area will be strictly controlled. Security of the Control Room shall be maintained at all times.
- 7.1.2 Only those persons with a legitimate purpose will be permitted access to the control and Monitoring Centre.
- 7.1.3 The Manager/Team Leader or in their absence the operator, is authorised to determine who has access to the monitoring area. This will normally be:
- Operating staff
 - The manager/team leader
 - Police officers requiring to view images of a particular incident, or collecting/returning media being considered for intelligence or evidential purposes. These visits will take place by prior appointment.
 - Engineers and cleaning staff (These people will receive supervision throughout their visit)
 - Independent Inspectors appointed under this Code of Practice may visit the control room without prior appointment.
 - Organised visits by authorised persons in controlled circumstances

All visitors to the monitoring area, including Police Officers, will be required to sign into the Monitoring Centre and confirm a declaration of confidentiality.

7.2 Response to an incident

7.2.1 The Procedural Manual details:

- What action should be taken
- Who should respond
- The time scale for response
- The times at which the observation should take place

7.2.2 A record of all incidents will be maintained in the incident log. Information will include anything of note that may be useful for investigative or evidential purposes.

7.3 Who makes the response and the timescale

Incidents of a criminal nature will be reported to the West Mercia Police. The response will be made by the Police Service in accordance with their policies.

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7.4 Observation and recording of incidents

Recording will be throughout the 24 hour period in real time. Wherever possible the system will be monitored 24 hours a day.

In the event of an incident being identified there will be particular concentration on the scene.

7.5 A successful response

7.5.1 The criteria for measuring a successful response are:

- A good observational record of the incident
- A short time scale for response to the incident
- Identification of a suspect
- The prevention or minimisation of injury or damage
- Reduction of crime and disorder
- Improving public safety
- Restoration of tranquillity

7.6 Operation of the System by the Police

7.6.1 There is a transmission link from the Monitoring Centre to the Operational Command Centre (OCC) at Police Head Quarters and this enables live images to be viewed by the police.

7.6.2 In very extreme circumstances such as a major incident a request may be made for the Police to take total control of the system in its entirety, including the staffing of the Monitoring Centre and personal control of all associated equipment; to the exclusion of all representatives of the system owners. A request for total exclusive control must be made in writing by a Police Officer not below the rank of Superintendent (or designated deputy).

Once the police undertake any of the above they become responsible under the Data Protection Act.

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8.0 PRIVACY AND DISCLOSURES ISSUES

8.1 Privacy

Cameras should not be used to infringe the individual's rights of privacy. If it is found there is a possibility that cameras would intrude in private areas, privacy zones will be programmed into the cameras where possible and CCTV operators trained to recognise privacy issues.

8.2 Disclosure Policy

8.2.1 The following principles must be adhered to:

- a) All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images.
- b) Images not required for the purposes of the scheme will not be retained longer than necessary. However, on occasions it may be necessary to retain images for longer period, where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.
- c) The Data controller will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV scheme.
- d) Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised employees of the user of the equipment.
- e) Recorded material will only be used for the purposes defined in the Objectives of the Scheme.
- f) Access to recorded material will be in accordance with policy and procedures.
- g) Information will not be disclosed for commercial purposes and entertainment purposes.
- h) All access to the medium on which the images are recorded will be documented.
- i) Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of the scheme.
- j) Viewing of the recorded images should take place in a restricted area.

8.2.2 Before data is viewed by a third party the manager should be satisfied that data is:

- a) The original data and the audit trail is maintained throughout
- b) Not part of a current criminal investigation by the Police, or likely to be so
- c) Not part of a civil proceeding or likely to be so
- d) Not removed or copied without proper authority

8.3 Access to recorded images

Access to recorded images will be restricted to the manager, Team Leader or designated Operator who will decide whether to allow requests for access by third parties in accordance with the disclosure policy.

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8.4 Viewing recorded images

Viewing of recorded images should take place in a restricted area. Other employees should not be allowed to have access to that area when viewing is taking place

8.5 Operators

All operators are trained in their responsibilities in relation to access to privacy and disclosure issues, in addition to being licensed as previously mentioned..

8.6 Removal of medium for Viewing

The removal of medium on which images are recorded, for viewing purposes, will be documented in accordance with Data Protection principles and the procedural manual.

8.7 Access to data by third parties

8.7.1 Access to images by third parties will only be allowed in limited and prescribed circumstances. In the case of the Redditch Borough Council and Bromsgrove District Council CCTV schemes, disclosure will be limited to the following:-

- a) law enforcement agencies where the images recorded would assist in a specific criminal enquiry,
- b) prosecution agencies,
- c) legal representatives,
- d) the media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be taken into account,
- e) The people whose images have been recorded and retained (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.

8.7.2 All requests for access or for disclosure will be recorded. If access or disclosure is denied, the reason should be documented.

8.7.3 If access to or disclosure of the images is allowed, details will be documented.

8.7.4 Recorded images should not in normal circumstances be made more widely available, for example, they should not be routinely made available to the media or placed on the internet.

8.7.5 If it is intended that the images will be made more widely available, that decision should be made by the manager or designated member of staff and the reason documented.

8.7.6 The owner will not unduly obstruct a bone fide third party investigation to verify the existence of relevant data.

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8.7.6 The owner will not destroy data that is relevant to previous or pending search request which may become the subject of a subpoena.

8.7.7 The owner will decide which other agencies, if any, should have access to data and it should be viewed live or recorded but a copy should never be made or released.

8.8 Disclosure in the public interest

Requests to view personal data that do not fall within the above categories but that may be in the public interest should be considered. Examples may include public health issues, community safety or circumstances leading to the prevention or detection of crime. Material released to a third party for the purposes of crime prevention or detection, should be governed by prior written agreement with the Chief Constable.

Material may be used for bona fide training such as Police or staff training.

8.9 Data subject access disclosure

8.9.1 All staff involved in operating the equipment must be able to recognise a request for access to recorded images by data subjects and be aware of individual's rights under this section of the Code of Practice.

8.9.2 Data Controllers must, on request confirm if they process an individual's personal data.

8.9.3 Individuals whose images are recorded have a right to view the images of themselves and, unless they agree otherwise, to be provided with a copy of the data (in commonly used electronic form). This must be provided within 1 month of receiving a request.

8.9.4 Data Controllers must, on request provide supporting (and detailed) data to include purpose for which it is processed, category of data, recipients of the data, right to request rectification, right to complain to the ICO, source of the data if not from the data subject, and the existence of profiling. This supplementary information are intended to allow individuals to check lawfulness of processing and the right to a copy should not adversely affect the rights.

8.9.5 If images of third parties are also shown with the images of the person who has made the access request, consideration will be given as to whether there is a need to obscure the images of third parties. If providing these images would involve an unfair intrusion into the privacy of the third party, or cause unwarranted harm or distress, then they should be obscured. In many cases, images can be disclosed as there will not be such intrusion.

8.9.6 The subject access request will be dealt with promptly and in any case within 1 month of receipt of the request (in cases where there is a lot of work, the time can be extended

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by a further two months) and any intention not to comply must be explained to the individual.

8.9.7 All subject access requests should be dealt with by the manager or designated member of staff.

8.9.8 A search request should provide sufficient information to locate the data requested (e.g. within 30 minutes for a given date and place). If insufficient information is provided a data controller may refuse a request until sufficient information is provided.

8.9.9 Under certain circumstances, the right of access by a data subject, may be restricted. In such cases, details of a refusal will be put in writing, unless it is prejudicial to the purpose of the restriction.'

8.9.10 Further details of how to make a Subject Access Request can be found on the Council's website [here](#)

8.10 Provision of data to the individual

The owner/manager having verified the validity of a request should provide requested material to the individual. Where a decision has been made that third parties should not be identifiable, then arrangements will be made to disguise or blur the images in question. It may be necessary to contract this work out to another organisation. Where this occurs there will be a written contract with the processor which specifies exactly how the information is to be used and the provision of explicit security guarantees. The procedure outlined in CCTV Procedural Manual will be followed.

8.11 Media Disclosure

Disclosure of images from the CCTV system must be controlled and consistent with the purpose for which the system was established. For example, if the system is established to help prevent and detect crime it will be appropriate to disclose images to law enforcement agencies where a crime needs to be investigated, but it would not be appropriate to disclose images of identifiable individuals to the media for entertainment purposes or place them on the internet. Images can be released to the media for identification purposes; this will not generally be done by anyone other than a law enforcement agency.

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9.0 RECORDED MATERIAL MANAGEMENT

9.1 Retention of Images

Images, which are not required for the purpose(s) for which the equipment is being used will not be retained for longer than is necessary. The general retention period is 31 days, however, on occasions images may need to be retained for longer periods as a requirement of an investigation into crime. While images are retained, access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

- 9.1.1 Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.
- 9.1.2 Security measures will be taken to prevent unauthorised access to, alteration, disclosure, destruction, accidental loss or destruction of recorded material.
- 9.1.3 Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.
- 9.1.4 Images retained for evidential purposes will be retained in a secure place where access is controlled.

9.2 Quality and Maintenance

In order to ensure that clear images are recorded at all times the equipment for making recordings and the associated security equipment will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions. In the event of a malfunction the equipment will be repaired within specific time scales which will be scheduled within the maintenance agreement. All documentation relating to the equipment and its servicing and malfunction is retained in the control room and will be available for inspection and audit.

9.3 Digital Recordings

In a digital CCTV system, the register should show the life of the recorded media at all stages whilst in the owner's possession. Such a register may also show itself to be useful in enabling evaluation of the CCTV scheme.

The register should include the following information:

- a) unique media reference number(s);
- b) time/date/person removing the media from secure storage for use;
- c) time/date/person returning the media to secure storage after use;
- d) time and date of delivery to the law enforcement agencies, identifying the law enforcement agency officer concerned;

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9.4 Making Recordings

Details of the recording procedures are given in the Procedural Manual.

9.5 Video Prints

Video prints will only be made when absolutely necessary. All video prints will remain the property of the scheme owner. The taking of video prints will be recorded in a register to be retained in the control room.

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10.0 DOCUMENTATION

10.1 Logs

An automated log is maintained that records which operators are working at a given time/date and the camera(s) they were controlling.

The details of any event or occurrence that might be required for future reference should be recorded; these include the following:

- Change of operator, identifying the operator on duty at that workstation.
- Incidents, including details of the time, date, location, nature, operator and action taken;
- Routine camera patrols, through the utilization of pre-set times;

10.2 Administrative documents

The following administrative documents should be maintained:

- Visitors to the Monitoring Centre
- Maintenance of equipment, whether routine or breakdown repair.
- Staff signing on and off duty.
- Any out of the ordinary activity or occurrence.
- Shift register, containing duty, weekly leave and annual leave details of all staff.
- List of all installed equipment.