

Creech St Michael Parish Council

Policy Title	Closed Circuit Television (CCTV) Policy
Policy Reference	B21
Applies to	All members and employees
Date Created	10.06.2024
Date Approved by Council	01.07.2024
Minute Reference	11.0
Author	Clerk and RFO
Review Cycle	Annual
Review Dates	



1.0 Introduction

This Policy should be read in conjunction with the Parish Council's Freedom of Information Policy and General Privacy Notice, both of which are available on the Parish Councils website or on demand from the Clerk and RFO. In addition, this Policy operates within the context of the Data Protection Act 2018, Freedom of Information Act 2000 (FOIA), the Protection of Freedoms Act 2012 (PFA), the Human Rights Act 1998 (HRA), the Secretary of State's Surveillance Camera Code of Practice (SC code) and the Information Commissioner's Office (ICO) CCTV Code of Practice.

The processing of personal data captured by CCTV systems is governed (including images identifying individuals) by the Protection of Freedoms Act 2012 and Data Protection Act 2018. The Information Commissioner's Office (ICO) has issued a Code of Practice on compliance with legal obligations. The use of CCTV is covered by the Act, regardless of the number of cameras or how sophisticated the equipment is, and Creech St Michael Parish Council adheres to the ICO's Code of Practice.

Creech St Michael Parish Council is committed to informing its staff, volunteers, residents and users of its facilities and assets about the presence of and operation of CCTV.

Access to personal information recorded through CCTV cameras is restricted solely to the Data Protection Officer as designated within this policy. A request to access the data must be submitted following the guidance provided within the Parish Council's General Privacy Notice. Should, in exceptional circumstances, the Data Protection Officer be unavailable and the data be required for a criminal investigation, a member of Parish Council staff designated by the Data Protection Officer can access the relevant data and respond to the request.

2.0 Objectives of CCTV use

This CCTV Policy explains how Creech St Michael Parish Council will operate its CCTV systems and how it intends to comply with the relevant legislation.

Creech St Michael Parish Council uses CCTV to provide a safer, more secure environment for its staff, members, volunteers and users of its facilities and assets and for the purposes of public safety and crime prevention and detection and will be used in the prosecution of offenders.

Essentially it is used for:

- The prevention, investigation and detection of crime. The apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings).
- Safeguarding the public, volunteers, councillors and employees.
- Monitoring the security of the Parish Council's facilities and assets.

- To protect members of the public and their property whilst they are within the boundaries of Parish Council facilities.

Creech St Michael Parish Council does not use CCTV for covert monitoring of any kind.

Location of CCTV

Cameras are located in those areas where it has been identified there is a need. CCTV systems are used solely for purpose(s) identified and are not used to routinely monitor employees, volunteers, councillors or users of the Parish Council's facilities or assets.

Signage is used throughout the location where CCTV is in operation. Signage will be of an appropriate size and design to ensure that anyone within the area covered by the CCTV system should reasonably be aware of its use. Signage will include details of the organisation operating the scheme, the purpose of using CCTV and who to contact about the scheme.

- Static cameras will not focus on private homes, gardens and other areas of private property.
- Materials or knowledge secured as a result of CCTV will not be used for any commercial purpose.
- Data will not be released to the media for purposes of entertainment and will not be published to social media platforms.

Maintenance of CCTV Systems

The CCTV system is maintained by Creech St Michael Parish Council.

Creech St Michael Parish Council is responsible for:

- Ensuring that it complies with its responsibilities in relation to guidance on the location of cameras.
- Ensuring that the date and time reference are accurate.
- Ensuring that the system is only accessible by those individuals that are designated with the appropriate authority.
- Ensuring that suitable maintenance and servicing is undertaken to ensure that clear images are captured and recorded.
- Ensuring that the Data Protection Officer is trained in the use of the equipment.
- Ensuring that cameras are protected from vandalism in order to ensure that they remain in working order.
- Ensuring that policies and procedures are maintain in line with changes to legislation and guidance.

Type of Equipment

The equipment used by Creech St Michael Parish Council includes cameras that facilitate the recording of colour images both during daylight and darkness. The equipment used may incorporate the ability to record sound. Recording equipment used is normally capable of retaining data for a period of up to 30 days.

Administration

Creech St Michael Parish Council is the Data Controller and the Data Protection Officer has responsibility for the control of all data and in deciding how the CCTV system is used. Only the Data Protection Officer will have access to images and is aware of the procedures that need to be followed when accessing the recorded images. Unless, in exceptional circumstances, the Data Protection Officer be unavailable and the data be required for a criminal investigation, a member of Parish Council staff designated by the Data Protection Officer can access the relevant data and respond to the request. The Data Protection Officer is trained and is aware of responsibilities under the CCTV Code of Practice.

Data Storage, Access and Retention

Data will be stored in a way that ensures the integrity of any evidence that is captured and in a way that allows specific times and dates to be identified. The Data Protection Officer will retain data for evidential purposes in a secure facility. Where data is retained, the Data Protection Officer will ensure the reason for its retention is recorded, where it is kept, any use made of the data and when it is destroyed.

Creech St Michael Parish Council ensures that data is not retained for longer than is necessary. Normally a period no more than 30 days, and that once the retention period has expired, data is erased or securely destroyed.

Disclosure

Disclosure of data to third parties can only be authorised by the Data Protection Officer.

Disclosure will only be granted in the following circumstances:

- If its release is fair to all parties concerned.
- If there is an overriding legal obligation (e.g. information access rights).
- If it is consistent with the purpose for which the system was established.

All requests for access or for disclosure are recorded. If access or disclosure is denied, the reason is documented.

Subject Access Requests

Individuals whose data is recorded have a right to view that data and, unless they agree otherwise, to be provided with a copy of the data. If Creech St Michael Parish Council receives a Subject Access Request under the General Data Protection Regulations 2018 it will comply with requests within 30 days. The Council may charge a fee for the provision of a copy of data. If the Council receives a request under the Freedom of Information Act 2000 it will comply with requests within 20 working days of receiving the request.

As a general rule, if the individual making the request can identify any person other than, or in addition to, the person requesting access, it will be deemed personal data and its disclosure is unlikely as a Freedom of Information request.

Those requesting access must provide enough detail to allow the Data Protection officer to identify that they are the subject of the data, and for the operator to locate the data. Requests for access should be addressed to the Data Controller.

Refusal to disclose data may be appropriate where its release is:

- Likely to cause substantial and unwarranted damage to that individual.
- To prevent decisions from being taken in relation to that individual.

Monitoring and Evaluation

Creech St Michael Parish Council will undertake annual reviews to ensure that the use of CCTV continues to be justified. The review will include, but not be limited to:

- The stated purpose of the Parish Council's use of CCTV.
- The location of CCTV.
- The data recorded.
- The length of time data is retained for.
- Deletion.
- This Policy.

Guiding Principles

The Parish Council as Data Controller and its employees as Data Protection officer are guided in the operation of CCTV by the following principles, which are taken from the Surveillance Camera Code of Practice.

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

Data Controller: Creech St Michael Parish Council

Data Protection Officer: Clerk and RFO