

Code of Practice

**Usage of Closed Circuit Television (CCTV)
Cameras for:**

**Community Safety, Civil Parking Enforcement
and Contraventions of Bus Lanes**

CONTACT DETAILS

To provide feedback or a request a copy of this document, please contact **The CCTV Officer:**

Email: communitysafetyteam@southglos.gov.uk

For information regarding Community Safety CCTV please contact:

ASB and Community Safety Team
South Gloucestershire Council
Badminton Road
Yate, South Gloucestershire
BS37 5AF

Telephone: 01454 86 8751

For information regarding Parking Services or Bus Lane Enforcement please contact:

Parking Services
South Gloucestershire Council
Badminton Road
Yate, South Gloucestershire
BS37 5AF

Telephone: 01454 86 8000

(Queries and appeals against any Penalty Charge Notice (PCN) should be made to the address on the PCN)

Copies of this document will be available from <http://www.southglos.gov.uk/>

South Gloucestershire Council CCTV Code of Practice

Certificate of Agreement

The contents of this Code of Practice is hereby approved in respect of South Gloucestershire Council's Community Safety, Parking Services and bus lane enforcement Closed Circuit Television scheme and, as far as reasonably practicable, will be complied with by all who are involved in the management and operation of the scheme.

Signed for and on behalf of: South Gloucestershire Council

Signature..... Name.....

Position Held

Dated the.....day of.....2018

Signed for and on behalf of: Avon & Somerset Constabulary

Signature..... Name.....

Position Held

Dated the.....day of.....2018

Signed for and on behalf of: Bristol City Council

Signature..... Name.....

Position Held

Dated the.....day of.....2018

Community Safety Introduction and Objectives

1.1 Introduction

This document sets out how the Council and the partners that are signatory to this document aim to ensure that the CCTV Systems installed by South Gloucestershire Council for the purpose of community safety, parking and bus lane enforcement; are operated and comply with the law to protect the privacy of third parties whenever possible, ensuring compliance with the requirements and principles of associated legislation including the Data Protection Act 2018, Regulation of Investigatory Powers Act 2000 (RIPA), Human Rights Act 1998 and the Protection of Freedoms Act 2012.

Since 2009 South Gloucestershire Council has invested significantly in the development and enhancement of its community safety CCTV system to provide a safer environment for the people who live, work and trade in South Gloucestershire. The current system consists of overt, covert, fixed, and mobile CCTV as well as fully operational pan, tilt and zoom cameras situated at strategic locations throughout South Gloucestershire.

These cameras consist of:

- Body Worn CCTV
- Community Safety CCTV
- Bus Lane and Parking Services Enforcement
- Deployable CCTV

For the purpose of this document the 'owner' of the system is South Gloucestershire Council.

For the purpose of the Data Protection Act the 'Controller' is South Gloucestershire Council.

Note1. The 'Controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; It must be a legal entity e.g. person, organisation or corporate body and in the case of partnerships all partners may be considered to bear the responsibility.

The South Gloucestershire Council is registered with the Information Commissioner as a Controller, which includes the use of our CCTV systems. Details of key personnel, their responsibilities and contact details can be found on Page 2 of this code.

By signing this document the organisations below accept and will adopt the statements included in this Code of Practice; and agree to maintain the specified standards. In addition, they agree to not use, release or otherwise disclose any information whatsoever:

- *For any other secondary use not specified by this Code of Practice or by regulations made there under; and/or*
- *To any organisation which is not a signatory to this Code Practice.*

The organisations signed up to this Code of practice include:

- *South Gloucestershire Council*
- *Avon and Somerset Constabulary*
- *Bristol City Council*

1.2 Statement in respect of The Human Rights Act 1998

1.2.1 The Council and its partners 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, and consider that the use of CCTV in South Gloucestershire is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and improve public safety.

1.2.2 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 and is also considered a necessary initiative by Avon & Somerset Constabulary towards their duty under the Crime and Disorder Act 1998.

1.2.3 It is recognised that operation of the South Gloucestershire Council's System may be considered to infringe on the privacy of individuals. South Gloucestershire Council has completed an up to date Equalities Impact Assessment, Privacy Impact Assessment and Surveillance Camera Commissioner Self Assessment tool.

1.3 Objectives of the System

1.3.1 The objectives of the South Gloucestershire CCTV system which form the lawful; basis for the processing of data are;

- *To assist in the prevention, investigation and/or detection of crime*
- *To assist in the apprehension and /or prosecution of offenders*
- *To deter Anti-Social Behaviour offences against the personal and property*
- *To prevent and reduce Anti-Social Behaviour*
- *To enhance community safety*
- *To comply with this Code of Practice*
- *To provide a safe environment for people who live, work and visit the area*
- *Civil enforcement of parking contraventions and bus lane restrictions*

Statement of Purpose and Principles

2.1 Purpose

The purpose of this document is to state the intention of the owners and the managers, on behalf of the agencies as a whole and as far as is reasonably practicable, to support the objectives of the South Gloucestershire Council's CCTV System, (hereafter referred to as 'The System') and to outline how it is intended to do so.

2.1.1 The 'Purpose' of the system, and the process adopted in determining the 'Reasons' for implementing 'The System' are as previously defined in order to achieve the objectives detailed within Section 1.3.

2.2 General Principles of Operation

2.2.1 The system will be operated in accordance with all the requirements and the principles of the Human Rights Act 1998, Data Protection Act 2018, Regulation of Investigatory Powers Act 2000 (RIPA), and the Protection of Freedoms Act 2012

2.2.2 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.

2.2.4 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.

2.2.5 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.

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

2.2.7 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.

2.2.8 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 controller.

2.4 Cameras and Area Coverage

2.4.1 The areas covered by CCTV to which this Code of Practice refers to are the public areas within the responsibility of the operating partners and cover the South Gloucestershire town centres and surrounding areas, which include:

- Body Worn CCTV – Parking Services, Taxi / Street Marshals, Libraries.
- Community Safety CCTV – Town Centre Monitoring
- Bus Lane and Parking Services Enforcement – Civil Enforcement
- Deployable CCTV – ASB Hotspots

2.4.2 Transportable or mobile cameras may be temporarily used in hotspot localities as and when required. 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 these Codes and Procedures.

2.5 Monitoring and Recording Facilities

- 2.5.1 The Council has a contract with Bristol City Council for the purpose of monitoring its community safety CCTV, which includes continuous live feed monitoring of the community safety CCTV cameras and reactive monitoring of CCTV cameras located on Metrobus stops.
- 2.5.2 The Council also has a CCTV Reviewing Suite in Kingswood which provides a live continuous feed of the Community Safety Cameras for any reactive/proactive monitoring deemed necessary by the Council and/or the Police. Proactive monitoring is controlled by the application of the relevant Data Protection exemption or the RIPA legislation.

2.5.3 Secondary monitoring equipment may be located in police premises. The Community Safety CCTV, as well as Body Worn Cameras, Deployable CCTV cameras and Bus Lane Enforcement cameras all have the ability to record footage

2.5.4 CCTV operators and authorised council employees 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. For more information about how we manage recorded material and still images captured from video footage please refer to sections 8 and 9 of this code of practice

2.6 Human Resources

2.6.1 Only authorised Officers are permitted to access and operate the Councils CCTV cameras from Bristol City Council Operations Centre, in accordance with requirements as outlined in the Bristol City Council Service Specification and SLA.

2.6.2 All other Officers authorised to access CCTV for the purpose of their role shall receive training relevant to their role including a practical awareness of the Human Rights Act 1998, Data Protection Act 2018, Regulation of Investigatory Powers, Act 2000 and the Codes of Practice and Procedures.

2.7 Processing and Handling of Recorded Material

2.7.1 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 our procedures.

2.8 Changes to the Code

2.8.1 Changes to the Code of Practice will be made in consultation with our partners as and when required.

3.1 Disclosure of Information, Subject Access and Freedom of Information Requests

The Data Protection Act provides the right for the individual to obtain a copy of any personal data held about him or her. Any individual making a request for access to information should submit a Subject Access Request form and prove his or her identity (normally two copies of written evidence of identity and residence together with one colour photographic identification will be required). However, it is reasonable to refuse such a request if there is further information relating to a third party. Nevertheless, if an individual can prove that he or she is identifiable on a particular recorded image and can provide sufficient detail to enable the CCTV Responsible Officer to locate that image, then a copy of the image may be provided.

A Subject Access Request Form can be obtained via our website <http://www.southglos.gov.uk/documents/SARform.docx> or by contacting the CCTV Officer by e-mail: communitysafetyteam@southglos.gov.uk or telephone 01454 86875

3.2 Exemptions to the Provision of Information

In considering a request made under the provisions of Data Protection Act 2018, section 1 (2) and (3) referring to Article 15 of the GDPR, reference may also be made to Schedule 2, part 1, section 2 (1) of the Act which includes, but is not limited to, the following statement:

3.2.1 Personal data processed for any of the following purposes –

i) The prevention or detection of crime

ii) The apprehension or prosecution of offenders are exempt from the subject access provisions in any case 'to the extent that the application of those provisions would be likely to prejudice any of the matters mentioned in this subsection'.

Note Each and every application will be assessed on its own merits and general 'blanket exemptions' will not be applied.

3.3 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 presentation of its own case, (known as unused material). Disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the controller by Article 15 of the GDPR, (known as the right of access by the data subject).

Section 4 Accountability

The Director of Environment and Community Services and Head of Safe Strong Communities has overall responsibility for ensuring the Councils CCTV network and schemes are compliant with this Code of Practice.

4.1 System Manager

4.1.1 The nominated CCTV Officer within South Gloucestershire Council will have day-to-day responsibility for ensuring the system complies with the relevant legislation.

4.2 Public Information

A copy of this Code of Practice shall be published on South Gloucestershire website, and a copy will be made available to anyone on request.

4.3 Signage

CCTV Signs (as shown below) are placed in the locality of the cameras and at main entrance/exit points to the relevant areas. The signs will reflect:

- i) The presence of CCTV monitoring;
- ii) The 'ownership' of the system;
- iii) Contact details of the 'controller' of the system



Assessment of the System and Code of Practice

5.1 Evaluation

5.1.1 The system will be annually reviewed and published using the Surveillance Camera Code of Practice Self-Assessment Tool to establish whether the purposes of the system are being complied with and whether objectives are being achieved.

- 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
- An assessment of 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

5.1.2 The ICO Self Assessment Tool 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.

5.1.2 It is intended that the Self Assessment Tool will be reviewed annually.

5.2 Monitoring

5.2.1 The CCTV Officer will accept day to day responsibility for the monitoring, operation and evaluation of the system and the implementation of the Code of Practice.

5.2.2 The CCTV Officer shall also be responsible for maintaining full management information as to the incidents dealt with by the Monitoring Station, for use in the management of the system and in future evaluations.

5.3 Audits and Inspections

5.3.1 From time to time the CCTV Systems will be subject to internal and/or external audits and inspections, which may be in the form of irregular spot checks, may include examination of the monitoring room records, recorded CCTV data and the content of recorded material.

5.3.2 The Council and its partners will co-operate fully with the requirements of all audits and inspections; and will ensure learning and adjustments are applied in order to improve practice and compliance.

Control and Operation of Cameras

6.1 Guiding Principles

6.1.1 Any person operating the cameras will act with utmost probity at all times.

6.1.2 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.

6.1.2 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.

6.1.3 Cameras will not be used to look into private residential property. 'Privacy Zones' shall be programmed into the system (whenever practically possible) in order to ensure that the interior of any private residential property within range of the system is not surveyed by the cameras.

6.1.4 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 CCTV Officer

6.2 Operation of the System by the Police

6.2.1 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 written authority of a police officer not below the rank of Superintendent will be considered. Any such request will only be accommodated on the personal written authority of the most senior representative of the System owners, or designated deputy of equal standing.

6.2.2 In the event of such a request being permitted, the Monitoring Station 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 Section 7 of this Code, who will then operate under the direction of the police officer designated in the written authority.

6.2.3 In very extreme circumstances, such as public interest, vital interests of individuals or the prevention of terrorism, a request may be made for the Police to take total control of The System in its entirety. This may include the staffing of the monitoring station and personal control of all associated equipment, to the exclusion of all representatives of the System Owners. Any such request should be made to the CCTV Officer in the first instance, who will consult with the most senior officer of The System owners (or designated deputy of equal standing). A request for the total exclusive control must be made in writing by a Police Officer not below the rank of Assistant Chief Constable or person of equal standing.

6.3 Maintenance of the system

6.3.1 To ensure compliance with the information Commissionaires Code of Practice and that images continue to be appropriate evidential quality, the CCTV system shall be maintained in accordance with the our procedures under a maintenance agreement.

6.3.2 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.

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

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

6.3.5 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 operator requirements of that element of the system.

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

Section 7

Access to, and Security of, Monitoring Room and Associated Equipment

7.1 Public Access

7.1.1 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 Control Room Manager. Any such visits will be conducted and recorded in accordance with our procedures.

7.2 Declaration of Confidentiality

7.2.1 Regardless of their status, all visitors to the CCTV Monitoring Station, and including inspectors and auditors, will be required to sign the visitor's book and a declaration of confidentiality.

7.3 Security

7.3.1 Authorised personnel will normally be present at all times when the equipment is in use. If the monitoring facility is to be left unattended for any reason it will be secured. In the event of the monitoring station having to be evacuated for safety or security reasons, the council's procedures will be strictly complied with.

Section 8

Management of Recorded Material

8.1 Guiding Principles

8.1.1 For the purpose of the 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 including video prints.

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

8.1.3 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.

8.1.4 It is therefore of the utmost importance that irrespective of the means or format (e.g. paper copy, digital tape, DVD, CD or any form of electronic processing and storage) of images obtained from The System, they are treated strictly in accordance with this Code of Practice and our procedures from the moment they are received by the Monitoring Station until final destruction. Every movement and usage will be meticulously recorded.

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

8.1.6 Recorded material will not be copied, sold, otherwise released or used for commercial purposes for the provision of entertainment.

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

8.2.1 Every request for the release of personal data generated by this CCTV System will be challenged through the System Manager. The System Manager will ensure the councils procedures contained this Code of Practice are followed at all times.

8.2.2 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 individuals 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 our procedures and this Code of Practice;

The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

8.2.3 Members of the police service or other agency having a statutory authority to investigate and / or prosecute may, subject to compliance, 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 our procedures.

Note: Release to the media of recorded information, in whatever format, which may be part of a current investigation would be covered by the Police and Criminal Evidence Act 1984. Any such disclosure should only be made after due consideration of the likely impact on a criminal trial. Full details of any media coverage must be recorded and brought to the attention of both the prosecutor and the defence.

8.2.4 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 our procedures.

8.2.5 It may be beneficial to make use of 'real' 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. Recorded material will not be released for commercial or entertainment purposes.

8.3 Provision and Quality

8.3.1 To ensure the quality of the footage, and that recorded information will meet the criteria outlined by current Home Office guidelines all images are recorded on to the digital recording system.

8.4 Retention Time

8.4.1 All footage will be retained for a period of 30 Days. Before the system writes over and deletes the footage unless the footage has been securely saved within the digital recording system.

8.4.2 DVD's will always be used and stored in accordance with our procedures. At the conclusion of their life within the CCTV System they will be destroyed and the destruction certified.

8.5 DVD Register

8.5.1 Each DVD will have a unique tracking record maintained in accordance with our procedures, which will be retained for at least three years. The digital system shall identify every use, and person who has viewed or had access to the DVD.

8.6 Recording Policy

8.6.1 Subject to the equipment functioning correctly, images from every camera will be recorded throughout every 24-hour period in real time mode, through multiplexers into Primary Storage Nodes. 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.

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

8.7 Evidential DVD's

8.7.1 In the event of a DVD being required for evidential purposes the council's procedures will be strictly complied with.

Video Prints

9.1 Guiding Principles

9.1.1 A video print is a copy of an image or images which already exists on DVD disc. Such prints are equally within the definitions of 'data' and recorded material.

9.1.2 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 our procedures.

9.1.3 A record will be maintained of all video print productions in accordance with our procedures. 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.

9.1.4 The records of the video prints taken will be subjected to audit in common with all other records in the system.