

**West Somerset
Crime & Disorder Reduction
Partnership**



CCTV Code of Practice

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Executive Summary

- 1. Introduction and Objectives:** **Pages 6 - 8**
Outlines the type of system in operation, the systems objectives and some of the definitions used. It includes a Human Rights Partnership statement and makes mention of the Procedural Guide.
- 2. Statement of Purpose and Principles:** **Pages 8 - 9**
Outlines under what principles the system will be operated, Human Rights Act & RIPA etc. It explains copyright, camera coverage, how and where monitoring will take place how recorded material will be handled and processed and deals with how changes can take place to the Procedural Manual.
- 3. Privacy & Data Protection:** **Pages 10 - 11**
This section deals with Public concerns and the Data Protection legislation. It outlines how data can be accessed and exemptions to the provision of information.
- 4. Accountability & Public Information:** **Pages 11 - 12**
Explains how public access can be made to the control room, the role of the system coordinator, where the Codes of Practice can be found. It also deals with the Annual report and signage.
- 5. Assessment of the System and Code of Practice:** **Pages 12 - 13**
This section deals with how the system will be evaluated, the audit, the role of the Coordinator in monitoring the system and the recruitment of staff.
- 6. Human Resources:** **Page 13**
This section deals with the staffing of the control room, discipline and Declaration of Confidentiality.
- 7. Control & Operation of Cameras:** **Pages 13 - 15**
This section details the guiding principles under which the cameras will be operated. It deals with primary and secondary control and the mechanism needed for the police to assume control of the system. It also outlines how the system will be maintained.
- 8. Security Arrangements:** **Page 15**
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CCTV Code of Practice

In respect of the Operation of the Minehead Town CCTV System

Acknowledgements

This Code of Practice has been based on *The CCTV User Group Model Code of Practice* which in turn was compiled using elements of *good practice* across the country and existing guidance notes including 'A *Watching Brief*' published by the Local Government Information Unit in March 1996, the Information Commissioners CCTV Code of Practice based on the Data Protection Act 1998, and other recent legislation that affects the use of CCTV.

1. Introduction and Objectives

1.1 Introduction

A Closed Circuit Television (CCTV) System has been introduced to Minehead. This System, known as the Minehead Town CCTV System, comprises a number of cameras installed at strategic locations. Cameras located in the town centre area are fully operational with pan, tilt and zoom facilities and images captured are recorded digitally. Cameras located on the Minehead Enterprise Park are in a fixed position and have a digital recording system located within the Town Council depot. The town centre system is operated from a control room within the Police Station. Secondary monitoring and control facilities may be installed in another Control Room which will also be covered by this Code of Practice.

The Minehead Town CCTV System has evolved from the formation of a partnership between the West Somerset Council, Minehead Town Council and the Avon & Somerset Constabulary who all certify their acceptance of the requirements of this code, by way of a signature at the front of this document.

As a Public Space Surveillance System the Minehead Town CCTV System has been registered with the Information Commissioner.

1.2 Definitions

Data Controller means West Somerset Council, Minehead Town Council and the Avon & Somerset Constabulary

Owner means Minehead Town Council

System Manager means West Somerset Council

Details of key personnel, their responsibilities and contact points are shown at appendix A.1 to this Code.

1.3 Partnership statement in respect of The Human Rights Act 1998

The partnership recognises that public authorities and those organisations carrying out the functions of a public service nature are required to observe the obligations imposed by the Human Rights Act 1998. The partnership considers that the use of CCTV in Minehead is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and improve public safety.

This assessment is evidenced by an agreed 'operational requirement' and as a result of a public crime survey. Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare. The Local Authorities and Police also consider it a necessary initiative towards their duty under the Crime and Disorder Act 1998.

The Minehead Town CCTV System shall be operated with respect for all individuals, recognising the right to be free from inhuman or degrading treatment and avoiding discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Further the System shall be operated in such a way as to avoid infringement of individual privacy.

The partnership recognises that it is their responsibility to ensure that the scheme should always comply with all relevant legislation, to ensure its legality and legitimacy. The scheme will only be used as a proportional response to identified problems and be used only in so far as it is necessary in a democratic society, in the interests of national security, public safety, the economic well being of the area, for the prevention and detection of crime or disorder, for the protection of health and morals, or for the protection of the rights and freedoms of others.

The Codes of Practice and observance of the Operational Procedures contained in the manual shall ensure that evidence is secured, retained and made available as required so that there is absolute respect for everyone's right to a free trial.

1.4 Objectives of the System

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

- a) To help reduce the fear of crime
- b) To help deter and detect crime and provide evidential material for court proceedings, either civil or criminal.
- c) To assist in the overall management of Minehead Town Centre
- d) To enhance community safety, assist in developing the economic well being of the Minehead area and encourage greater use of the Town Centre
- e) To assist the Local Authorities in their enforcement and regulatory functions within the Minehead area
- f) To assist in Traffic Management, and encourage safer and more sustainable use of all modes of transport and provide travel information to the media and public
- g) To assist in supporting civil proceedings
- h) Management of the public highway.

Within this broad outline, the Data Controller may draw up specific key objectives (which will be reviewed annually) based on local concerns.

1.5 Procedural Manual

This Code of Practice (hereafter referred to as 'the Code') is supplemented by a separate 'Procedural Manual' which offers instructions on all aspects of the day to day operation of the System. To ensure the purpose and principles (see Section 2)

of the CCTV System are realised, the procedural manual is based and expands upon the contents of this Code of Practice.

2. Statement of Purpose and Principles

2.1 Purpose

The purpose of this document is to state how the owners and the managers, on behalf of the partnership as a whole intend to use the Minehead Town CCTV System, (hereafter referred to as 'The System') to meet the objectives and principles outlined in Section 1.

2.2 General Principles of Operation

The System will be operated in accordance with all the requirements and the principles of the Human Rights Act 1998.

The operation of the System will also recognise the need for formal authorisation of surveillance as required by the Regulation of Investigatory Powers Act 2000, in particular Part 2 of the Act, and the police force policy.

The System will be operated in accordance with the Data Protection Act 1998 at all times.

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

The System will be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and their home.

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

Throughout this Code of Practice it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the individual's rights. Every effort has been made throughout the Code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be identified that the System is not only accountable, but is seen to be accountable.

Participation in the System by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this Code and to be accountable under the Code of Practice.

2.3 Copyright

Copyright and ownership of all material recorded by virtue of The System will remain with the Data Controller.

2.4 Cameras and Area Coverage

The areas covered by CCTV to which this Code of Practice refers are the public areas within the responsibility of the operating partners and cover Minehead Town Centre and its environs. From time to time transportable or mobile cameras may be temporarily sited within the area of West Somerset. The use of such cameras, and the data produced by virtue of their use, will always accord with the objectives of the CCTV System and be governed by this Code of Practice and any procedures ancillary to it.

All of the cameras offer full colour, pan tilt and zoom capability, some of which may automatically switch to monochrome in low light conditions.

None of the cameras forming part of the System will be installed in a covert manner. All cameras are enclosed within 'All weather domes' for aesthetic or operational reasons but appropriate signs will identify the presence of all cameras.

Details of the location of all fixed cameras is attached at Appendix A.2 to these Codes.

2.5 Monitoring and Recording Facilities

A staffed monitoring room is located in Minehead. The CCTV equipment has the capability of recording all cameras simultaneously throughout every 24 hour period.

CCTV operators are able to record images from selected cameras in real-time, produce hard copies of recorded images, replay or copy any pre-recorded data at their discretion and in accordance with the Code of Practice. All viewing and recording equipment shall only be operated by trained and authorised users.

2.6 Human Resources

Unauthorised persons will not have access to the monitoring room without an authorised member of staff being present.

The monitoring room shall be staffed by specially selected and trained operators in accordance with the strategy contained within the procedural manual.

All operators shall receive training relevant to their role in the requirements of the Human Rights Act 1998, Data Protection Act 1998, Regulation of Investigatory Powers Act 2000 and the Codes of Practice and Procedures. Training will be ongoing and provided as necessary.

2.7 Processing and Handling of Recorded Material

All recorded material, whether recorded digitally, in analogue format or as a hard copy video print, will be processed and handled strictly in accordance with this Code of Practice and the Procedural Manual.

2.8 Operators Instructions

Technical instructions on the use of equipment housed within the monitoring room are contained in a separate manual provided by the equipment suppliers.

2.9 Changes to the Code or the Procedural Manual

Any major changes to either the Code of Practice or the Procedural Manual, will take place only after consultation with, and upon the agreement of the Partnership. A minor change, (i.e. such as may be required for clarification and will not have such a significant impact) may be agreed between the System Manager and the Owners of the System.

3. Privacy and Data Protection

3.1 Public Concern

Although the majority of the public at large may have become accustomed to 'being watched', those who do express concern do so mainly over matters pertaining to the processing of the information, (or data) i.e. what happens to the material that is obtained.

All personal data obtained by virtue of The System, shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the System. In processing personal data a persons right to respect for his or her private and family life and their home will be respected. The processing, storage and security of the data will be strictly in accordance with the requirements of the Data Protection Act 1998 and additional locally agreed procedures.

Cameras will not be used to look into private residential property, unless pursuing a suspect and this is considered to be in the interests of the private residents. Where the equipment permits it 'Privacy zones' will be programmed into the System as required in order to ensure that the interior of any private residential property, within range of the System, is not surveyed by the cameras. If such 'zones' cannot be programmed the operators will be specifically trained in privacy issues.

3.2 Data Protection Legislation

The operation of The System has been notified to the Office of the Information Commissioner in accordance with current Data Protection legislation. The 'data controller' for The System' is Minehead Town Council, West Somerset Council and the Avon and Somerset Constabulary and day to day responsibility for the data will be devolved to the CCTV Coordinator. All data will be processed in accordance with the principles of the Data Protection Act, 1998 which are in summarised form:

- All personal data will be processed fairly and lawfully.
- Personal data will be obtained only for the purposes specified.
- Personal data held will be adequate, relevant and not excessive in relation to the purpose for which the data is processed.
- Steps will be taken to ensure that personal data is accurate and where necessary, kept up to date.
- Personal data will be held for no longer than is necessary. Individuals will be allowed access to personal data, in accordance with individual's rights
- Procedures will be implemented to ensure security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of, information.
- Information shall not be transferred outside the European Economic Area unless the rights of individuals are protected.

3.3 Request for information (subject access)

Any request from an individual for the disclosure of personal data which he / she believes is recorded by virtue of the System will be directed in the first instance to the Coordinator.

The principles of the Data Protection Act 1998 shall be followed in respect of every request.

If the request cannot be complied with without identifying another individual, permission from that individual must be obtained unless it is reasonable in all the circumstances to comply with the request without the consent of that individual.

Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located. The appropriate 'Subject Access' request form is included in Appendix A.7.

3.4 Exemptions to the Provision of Information

In considering a request made under the provisions of Section 7 of the Data Protection Act 1998, reference may also be made to Section 29 of the Act which includes, but is not limited to, the following:

Personal data processed for any of the following purposes -

- the prevention or detection of crime
- the apprehension or prosecution of offenders

are exempt from the subject access provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the matters referred to above.

4. Accountability and Public Information

4.1 The Public

For reasons of security and confidentiality, access to the CCTV monitoring room is restricted in accordance with this Code of Practice. However, in the interest of openness and accountability, anyone wishing to visit the room may be permitted to do so, subject to the approval of, and after making prior arrangements with, the Coordinator. A record of such visitors will be maintained (as per Section 8.2)

A member of the public wishing to register a complaint with regard to any aspect of The System may do so by contacting the Coordinators office. All complaints shall be dealt with in accordance with the West Somerset Council or Minehead Town Council complaints procedure (as appropriate), a copy of which may be obtained from West Somerset Council or Minehead Town Council offices. Any performance issues identified will be considered under the relevant organisations disciplinary procedures to which all employees, including CCTV personnel are subject.

4.2 System Coordinator

The nominated Coordinator named at appendix A.1 will have day-to-day responsibility for the System as a whole.

The Coordinator will provide routine reports on the operation of the System to designated representatives of the West Somerset Crime and Disorder Reduction Partnership.

Formal consultation will take place between the Partnership with regard to all aspects, including this Code of Practice and the Procedural Manual.

The System will be subject to annual audit by an approved audit body, (for example West Somerset Audit Services).

The Coordinator will ensure that every complaint is acknowledged within ten working days, which will include advice to the complainant of the enquiry procedure to be undertaken. A record of all complaints will be kept and routinely reported to the Partnership.

Statistical and other relevant information, including any complaints made, will be included in the Annual Reports of the Partnership, which will be made publicly available.

4.3 Public Information

Code of Practice

A copy of this Code of Practice shall be published on the West Somerset Council and Minehead Town Council web sites, and a copy will be made available to anyone on

request. Additional copies will be lodged at public libraries, Minehead Police Station, Minehead Town Hall and Council Information Points.

Annual Report

The annual report and that for subsequent years shall be published by the end of June in the year following the reporting year. A copy of the annual report will also be made available to anyone requesting it. Additional copies will be lodged at the same locations as the Code of Practice.

Signs

Signs (as shown below) will be placed in the locality of the cameras and at main entrance points to the relevant areas. The signs will indicate:

- The presence of CCTV monitoring;
- The 'ownership' of the System;
- Contact telephone number for the System.

5. Assessment of the System and Code of Practice

5.1 Evaluation

The System will, periodically, be independently evaluated to establish whether the purposes of the System are being complied with and whether objectives are being achieved. The format of the evaluation shall comply with that laid down by current Good Practice and be based on assessment of The Inputs, The Outputs, The Process and the Impact of the scheme covering the following:

- An assessment of the impact upon crime: This assessment shall include not only the immediate area covered by the cameras but the wider town area, the Police Divisional and regional areas and national trends.
- An assessment of the incidents monitored by the System
- An assessment of the impact on town centre business
- A comparison with the neighbouring areas without CCTV
- The views and opinions of the public
- The operation of the Code of Practice
- Whether the purposes for which the System was established are still relevant
- Cost effectiveness

The results of the evaluation will be published and will be used to review and develop any alterations to the specified purpose and objectives of the scheme as well as the functioning, management and operation of the System.

It is intended that evaluations of the system should take place at least every five years.

5.2 Monitoring

The Coordinator will accept day-to-day responsibility for the monitoring and operation of the System and the implementation of this Code of Practice.

The Coordinator shall also be responsible for maintaining full management information as to the incidents dealt with by the monitoring room, for use in the management of the System and in future evaluations.

The Coordinator will also be responsible for the recruitment, training and supervision of properly vetted volunteer staff.

5.3 Audit

There will be regular audits of the operation of the System and the compliance with this Code of Practice. Audits, which may be in the form of irregular spot checks, will include examination of the monitoring room records, video tape histories and the content of recorded material.

6. Human Resources

6.1 Staffing of the Monitoring Room

The CCTV Monitoring Room will be staffed in accordance with the procedural manual. Authorised personnel who will have been properly trained in its use and all monitoring room procedures will only operate equipment associated with The System.

Every person involved in the management and operation of the System will be personally issued with a copy of both the Code of Practice and the Procedural Manual. They will be required to sign confirming that they fully understand their obligations to adhere to these documents and that any breach is likely to be considered a disciplinary offence. They will be fully conversant with the contents of both documents, which may be updated from time to time, and with which he / she will be expected to comply.

Arrangements may be made for a police liaison officer to be present in the monitoring room at certain times, or indeed at all times, subject to locally agreed protocols. Any such person must also be conversant and comply with this Code of Practice and associated Procedural Manual.

All personnel involved with the System shall receive training from time to time in respect of all legislation appropriate to their role.

6.2 Discipline

Every individual with any responsibility under the terms of this Code of Practice and who has any involvement with The System to which they refer, will be subject to the Employing Authority's disciplinary code. Any breach of this Code of Practice or of any aspect of confidentiality will be dealt with in accordance with the relevant disciplinary procedure.

The Coordinator will accept primary responsibility for ensuring there is no breach of security and that the Code of Practice is complied with. He/she has day-to-day responsibility for the management of the room and for ensuring compliance with the Code of Practice and Procedural Manual.

6.3 Declaration of Confidentiality

Every individual with any responsibility under the terms of this Code of Practice and who has any involvement with The System to which they refer, will be required to sign a declaration of confidentiality. (See example at appendix A.4, see also Section 8 concerning access to the monitoring room by others).

7. Control and Operation of Cameras

7.1 Guiding Principles

Any person operating the cameras will act with utmost probity at all times. The cameras, control equipment, recording and reviewing equipment shall at all times only be operated by persons who have been trained in their use and the legislative implications of their use.

Every use of the cameras will accord with the purposes and key objectives of the System and shall be in compliance with this Code of Practice and Procedural Manual.

Cameras will not be used to look into private residential property, unless pursuing a suspect and this is considered to be in the interests of the public.

Camera operators will be mindful of exercising prejudices, which may lead to complaints of the System being used for purposes other than those for which it is intended. The operators may be required to justify their interest in, or recording of, any particular individual, group of individuals or property at any time by virtue of the audit of the System or by the System Manager.

7.2 Primary Control

Only those trained and authorised members of staff with responsibility for using the CCTV equipment will have access to the operating controls, with those operators having primacy of control at all times.

7.3 Secondary Control

A secondary control room may be established in the town centre. The use of secondary control and monitoring facilities will be administered and recorded in full accordance with this Code of Practice and the Procedural Manual and does not diminish in any way the obligations imposed on any of the persons involved to comply with all current legislative requirements.

7.4 Operation of The System by the Police

Under extreme circumstances the Police may make a request to assume direction of The System to which this Code of Practice applies. Only requests made on the authority of a police officer of Inspector rank or above will be considered. Any such request will only be accommodated on the personal written authority of the most senior representative of the Owners, or designated deputy of equal standing. In the event of such a request being permitted, the monitoring room will continue to be staffed, and equipment operated by, only those personnel who are authorised to do so, and who fall within the terms of Sections 6 and 7 of this Code, who will then operate under the direction of the police officer designated in the written authority.

In very extreme circumstances a request may be made for the Police to take total control of The System in its entirety, including the staffing of the monitoring room and personal control of all associated equipment, to the exclusion of all representatives of the Owners. Any such request must be made to The Coordinator in the first instance, who will consult personally with the most senior officer of The Owners (or designated deputy). A request for total exclusive control must be made in writing by a police officer of the rank of Assistant Chief Constable or above.

7.5 Maintenance of the System

To ensure compliance with the Information Commissioners Code of Practice and that images recorded continue to be of appropriate evidential quality The Minehead Town CCTV System shall be maintained in accordance with the requirements of the Procedural Manual under a maintenance agreement.

The maintenance agreement will make provision for regular/ periodic service checks on the equipment which will include cleaning of any all weather domes or housings, checks on the functioning of the equipment, and any minor adjustments that need to be made to the equipment settings to maintain picture quality.

The maintenance will also include regular periodic overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life.

The maintenance agreement will also provide for 'emergency' attendance by a specialist CCTV engineer on site to rectify any loss or severe degradation of image or camera control.

The maintenance agreement will define the maximum periods of time permitted for attendance by the engineer and for rectification of the problem depending upon the severity of the event and the operational requirements of that element of the System.

It is the responsibility of the System Manager to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the maintenance organisation.

8. Security Arrangements of Monitoring Room

8.1 Security Arrangements

All persons employed, either paid or voluntarily, in the control room will have been fully vetted and be cleared to the satisfaction of the police requirements to be allowed unsupervised access to the police station.

The monitoring room will have a physical means of security and authorised personnel only will be granted access.

Only trained and authorised personnel will operate any of the equipment located within the CCTV monitoring room, (or equipment associated with the CCTV System).

8.2 Public access and visits

Public access to the monitoring and recording facility will be controlled at the discretion of the Coordinator, and will be restricted to times when the control room is staffed so that visitors can be supervised by the Coordinator at all times. Any such visits will be conducted and recorded in accordance with the Procedural Manual.

Visits by auditors do not fall into the scope of the above paragraph and may take place at any time, without prior warning. No more than two auditors will visit at any one time. Auditors will not influence the operation of any part of the System during their visit.

The visit will be suspended in the event of it being operationally inconvenient. Any such visit should be recorded in the same way as that described above.

8.3 Declaration of Confidentiality

All visitors to the CCTV monitoring room, including auditors, will be required to sign the visitors book and a declaration of confidentiality:

'In signing this visitors book I, a visitor to the Minehead Town CCTV System monitoring room, acknowledge that the precise location of the CCTV monitoring room and personal details of those operating the System are confidential and must remain so. I further agree not to divulge any information obtained, overheard or seen during my visit.'

Staff who regularly access the Control Room will sign a separate statement of this declaration of confidentiality which will be kept on file.

9. Management of Recorded Material

9.1 Guiding Principles

For the purposes of this Code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of The System, but specifically includes images recorded digitally, on videotape, or DVD or by way of video copying, including video prints.

Every video or digital recording obtained by using The System has the potential of containing material that may need to be admitted in evidence at some point during its life span.

Members of the community must have total confidence that information recorded about their ordinary every day activities by virtue of The System, will be treated with due regard to their individual right to respect for their private and family life. It is therefore of the utmost importance that irrespective of the means or format (e.g. paper copy, video tape, digital tape, CD, or any form of electronic processing and storage) of the images obtained from the System, they are treated strictly in accordance with this Code of Practice and the Procedural Manual from the moment they are received in the monitoring room until final destruction. Every movement and usage will be meticulously recorded.

Access to and the use of recorded material will be strictly for the purposes defined in this Code of Practice only.

Recorded material will not be copied, sold, otherwise released or used for commercial purposes or for the provision of entertainment or otherwise made available for any use incompatible with this Code of Practice.

Information will be made available for traffic and transport monitoring, management and information purposes.

9.2 National standard for the release of data to a third party

Every request for the release of personal data generated by this CCTV System will be channeled through the Coordinator. The Coordinator will ensure the principles contained within Appendix A.3 to this Code of Practice are followed at all times.

In complying with the national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- Recorded material shall be processed lawfully and fairly, and used only for the purposes defined in this Code of Practice;
- Access to recorded material will only take place in accordance with the standards outlined in appendix A.3 and this Code of Practice;

Members of the police service or other agency having a statutory authority to investigate and / or prosecute offences may, subject to compliance with appendix A.3, release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses. Under such circumstances, full details will be recorded in accordance with the Procedural Manual.

If material is to be shown to witnesses, including police officers, for the purpose of obtaining identification evidence, it must be shown in accordance with Appendix A.3 and the Procedural Manual.

It may be beneficial to make use of 'real' video footage for the training and education of those involved in the operation and management of CCTV Systems, and for those involved in the investigation, prevention and detection of crime. Any

material recorded by virtue of this CCTV System will only be used for such bona fide training and education purposes.

9.3 Video Tapes - Provision & Quality

To ensure the quality of the tapes, and that recorded information will meet the criteria outlined by current Home Office guidelines, the only videotapes to be used with the System are those which have been specifically provided in accordance with the Procedural Manual.

9.4 Tapes / DVD – Retention

Recorded tapes will be retained for no longer than is necessary and will be handed over into the possession of the requesting party as soon as is practicable.

Tapes and DVDs, having been used, will not be re-used and will be destroyed with due regard to confidentiality.

9.5 Recording Policy

Subject to the equipment functioning correctly, images from every camera will be recorded throughout every 24-hour period, through digital multiplexers onto a computer hard drive. The number of images through each multiplexer will be such that the time between successive frames once played back in time lapse mode shall not exceed 2 seconds.

Images from selected cameras will be recorded in real time at the discretion of the CCTV operators or as directed by the System Manager.

9.6 Evidential Tapes / DVDs

In the event of a tape being required for evidential purposes the procedures outlined in the Procedural Manual will be strictly complied with.

10. Video Prints

A video print is a hard copy of an image or images which already exist on videotape / computer disc. Such prints fall within the definition of 'data'.

Video prints will not be taken as a matter of routine. Each time a print is made it must be capable of justification by the originator who will be responsible for recording the full circumstances under which the print is taken in accordance with the Procedural Manual.

Video prints contain data and will therefore only be released under the terms of Appendix A.3 to this Code of Practice, 'Release of data to third parties'. If prints are released to the media, (in compliance with Appendix A.3), in an effort to identify alleged offenders or potential witnesses, full details will be recorded in accordance with the Procedural Manual.

A record will be maintained of all video print productions in accordance with the Procedural Manual. The recorded details will include: a sequential number, the date, time and location of the incident, date and time of the production of the print and the identity of the person requesting the print, (if relevant) and the purpose for which the print was taken.

The records of the video prints taken will be subject to audit in common with all other records in the System.

Appendix 1

Key Personnel and Responsibilities

System Owners

The Minehead Town CCTV System is owned by the Minehead Town Council. The funding of the System is the responsibility of the West Somerset Crime and Disorder Partnership.

The post holder for the CCTV Coordinators role is the West Somerset Council, the post being funded by the West Somerset crime & Disorder Partnership.

Minehead Town Council Tel: 01643 707213

Town Hall
The Parade
Minehead

Responsibilities:

- Ensure the provision and maintenance of all equipment forming part of the Minehead Town CCTV System in accordance with contractual arrangements, which the owners may from time to time enter into.
- Maintain close liaison with the Coordinator.
- Work with West Somerset Council in ensuring that sufficient funds are available for the maintenance of the CCTV system.
- Ensure the interests of the owners and other organisations are upheld in accordance with the terms of this Code of Practice.
- Work in partnership with regards to the appointment of staff, of any proposed alterations and additions to the System, this Code of Practice and / or the Procedural Manual.
- Provide accommodation, support and videotapes for the Minehead Enterprise Park CCTV system.

West Somerset Council Tel: 01643 703704

Blenheim Road,
Minehead

Responsibilities:

- Act as employer for the position of the CCTV Coordinator.
- Work with Minehead Town Council in ensuring that sufficient funds are available for the maintenance of the CCTV system.
- Maintain supervision of the CCTV Coordinator through the Community Safety portfolio.
- Work in partnership with regards to the appointment of staff, of any proposed alterations and additions to the System, this Code of Practice and / or the Procedural Manual.

Avon & Somerset Constabulary Tel: 0845 4567000

The Police Station,
Townsend Road,
Minehead

Responsibilities:

- Provide accommodation and utilities for the CCTV control room.

- Provide administrative support to the system, namely the provision of videotapes and DVD's.
- Work in partnership with regards to the appointment of staff, of any proposed alterations and additions to the System, this Code of Practice and / or the Procedural Manual.
- Allow access to the CCTV office for operators / auditors and visitors

Operational Management

The Coordinator Tel: 01823 363521

The CCTV Office,
The Police Station,
Townsend Road,
Minehead, Somerset.
TA24 5RJ

Responsibilities:

- The Coordinator is the 'manager' of the Minehead Town CCTV System
- He has delegated authority for day-to-day management on behalf of the 'data controller'.
- To maintain day-to-day management of the System and staff;
- To accept overall responsibility for the System and for ensuring that this Code of Practice and Health & Safety Regulations are complied with;
- To maintain direct liaison with the owners of the System and operating partners.
- To recruit, train, arrange vetting for and organize rotas of volunteer staff
- Produce periodical outcome reports for the Data Controllers.

Appendix 2

Location and Ownership of Cameras

No	Location	Owner*
1.	The Avenue, o/s Co-Op	MTC
2.	The Parade, junction with Blenheim Road, The Avenue and Summerland Road.	MTC
3.	The Parade, above Threshers Off-Licence	MTC
4.	The Parade, junction with Market House Lane	MTC
5.	Park Street, o/s Choices Videos	
6.	Park Street, above Fourboys Newsagents	MTC
7.	Floyds Corner, above Jag Coomunications	MTC
8.	Friday Street, junction with Quirke Street	MTC
9.	Vulcan Road, Minehead Enterprise Park	MTC
10.	Vulcan Road, Minehead Enterprise Park	MTC
11.	Vulcan Road, Minehead Enterprise Park	MTC
12.	Vulcan Road, Minehead Enterprise Park	MTC
13.	Brunel Way, Minehead Enterprise Park	MTC
14.	Brunel Way, Minehead Enterprise Park	MTC
15.	Brunel Way, Minehead Enterprise Park	MTC
2 x 2 Mobile Camera systems		Where required
		A & S Police

* This column denotes the Authority responsible for the maintenance costs of each camera.

Appendix 3

National Standard for the release of data to third parties

A.3.1 Introduction

Arguably CCTV is one of the most powerful tools to be developed during recent years to assist with efforts to combat crime and disorder whilst enhancing community safety. Equally, it may be regarded by some as the most potent infringement of people's liberty. If users, owners and managers of such Systems are to command the respect and support of the general public, the Systems must not only be used with the utmost probity at all times, they must be used in a manner which stands up to scrutiny and is accountable to the very people they are aiming to protect.

The West Somerset Crime and Disorder Reduction Partnership are committed to the belief that everyone has the right to respect for his or her private and family life.

Although the use of CCTV cameras has become widely accepted in the UK as an effective security tool, those people who do express concern tend to do so over the handling of the information (data) which the System gathers.

After considerable research and consultation, the nationally recommended standard of The CCTV User Group has been adopted by the System owners.

A.3.2 General Policy

All requests for the release of data shall be processed in accordance with the Procedural Manual. All such requests shall be channeled through the data controller or his nominated representative.

A.3.3 Primary Request To View Data

- a. Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:
 - i. Providing evidence in criminal proceedings;
 - ii. Providing evidence in civil proceedings or tribunals
 - iii. The prevention of crime
 - iv. The investigation and detection of crime (may include identification of offenders)
 - v. Identification of witnesses
- b. Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:
 - i. Police
 - ii. Statutory authorities with powers to prosecute, (e.g. Customs and Excise; Trading Standards, etc.)
 - iii. Solicitors
 - iv. Claimants in civil proceedings
 - v. Accused persons or defendants in criminal proceedings
 - vi. Other agencies, (as agreed by the Data Controller and notified to the Information Commissioner) according to purpose and legal status.
- c. Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:
 - i. Not unduly obstruct a third party investigation to verify the existence of relevant data.
 - ii. Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or

- subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.
- d. Where requests fall outside the terms of disclosure and Subject Access legislation, the data controller, or nominated representative, shall:
- i. Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation.
 - ii. Treat all such enquiries with strict confidentiality.

A.3.4 Secondary Request To View Data

- a. A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the data controller shall ensure that:
- i. The request does not contravene, and that compliance with the request would not breach, current relevant legislation, (e.g. Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc.);
 - ii. Any legislative requirements have been complied with, (e.g. the requirements of the Data Protection Act 1998);
 - iii. Due regard has been taken of any known case law (current or past) which may be relevant, (e.g. R v Brentwood BC ex p. Peck) **and**
 - iv. The request would pass a test of 'disclosure in the public interest' **(1)**.
- b. If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:
- i. In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice **(2)**.
 - ii. If the material is to be released under the auspices of 'public well being, health or safety', written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.
- c. Recorded material may be used for bona fide training purposes such as police or staff training. Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes.

A.3.5 Individual Subject Access under Data Protection legislation

- a. Under the terms of Data Protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:
- i. The request is made in writing;
 - ii. A fee of £10 (Ten pounds sterling) is paid to the Minehead Town Council for each individual search;
 - iii. The data controller is supplied with sufficient information to satisfy him or her self as to the identity of the person making the request;
 - iv. The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller

- to locate the information that the person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement);
- v. The person making the request is only shown information relevant to that particular search and which contains personal data of her or him self only, unless all other individuals who may be identified from the same information have consented to the disclosure;
- b. In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under these circumstances an additional fee may be payable to the Minehead Town Council.
- c. The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures and each request should be treated on its own merit.
- d. In addition to the principles contained within the Data Protection legislation, the data controller should be satisfied that the data is:
 - i. Not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation;
 - ii. Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings;
 - iii. Not the subject of a complaint or dispute which has not been actioned;
 - iv. The original data and that the audit trail has been maintained;
 - v. Not removed or copied without proper authority;
 - vi. For individual disclosure only (i.e. to be disclosed to a named subject)

A.3.6 Process of Disclosure:

- a. Verify the accuracy of the request.
- b. Replay the data to the requestee only, (or responsible person acting on behalf of the person making the request).
- c. The viewing should take place in a separate room and not in the control or monitoring area. Only data which is specific to the search request shall be shown.
- d. It must not be possible to identify any other individual from the information being shown, (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).
- e. If a copy of the material is requested and there is no on-site means of editing out other personal data, then the material shall be sent to an editing house for processing prior to being sent to the requestee.

A.3.7 Media disclosure

- a. In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted:
 - i. The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use, and indemnifies the partnership against any breaches of the legislation.

- ii. The release form shall state that the receiver must process the data in a manner prescribed by the data controller, e.g. specific identities/data that must not be revealed.
- iii. It shall require that proof of any editing must be passed back to the data controller, either for approval or final consent, prior to its intended use by the media (protecting the position of the data controller who would be responsible for any infringement of Data Protection legislation and the System's Code of Practice).
- iv. The release form shall be considered a contract and signed by both parties.

Appendix 4

Example of Restricted Access Notice

WARNING RESTRICTED ACCESS AREA

Everyone, regardless of status, entering this area is required to complete an entry in the Visitors book. Visitors are advised to note the following confidentiality clause and entry is conditional on acceptance of that clause:

Confidentiality Clause:

'In signing this visitors book I, a visitor to the Minehead Town CCTV System monitoring room, acknowledge that the precise location of the CCTV monitoring room and personal details of those operating the System are confidential and must remain so. I further agree not to divulge any information obtained, overheard or seen during my visit.'

Appendix 5

Declaration of Confidentiality: The Minehead Town CCTV System

I,, am employed by / a volunteer with (delete as required) West Somerset Council to undertake monitoring of the Minehead Town CCTV System. I have received a copy of the Code of Practice in respect of the operation and management of that CCTV System. I hereby declare that:

I am fully conversant with the content of that Code of Practice and understand that all duties which I undertake in connection with the Minehead Town CCTV System must not contravene any part of the current Code of Practice, or any future amendments of which I am made aware. If now, or in the future, I am or become unclear of any aspect of the operation of the System or the content of The Code of Practice, I undertake to seek clarification of any such uncertainties. I understand that it is a condition of my employment that I do not disclose or divulge to any individual, firm, company, authority, agency or other organisation, any information which I may have acquired in the course of, or for the purposes of, my position in connection with the Minehead Town CCTV System, verbally, in writing or by any other media, now or in the future, (including such time as I may no longer be retained in connection with the CCTV System), except as permitted by this Code of Practice. In appending my signature to this declaration, I agree to abide by the Code of Practice at all times. I also understand and agree to maintain confidentiality in respect of all information gained during the course of my duties, whether received verbally, in writing or any other media format - now or in the future.

Signed:

Print Name:.....

Witness:Position:

Dated thisday of (month) 20.....

Appendix 6

A.6 Regulation of Investigatory Powers – Guiding Principals

Advice and Guidance for Control Room Staff and Police Inspectors in respect of CCTV and the Regulation of Investigatory Powers Act 2000.

The Regulation of Investigatory Powers Act 2000 relates to surveillance by the Police and other agencies and deals in part with the use of directed covert surveillance. Section 26 of this act sets out what is Directed Surveillance. It defines this type of surveillance as:-

- a) *Subject to subsection (6), surveillance is directed for the purposes of this Part if it is **covert** but **not intrusive** and is undertaken for the purposes of a specific investigation or a specific operation;*
- b) *in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and*
- c) *otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance*

The impact for staff in the Police control rooms and CCTV monitoring centres, is that there might be cause to monitor for some time, a person or premises using the cameras. In most cases, this will fall into sub section **c** above, i.e. it will be an immediate response to events or circumstances. In this case, it would not require authorisation unless it were to continue for some time.

In cases where a pre-planned incident or operation wishes to make use of CCTV for such monitoring, an authority will almost certainly be required.

Slow time requests are authorised by a Superintendent or above.

If an authority is required immediately, an Inspector may do so.

The forms in both cases must indicate the reason and should fall within one of the following categories:-

An authorisation is necessary on grounds falling within this subsection if it is necessary;

- a) *in the interests of national security;*
- b) *for the purpose of preventing or detecting crime or of preventing disorder;*
- c) *in the interests of the economic well-being of the United Kingdom;*
- d) *in the interests of public safety;*
- e) *for the purpose of protecting public health;*
- f) *for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; **or***
- g) *for any purpose (not falling within paragraphs (a) to (f) which is specified for the purposes of this subsection by an order made by the Secretary of State.*

In cases where there is doubt as to whether an authorisation is required or not, it may be prudent to obtain the necessary authority verbally and then in writing by way of the forms. Any authority given should be recorded appropriately for later reference. This should include the name of the officer authorising.

Forms should be available at each CCTV monitoring centre and are included in the procedural manual.

CCTV VIEWING REQUEST - POLICE
Data Protection Act 1998

Request by:

Date of request:

Name:.....Rank Number.....

Contact Telephone no.

Reason for request:

Prevention / Detection of crime	
Apprehension / Prosecution of Offender	
Public Safety	
Quality of life	

Evidence Presentation:

(Tick relevant boxes)

Video	
DVD	
Still Photo (non-evidential)	
Transcript	

Times to be viewed:

1) Date:From: To:

2) Date:From: To:

Incident:..... Incident Ref:

Location:

Description(s) of persons involved:

1)

2)

(continue on separate sheet if required)

Any other information:

.....

(continue on separate sheet)

Signed Authorised by:

CCTV VIEWING REQUEST - PUBLIC
Data Protection Act 1998

Request by: Date of Request:

Name (Print):

Address:

.....

..... Post Code:

Contact Telephone Number:

Reason for request:

Prevention / Detection of crime	
Apprehension / Prosecution of Offender	
Public Safety	
Quality of life	

Times to be viewed:

3) Date: From: To:

4) Date: From: To:

Nature of Incident:.....

Location(s):.....

Description of information required:

.....
.....
.....
.....
.....

(continue on separate sheet if required)

Applicants Signature

OFFICE USE ONLY

Date Received:

Details of Identification Proof seen:

.....

Payment Received: Cheque / Cash (Please print details of cheques on rear of this form)

VIEWING REQUEST – RESULT

Officer in Case: **Incident:**

Date request received;

Date actioned:

Actioned by:

Incident found ? YES / NO Evidence provided YES / NO

Tape Ref No. MT / /

CD Ref No: MT / /

Video tape

--

Exhibit Number:

DVD

--

Exhibit Number:

Statement

--

Seal Number:

Evidence handed to / collected by:

Signed;**Date / Time**.....

