Closed Circuit Television (CCTV) Code of Practice		Version: 2	Ref:
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Standard Letters	Reference	Standard Forms	Reference
		Subject Access Form	Appendix A
		Confidentiality Declaration Form	Appendix B
Guidance		Viewing Operators Privacy Statement	Appendix C
Subject Access Form Guidance	Appendix A1	Impact Assessment Form (For New Cameras)	Appendix D

The Castle Vale Community Housing Limited

CCTV
Code of Practice

Control Room

CCTV Scheme: Code of Practice

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1.0 INTRODUCTIONS & DEFINITIONS

Introduction

1.1 This Code of Practice shall apply to the closed circuit television surveillance scheme known as Castle Vale Community Housing CCTV scheme. The scheme initially comprises of cameras which have been sited in specific locations and are controlled, monitored and recorded at a dedicated CCTV control room. A problem orientated process was utilised to assess the appropriateness of CCTV in the areas covered. The cameras have therefore been sited to capture images which are relevant to the purposes for which the scheme has been established.

1.2 Ownership

The scheme is owned by Castle Vale Community Housing, part of the Pioneer Group who is responsible for the management, administration and security of the system. CVCH will ensure the protection of individuals and the public by complying with the Codes of Practice. CVCH is committed to the recommendations contained in the Information Commissioners CCTV Code of Practice which can be found on the following website: www.ico.gov.uk.

1.3 Closed Circuit Television Mission Statement

To promote public confidence by developing a safe and secure environment for the benefit of those employed, visiting or using the facilities of the area covered by the CCTV scheme.

1.4 Codes of Practice Mission Statement

To inspire public confidence by ensuring that all public area CCTV systems which are linked to the CCTV Control and Monitoring Room are operated in a manner that will secure their consistent effectiveness and preserve the civil liberty of law abiding citizens at all times.

1.5 Definitions

1.5.1 **The CCTV control and monitoring room** shall mean the area of a building where CCTV is monitored and data retrieved and analysed.

1.5.2 **CCTV scheme** shall mean the totality of the arrangements for closed circuit television in the locality and is not limited to the technological system, staff and operational procedures.

1.5.3 **The retrieval system** means the capability, in any medium, of effectively capturing data that can be retrieved, viewed or processed.

1.5.4 **CCTV system** means the surveillance items comprising cameras and associated equipment for monitoring, transmission and controlling purposes, for use in a defined zone.

1.5.5 **The distributed system** means any subsystem, any part of which may be linked temporarily or permanently for remote monitoring within the CCTV system.

1.5.6 **Data** shall mean all information, including that about a person in the form of pictures, and any other associated linked or processed information.

1.5.7 **Personal Data** means data which relates to a living individual who can be identified: a) from that data or b) from that data and other information which is in the possession of or is likely to come into the possession of, the data controller.

1.5.8 **Sensitive personal data** is personal data which is deemed to be sensitive. The most significant of these, for the purposes of this code are information about:-

- The commission or alleged commission of any offences
- Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings

1.5.9 **An incident** is an activity that raises cause for concern that the safety or security of an individual or property including vehicles that may be compromised or that an offence has been, is being or is about to be, committed, or that an occurrence has taken place warranting specific action by an operator.

1.5.10 **The owner** is Castle Vale Community Housing, Part of the Pioneer Group which is the organisation with overall responsibility for the formulation and implementation of policies, purposes and control of the scheme.

1.5.11 **The manager** has the responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme, as defined by the owner of the scheme.

1.5.12 **Data controller** means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are about to be processed. In relation to this CCTV scheme the Data Controllers are CVCH.

1.5.13 **Operators** employed by CVCH and specifically designated to carry out the physical operation of controlling the CCTV system and the data generated. All operators are screened, trained and licensed to the standards required in the Private Security Industry Act 2001.

1.5.14 **Recording material** means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.

1.5.15 **A hard copy print** is a paper copy of a live image or images, which already exist on recorded material.

1.6 System Description

1.6.1 The CCTV system referred to in this document has been introduced into the area. Whilst the scheme is owned and operated by CVCH, part of the Pioneer Group, its implementation and/or expansion is supported by the following bodies and partners

1 West Midlands Police
2 Local Residents
3 Local Businesses
4 Local Charities

The owner, operator and all partners will work in accordance with the Codes. The partners will have no involvement in the operating of the system with the exception of the Police, when an incident is drawn to their attention by the monitoring staff and necessitates such action.

1.6.2 Images from all cameras are recorded simultaneously throughout 24 hour period 365 days each year.

1.6.3 High quality cameras both fully functional with pan, tilt and zoom and static are in use.

1.6.4 The physical and intellectual rights in relation to any and all material recorded within the CVCH Control and Monitoring facility shall at all times remain in the ownership of the said organisation.

1.7 Registration with Information Commissioner

In order to support the requirements of these policies and procedures, in particular, legislation surrounding the recording and storage of sound and image data, the system has been registered with the Information Commissioner for the purpose outlined later in this document.

2.0 CHANGES TO THE CODE OF PRACTICE

2.1 Any major changes to this Code of Practice will take place only after consultation with the relevant management group and upon agreement of all organisations with a participatory role in the operation of the system.

2.1.1 Major changes to this code are defined as changes which affect its fundamental principles and shall be deemed to include:

- additions and omissions of cameras to the system (These can only be undertaken with the express agreement of the Home Office – at least for the first 5 years of the scheme)
- matters which have privacy implications
- additions to permitted uses criteria e.g. purposes of the scheme
- changes in the right of access to personal data, except statutory requirements
- significant legal implications.

2.1.2 Minor changes to this Code of Practice are defined as operational and procedural matters which do not affect the fundamental principles and purposes; these include:

- additions and omissions of contractors
- additional clarifications, explanations and corrections to the existing code
- additions to the code of practice in order to conform to the requirements of any statutory Acts and changes in criminal legislation

A minor change may be agreed between the manager and the owner of the system.

The Code of Practice will be subject to annual review which will include compliance with the relevant legislation and Standards.

2.2 Supplementary Documentation

The Code of Practice will be supplemented by the following documents:

a) CCTV Operations Procedural Manual, prepared under the criteria outlined in British Standard 7958, which provides a Code of Practice for the Management and Operation of CCTV

b) Operators Equipment manual

Each document contains instructions and guidance to ensure that the objectives and principles set out in this Code of Practice are achieved. These documents will be restricted to the partners and staff members only.

3.0 PURPOSE OF THE CODE OF PRACTICE & CCTV SCHEME

3.1 Purpose of and Compliance with the Code of Practice

3.1.1 This Code of Practice is to detail the management, administration and operation of the closed circuit television (CCTV) system and the associated Control and Monitoring facility.

3.1.2 The Code of Practice has a dual purpose, in that it will assist owners, management and operators to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.

3.1.3 The owners, CCTV Operators and users of the CCTV systems connected to the Control, Monitoring and Recording facility shall be required to give a formal undertaking that they will comply with this Code of Practice and act in good faith with regard to the basic principles contained within it.

3.1.4 Participation in any CCTV scheme, by any public authority or private agency, assumes an agreement by all participants to comply fully with, and be accountable under, these policies and procedures.

3.1.5 The owners, CCTV Operators, users and any visitors to the Control, Monitoring and Recording facility will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential. Appendix C and appendix D

3.2 Purposes of the scheme

The following are the objectives for which the CCTV system was established:

a) Assist in the prevention and detection of offences

b) Reduce both the real and perceived level of crime

c) Improve confidence in the rule of law

d) Assist in the apprehension and prosecution of offenders.

e) Gather evidence by a fair and accountable method

f) create a safer community, improving the quality of life for all by:
   - creating a safe environment
   - reducing vehicle crime
   - deter public disorder, harassment and anti-social behaviour
   - assisting with environmental management
   - monitoring and management of traffic flow in key areas
   - Monitoring the movement of people in emergency situations, e.g evacuation

4.0 FUNDAMENTAL PRINCIPLES

4.1 Rights of Privacy

4.1.2 CVCH and its partners support the individual's right to privacy and will insist that all agencies involved in the provision and use of Public CCTV systems connected to the Control, Monitoring and recording facility accept this fundamental principle as being paramount.

4.2 Principles of management of the scheme

4.2.1 Prior to the installation of cameras an 'Impact Assessment' to determine whether CCTV is justified and how it will be operated will be undertaken in compliance with the Information Commissioners CCTV Code of Practice, Appendix E.

4.2.2 The cameras have been sited to capture images that are relevant to the specified purposes for which the scheme has been established.

4.2.3 Cameras will be sited to ensure that they can produce images of the right quality, taking into account technical and environmental issues

4.2.4 To accomplish the above an 'Operational Requirement' will be completed at the time of the 'Impact Assessment' for each proposed camera to dictate the quality of images required. This is a recommendation of the information Commissioner.

4.2.6 If wireless transmission systems are used to control CCTV equipment, sufficient safeguards will be in place to protect them from being intercepted.

4.2.7 If appropriate, a public address system is to be used in conjunction with the cameras to issue warnings to deter person(s) engaging in criminal activity or ant-social behaviour or to alert the public to a situation of imminent danger and for no other purpose.

4.2.8 The scheme will be operated fairly, within the applicable law and only for the purposes for which it is established or which are subsequently agreed in accordance with the Code of Practice.

4.2.9 Operators are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.

4.2.10 The scheme will be operated with due regard for the privacy of the individual.

4.2.11 Before cameras are placed in residential areas the residents in that area will be consulted concerning the proposed system. The results of the consultation will be taken into account

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

4.2.13 The system will only be operated by trained and authorised personnel.

4.2.14 Every CCTV Operator (public and private sector employees) will be personally issued with a copy of the local Codes of Practice and Operating Procedures. They will be fully conversant with the contents of these documents, which may be updated from time to time, and which he/she will be expected to comply with at all times as far as is reasonably practicable.

4.3 Policy of the Scheme and Signage

The scheme aims to provide surveillance of the public areas within the area covered by the CCTV scheme in order to fulfill the purposes of the scheme. However, it is not possible to guarantee detection of every incident. The area protected by CCTV will be indicated by the presence of signs. The signs will be placed so that the public are aware that they are entering a zone which is covered by surveillance equipment. The signs will state the organization responsible for the scheme, the purposes of the scheme and a contact telephone number. The contact point will be available to members of the public during office hours. Data will not be held for longer than necessary and disposal of information will be regulated.

4.4 Point of contact

Should the public wish to make contact with the owners of the scheme they may write to:

Castle Vale Community Housing
11 High Street
Castle Vale
Birmingham
B35 7PR
Telephone 0121 748 8100
Enquirers will be provided with the relevant documentation.

4.5 Release of information to the public

Information will be released to third parties, itemised in Section 8 who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves. Information will be released if the reasons are deemed acceptable, the request and release of information complies with current legislation and on condition that the information is not used for any other purpose than that specified.

Individuals may request to view information concerning themselves held on record in accordance with the Data Protection Act 1998. The procedure is outlined in Section 8.8 of this Code of Practice.

4.6 Release of information to statutory prosecuting bodies

The policy is to assist statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Statutory bodies may have access to information permitted for disclosure on application to the owner of the scheme or the manager, provided the reasons and statement of purpose, accord with the objectives of the scheme and conditions outlined in section 8.0.

4.7 Release of Information to other bodies

The release of information to other organizations will only take place with the authority of the Data Controller and in accordance with the purposes of the scheme. Only those bodies registered with the Information Commissioner will be permitted such access.

4.8 Policy review

The policy on the release of information shall be reviewed annually with respect to:

a) whether the purpose and objectives statements remain valid
b) change in extent of the scheme
c) contracts with suppliers
d) data protection or legal requirements have altered
e) maintenance schedule and performance tests
f) scheme evaluation findings
g) complaints procedure and evaluation

5.0 DATA PROTECION ACT AND OTHER LEGISLATION

5.1 The scheme is registered with the Data Protection Commissioner. The scheme will be managed in accordance with the principles of the Data Protection Act 1998. The Act encompasses eight Data Protection Principles a summary of which follows:

First Data Protection Principle
"Personal Data shall be processed fairly and lawfully and in particular, shall not be processed unless :

a) At least one of the conditions in schedule 2 is met and
b) In the case of sensitive Personal Data, at least one of the conditions in schedule 3 is also met"

The above conditions are covered in the purposes for which the scheme was installed. The definition of Personal Data and Sensitive Personal Data can be found in Section one of these codes.

Second Data Protection Principle
"Personal Data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes".

Third Data Protection Principle
"Personal Data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed".

The Fourth Data Protection Principle
"Personal Data shall be accurate and, where necessary, kept up to date".

The Fifth Protection Principle
"Personal Data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes".

The Sixth Data Protection Principle
"Personal data shall be processed in accordance with the rights of data subjects under this Act".

The Seventh Data Protection Principle
"Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data".

The Eighth Data Protection Principle
"Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data".

5.2 Human Rights Act 1998

The scheme and those connected with it acknowledges the provisions within the Human Rights Act 1998 and its impact on issues relating to the use of CCTV. The scheme is considered necessary for the purposes already outlined and to fulfil the requirements of legislation. The system will be used proportionally, legally and remain accountable.

5.3 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 prosecution of its own case (known as unused material) but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the data controller by Section 7 of the Data Protection Act 1998, (known as subject access).

5.4 Freedom of Information Act 2000

If a request for images is received via a FOIA application and the person requesting is the subject, these will be exempt from the FOIA and will be dealt with under The Data Protection Principles.

Any other requests not involving identification of individuals can be disclosed but only if it does not breach the data protection principles.

5.5 Regulation of Investigatory Powers Act 2000

Introduction

The Regulation of Investigatory Powers Act 2000 came into force on 2nd October 2000. It places a requirement on public authorities listed in Schedule 1; Part 1 of the act to authorise certain types of covert surveillance during planned investigations.

Background

The provisions of the Act do not cover the normal, everyday use of **overt** CCTV surveillance systems. Members of the public are aware that such systems are in use, for their own protection, and to prevent crime.

The Act is divided into five parts. Part II is the relevant part of the act for CCTV. It creates a system of authorisations for various types of covert surveillance. The types of activity covered are "intrusive surveillance" and "directed surveillance". Both types of surveillance if part of a pre-planned operation will require authorisation from specified persons named in the Act. In addition, the reasons for such surveillance must be clearly indicated and fall within the criteria outlined by this legislation. A procedure is in place for regular reviews to be undertaken into authorisation.

The consequences of not obtaining an authorization under this Part may be, where there is an interference by a public authority with Article 8 rights (invasion of privacy), and there is no other source of authority, that the action is unlawful by virtue of section 6 of the Human Rights Act 1998 (Right to fair trial) and the evidence obtained could be excluded in court under Section 78 Police & Criminal Evidence Act 1984.
Any Castle Vale Community Housing scheme will observe the criteria laid out in the legislative requirements. Further information is available from the Home Office website:-
www.homeoffice.gov.uk/ripa/ripact.htm

6.0 ACCOUNTABILITY

6.1 CVCH and the Partners support the principle that the community at large should be satisfied that the Public CCTV systems are being used, managed and controlled in a responsible and accountable manner and that in order to meet this objective there will be independent assessment and scrutiny.

6.2 Responsibilities

6.2.1 The Owner

The owner shall be responsible for policy, effective management and public relations of the scheme. They shall produce a written policy and be responsible for its implementation. This shall be carried out in consultation with users of the scheme and provide for the release of information relating to the operation of the system. The owner is responsible for dealing with complaints, and ensuring a fair system of staff selection and recruitment is adopted for staff employed in the control and monitoring environment. The role of owner also includes all statutory responsibilities including the role of "data controller" as prescribed by the Data Protection Act 1998 Section 1 Subsection 1(1)

6.2.2 The Manager

The manager or designated member of staff should undertake regular reviews of the documented procedures to ensure that the provisions of this Code are being complied with. The manager is the person who has direct control of the scheme and as such he/she will have authority for the following:

a) Staff management
b) Observance of the policy and procedural practices
c) Release of data to third parties who have legal right to copies
d) Control and security clearance of visitors
e) Security and storage of data
f) Security clearance of persons who request to view data
g) Release of new and destruction of old data and media
h) Liaison with police and other agencies
i) Maintenance of the quality of recording and monitoring equipment

The manager should retain responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it was installed and in accordance with the objectives identified for the system.

The manager shall also ensure that on a day-to-day basis all equipment is working correctly and that the operators of the scheme comply with the Code of Practice and Procedural Manual. Dealing with breaches of the codes and disciplinary measures shall lie with the manager.

6.2.3 The Community Safety Coordinator

The Community Safety Coordinator has a responsibility to ensure that at all times the system is operated in accordance with the policy and all procedural instructions relating to the system, and for bringing to the immediate attention of the Community Manager any matter affecting the operation of the system.

The Community Safety Coordinator should ensure that at all times operators carry out their duties in an efficient and responsible manner, in accordance with the objectives

of the scheme. This will include regular checks and audit trails to ensure that the documentation systems in place are working effectively. These systems include:

a) The digital log
b) The digital register
c) The incident log
d) Faults and maintenance log
e) The security of data
f) Authorisation of visitors

The Community Safety Coordinator should ensure they also comply with Health and Safety Regulations.

The Community Safety Coordinator will be responsible for complying with the code of practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme. They are required to be proficient in the control and the use of the CCTV camera equipment, recording and playback facilities, and maintenance of all logs. The information recorded must be accurate, adequate and relevant to the purpose of the scheme. They should bring to the attention of the supervisor immediately any equipment defect that may occur.

6.2.4 Contractor's Responsibilities

There are a number of contractors responsible for

1) Maintenance of CCTV equipment
2) Maintenance of door entry systems

The response provided by contractor's is subject of a written contract and records of responses are maintained.

6.3 Accountability

The Community Manager/ Community Safety Coordinator shall be accountable to the owner of the scheme and will provide periodic progress reports on the scheme. The manager/supervisor will resolve technical and operational matters.

Failure of the operators to comply with the procedures and code of practice should be dealt with by the manager/supervisor. Person(s) misusing the system will be subject to disciplinary or legal proceedings in accordance with the employers policy.

6.4 Annual Assessment and Audits

An annual assessment of the scheme will be undertaken by an independent consultancy appointed by the owner to evaluate the effectiveness of the system. The results will be assessed against the stated purposes of the scheme. If the scheme is not achieving its purpose modification and other options will be considered.

The results of the assessment will be made available through the offices of Castle Vale Community Housing.

The Information Commissioner's CCTV Code of Practice stipulates that the system should be reviewed annually to determine whether CCTV continues to be justified. It further states that

it is necessary to establish the system's effectiveness to ensure that it is still doing what it was intended to do. It is does not achieve its purpose, it should be stopped or modified.

6.5 Audit

Regular independent random audits will check the operation of the scheme and the compliance with the code of practice. It will consider the following:

The level of attainment of objectives and procedures
Random audits of the data log and release of information
The review policy
Standard costs for the release of viewing of material
The complaints procedure

6.6 Complaints

A member of the public wishing to register a complaint with regard to any aspect of the CCTV scheme may do so by contacting Castle Vale Community Housing. Any such complaint will be dealt with in accordance with existing discipline rules and regulations to which all employees of Castle Vale Community Housing of are subject.

A member of the public wishing to make a complaint about the system may do so through the Castle Vale Community Housing's complaint procedure by writing to:

Castle Vale Community Housing
11 High Street
Castle Vale
Birmingham
B35 7PR

A complaints procedure has been documented. A record of the number of complaints or enquiries received will be maintained together with an outline of the action taken.

When a complaint is received a written acknowledgement will be sent within 2 working days. A copy of the completed complaint form will also be sent so the complainant can check that the details are correct.

An investigation will follow and a written answer will be sent to the complainant within 10 working days stating that:-

- The investigation is complete giving details of any proposed action, or, the investigation has not been completed giving the reason why and a date when a full reply can be expected.

Should a complainant not be satisfied there is an appeals procedure and this is detailed in the full complaints procedure. A report on the numbers of complaints will be collated by the systems manager or designated member of staff in order to assess public reaction to, and opinion of, the use of the system. The annual report will contain details of the numbers of complaints received.

6.7 Personnel

6.7.1 Security screening

All personnel employed to control/operate or manage the scheme will be security screened.

6.7.2 Training

Castle Vale Community Housing believes that the thorough training of operatives is vital for the effective and efficient operation of the system. All persons employed to act as operators of the system are trained to the required SIA (Security Industry Authority) standards and have the capacity to receive a license from that body to monitor surveillance systems. The minimum period of training will be 4 days, this meets the requirements of the Private Security Industry Act 2001.

Training will be completed by suitably qualified persons and will included:

a) Information Commissioners Code of Practice for CCTV schemes
b) Terms of employment
c) The use of all appropriate equipment
d) The operation of the systems in place
e) The management of recorded material including requirements for handling and storage of material needed for evidential purposes.
f) All relevant legal issues including Data Protection and Human Rights
g) Progression to nationally recognized qualifications
h) Recognise and understanding privacy and disclosure issues
i) The disciplinary policy

7.0 CONTROL ROOM MANAGEMENT AND OPERATION

7.1 Access to Control Room

7.1.1 Access to the monitoring area will be strictly controlled. Security of the Control Room shall be maintained at all times.

7.1.2 Only those persons with a legitimate purpose will be permitted access to the Control and Monitoring Room.

7.1.2.1 The Community Safety Coordinator or in his/her absence the Community Manager, is authorised to determine who has access to the monitoring area. This will normally be:

(i) Operating staff
(ii) CVCH management and authorised personnel
(iii) The CCTV manager / Community Safety Coordinator
(iv) Police officers requiring to view an image of a particular incident, or collecting/returning media being considered for intelligence or evidential purposes. Liaison visits are encouraged and will take place by prior appointment.
(v) Engineers and cleaning staff (These people will receive supervision throughout their visit)
(vi) Independent Inspectors appointed under this Code of Practice may visit the control room without prior appointment.
(vi) Organised visits by authorised persons in controlled circumstances

All visitors to the monitoring area, including Police Officers, will be required to sign a visitors log and a declaration of confidentiality.

7.2 Response to an incident (Procedural Manual)

7.2.1 The Procedural Manual details:

What action should be taken
Who should respond
The time scale for response
The times at which the observation should take place

7.2.2 A record of all incidents will be maintained in the incident log. Information will include anything of note that may be useful for investigative or evidential purposes.

7.3 Who makes the response and the time scale

Incidents of a criminal nature will be reported to the Police. The response will be made by the Police Service in accordance with their policies.

7.4 Observation and recording of incidents

Recording will be throughout the 24 hour period in time lapse mode. Wherever possible the system will be monitored 24 hours a day.

In the event of an incident being identified there will be particular concentration on the scene and the operator will activate real time recording.

7.5 A successful response

The criteria for measuring a successful response are:

A good observational record of the incident
A short time scale for response to the incident
Identification of a suspect
The prevention or minimisation of injury or damage
Reduction of crime and disorder
Improving public safety
Restoration of tranquillity

7.6 Operation of the System by the Police

a) If appropriate, a monitoring facility installed at the local Police Station, will facilitate the monitoring of specific incidents referred to the police by the control centre.

b) In the event of such incidents, the monitoring room 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 this Code.

c) In very extreme circumstances such as a major incident a request may be made for the Police to take total control of the system in its entirety, including the staffing of the monitoring room and personal control of all associated equipment; to the exclusion of all representatives of the system owners. A request for total exclusive control must be made in writing by a Police Officer not below the rank of Superintendent (or designated deputy).

Once the police undertake any of the above they become responsible under the Data Protection Act 1998.

8.0 PRIVACY AND DISCLOSURES ISSUES

8.1 Privacy

Cameras should not be used to infringe the individual's rights of privacy. The cameras are generally sited where they will not be capable of viewing any residential properties. If it is found there is a possibility that cameras would intrude in private areas, privacy zones would be programmed into the cameras where possible and where not possible CCTV operators are trained to recognize privacy issues relating to such areas.

8.1.1 The following principles will be adhered to:

a) All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images
b) Images not required for the purposes of the scheme will not be retained longer than necessary. However, on occasions it may be necessary to retain images for longer period, where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.
c) The Data controller will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV scheme
d) Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised employees of the user of the equipment.
e) Recorded material will only be used for the purposes defined in the objectives and policy
f) Access to recorded material will be in accordance with policy and procedures
g) Information will not be disclosed for commercial purposes and entertainment purposes
h) All access to the medium on which the images are recorded will be documented
i) Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of using the equipment
j) Viewing of the recorded images will take place in a restricted area

8.1.2 Before data is viewed by a third party the manager will be satisfied that data is:

a) The subject of a complaint or dispute that is unanswered
b) The original data and the audit trail is maintained throughout
c) Not part of a current criminal investigation by the Police, or likely to be so
d) Not part of a civil proceeding or likely to be so
e) Not removed or copied without proper authority
f) The image obtained is aimed at identifying individuals or information relating to an individual.

8.2 Access to recorded images

Access to recorded images will be restricted to the Community Safety Coordinator or Community Manager or designated member of staff who will decide whether to allow requests for access by third parties in accordance with the disclosure policy.

8.3 Viewing recorded images

Viewing of recorded images should take place in a restricted area. Other employees will not be allowed to have access to that area when viewing is taking place

8.4 Operators

All operators are trained in their responsibilities in relation to access to privacy and disclosure issues.

8.5 Removal of medium for Viewing

The removal of medium on which images are recorded, for viewing purposes, will be documented in accordance with Data Protection principles and the procedural manual..

8.6 Access to data by third parties

8.6.1 Access to images by third parties will only be allowed in limited and prescribed circumstances. In the case of the CCTV scheme, disclosure will be limited to the following:-

a) law enforcement agencies where the images recorded would assist in a specific criminal enquiry
b) prosecution agencies
c) legal representatives
d) the media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be taken into account.
e) The people whose images have been recorded and retained (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.
f) Those other authorised bodies registered with the Information Commissioner

8.6.2 All requests for access or for disclosure will be recorded. If access or disclosure is denied, the reason should be documented.

8.6.3 If access to or disclosure of the images is allowed, details will be documented.

8.6.4 Recorded images should not in normal circumstances be made more widely available, for example, they should not be routinely made available to the media or placed on the internet.

8.6.5 If it is intended that the images will be made more widely available, that decision should be made by the manager or designated member of staff and the reason documented.

8.6.6 The owner should not unduly obstruct a bone fide third party investigation to verify the existence of relevant data.

8.6.7 The owner should not destroy data that is relevant to previous or pending search request which may become the subject of a subpoena.

8.6.8 The owner should decide which other agencies, if any, should have access to data and it should be viewed live or recorded but a copy should never be made or released.

8.7 Disclosure in the public interest

Requests to view personal data that do not fall within the above categories but that may be in the public interest should be considered. Examples may include public health issues, community safety or circumstances leading to the prevention or detection of crime.

Material may be used for bona fide training such as Police or staff training.

8.8 Data subject access disclosure

8.8.1 All staff involved in operating the equipment must be able to recognise a request for access to recorded images by data subjects and be aware of individual's rights under this section of the Code of Practice.

8.8.2 Individuals whose images are recorded have a right to view the images of themselves and, unless they agree otherwise, to be provided with a copy of the images. This must be provided within 40 calendar days of receiving a request.

8.8.3 Data subjects requesting access will be provided with a standard subject access request form (Appendix 'A') and accompanied leaflet (Appendix 'B') describing the types of images recorded and retained and the purposes for recording and retention.

8.8.4 Subject access rights are governed by Section 7 of the Data Protection Act 1998 and include the following provisions:

a) A fee is paid for each search
b) A person gives sufficient and accurate information about a time and place
c) Information required as to the identification of the person making the request.
d) The Data Controller only shows information relevant to the search

8.8.5 If a copy is requested, it will be necessary to ascertain whether the images obtained are aimed at learning about the Data Subjects activities. If this is not the case and there has been no captured images of identifiable individuals or information relating to individuals then this may not fall within the Data Protection Act 1998 and access may be denied. Any refusal should be documented.

8.8.6 If on the other hand images have been obtain and CCTV used to focus on the activities of particular people either by directing cameras at an individual's activities, looking out for particular individuals or examining recorded CCTV images to find things out about the people in them such as identifying a criminal or a witness or assessing how an employee is performing. These activities will still be covered by the DPA and reference should be made to Section 8.2.2 of these Codes of Practice prior to the release of such data.

8.8.7 If images of third parties are also shown with the images of the person who has made the access request, consideration will be given as to whether there is a need to obscure the images of third parties. If providing these images would involve an unfair intrusion into the privacy of the third party, or cause unwarranted harm or distress, then they should be obscured. In many cases, images can be disclosed as there will not be such intrusion.

8.8.8 The subject access request will be dealt with promptly and in any case within 40 days of receipt of the request or within 40 days of receiving all the information required

8.8.9 All subject access requests should be dealt with by the manager or designated member of staff.

8.8.10 A search request should provide sufficient information to locate the data requested (e.g.

within 30 minutes for a given date and place). If insufficient information is provided a data controller may refuse a request until sufficient information is provided.

8.8.11 Under certain circumstances (Section 29 of the Data Protection Act 1998) the manager or designated member of staff can decide that a subject access request is not to be complied with. In such cases the refusal will be documented.

8.9 Provision of data to the individual

The owner/manager having verified the validity of a request should provide requested material to the individual. Only that personal data specific to the search request should be provided. Other individuals should be blanked off by electronic screening or manual editing on the monitor screen. As there is no on site means of editing out other personal data the material would have to be sent to an editing house for processing. The procedure outlined in the Procedural Manual will be followed.

If the individual agrees it may be possible to provide subject access by viewing only. If this is the case:

a) Viewing should take place in a controlled environment
b) Material not relevant to the request should be masked or edited out

8.10 Other rights

All staff involved in operating the equipment must be able to recognize a request from an individual to prevent processing likely to cause substantial and unwarranted damage to that individual.

In relation to a request to prevent processing likely to cause substantial and unwarranted damage, the manager or designated member of staff's response should indicate whether he or she will comply with the request or not.

The member or designated member of staff must provide a written response to the individual within 21 days of receiving the request setting out their decision on the request.

If the manager or designated member of staff decide that the request will not be complied with, they must set out their reasons in the response to the individual.

A copy of the request and response will be retained.

8.11 Media Disclosure

Disclosure of images from the CCTV system must be controlled and consistent with the purpose for which the system was established. For example, if the system is established to help prevent and detect crime it will be appropriate to disclose images to law enforcement agencies where a crime needs to be investigated, but it would not be appropriate to disclose images of identifiable individuals to the media for entertainment purposes or place them on the internet. Images can be released to the media for identification purposes; this will not generally be done by anyone other than a law enforcement agency.

9.0 RECORDED MATERIAL MANAGEMENT

9.1 General

Images, which are not required for the purpose(s) for which the equipment is being used will not be retained for longer than is necessary. As mentioned previously, on occasions images may need to be retained for longer periods as a requirement of an investigation into crime. While images are retained access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

9.1.1 Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.

9.1.2 Security measures will be taken to prevent unauthorised access to, alteration, disclosure, destruction, accidental loss or destruction of recorded material.

9.1.3 Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.

9.1.4 Images retained for evidential purposes will be retained in a secure place where access is controlled.

9.1.5 The system records features such as the location of the camera and/or date and time reference and documented procedures are in place for ensuring accuracy.

9.2 Quality

In order to ensure that clear images are recorded at all times the equipment for making recordings will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions. All documentation relating to the equipment and its servicing is retained in the control room and will be available for inspection and audit.

9.3 Digital Recordings

In a digital CCTV system, the register should show the life of the recorded media at all stages whilst in the owner's possession. Such a register may also show itself to be useful in enabling evaluation of the CCTV scheme. The register should include the following:

a) Unique equipment reference number(s);
b) Time/date/person removing medium from secure storage for use;
c) Time/date/person returning medium to secure storage after use;
d) Remarks column to cover additional points (e.g., erase/destroy/handed over to law enforcement agencies/removed from recording machine);
e) Time and date of delivery to the law enforcement agencies, identifying the law enforcement agency officer concerned;
f) In the event of a non-automated system of erasure of data, the time/date/person responsible for erasure and/or destruction.
g) Details of all reviews of images, including persons present and results

10.0 DOCUMENTATION

10.1 Log books must be sequential in order that pages or entries cannot be removed and full and accurate records kept.

10.2 Logs

An accurate log of operator working times will be maintained. Each operator will maintain a log of any event or occurrence including:

- change of operator and the state of the recording equipment and incidents including details of time, date, location, name of operator dealing and action taken

10.3 Administrative documents

The following shall be maintained:

- Video/CD or other medium tracking register
- Occurrence/incident Book
- Visitors register
- Maintenance of equipment, whether routine or breakdown
- Staff signing on and off duty
- Video print log
- List of installed equipment

10.4 Audits

Regular internal and independent audits of all documentation will be conducted.

10.5 Subject Access Requests

If you wish to exercise your rights of subject access as provided for in section 7 of the Data Protection Act 1998 you will be required to make the request in writing on a standard subject access request form.

All requests for subject access will be dealt with by the Community Safety Coordinator or a nominated deputy. A written response to the request will be provided within 40 days of receipt, either setting out the steps intended to take to comply with the request or setting out the reason for refusing the request.

A fee, not exceeding the prescribed maximum, may be levied.

The Data Protection Commissioner has published a Code of Practice for Users of public area CCTV Systems. A copy of this code may be obtained on application to the Data Protection Commissioner. (See appendix A, A1)

11.0 DUTY CONTROLLER OBLIGATIONS

11.0 Duty controllers are required to operate and monitor all systems including CCTV within the control centre in a professional and efficient manner, ensuring integrity accuracy and confidentiality of all information gained by compliance with quality standards and legislation, whilst preserving the right for individuals.

In ensuring the effective management of the control room and the operation of CCTV, we need to ensure the protection of the personal safety and general health and safety of CCTV control staff and visitors. We will ensure that the control room and duty controllers adhered to and operate within the policies, procedures and CCTV Code of practice (COP) at all times.

Duty controllers are required to read and understand the impact of the CVCH policies, procedures, codes of practice and guidelines on the delivery of the CCTV service.

12 : CCTV INTERNAL CAMERA POLICY

Policy Statement

1. **Subject:**
   Use of internal control room CCTV camera

2. **Purpose:**
   To ensure the protection of the personal safety and general health and safety of CCTV control staff and visitors. To ensure that the control room and duty controllers adhered to and operate within the policies, procedures and CCTV Code of practice (COP) at all times.

3. **ICO Regulation:**
   Control Camera is to be used to under our current Information Commissioners Office registered purpose of prevention and detection of crime, including legislative compliance, housing and estate/environment management.

4. **Guidelines:**
   Consideration of the Information Commissioners Office; Employment Practices Code (Nov 2011) has been taken in the formation of this policy and procedural guideline

5. **Signage:**
   The appropriate signage will be displayed informing staff and visitors that images within the designated area are being recorded. Signs will be displayed in the CCTV entrance holding bay and inside the CCTV control room.

6. **Permission level:**
   Footage can only be viewed under strict permission guidelines. Permission is to be sought by the CSC from CM for footage relevant to duty controllers. Permission to view the control footage relevant to the CSC will be requested by the CM to the HCSD. The form AFT1, part **"a"** and part **"b"** will be used to formalise access and grant or deny permission to footage.

7. **Access to footage:**
   In order to maintain the integrity of the use of the control room camera, a clear system of accessibility to the footage obtained has been formed. If access to the footage is required and complies with the key purpose, the following "Access to control room footage" process should be followed.

Appendix 'A'

Subject Data Access Form: Guidance

How to Apply For Access to Information Held On the CCTV System

These notes explain how you can find out what information, if any, is held about you on the CCTV System.

Your Rights
Subject to certain exemptions, you have a right to be told whether any personal data is held about you. You also have a right to a copy of the information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or if you agree otherwise. Castle Vale Community Housing will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, Castle Vale Community Housing is not obliged to comply with an access request unless –

- The other individual has consented to the disclosure of information, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual(s)

Castle Vale Community Housing CCTV System Rights
Castle Vale Community Housing may deny access to information where the Act allows. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
- Apprehension and prosecution of offenders

And giving you the information may be likely to prejudice any of these purposes.

Fee
A fee of £10 is payable for each access request, which must be in pounds sterling. Cheques, Postal Orders, etc. should be made payable to Castle Vale Community Housing.

THE APPLICATION FORM: (N.B. ALL sections of the form must be completed. Failure to do so may delay your application.)

Section 1 Asks you to give information about yourself that will help us confirm your identity. We have a duty to ensure that information it holds is ensure and it must be satisfied that you are who you say you are.

Section 2 Asks you to provide evidence of your identity by producing TWO official documents (which between them clearly show your name, date of birth and current address) together with a recent full photograph of you.

Section 3 The declaration must be signed by you.

When you have completed and checked this form, take or send it together with the required TWO identification documents, photograph and fee to: The Community Safety Coordinator. Castle Vale Community Housing, 11 High Street, Castle Vale . Birmingham. B35 7PR

The information requested below is to help us (a) satisfy itself as to your identity and (b) find any data held about you. PLEASE USE BLOCK CAPITAL LETTERS

Appendix A1: About YOU

Title *(tick box as appropriate)*	Mr		Mrs		Miss		Ms	
Other title *(e.g. Dr., Rev., etc.)*								
Surname/family name								
First names								
Maiden name/former names								
Sex *(tick box)*	Male				Female			
Height								
Date of Birth								
Place of Birth	Town							
	County							
Your Current Home Address *(to which we will reply)*								
	Post Code							
A telephone number will be helpful in case you need to be contacted.	Tel. No.							

If you have lived at the above address for less than 10 years, please give your previous addresses for the period:

Previous address(es)		
Dates of occupancy	From:	To:
Dates of occupancy	From:	To:

SECTION 2 Proof of Identity

To help establish your identity your application must be accompanied by TWO official documents that between them clearly show your name, date of birth and current address.

For example: a birth/adoption certificate, driving licence, medical card, passport or other official document that shows your name and address.

Also a recent, full face photograph of yourself.

Failure to provide this proof of identity may delay your application.

SECTION 3 Supply of Information

You have a right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to:

(a)	View the information and receive a permanent copy	YES / NO
(b)	Only view the information	YES / NO

SECTION 4 Declaration

DECLARATION (to be signed by the applicant)

The information that I have supplied in this application is correct and I am the person to whom it relates.

Signed by _____ Date _____

Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.

NOW – please complete Section 4 and then check the 'CHECK' box <u>before</u> returning the form.

SECTION 5 To Help us Find the Information

If the information you have requested refers to a specific offence or incident, please complete this Section.

Please complete a separate box in respect of different categories/incidents/involvement. Continue on a separate sheet, in the same way, if necessary.

If the information you require relates to a vehicle, property, or other type of information, please complete the relevant section overleaf.

Were you: (tick box below)

A person reporting an offence or incident	
A witness to an offence or incident	
A victim of an offence	
A person accused or convicted of an offence	

Other – please explain	

Date(s) and time(s) of incident	
Place incident happened	
Brief details of incident	

Before returning this form

Please check:

- Have you completed ALL Sections in this form?
- Have you enclosed TWO identification documents?
- Have you signed and dated the form?
- Have you enclosed the £10.00 (ten pound) fee?

Further Information:

These notes are only a guide. The law is set out in the Data Protection Act, 1998, obtainable from The Stationery Office. Further information and advice may be obtained from:

The Office of the Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.
Tel. (01625) 545745

Please note that this application for access to information must be made direct to **Castle Vale Community Housing** (address on Page 1) and **NOT** to the Information Commissioner**.**

OFFICIAL USE ONLY

Please complete ALL of this Section (refer to 'CHECK' box above).

Application checked and legible?		e Application Received	
Identification documents checked?		Fee Paid	
Details of 2 Documents (see page 3)		Method of Payment	
		Receipt No.	
		Documents Returned?	

Member of Staff completing this Section:

Name

Location S

APPENDIX B

Confidentiality Declaration Form

Data Protection Clause

I hereby agree to adhere to CVCH (and its subsidiaries) Data Protection Policy/Procedure and Information Security Policy/Procedure (both enclosed), in line with the Data Protection Act 1998.

I agree that I will not disclose any information to any other parties in relation to anything that I may witness via CCTV.

I agree to act as a contractor on behalf of CVCH and accept full liability for any breach of confidentiality or data protection.

I understand that if I do breach data protection by disclosing information I see via CCTV to unauthorised third parties that CVCH may take legal proceedings against me.

Name (printed):	
Signed:	
Date:	
Organisation:	

Appendix C

Viewing Operators Privacy Statement

Relevant to: Cameras That Have The Facility To View Private Areas:

ALL CAMERAS

CCTV PRIVACY POLICY

The above cameras are capable, through the use of the of the Pan, Tilt and Zoom mechanism of obtaining views under the Data Protection and Human Rights legislation which would be deemed to be private.

The programming of Privacy Zones to this camera would negate the purposes of the CCTV scheme as specified in the Code of Practice. Therefore, the following instructions MUST be observed by the CCTV operator when operating these cameras.

1) Under normal circumstances when patrolling with the camera in the vicinity of private areas the Operator will not zoom into that area.

2) The Operator is not to allow the camera to rest in a position that would provide a view of the private area.

3) If the Operator's attention is drawn to a particular incident within the private area, which the Operator deems to be a serious incident e.g. a criminal act taking place or an emergency which could result in death, injury or damage, the operator may utilise the full capacity of the camera. However, having done so the Operator must report this to the duty Shift Supervisor and complete an entry in the Occurrence Book immediately. The Shift Supervisor must also endorse this entry.

4) The tape will be treated in the same way as any other evidential tape.

5) Operator's are to remember that they may be called to justify their use of cameras.

6) In certain circumstances observations may be requested by statutory prosecuting bodies within private areas and this will be subject to the Regulation of Investigatory Powers Act 2000.

7) It must be understood that any infringement of these instructions by an Operator may constitute breach of contract and lead to disciplinary action or dismissal.

8) All Operator's should familiarise themselves with the Code of Practice and Procedural Manual and also be acquainted with the relevant legislation for the operation of a CCTV system.

I confirm that I have read and understood the above and have been trained in all aspects and issued regarding privacy, and will at all times adhere to the rules and procedures laid down.

Signed by (Duty Controller) Date: Signed by (Manager)

APPENDIX D

CCTV Impact Assessment Form

CCTV Impact Assessment

Camera Location Street/area:
Q1. Have other measures besides CCTV been considered?
Guidance note a) There is a need to consider other options prior to the use of CCTV. Improved lighting and/or access could possibly deliver similar benefits as CCTV. These should be considered in the first instance. Where these have been considered please provide the reasons for not using them and opting to use CCTV. If these have not been considered then complete this exercise before proceeding any further with developing a CCTV scheme.
Please state options considered (if dismissed please state reasons)
Q2. What are the views of those living/working in the area?
Guidance note b) Surveys need to be undertaken in the area being considered for a CCTV scheme. These can be achieved by face to face interviews, questionnaires being sent to residents/businesses and addressing focus groups, crime & disorder partnerships and community forums.
Please state type of consultation and numbers:
Q3. Which organisation(s) will be using the CCTV images and who will be legally responsible for the data under the Data Protection Act 1998?
Guidance note c) List the organization(s) who will use the data from the CCTV scheme and give the name of the data controller (Usually Local Authority). N.B - Where this is a large body then the company/organization is the data controller not an individual.
Please state organization e.g. Police, Housing, other etc

Q4. What is the organisations purpose for using CCTV and what problem(s) is it meant to address?
Guidance note d) Evidence should be provided which should include, crime statistics for the previous 12 months, the type, location, times and numbers of crime/offences, housing issues relevant at the time, community issues relevant at the time and any environmental issues relevant at the time.
Please attach all statistical analysis and relevant data:
Q5. What are the benefits to be gained from using CCTV?
Guidance note e) Please give specific reasons. Consider if there is there a specific need to prevent/detect crime in the area. Consider if there would be a need to reduce fear of crime in the area and be prepared to evaluate this.
Please state all the benefits to be gained:
Q6. Do the images need to be able to identify individuals or would it suffice to be able to monitor and detect individuals?
Guidance note f) A plan of the area which will be covered by CCTV should be provided showing the current crime 'hot spots'. The crime statistics can be used to identify these.
Please supply a plan and the area plotting the hotspot area:
Q7. Will the CCTV equipment being installed and the system of work being adopted be sustainable? Is there sufficient funding for the scheme?
Guidance note g) Funding a CCTV scheme is not just about meeting the capital costs. Consideration should be given as to how the revenue costs (e.g monitoring, transmission) are going to be met. Ideally, this should be considered for a minimum period of **three** years. If funding is secured for a greater period than this then please state how long it is secured for.
Please provide evidence of funding and time frames applicable

Q8. Apart from those already mentioned in Q3, above is there likely to be any other future use of the images?

Guidance note h) Consider whether the images from the CCTV scheme will be used for any other purpose, e.g traffic monitoring, enforcement, ANPR.

Will the cameras have dual functions, place state

Q9. What will be done to minimise intrusion and have any specific concerns been expressed?

Guidance note i) Consider if privacy zones can be easily programmed, camera locations.

Please state if you have considered privacy issues and if so what are they and what are the solutions:

Human Rights Act1998

Where the system will be operated by or on behalf of a public authority, the authority will also need to consider wider human rights issues and in particular the implications of the Human Convention on Human Rights, Article 8 (the right to respect for private and family life). Please answer the following:

Is the proposed system established on a proper legal basis and operated in accordance with the law ☐ Yes ☐ No

Is it necessary to address a pressing need, such as public safety, crime prevention or national security ☐ Yes ☐ No

Is it justified in the circumstances ☐ Yes ☐ No

Is it proportionate to the problem that it is designed to deal with ☐ Yes ☐ No

If it is not the case then it would not be appropriate to use CCTV