BREASTON PARISH COUNCIL

CCTV POLICY AND CODE OF PRACTICE

Adopted at the Parish Council Meeting on Tuesday the 9th of May 2023

1. **Owner**

The system is owned by BREASTON PARISH COUNCIL, The Parish Rooms, Blind Lane, Breaston, Derbyshire, DE72 3DW.

1 The Parish Clerk is responsible for the operation of the system and for ensuring compliance with this policy and the procedures documented in the Procedures Manual. The Parish Clerk may be contacted as follows:

01332 870119
breastonparish@outlook.com

2 THE COUNCIL HAS INSTALLED CCTV AT PERKS PARK, LONGMOOR LANE, BREASTON UNDER SECTION 31 LOCAL GOVERNMENT AND RATINGS ACT 1997

3 **Data Protection Act 1998:**
CCTV digital images, if they show a recognisable person, are personal data and are covered by the Data Protection Act 1998. This Policy is associated with the Parish Council's Data Protection Policy, the provisions of which should be adhered to at all times.

4 The Clerk is the Parish Council's Data Protection Officer and is responsible for the Council's Data Protection Policy.

5 All images produced by the system remain the property and copyright of the parish council.

6 If designated usage of the area changes, it will be necessary to assess whether the location of cameras remains justified in meeting the stated purpose and whether there is a case for removal or relocation of cameras.

7 The Council has adopted the 12 guiding principles of the CCTV code of practice issued by the ICO / Surveillance Camera Commissioner (SCO) as at Appendix 1

8 Objectives for the use of the CCTV Systems

- Assist in providing a safe and secure environment for the benefit of those who might visit Perks Park.
- Reduce crime and the fear of crime by reassuring visitors.
- Deter and detect crime, public disorder, and anti-social behaviour.
- Identify, apprehend, and prosecute offenders in relation to crime, public disorder, and anti-social behaviour.

- Provide the police and other authorised authorities with evidence upon which to take criminal, civil and disciplinary action respectively.
- Obtain evidence for use in the investigation of criminal actions.

9 The system comprises:

9.1 2 x SD5A445XA-HNR Dahua 4MP 45x Starlight IR WizSense Network PTZ Cameras &
2 x IPC-HDW2531TMP-AS-0280B-S2 Dahua 5MP Dome cameras with 2.8mm lens situated on the pavilion.
The digital recorder is situated in a locked facility within the pavilion, Perks Park, Breaston, Derbyshire, DE72 3DW and is password protected.

10 Signs will be prominently placed to inform members of the public that a CCTV installation is in use.

11 Although every effort has been made to ensure maximum effectiveness of the system it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

12 The system will not be used:

12.1 To provide recorded images for the world-wide-web.

12.2 To record sound other than in accordance with the policy on covert recording.

12.3 For any automated decision taking

13 No Covert recording will be undertaken.

14 Security of the information gathered.

14.1 Images captured by the system will only be viewed if an incident has been reported.

14.2 No unauthorised access to the Data will be permitted at any time. Access will be strictly limited to the Clerk, Caretaker, one designated councillor and police officers and any other person with statutory powers of entry.

14.3 Training in the requirements of the Data Protection Act 1998 and the SCC principles will be given the Clerk, Caretaker, and the Chairman. Operational training of the system will also be undertaken.

14.4 The clerk will be responsible for weekly checks of the system and periodic checks to ensure that the Council is compliant in its use and audit checks to check the procedures are being complied with

15 Recording

15.1 Images will normally be retained for fourteen days from the date of recording, and then automatically over written. Once a hard drive has reached the end of its use it will be erased prior to disposal.

15.2 All hard drives and recorders shall remain the property of the Council until disposal and destruction.

16 Access to images

16.1 All access to images will be recorded in the Access Log.

16.2 Upon an approved request, the images will be downloaded onto a memory stick and either hand delivered or personally collected by the requestee.

16.3 Disclosure of recorded material will only be made to third parties in strict accordance with the purposes of the system and is limited to the following authorities.

- Law enforcement agencies where images recorded would assist in a criminal enquiry and/or the prevention of terrorism and disorder.
- Prosecution agencies
- Relevant legal representatives
- The media where the assistance of the general public is required in the identification of a victim of crime or the identification of a perpetrator of a crime.
- People whose images have been recorded and retained unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings.
- Emergency services in connection with the investigation of an accident.

16.4 Once the data has been released to the third party, then they become the data controller for their copy of the image.

17 Subject Access Requests

17.1 CCTV digital images, if they show a recognisable person, are personal data and are covered by the Data Protection Act. Anyone who believes that they have been filmed by C.C.T.V. is entitled to ask for a copy of the data, subject to exemptions contained in the Act. They do not have the right of instant access.

17.2 A person whose image has been recorded and retained and who wishes access to the data must apply in writing / email to the Data Protection Officer. The person will be asked to supply a recent photograph of themselves and approximate times they may be on camera to assist with the review of the images.

17.3 The Data Protection Officer will then arrange for a copy of the data to be made and given to the applicant. The applicant must not ask another member of the Council to show them the data or ask anyone else for a copy of the data. All communications must go through the Data Protection Officer. A response will

be provided promptly and in any event within forty days of receiving the required fee and information.

17.4 The Data Protection Act gives the Data Protection Officer the right to refuse a request for a copy of the data particularly where such access could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders. If it is decided that a data subject access request is to be refused, the reasons will be fully documented and the data subject informed in writing, stating the reasons.

18 Request to prevent processing.

18.1 An individual has the right to request a prevention of processing where this is likely to cause substantial and unwarranted damage or distress to that or another individual.

18.2 All such requests should be addressed in the first instance to the Data Protection Officer, who will provide a written response within 21 days of receiving the request setting out their decision on the request. A copy of the request and response will be retained.

19 Complaints

19.1 It is recognised that others may have concerns or complaints about the operation of the system. Any complaint should be addressed in the first instance to the Clerk. The complaints procedure can be found online. In addition, concerns or enquiries relating to the provisions of the Data Protection Act 1998 may be addressed to the Clerk. These rights do not alter the existing rights of others under any relevant grievance or disciplinary procedures.

20 Compliance monitoring

20.1 The contact point for members of the public wishing to enquire about the system will be the Clerk - by telephone - 01332 870119 or email Clerk@breastonparishcouncil.gov.uk or by attending the Parish Office during its opening hours.

20.2 Upon request enquirers will be provided with:

21 A summary of this statement of policy
22 An access request form if required or requested.
23 A subject access request form if required or requested.
24 A copy of the Council's complaints procedures

25 All documented procedures will be kept under review and a report periodically made to the Council.

26 The effectiveness of the system in meeting its purposes will be kept under review and reports submitted as required to the Council.

Appendix 1

The guiding principles of the Surveillance Camera Code of Practice

Breaston Parish Council adopt the following 12 guiding principles:

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.

27 APPENDIX 2

28 Example of the Access Logbook

Date	Who had access	Why access granted/required	Result of access - viewing data
e.g. 12/05/2023	*Nicala O'Leary - Clerk*	*complaints received re Anti-Social Behaviour on the park*	*Data viewed - confirmed incident - perpetrator could be identified from images - reported to the police*