

## **Bickenhill & Marston Green Parish Council CCTV Policy**

Under the *Protection of Freedoms Act 2012* the processing of personal data captured by CCTV systems (including images identifying individuals) is governed by the *Data Protection Act 1998*.

On 25 May 2018 the *General Data Protection Regulation (GDPR)* comes into force across the EU and will replace all data protection legislation in EU member states (including the UK's Data Protection Act 1998). This is without the need for further national legislation.

This Policy explains how Bickenhill & Marston Green Parish Council will operate the CCTV system owned by it and located at The Parish Office and will comply with current legislation. It is prepared after taking due account of the *Code of Practice for Surveillance Cameras and Personal Information* published by the Information Commissioner.

The Policy should also be read in conjunction with the Council's Privacy Policy and the Council's CCTV Requirements document available from the Clerk to the Council (clerk@bmgpc.org).

### **Statement of Purpose**

The purpose(s) of the CCTV system installed by the Council is:

- to monitor the security of the Pavilion, the car park, the yard and surrounding areas including Parish Council equipment and assets located in the surrounding area.
- to assist Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders of crime and anti-social behaviour in the vicinity of the Pavilion, the car park, the yard and surrounding areas by providing them with retrievable relative images provided by the system;
- to provide a safe and secure environment for users, visitors and staff and to help prevent loss or damage to the Pavilion, the car park, the yard and surrounding areas and the equipment and assets of the Council;
- to reduce the fear of crime and anti-social behaviour of persons using and working in the Pavilion, the car park, the yard and surrounding areas so they can enter and leave the buildings and use the facilities provided by the Council without fear of intimidation by individuals or groups;
- to deter potential offenders by publicly displaying the existence of CCTV and signs of its operation around the Pavilion, the car park, the yard and surrounding areas.

### **Lawful basis for processing**

The Parish Council is a public authority and has certain powers and obligations. Most personal information collected by it is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers.

A parish council may for the detection or prevention of crime in its area install and maintain any equipment, establish and maintain any scheme, or assist others to install and maintain any equipment or to establish and maintain any scheme.

Any personal information collected and used in connection with the CCTV system will be processed to provide for the general public's benefit a safe and secure environment, free from crime and anti-social behaviour, and damage to buildings and assets provided for community use and enjoyment.

### **Location**

The installation consists of 9 high-definition cameras fixed to the Pavilion and positioned to cover the perimeter of the building, the storage yard and car park. All the cameras have built-in infra-red ability for night-time usage. An 8-channel recorder is situated within a designated secure cupboard, protected by a separate but dedicated security coded intruder alarm.

Every effort has been made to ensure that the CCTV cameras are sited and image capture is restricted so as not to view or record areas that are not intended to be the subject of surveillance, such as individuals' private property and the pre and primary schools. The system does not have sound recording capability.

### **Maintenance**

The CCTV system is maintained by CBS Security & Remote Monitoring Limited.

### **Signage**

In areas where the CCTV is installed the Parish Council will ensure that there are prominently placed signs at both the entrance to the CCTV zone and within the controlled area. The signs will be clearly visible and readable, of an appropriate size depending on the context and will signal that Bickenhill & Marston Green Parish Council is operating the system, the purpose for it and who to contact about the scheme.

### **Management of the system**

Bickenhill & Marston Green Parish Council has responsibility for the control of images and decisions on how the CCTV system is used.

Day-to-day operational responsibility rests with the Clerk to the Council and any Councillor or Councillors nominated by the council (*Operators*) who may be consulted out of hours, if and when necessary.

Access to recorded images is restricted to the Operators.

The Operators are aware of the procedures that need to be followed when accessing recorded images and are trained in their responsibilities under the CCTV Code of Practice.

All access to the medium on which the images are recorded is documented.

All Councillors are aware of the restrictions in relation to access to, and disclosure of, recorded images.

The Parish Council has notified the Information Commissioner's Office of both the name of the Parish Council, as data controller, and the purpose for which the images are used.

### **Image storage, viewing and retention**

Recorded images will be stored in a way that ensures the security and integrity of the image and allows specific times and dates to be identified.

Access to live images is restricted to the Operators.

Recorded images can only be viewed in a restricted area approved by the Parish Council.

Periods of retention of images are intended to reflect the Parish Council's purpose for recording the information. Normally, images will be deleted at 90 day intervals which will provide adequate time for any incidents of a criminal or anti-social nature to have come to light and to have been reported to Law Enforcement Agencies (usually the police). On occasion, however, personal information may need to be retained longer where, for example, an incident has been identified and an access request has been made, or time is required to enable the police to collect relevant images, or the police are investigating a crime and ask for images to be preserved to afford them the opportunity to view the information as part of an active crime investigation. A record of this process will be captured.

Images retained for evidential purposes will be retained in a locked area accessible by the Operators only. The Clerk will ensure that the reason for retention is recorded, where the images are kept, any use made and when they are finally destroyed.

### **Disclosure of images**

Judgements regarding disclosure to third parties (such as system maintenance providers) can only be authorised by the Parish Council, as data controller, with the right to refuse any request for information unless there is an overriding legal obligation, such as a court order or information access rights.

Disclosure of information will be controlled and consistent with the purpose(s) for which the system is established. It is intended that CCTV images produced on the system will be used by Law Enforcement Agencies alone for their purposes of detecting, investigating and preventing criminal or anti - social behaviour. Once information is disclosed to the police or any other law enforcement body, they will become data controller for the copy they hold.

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

### **Individuals' access requests**

Individuals whose images are recorded have a right to be provided with a copy of the images caught by the request that constitute their personal data, unless they agree otherwise, such as by viewing the footage. Requests for access should be made by email or in writing to the Clerk.

If a request is received the Clerk will comply with it within one month of receiving the request. No fee will be charged unless the request is manifestly unfounded or excessive.

Those requesting access must provide enough detail to allow the Operators to identify that they are the subject of images, and for the Operators to locate the images on the system, for example: date, time and location.

All requests for access are recorded. If disclosure is denied, the reason is documented and the individual will be informed within at least one month of the reason and their right to complain to a statutory authority.

### **Other Individuals' Rights**

***Unless subject to an exemption***, the law gives individuals additional rights to control what personal information the Parish Council uses and how.

### ***Change of inaccurate information***

If something written on a file that is out of date, incomplete or incorrect, the Parish Council will update it.

### **Right to erasure**

An individual can ask for their personal information to be deleted where it is no longer necessary, was unlawfully processed, they withdraw their consent or object to the processing, or they need to comply with a legal obligation.

### **Right to restrict use of personal information**

Where there is a dispute in relation to the accuracy or processing of personal information, or it is needed regarding a legal claim, the individual has the right to request a restriction is placed on further processing.

### **Right to object**

Individuals have the right to object to the processing of their personal information.

### **Right to complain**

Individuals have the right to lodge a complaint with the Information Commissioner

The Parish Council will consider any request made to the Clerk.

### **Enquires about the operation of the CCTV**

Requests can be made to a public authority for information under the Freedom of Information Act 2000 relating to surveillance systems, such as the operation of the system, its siting or the cost of using and maintaining it. If such a request is received by the Parish Council, it will consider whether disclosure is appropriate and/or whether an exemption under the Act applies.

Requests under the Freedom of Information Act must be in writing and will receive a written response within 20 working days from the Clerk.

### **Monitoring, compliance, evaluation and review**

The Council is committed to the recommendations of the *Code of Practice for Surveillance Cameras and Personal Information* published by the Information Commissioner.

To exercise any rights, queries or complaints, please in the first instance contact the Clerk to the Council at [clerk@bmgpc.org](mailto:clerk@bmgpc.org).

For independent advice, data protection compliance concerns or to lodge a formal complaint, contact the Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/email> or Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Any major change that would have a significant impact on either the purpose(s) or this policy will take place after discussion by the Council and resolution at a full Council meeting. All agendas are posted on the Council notice board and website at least 3 clear days excluding weekends before Council meetings.

If the Council decides to change the way in which it uses the CCTV, it will provide members of the public with information of the new purpose(s) prior to commencing the processing and setting out the relevant purposes and processing conditions and will inform the Information Commissioner within 28 days.