



**EAST CAMBRIDGESHIRE DISTRICT COUNCIL**

# **CCTV**

# **Code of Practice**

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# Code of Practice

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## **1. INTRODUCTION**

**1.1** This Code of Practice details the purpose, use and management of East Cambridgeshire District Council's CCTV system.

**1.2** All of East Cambridgeshire District Council's CCTV images are monitored and recorded in strict accordance with this Code of Practice, which is based upon guidance issued by the Information Commissioner's Office: *'In the picture: A data protection code of practice for surveillance cameras and personal information.'*

## **2. CCTV SYSTEM OVERVIEW**

**2.1** Camera Specifications: Cameras conform, as a minimum, to standards of performance laid down by the Secretary of State for Transport and provide images that are of suitable quality for the specified purposes for which they are installed.

**2.2** All our CCTV cameras are visible and are securely fixed on rigid mountings.

**2.3** The CCTV cameras stand-alone systems and are not live monitored. All recorded material is the property of East Cambridgeshire District Council.

**2.4** The CCTV system is operational and is recorded 24 hours a day, with recordings being kept for 28 days.

**2.5** Under the General Data Protection Regulation and the Data Protection Act 2018 East Cambridgeshire District Council is the 'Data Controller' for the images produced by the CCTV system. East Cambridgeshire District Council is registered with the Information Commissioner's Office as a Data Controller.

**2.6** East Cambridgeshire District Council's Facilities Department along with the Data Protection Officer are responsible for the overall management and operation of the CCTV system, including activities relating to installations, recording, reviewing and monitoring.

**2.7** The Facilities Manager is responsible for ensuring that adequate signage is displayed in compliance with the ICO CCTV Code of Practice and signs are placed near all cameras to inform staff, visitors and members of the public that CCTV is in operation. Our signs display the following, or similar, wording: *'Warning CTV in Operation'* and *'CCTV images are being recorded for the purpose of crime prevention, crime detection and promoting public safety. This CCTV scheme is controlled by East Cambridgeshire District Council. For further information contact 01353 665555'*.

**2.8** No sound will be recorded in public places.

**2.9** No dummy cameras will be used in the scheme as this is in contravention to the Data Protection Act 2018 Code of Practice.

### **3. PURPOSE OF THE CCTV SYSTEM**

3.1 The principle purposes of East Cambridgeshire District Council's CCTV system are as follows:

- Protecting areas and premises used by the public;
- Deterring and detecting crime;
- Assisting in the identification of offenders leading to their arrest and successful prosecution;
- Reducing anti-social behaviour;
- Reducing fear of crime;
- Encouraging use of the Councils facilities.

3.2 East Cambridgeshire District Council seeks to operate its CCTV system in a manner that is consistent with respect for an individual's privacy and as such the system will not be used to invade the privacy of any people in domestic, business or other private premises, buildings or land.

### **4. ACCOUNTABILITY**

4.1 The Facilities department will have the day-to-day responsibility for the scheme. The Data Protection Officer will assist in monitoring the operation of the scheme and the implementation of the Code of Practice.

4.2 All cameras will be checked on a weekly basis to ensure that the images remain fit for purpose and that the date and time stamp recorded on the images is accurate.

4.3 Staff involved in the operation of the CCTV will be made aware of the CCTV Code of Practice and their responsibilities in the implementation of it.

4.4 A data breach will be dealt with in line with the Council's Data Protection Policy.

4.5 The Code of Practice is available for inspection on the Council's Website.

### **5. COMPLIANCE WITH DATA PROTECTION REGULATION**

5.1 East Cambridgeshire District Council, as owner of the CCTV system, has responsibility to ensure that the capture of individual's information complies with statutory obligations; that the information captured is usable and can meet its objectives; and to protect the interests of the public and privacy of the individuals whose images are captured.

5.2 The operation of the CCTV systems must be undertaken with due regard to the following legislation:

- The Data Protection Act 2018
- General Data Protection Regulation 2018
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000

- The Freedom of Information Act 2000
- Surveillance Camera Code of Practice 2013
- Protections of Freedoms Act 2012

**5.3** In its administration of its CCTV system, East Cambridgeshire District Council complies with the Data Protection Act 2018 and to the data protection principles embodied in the Data Protection Act. These principles require that personal data shall be:

- a) Processed fairly and lawfully;
- b) Held only for specified purposes and not used or disclosed in any way incompatible with those purposes;
- c) Adequate, relevant and not excessive;
- d) Accurate and kept up to date;
- e) Be kept longer than necessary for the particular purpose;
- f) Processed in accordance with the rights of individuals;
- g) Kept secure; and
- h) Not be transferred outside the European Economic Area unless the recipient country ensures an adequate level of protection.

**5.4** East Cambridgeshire District Council will also comply with the General Data Protection Regulation and to the data protection principles contained within Article 5 of the GDPR which state that personal data shall be:

- a) Processed lawfully, fairly and in a transparent manner;
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) Accurate and, where necessary, kept up to date;
- e) Kept in a form which permits identification of the data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

## **6. ACCESS TO DATA**

6.1 All staff involved in the operation of East Cambridgeshire District Council's CCTV system will only be authorised to use the CCTV System in a way that is consistent with the purposes of the scheme.

6.2 All staff with responsibility for accessing the CCTV recordings, disclosing or processing CCTV images are required to undertake data protection training.

6.3 Authorised members of staff may be able to monitor cameras sited within their own areas of responsibility on a view only basis.

## **7. DATA MANAGEMENT**

7.1 Information recorded will be accurate, adequate and relevant and not exceed that necessary to fulfil the purpose of the scheme.

7.2 Images are recorded centrally on servers located securely in the East Cambridgeshire District Council offices.

7.3 All images recorded by the CCTV System remain the property and copyright of East Cambridgeshire District Council.

## **8. DATA RETENTION**

8.1 Unless required for evidential purposes, the investigation of an offence or as required by law, CCTV images will be retained for no longer than 28 days from the date of recording. Images will be automatically overwritten after this point.

8.2 Where an image is required to be held in excess of the retention period referred to in 8.1, the Legal Services Manager will be responsible for authorising such a request.

8.3 Images held in excess of their retention period will be reviewed on a three monthly basis and any not required for evidential purposes will be deleted.

8.4 Access to retained CCTV images is restricted to the Legal Department.

## **9. APPLICATIONS FOR DISCLOSURE OF IMAGES**

9.1 Data captured by CCTV is kept for 28 days and then overwritten. Therefore all requests for data need to be made as soon as possible after the incident occurs.

9.2 The principle external source of requests for access to images is expected to be from the Police or other enforcement agencies. In limited circumstances it may be appropriate to disclose images to a third party, such as when a disclosure is required by law, in relation to the prevention or detection of crime or in other circumstances where an exemption applies under relevant legislation. Such disclosures will be made at the discretion of the Legal team at East Cambridgeshire District Council, with reference to relevant legislation.

9.3 Requests by individual data subjects for images relating to themselves is called a 'Data Subject Access Request' and should be submitted in writing to East Cambridgeshire District

Council's Data Protection Officer together with proof of identification. Please find further details and the application form at: <http://www.eastcambs.gov.uk/crime/ecdc-cctv-cameras-ely>

**9.4** In order to locate images on our CCTV system, sufficient detail must be provided by the requester in order to allow the relevant images to be located and the data subject to be identified.

**9.5** Where we are unable to comply with a Data Subject Access Request without disclosing the personal data of another individual who is identified or identifiable from that information, we are not obliged to comply with the request unless satisfied that the individual has provided their express consent to the disclosure, or if it is reasonable, having regard to the circumstances, to comply without the consent of the individual.

**9.6** Data required for evidence will be dealt with in accordance with The Police and Criminal Evidence Act 1984 (PACE). Data provided to the Police or other agencies shall at no time be used for anything other than the purposes for which they were originally released.

**9.7** Any request made under the Freedom of Information Act 2000 in relation to any material captured, stored or retained as a result of the use of the CCTV cameras will be subject to relevant legislation.

**9.8** An individual is entitled to serve a notice on the Council requiring the Council to cease processing images relating to that individual, or another person, on the basis that they are likely to be caused substantial, unwarranted damage or distress. The Data Protection Officer is responsible for responding to such requires.

## **10. COMPLAINTS PROCEDURE**

**10.1** Formal complaints about the operation of the system should be addressed to the Data Protection Officer at: Data Protection Officer, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs., CB7 4EE as soon as possible after the incident or the CCTV action causing the complaint. They will be dealt with in accordance with the Council's formal complaints procedures.

## **11. CODE OF PRACTICE REVIEW**

**11.1** East Cambridgeshire District Council's usage of CCTV and the content of this Code of Practice shall be reviewed annually by the Data Protection Officer with reference to the relevant legislation or guidance in effect at the time. Further reviews will take place as required