



Public Space Surveillance Code of Practice

(In respect of the Wembdon Parish Council CCTV System, operated jointly and in partnership with Wembdon Village Hall and Playing Fields Trust)

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Introduction

Wembdon Parish Council (WPC) owns and operates a Public Space Surveillance Control Centre and System in partnership with Wembdon Village Hall and Playing Fields Trust, (WVHPFT) which is located within Wembdon Village Hall. For the purposes of continuity and ease of recognition this system can also be referred to as the CCTV system.

This system, known as 'The Wembdon Parish Council and WVHPFT CCTV System', comprises of 23 cameras installed at strategic locations in Wembdon. Three of the cameras have pan, tilt and zoom facilities. Others are fixed cameras, images from which are presented in the same room.

This document is the WPC code of practice to comply with all legal guidance including;

- Protection of Freedoms Act 2012
- Data Protection Act 2018 (GDPR)
- Regulation of Investigative Powers Act 2000
- The Criminal Justice and Public Order Act 1994

As such this code will address the 12 guiding principles contained within the Surveillance Camera Commissioner's Code of Practice.

For the purposes of this code, the 'owner' and 'operator' of The System is *Wembdon Parish Council (WPC)*. This will require WPC to act as the 'data controller' under the Data Protection Act 2018 and under GDPR. WVHPFT are designated as a partner agency in the operation of The System. Access by WPC and WVHPFT to the CCTV System and its data is controlled by the conditions set out within this code of practice.

The Wembdon Parish Council CCTV system has been notified to the Information Commissioner registration number ZA362431.

1 Purpose of The System

1.1 WPC and their partner agency, WVHPFT, considers that the use of CCTV in public places is proportionate and a suitable tool to help reduce crime, reduce the fear of crime and improve public safety.

1.2 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 and it is also considered a necessary initiative by the Partners of The System towards their duty under the Crime and Disorder Act 1998.

1.3 WPC recognises that it is its responsibility to ensure that it should always comply with all relevant legislation. The CCTV system will only be used as a proportional response to identified pressing needs and in pursuit of legitimate aims for 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.

General Principles of Operation

- The System will be operated in accordance with all the requirements as set out by The Surveillance Camera Commissioner Code of Practice derived from the Protection of Freedoms Act 2012.
- The operation of The System will also recognise the need for formal authorisation of any covert 'Directed' surveillance or crime-trend (hotspot) surveillance as required by the Regulation of Investigatory Powers Act 2000 and the police force policy.
- The System will be operated in accordance with all relevant legislation, including:

The Data Protection Act 2018

General Data Protection Regulations (GDPR)

Regulation of Investigatory Powers Act 2000

Human Rights Act 2000

- 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.

Objectives of The System (Legitimate Aims)

- To help reduce the fear of crime and antisocial behaviour.
- To deter crime and antisocial behaviour.

- To detect crime and antisocial behaviour and provide video images as evidence in both criminal and civil proceedings.
- To assist in the overall good management of local authority function in Wembdon.
- To enhance community safety, assist in developing the economic wellbeing of the Authority areas and encourage greater use of public areas in Wembdon.

2 Privacy and Review

2.1 The Data Controller will safeguard individuals' privacy and The System will only be used where appropriate in "public places" (*the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.*)

2.2 Copyright and ownership of all material recorded by virtue of The System will remain with the data controller.

2.3 None of the cameras forming part of The System will be installed covertly as part of standard operation. Cameras can only be used 'covertly' if in compliance with the guidance given under the Regulation of Investigatory Powers Act 2000 and in line with agreed protocols with Avon and Somerset Police, this includes the use of overt cameras in a 'covert manner'.

2.4 The use of 'dummy' cameras as part of a CCTV System is strongly discouraged. The greatest deterrent value of a CCTV System is its power to produce evidential material and, in doing so, to reassure those it is intended to protect. WPC will not employ their use under this scheme to avoid any false sense of security or indeed infringement of privacy.

2.5 Camera images have been blocked out to ensure that they do not look into private residential property.

3 Public Information and Complaints

Requests for information (Third Party and Subject Access Requests)

3.1 Any request from an individual for the disclosure of personal data, which they believe is recorded by virtue of The System, will be directed in the first instance to the Parish Clerk.

3.2 If the request cannot be complied with, without identifying another individual, permission from all parties must be considered (in the context of the degree of privacy they could reasonably anticipate from being in that location at that time) in accordance with the requirements of the legislation.

3.3 Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located.

3.4 For reasons of security and confidentiality, access to the CCTV monitoring room is restricted. 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 Parish Clerk.

3.5 A member of the public wishing to register a complaint with regard to any aspect of The System may do so by following the council's Complaints Procedure. All complaints shall be dealt with in accordance with Wembdon Parish Council's Complaints Procedure.

3.6 A copy of this Code of Practice shall be published on the Parish Council's website.

3.7 Signage will be placed in the locality of the cameras and at main entrance points to the relevant areas, to indicate the presence of CCTV monitoring.

Exemptions to the Provision of Information

3.8 Every application will be assessed on its own merits and general 'blanket' exemptions will not be applied. However, Organisations which may have a valid reason for viewing images and to whom a request to view will normally be granted include Police (which may include British Transport, Ministry of Defence or Military Police) and other statutory authorities with powers to prosecute (e.g. HMRC). Private solicitors or legal representatives in criminal or civil proceedings may also make a request.

3.9 CCTV images or media will standardly be processed where legal exemptions apply under the Data Protection Act 2018 or Criminal Procedures and Investigations Act (1996). For further information on how exemptions apply to Personal Data please visit the Information Commissioner's Office website.

4 Responsibilities for The System

Monitoring and Recording Facilities

4.1 The CCTV equipment has the capability of recording all cameras for up to 28 days. Individual camera recordings may be limited or extended depending on the pressing need to meet the agreed objectives. WPC operate its control room in line with the guidance supported by the Surveillance Camera Commissioner.

4.2 The 'data controller' for The System is the Clerk to Wembdon Parish Council and day to day responsibility for the operation of The System is also devolved to the Manager of Wembdon Village Hall, the Chairman of Wembdon Parish Council, the Chair of the Village Hall Trust, the Parish Council appointed Village Hall Trustee, the Village Hall Trust Secretary or other Trustees who may be authorised at a meeting of The Trustees and recorded in the minutes (the authorised users).

4.3 CCTV operators are able to access recorded 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 purposes set out in this code of

practice. All monitoring and recording equipment shall only be operated by trained and authorised users.

Operational Monitoring

4.4 The authorised users will accept day to day responsibility for the monitoring, operation and evaluation of The System and the implementation of this Code of Practice.

Operational Command of The System by the Police

4.5 Under rare and extreme operational circumstances, the Police may make a request to command the use of The System to which this Code of Practice applies. These circumstances may be where a major incident has been declared or event that there is significant public disorder and is operationally necessary to provide further access to the Police. Such use may also provide Police with a broad overview of planned events (such as festivals) in order to command resources and protect the public.

Human Resources

4.6. Equipment associated with The System will only be operated by authorised personnel who will have been trained in its use and all monitoring room procedures.

4.7. Arrangements may be made for Police Officers 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 with this Code of Practice and properly trained in the use of the equipment.

4.8. Viewing access to recorded data will be available to all Trustees of the Wembdon Village Hall and Playing Fields Trust and Councillors of Wembdon Parish Council should this be necessary for the investigation of any incident of suspected crime or anti-social behaviour.

4.9. Unauthorised persons will not have access without an authorised member of staff being present.

5. Maintenance of The System

5.1 The CCTV System shall be maintained by a term contractor through the existing Contract.

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

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

5.4 The maintenance agreement defines the response time for an engineer to attend and rectify the problem depending upon the severity of the event and the operational requirements of that element of The System.

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

Camera Deployment

5.6 Where it is necessary to seek the new installation of a Public Space Surveillance Camera WPC will carry out all necessary compliance assessments as well as a consultation with partners.

6 Access and Management of Data

Authorised Access

6.1 All personal data and recorded images are kept safely and securely either within the control centre or on our servers. Only the data controller and authorised personnel are authorised to operate any of the equipment located within the CCTV monitoring room, (or equipment associated with the CCTV System).

This includes the management of evidence (recorded video data) and any other stored data used for the stated purposes with this code.

Public access

6.2 Public access to the monitoring and recording facility will be prohibited except for lawful, proper and sufficient reasons and only then with the personal authority of the data controller or authorised person.

6.3 Regardless of their status, all visitors to the CCTV monitoring room, including inspectors and auditors, will be required to sign the visitor's book and read the Data Protection Legislation.

'In signing this visitor book all visitors to the Wembdon Parish Council CCTV monitoring room acknowledge that the precise location of the CCTV monitoring room and personal details of those operating The System, is, and should remain confidential. They further agree not to divulge any information obtained, overheard or overseen during their visit.'

It is also best practice to display a notice at the entrance to the room to state that they are entering a restricted area, and entry is dependent upon acceptance of the need for confidentiality. If any visitors decline to sign the visitor book, entry will be declined.

Physical Security

6.4 Authorised personnel may be present at times when the equipment is in use. If the monitoring facility is to be left unattended for any reason it will be secured.

6.5 The monitoring room will at all times be secured and is located behind an access controlled door to prevent unauthorised access both by members of the public or staff.

Management of data and video images

6.6 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 CCTV System, but specifically includes images recorded digitally, or by way of video copying, including video prints.

6.7 All video data obtained by or using the CCTV System has the potential of containing personal information about an individual and will therefore be managed in accordance with the law.

6.8 Recorded material or data must not be copied, sold, otherwise released or used for commercial purposes or for the provision of entertainment.

6.9 Every request for the release of personal data generated by this CCTV System will be dealt with by the Parish Clerk (as the data controller) who will ensure all release of images is processed lawfully and fairly and used only for the purposes defined in this Code of Practice.

6.10 It may be beneficial to make use of video images 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.

Retention

6.11 All video data and images will only be kept beyond their normal 28 days standard system retention policy when a legitimate request is made in writing and/or it becomes necessary in pursuit of the objectives of The System.

6.12 No copies of evidence will be held by WPC or its partner agency WVHPFT after release to the requesting party unless it is deemed necessary by the data controller. The majority of evidence copy will be made, uploaded or handed over to Avon and Somerset Constabulary to be stored in accordance with their own retention policy.

End of policy

Appendix 1: SCC 12 Principles Reference Chart:

Principle	Key Points	Section
Principle 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.	What's your system for? Do you review its use?	1, 2,
Principle 2 - The use 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.	Have you carried out a privacy impact assessment? Do you publish your privacy impact assessment?	2,3
Principle 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.	Do you have signage in place to say surveillance is taking place? Is there a published point of contact for people to raise queries or complaints with?	2,3,4
Principle 4 - There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.	Who's responsible for your system? Are your staff aware of their responsibilities?	4
Principle 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.	Do you have clear policies and procedures in place? Do your staff know what your policies and procedures are?	5
Principle 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.	How long do you keep images/information? How do you make sure images/information is deleted once they are no longer needed?	6
Principle 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.	Do you have a policy on who has access to the stored information? Do you have a policy on disclosure of information?	5,6
Principle 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.	Do you follow any recognised operational or technical standards?	5,6
Principle 9 - Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.	Do you make sure that the images captured by your system are caught securely? Are only authorised people given access to the images?	4,6
Principle 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.	Do you evaluate your system regularly to make sure it's still required? Could there be an alternative solution to a surveillance camera system?	2,3,5
Principle 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.	Can the criminal justice system use the images and information produced by your surveillance camera system? Do you have a policy on data storage, security and deletion?	1,2,3,4
Principle 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.	Do you use any specialist technology such as ANPR, facial recognition, Body Worn Video (BWV) or remotely operated vehicles (Drones)? Do you have a policy in place to ensure that the information contained on your database is accurate and up to date?	1,2,4,5, 6