



Closed Circuit Television (CCTV) Policy

Westerham Town
Council

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Section 1 Introduction

1.1 Introduction

Westerham Town Council (WTC) operates a Closed Circuit Television (CCTV) system. The System comprises three cameras at Russell House, Market Square, Westerham TN16 1RB recording and monitoring at Russell House and one unmonitored camera on the Groundsman Hut, King George's Field.

WTC also own a portable CCTV unit for use in Westerham 'hotspots' as defined and in consultation with the Police. Recordings only to be accessed in the event of an issue in Westerham.

- 1.2** CCTV schemes that process personal data are obliged to conform to certain legislation, most importantly the Data Protection Act 2018 (DPA), the Human Rights Act 1998 (HRA), the Freedom of Information Act 2000, the Protection of Freedoms Act 2012 and the Regulation of Investigatory Powers Act 2000. This British Standard 7958 is designed to supplement that legislation and aims to ensure fairness, purpose and responsibility.
- 1.3** It is recognised that operation of the WTC CCTV System may be considered an infringement of the privacy of individuals. WTC recognises that it is their responsibility to ensure that the scheme should always comply with all relevant legislation in order to ensure its legality and legitimacy in a democratic society. The scheme will only be used as a proportional response to identified problems. It will only be used in the interests of national security, public safety, the economic well-being of the area, the prevention and detection of crime or disorder, the protection of health and morals, or for the protection of the rights and freedoms of others.
- 1.4** Observance of this Policy shall ensure that evidence is secured, retained and made available as required with due regard to the rights of the individual.
- 1.5** WTC's CCTV System shall be operated with respect for all individuals, recognising the individual right to be free from inhuman or degrading treatment and avoiding any form of discrimination on the basis of sex, race, age, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- 1.6** The government has attempted to address this perceived intrusion problem by introducing the Protection of Freedoms Act 2012. The amended 2021 Surveillance Camera Code of Practice and establishment of a Surveillance Camera Commissioner.

- 1.7** The Surveillance Camera Code of Practice, states that relevant authorities, as defined by the Protection of Freedoms Act, should adopt guiding principles. By adopting these principles owners and operators should make their systems more efficient and productive. WTC actively supports and applies the principles and values contained within the Home Office Surveillance Camera Code of Practice 2021. Doing so demonstrates transparency within legislative guidelines.

The Surveillance Camera Commissioner 12 Guiding Principles listed are as follows:

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.
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.
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.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
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.
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.
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.
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.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
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.

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.

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.

Section 2 Objectives of the System

2.1 The objectives of the WTCs CCTV System, which form the lawful basis for the processing of data, are:

- to help reduce the fear of crime
- to help deter crime
- to help detect crime and provide evidential material for court proceedings

Section 3 Purpose and Principles

3.1 Purpose

The purpose of this document is to achieve the objectives previously defined within Section 1.

General Principles of Operation

- 3.2** The System will be operated in accordance with the principles and requirements of the Human Rights Act 1998.
- 3.3** 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 Police Policy.
- 3.4** The System will be operated in accordance with the Data Protection Act 2018 and GDPR, the Data Protection legislation.
- 3.5** The System will be operated fairly and within the law. It will only be used for the purposes for which it was established and which are identified within the Policy, or which may be subsequently agreed in accordance with the Policy.
- 3.6** 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 home.
- 3.7** The public interest in the operation of the System will be recognised by ensuring the security and integrity of operational procedures.

- 3.8** Throughout this Policy it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the rights of the individual. The owners of the System operate complaints procedures that ensure that the System is not only accountable but is seen to be accountable.

Section 4 Management of the CCTV System

Copyright and Data Controller.

- 4.1** Copyright and ownership of all material recorded by virtue of the System will remain with the Councils' Data Controller (Town Clerk). Once recorded data has been disclosed to a partner or authorised other, such as the Police, they then become the Data Controller for the copy of that data. It is then the responsibility of the Police or authorised other to comply with the Data Protection Act in relation to any further disclosures and security of the data.
- 4.2** All data to be released must be signed for to indicate and evidence responsibility as to the Data Controller. The Data Controller must understand their responsibility under the General Data Protection Regulations, the Humans Rights Act and any other relevant legislation.

Section 5 Monitoring and Recording Facilities

- 5.1** The static CCTV equipment installed has the capability of recording all cameras simultaneously throughout every 24-hour period.
- 5.2** The portable CCTV records throughout every 24-hour period but is only accessed when there is a need to review the footage.
- 5.3** The intentions of this CCTV system has a clear defined purpose or purposes in pursuit of a legitimate aim. The data held is appropriate for the objectives and the owner has a reasonable cause to hold the data.
- 5.4** The purpose is clearly documented in this Code of Practice against which the ongoing use of the system and any images or other data can be assessed.
- 5.5** The CCTV system captures processes, analyses and stores images and data at a quality which is appropriate for its defined purpose. The data or images will not be held for longer than necessary in accordance with the scheme's objectives.
- 5.6** All recorded material, whether recorded in analogue or digital format, or as a hard copy video print, will be processed and handled strictly in accordance with this Policy.

Section 6 Transparency

- 6.1 CCTV signage, and this CCTV Code of Practice are made available to the public to demonstrate transparency indicating to the public that persons who are being monitored are made aware that such activity is taking place with the council's overt public space CCTV system. The undertaking of the activity and the purpose of the activity; this is an integral part of overt surveillance and is a legal obligation.
- 6.2 In the development or review of a CCTV scheme, consultation and engagement are an important part of assessing whether there is a pressing need and a CCTV system is a proportionate response; consultation should be undertaken with all relevant parties and partners.
- 6.3 Privacy Impact Assessment will be carried out prior to any new CCTV cameras being installed. A PIA assesses whether cameras unnecessarily impact on people's privacy. If they do then action must be taken either to mask images or locate the cameras in alternative positions.

Section 7 Privacy

Although members of the public have become accustomed to being observed, when concern is expressed, it is mainly over matters pertaining to the processing of the information, or data, i.e. what happens to material that is obtained?

Note: '**Processing**' means **obtaining, recording or holding** the information or data or **carrying out any operation or set of operations** on the information or data, including:

- i) organising, adapting or altering the information or data
 - ii) retrieving, consulting about or using the information or data
 - iii) disclosing the information or data by transmission, dissemination or otherwise making available, or
 - iv) aligning, combining, blocking, erasing or destroying the information or data
- 7.1 All 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. Personnel data shall be processed with due consideration to a person's right to respect for his or her private and family life and their home.

Section 8 Data Protection Legislation

- 8.1 The operation of the System has been notified to the Office of the Information Commissioner in accordance with Data Protection legislation.

- 8.2 For the purposes of the Data Protection Act the 'data controller' is the Town Clerk.
- 8.3 All data will be processed in accordance with the principles of the Data Protection Act 2018 and the GDPR legislation, which include in summary, but are not limited to, the following:
- i) all personal data will be obtained and processed fairly and lawfully
 - ii) personal data will be held only for the purposes specified
 - iii) personal data will be used only for the purposes, and disclosed only to the people, shown within this Code of Practice
 - iv) only personal data which is adequate, relevant and not excessive in relation to the purpose for which the data is held, will be held
 - v) steps will be taken to ensure that personal data is accurate and where necessary, kept up to date
 - vi) personal data will be held for no longer than is necessary
 - vii) individuals may be allowed access to information held about them and, where appropriate, permitted to correct or erase it, any cost involved will be to the individual making the request
 - viii) procedures will be implemented to put into place security measures to prevent unauthorised or accidental access to, alteration or disclosure of, or loss and destruction of information

Section 9 Subject Access

- 9.1 Subject access is also referred to as Right of Access.
- 9.2 Any request from an individual for the disclosure of personal data, which he or she believes is recorded by virtue of the System, will be directed in the first instance to the Town Clerk.
- 9.3 The principles of the Data Protection Act 2018 (Rights of Data Subjects and others) shall be followed in respect of every request.
- 9.4 If the request cannot be complied without identifying another individual, permission from all parties must be obtained (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.
- 9.5 Any person making a request must be able to prove his identity and provide sufficient information to enable the data to be located.
- 9.6 Personal data held for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders is exempt from the subject access provisions.

- 9.7** The Criminal Procedures and Investigations Act 1996 introduced a statutory framework for the disclosure to defendants of material that the prosecution would not intend to use in the presentation of its own case. This material is known as 'unused material'.

Section 10 Public Information

- 10.1** A copy of this Policy shall be published on the Council's website and will be made available to anyone on request.
- 10.2** Signs will be placed in the locality of the cameras. The signs will indicate:
- the presence of CCTV monitoring

Section 11 Public Information

Evaluation

- 11.1** The System will be evaluated periodically to establish whether the purposes of the System are being met and whether objectives are being achieved. The evaluation will normally include the following:
- an assessment of the impact upon crime
 - an assessment of the incidents monitored by the System
 - a review of the Policy
 - a review of the continuing relevancy of the purposes of the System
 - any other factors which have been identified
- 11.2** The results of any evaluation will be used to review, develop and make any alterations to the specified purpose and objectives of the scheme as well as the functioning, management and operation of the System.

Monitoring

- 11.3** The Town Clerk will be responsible for the monitoring, operation and evaluation of the System and the implementation of this Policy.

Section 12 Control and Operation of Cameras

Guiding Principles

- 12.1** All persons operating the system must act with the utmost probity at all times.
- 12.2** Only persons, who have been trained in their use and the legislative implications of such use, will operate the system and the control, recording and reviewing equipment.
- 12.3** Every use of the cameras will accord with the purposes and key objectives of the System and shall be in compliance with this Policy.

Control

- 12.3** Only staff who are trained and authorised to use the CCTV equipment will have access to the operating controls. Those operators will have primacy of control at all times.

Operation of the System by the Police

- 12.4** Under some circumstances the Police may make a request to assume direction of the System to which this Policy applies. Any requests must be made in writing using the forms in Appendix A and B.

Section 13 Management of Recorded Material

Guiding Principles

- 13.1** For the purposes of this Policy 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the System. This specifically includes images recorded digitally, or on videotape, DVD's, CD's or by way of video copying, including video prints.
- 13.2** Every video or digital recording obtained using the System has the potential of containing material that has to be admitted in evidence at some point during its life span.
- 13.3** Members of the community must have total confidence that information about their ordinary, everyday activities recorded by virtue of the System, will be treated with due regard to their individual right to respect for their private and family life.
- 13.4** Access to recorded material and its use will be strictly for the purposes defined in this Policy.
- 13.5** Recorded material will not be copied, sold, otherwise released or used for commercial purposes of any kind or for the provision of entertainment.

National Standard for the Release of Data to a Third Party

- 13.6** Every request for the release of personal data generated by the System will be channelled through the Town Clerk.
- In complying with the national standard for the release of data to third parties, it is intended, as far as is reasonably practicable, to safeguard the rights of the individual 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.
- The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.
- 13.7** Members of the Police Service or other agency having a statutory authority to investigate and/or prosecute offences may, release details

of recorded information to the media in an effort to identify alleged offenders or potential witnesses. Under such circumstances, full details will be recorded.

Recorded Images – Retention

- 13.8** Recorded data will be retained for a period of 31 days, before being re-recorded or destroyed.

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Appendix A– Police/Authorised Person Requests Images Viewing Log

Camera Number and Location	
Requester (name and address)	
Date of request	
Reason for viewing	
Names of the person(s) viewing/removing the image(s)	
Outcome (if any) of viewing	
The date and time the images were returned to the system or secure place, if they have been retained for evidential purposes	

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Appendix B – Police Request to use images for Legal Proceedings

The date on which the images were removed from the System for use in legal proceedings	
The reason they were removed from the System	
To whom the images were released, the images must be signed for	
Any crime incident number to which the images may be relevant	