

Surveillance Cameras & Closed Circuit Television (CCTV) Systems



Policy & Management Code of Practice

Contents

	Page
1 Policy Statement	3
2 Purpose	3
3 Scope	3
4 Definitions	4
5 Legal context	4
6 Implementation	6
7 Monitoring	6
8 Failure to comply	6
9 Review	7
10 Contacts and Manager Working Group	7
11 Overview	8
12 Complaints	8
13 Equality statement	8
Appendices	
A Management Code of Practice	10-38

1 Policy Statement

Durham County Council (DCC) operates and manages a number of Surveillance Cameras & Closed Circuit Television (CCTV) systems for the purpose of monitoring public open space to deter anti-social behaviour, prevent and detect crime and to monitor council buildings, vehicles and premises for security reasons.

This policy and code of practice (CoP) was updated following the publication of the Home Office Surveillance 'Camera Code of Practice' (June 2013) and the subsequently revised Information Commissioners Code of Practice (October 2014).

2 Purpose

This policy sets out the procedure to be followed by all DCC service areas that operate or manage a Surveillance Camera CCTV system (excluding schools who are a separate data controller). It provides a management process for implementing and managing a system, its overall management, holistic organisational alignment, and clarifies the process for members of the public to access to CCTV records.

The accompanying Code of Practice is designed to help those who use surveillance cameras to collect personal data to stay within the law.

The various operational and business requirements of the systems across the organisation mean that they are managed by different service areas, however they all conform to a single protocol to ensure that they comply with legal requirements including, Data Protection Act 1998, Protection of Freedoms Act, Freedom of Information Act 2000, Human Rights Act 1998 and where applicable Regulation of Investigatory Powers Act 2000.

3 Scope

This policy applies to all 'surveillance camera & CCTV systems' managed by the authority. Where appropriate service areas may implement additional supporting procedures or guidance as appropriate for their specific needs. Where service areas do have local procedures to support this policy, they must ensure that local procedures are in compliance with this policy framework and relevant legislation and Codes of Practice.

Emerging technological developments, such as automatic number plate recognition and facial recognition systems are included within the policy framework as far as is reasonably practicable.

Covert surveillance means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. This form of surveillance is regulated by the Regulation of Investigatory Powers Act 2000 (RIPA) and is covered by a separate guidance document, please refer to section 5.4 for more information.

4 Definitions

ACE	Assistant Chief Executives team
CCTV	Closed Circuit Television System
DCC	Durham County Council
DPA	Data Protection Act 1998
FOI	Freedom of Information Act
GIS	Graphical Information System
HRA	Human Rights Act 1998
ICO	Information Commissioners Office
IGG	Information Governance Group
PIA	Privacy Impact Assessment
POFA	Protection of Freedoms Act 2012
RED	Regeneration & Economic Development team
RIPA	Regulation of Investigatory Powers Act 2000
SAR	Subject Access Request
SIA	Security Industry Authority

5 Legal Context

The introduction, management and operation of DCC's Surveillance Camera and CCTV systems take into account the following legislative requirements:

5.1 Data Protection Act 1998

DCC complies with the Data Protection Act in relation to its CCTV monitoring systems. In addition to standards that are required to ensure compliance with the act, the Council will seek to operate within standards recommended as good practice.

DCC's registration number with the Data Protection Registrar is: **Z1808275**

DCC will only disclose information protected by the Data Protection Act in the circumstances set out in the Act.

5.2 Human Rights Act 1998

DCC complies with the European Convention on Human Rights which is directly enforceable under UK law. In particular the implications of Article 8, the right to respect for private and family life, will be considered in the operation of existing CCTV systems and before the introduction of new systems.

5.3 Freedom of Information Act 2000

DCC is bound by the provisions of the Freedom of Information Act 2000, which encourages a presumption of disclosure of information by public authorities to the public upon request.

Requests for disclosure under the Freedom of Information Act 2000 will however be considered in the light of the Council's obligations under the Data Protection Act 1998.

In the event of a conflict, the Council will decide whether it is in the public interest to disclose the requested information. However the presumption will be that the right to private life is overriding and disclosure will only be in exceptional circumstances.

5.4 Regulation of Investigatory Powers Act 2000

DCC complies with the provisions of the Regulation of Investigatory Powers Act (RIPA) 2000. In addition the Council has established a protocol which provides safeguards for the potential use of CCTV systems to specifically target individuals to observe and/or record their activities.

Such planned activities fall within the scope of directed surveillance and are subject to the controls established by RIPA to ensure that the activity is necessary, proportionate and authorised by a suitable senior officer of the Council, before an application is made to the Magistrates for judicial approval of the RIPA authorisation.

Please follow [this link to view the Corporate Guidance for the Application of the Regulation of Investigatory Powers Act](#), there is a range of documentation and guidance to guide and advise managers through the process.

Any queries in relation to RIPA and/ or non-RIPA surveillance should be guided towards Clare Burrows, Governance Solicitor, Legal Services, County Hall, Durham, 03000 260548.

5.5 Private Security Industry Act 2001

Where employees are supplied under a contract for services to operate CCTV systems monitoring public space on behalf of the Council they will hold a Security Industry Authority (SIA) licence in accordance with the provisions of the Private Security Industry Act 2001.

An SIA licence is required if you undertake the licensable activities of a 'public space' surveillance (CCTV) operative. For employees who need this licence as part of their role, for example Supported Housing Care Connect CCTV Team, the license will be paid for by the relevant service and renewed every 3 years.

As appropriate, the requirement to hold a valid SIA licence will be built into recruitment and selection procedures, training procedures, and into job description/ person specifications as an essential requirement.

Managers, working with relevant HR contacts, will periodically review, and in-line with SIA guidance, review who is trained and renew licences as required.

The authorities [Code of Conduct](#) sets out employee responsibilities in relation to their conduct and adherence to policies and procedures.

Please note: Employees who manage or operate office based systems that record activities on Council premises or within Council buildings do not require an SIA license. For teams that undertake or are directly responsible for

considerable amounts of surveillance activity, SIA training should be considered.

5.6 Copyright, Designs and Patents Act 1988

The copyright of all CCTV footage recorded by DCC is owned exclusively by DCC.

Any use of footage without the express written consent of DCC in advance is an infringement of copyright and DCC shall be entitled to compensation for any infringement.

DCC further reserves the right, where consent to use footage is granted, to seek payment of a fee in advance to cover the costs incurred in the provision of said footage.

5.7 Protection of Freedoms Act (2012)

The new act supported the creation of the role of a national Surveillance Camera Commissioner, with a new Surveillance Camera Code of Practice coming into force on 4th June 2013, supplementing existing legislation and the ICO CCTV Code of Practice. The Code is pursuant to Section 29 of the Protection of Freedoms Act 2012. The 12 guiding principles contained within the Protection of Freedoms Act 2012 are included within our Code of Practice (Appendix 2).

6 Implementation

The Surveillance Camera and CCTV Policy cover all sections of the Council (other than Schools whom are a separate data controller). The accompanying Code of Practice is recommended to all areas as best practice.

The Code of Practice assists managers to set out clear protocols and measures for the effective implementation, management and review of systems in compliance with regulation and government best practice.

CCTV system reviews must be conducted annually with progress being monitored by the CCTV Management Group. Significant compliance issues will be reported by the Chair to the relevant management groups, Heads of Service or Director for escalation.

7 Monitoring

Effective management of Surveillance Camera and CCTV systems, and adherence to the relevant policies and procedures, will be monitored within each relevant service area.

Systems will be reviewed annually, as a minimum. In addition to the surveillance system itself, any information used to support a surveillance system will be kept accurate and as up-to-date as practicably possible.

Performance information may be appropriate for inclusion into service areas performance management framework (such as number of complaints, number of

access requests). As appropriate and in-line with usual practice the Councils Audit team may undertake periodic compliance audits.

The Chair of the CCTV Management Group will provide updates and escalate issues to the Information Governance Group, and other management groups or Heads of Service/ Director as appropriate.

8 Failure to comply

8.1 Council Policy

Employees who attempt to abuse this policy may face disciplinary action.

8.2 Home Office Surveillance Camera Code of Practice (June 2013)

The Home Office document states; 'Failure on the part of any person to act in accordance with any provision of the above code does not of itself make that person liable to criminal or civil proceedings, and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings'.

9 Review

Subject to the recommendations or need for review by the services whom operate Surveillance Camera & CCTV systems through the Councils Information Management framework, feedback from Legal, Audit and the need to review in conjunction with national policy developments or the legal framework, the policy will be reviewed every 3 years as a minimum.

DCC's list of CCTV sites and associated system detail as set out within the Code of Practice will be reviewed annually, as a minimum, by each service in order to comply with ICO guidelines.

10 Useful contacts & Management Working Group

10.1 Useful Contacts

General queries from the public should be directed toward Customer Services 03000 260 000, with detailed requests then being forwarded to the relevant department.

Urgent Police requests can be made outside of working hours to 0300 123 70 70.

10.2 Management Working Group

The working group is managed by the Regeneration & Economic Development (RED) service, the Chair is the Resources, Development & Administration Manager.

Greg Farn (Chair)
Sarah Armstrong
David Dixon
Lawrence Serewicz
Lynn Nash
Claire Burrows
Andy Cummings

Regeneration & Economic Development
Children's and Adult Services
Facilities Management
Information Management
Information Management
Legal Services
Design Services

Caroline Gardiner	Community Safety
Dave Lewin	Transport (Strategic)
Louise Pomphrett	Transport (Passenger)
Linda Ogilvie	Supported Housing
Julie Harvey	Supported Housing
Fiona Ford (Projects)	Regeneration & Economic Development
Leah Maddison (group support)	Regeneration & Economic Development
Gary Metcalfe	Durham Constabulary

Group membership and progress issues are reported to the Information Governance Group on a regular basis by the Chair, and to service management teams as appropriate.

Strategic leadership is provided by Jenny Haworth, Head of Planning & Performance (ACE), and Andy Palmer, Head of Strategy, Policy & Partnerships (RED).

11 Overview

Formed in 2009, the DCC unitary authority absorbed a number of former District Council CCTV arrangements. The policy reflects the variety of systems that were previously in place, and sets out a clear framework for consistent CCTV co-ordination.

The coalition agreement for government included a commitment to the further regulation of CCTV, being enacted through the Protection of Freedoms Act 2012. Following the appointment by government of a new CCTV Surveillance Camera Commissioner and new Codes of Practice being published by the Home Office in 2013 and ICO in 2014, future development work is anticipated during 2015-17.

Due to the governments continued development in this area of work, the Policy & CoP will be reviewed in-line with changes to government guidance and policy.

12 Complaints

All complaints regarding the application of the Policy and Code of Practice should be [directed to the Customer Service team](#), for recording and action. Complaint information relating to formal CCTV complaints will be published annually.

13 Equality Statement

DCC is committed to ensuring that all customers, service users and employees are treated fairly and with respect, and are provided with appropriate support to ensure equality of opportunity and fair access to services taking into account their needs in relation to race, religion, disability, gender, age and sexual orientation.


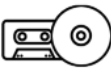

DCC will, in its contacts with stakeholders and the public, actively encourage the valuing of diversity within our communities and promote equality of opportunity for all in relation to race, religion, disability, gender, age and sexual orientation.

An Equality and Diversity Impact Assessment has been carried out during the development of the CCTV Protocol. Separate impact assessments are also undertaken for each system operated by DCC.

Greg Farn
 Resources & Development Manager
 Durham County Council

Please ask us if you would like this document summarised in another language or format.

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Document Control	
Date Published	<i>January 2015</i>
Version	10
Review Date	April 2018