

Scarborough Borough Council

CCTV SYSTEM

CODE OF PRACTICE



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1 System Overview and Management

1.1 Introduction

This Code of Practice aims to introduce measures to ensure accountability, high standards, good quality information and effective partnerships between the Police and the System owners/users.

The purpose of this document is to state the intention of the owners and the managers, on behalf of the Scarborough Borough Council CCTV Scheme as a whole and as far as is reasonably practicable, to support the objectives of the System and to outline how it is intended to do so.

All sections of the Code of Practice are subject to continuous review and reference should be made to the issue date shown on the front of the document.

All recorded material is owned by Scarborough Borough Council and will be subject to statutory conditions of the General Data Protection Regulations, Human Rights Act, Regulation of Investigatory Powers Act 2000 and in accordance with this Code of Practice.

The CCTV system will only be used to achieve the aims and objectives as set out in the Code of Practice. Cameras will at no time, without authority, be used to look into private residences/premises. No sound recording will be used in public places.

1.2 Location

This Code of Practice relates to the closed Circuit Television System (CCTV) installed in the towns of Scarborough, Whitby, Filey, Malton, Norton and Pickering operated by Scarborough Borough Council.

The Control Centre is staffed by employees of the Council who will monitor and control the cameras 24 hours every day. The centre is located in Scarborough however the exact location is not disclosed to the general public.

1.3 Signage

In accordance with the General Data Protection Regulation, signage is in place informing the Public that they are entering a zone covered by surveillance equipment.

1.4 Purpose of CCTV

The system provides coverage of retail, commercial, residential, and recreational and open space areas located in the towns of Scarborough, Filey, Whitby, Malton, Norton and Pickering.

The purpose of the scheme is to help provide a safe public environment for the benefit of those people who live, work, trade, visit, service and enjoy the facilities of the town centres.

The system will be used for the provision of recordings for evidential purposes to the police and other bodies having prosecuting powers and, in some cases, insurance companies dealing with road traffic accidents.

This Code of Practice is supplemented by a separate Procedures Manual which is stored securely within the control room for use by Operators.

1.5 AIMS

CCTV will play a major role in making these towns safer helping to provide evidence where a crime has been committed and ultimately to reduce crime where cameras are operational. CCTV will help reduce the fear of crime.

The CCTV facility assists the Council in delivering the following corporate Aims;

1. Aim 1 – Safe and Healthy
 - Safer Communities
 - Protecting and Improving Health for all
2. Aim 2 – Prosperous
 - Strong and Diverse Economy
3. Aim 4 – Quality Environments
 - Cleaner Street and Open Spaces

The region relies heavily upon tourism for its income. Residents and visitors to the region need to be reassured that it is a safe place to live and visit. CCTV is seen as a vital component in the Council's efforts to reduce the actual incidence of crime and to alleviate the perception of crime in the minds of the local and transient population.

The Objectives of the scheme are:-

- To assist in the detection and prevention of crime;
- To help provide evidential material for court proceedings;
- To deter those having criminal intent;
- To reduce the fear of crime and give confidence to the public that they are in a secure environment;
- To provide safer communities;
- To reduce acts of vandalism;
- To assist in the prevention and detection of antisocial behaviour that would deter members of the public from using the regions facilities;

- To reduce vehicle related crime in car parks;
- To assist with traffic management.

1.6 Management

The beneficial owner of the system is:- Scarborough Borough Council (“The Council”) of : Town Hall, St Nicholas Street, Scarborough, North Yorkshire, YO11 2HG

The Data Controller is for Scarborough, Whitby and Filey:- The Chief Executive Scarborough Borough Council.

The Data Controller is for Malton, Norton and Pickering:- Ryedale Cameras in Action.

The Data Processor:- Scarborough Borough Council

Control Centre General Enquiries:- Control Centre Supervisor (01723) 232323.

1.7 Control Centre Personnel

Scarborough Borough Council will be responsible for selecting and employing Personnel of high calibre to staff the control centre. They are selected using the criteria of standard job descriptions and person specification. In particular, employees are required to have qualities of personal integrity and each has to pass a Criminal Records Bureau Check and Police Vetting procedures.

All new employees undertake a minimum of five days of intensive in-house training on the operation and use of the system. Further training is given for operators to familiarise themselves with camera locations and local streets. In addition each operator will attend a specialist training course run by an outside company in order to gain a CCTV operator’s licence, unless they already hold a current licence.

Only personnel who are fully trained or under supervised training in the use of the systems monitoring equipment, communication system and the operational and management procedures required under this Code of Practice will be permitted to undertake duties on CCTV monitoring and hold or be in the process of obtaining a CCTV licence issued by the Security Industry Authority.

Employees work shifts covering 24 hours a day, 365/6 days per year. The minimum staff complement will always be sufficient to allow the control centre to function.

The control centre will have procedures in place to randomly check that no misuse of the system is taking place and the necessary records are kept and that compliance with this Code of Practice is complied with.

All personnel working within the control room will complete a duty log book showing the date and the start and finish times of their duty within the control room.

2 The System

2.1 Introduction & Purpose

The system provides CCTV surveillance in and around the town centres of Scarborough, Whitby, Filey Malton, Norton and Pickering. Some images are transmitted via BT's fibre optic network and some are IP cameras which transmit their images via radio to fixed fibre nodes for onward transmission to the control centre in Scarborough.

2.2 CCTV Coverage

The level of coverage in each of the town centres with the PTZ cameras is generally monitor and detection. With active patrols of vulnerable areas recognition or identification can be achieved. Coverage with the static cameras is monitoring and detection.

Total privacy within the surveillance area cannot be guaranteed however the cameras will not be used to unduly monitor persons going about their lawful business. Persons will only be specifically monitored if there is suspicion or knowledge that an offence has or may be about to occur.

2.3 Operational Details

The CCTV system operates 24 hours a day, 365/6 days a year and is constantly staffed by fully trained and dedicated Council personnel.

There is a direct radio link to the communications room at the North Yorkshire Police HQ. This allows access to Police Officers on the ground (through Control) and is sited on the main control desk in the CCTV control centre. The CCTV service will comply with the Airwave Service Code of Practice and hold the necessary TEA2 User Sub Licence.

The CCTV control centre also has a direct radio link with the Shop Watch and Pub Watch. This is a retailers' venture responding to the problems of shoplifting, pickpockets etc. There is positive Police input and Scarborough CCTV system is an active member of Shop Watch/Pub Watch. We do assist in the apprehension and prosecution of shoplifters and other criminal offenders active in the town centre.

2.4 Access to Network

The CCTV cameras located in Scarborough, Whitby or Filey and linked to the control centre via BT's fibre optic network or Broadband and can only be controlled, and recorded by authorised personnel in that control centre. A monitoring station is now situated in Safer Neighbourhoods in King Street, and access to a limited number of cameras is available to North Yorkshire Highways office for traffic management purposes.

2.5 Assessment of the System

The "Owner" is responsible for ensuring that the system is evaluated periodically, a minimum of an annual basis. This shall take the form of a report to the Cabinet.

The system shall be evaluated on a bi-annual basis by the CCTV Steering Group. This group consists of Cabinet Members, Officers, North Yorkshire Police, shop and Pub watch members and other interested parties.

Evaluation will include statistical reports on the number of:-

- incidents monitored
- incidents reviewed
- evidence provided
- camera location reviews

3 Legislative Framework

3.1 Background

The system is registered with the Information Commissioner under the General Data Protection Regulation Ref No Z8366182. The latest certificate is available on the website of the Information Commissioner.

Scarborough Borough Council recognises that the use of CCTV could potentially impact on a member of the public's right to respect for private and family life afforded by Article 8 of the European convention on Human Rights and the Human Rights Act 1998. CCTV will therefore only be used for the prevention and detection of crime or disorder, to ensure public safety or to maintain safety within and around the region. CCTV for covert or targeted surveillance purposes will be carried out in accordance with the Regulations of Investigatory Powers Act 2000 (RIPA) and will be subject to the appropriate authority levels.

3.2 Human Rights Act 1998

This code will observe Articles 6 and 8 of the Human Rights Act 1998 and will incorporate those safeguards necessary to protect the rights of privacy, except where the law permits specific surveillance activities.

3.3 General Data Protection Regulation

All Closed Circuit Television (CCTV) schemes that receive, hold or process data about a known person are obliged to conform to the General Data Protection Regulation. The Act covers CCTV systems used in areas where the public would have a "right to visit" and requires that personal data must be:-

- (a) "Processed lawfully and fairly and in a transparent manner in relation to individual;
- (b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- (c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- (d) Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate, having regards to the purposes for which they are processed, are erased or rectified without delay;

- (e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- (f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

Article 5(2) requires that “The controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

3.4 Regulations of Investigatory Powers Act 2000 (RIPA)

When it is necessary to carry out 'DIRECTED OR INTRUSIVE SURVEILLANCE' the appropriate authority will be obtained from the relevant authority.

3.5 Right of Access

(Subject Access Request)

Under GDPR individuals will have the right to obtain:-

- Confirmation that their data is being processed;
- Access to their personal data; and
- Other supplementary information – this largely corresponds to the information that should be provided in a privacy notice (see article 15 of the GDPR)

Who receives the initial enquiry

Subject Access Requests should be sent to the Data Protection Officer and information is available on the Council's website.

Charges

A copy must be provided free of charge however a “reasonable fee” may be charged if the request is manifestly unfounded or excessive or particularly if it is repetitive.

Response times

The information must be provided without delay and at the latest within one month of receipt.

3.6 Freedom of Information Requests

- Freedom of information requests should be addressed to the Data Protection Officer and details of this is available on the council's website;
- The information must be provided without delay and at the latest within 20 days of receipt.
- A copy of the response must be sent to the FOI officer.

3.7 Access to and disclosure of images

General Policy

All requests for the release of data shall be processed. All such requests shall be channelled through the data controller although day to day responsibility may be devolved to the Senior Operator.

Request to View Data

- a) **Primary requests** to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:

Providing evidence in criminal investigations or proceedings (Police and criminal Evidence Act 1984 (9), Criminal procedure and Investigation Act 1996 (7).

Providing evidence in civil proceedings.

The prevention of crime and disorder

The investigation and detection of crime (may include identification of offenders)

Identification of witnesses

Public Interest

- b) **Third parties**, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

Law Enforcement Agencies

Statutory authorities with powers to prosecute, (e.g. Customs and Excise; Trading Standards, etc.)

Solicitors

Plaintiffs in civil proceedings

Accused persons or defendants in criminal proceedings

Insurance companies in connection with road traffic incidents

Other agencies, as specified in the Code of Practice according to purpose and legal status.

- c) **Media disclosure** - There is generally no release of data to the media however, in the event of a request from the media for access to recorded material. Data may be released to the media, where it is decided that it is in the public's interest or that the public's assistance is required to identify a victim or perpetrator in relation to a criminal incident.

- d) **Viewing of Images** - As the scheme is registered with the Information Commissioner it is necessary to provide a viewing station away from the Control room to protect the images of other individuals on the recordings being disclosed.

4 Camera Siting, Image Quality and Data Access

4.1 Siting the Cameras

Cameras have been sited to provide surveillance of the town centres, and in some cases, the surrounding areas of Scarborough, Whitby, Filey, Malton, Norton and Pickering. The system comprises of a mixture of Pan Tilt Zoom (PTZ) and static functionality.

Static camera installations provide a fixed field of view of a particular scene e.g. an area of a car park. Fully functional installations provide (PTZ) functionality and can be utilised to monitor a range of scenes under operator / automatic patrol control.

A number of PTZ installations are situated within residential areas. However these cameras will be controlled in accordance with the Operational Procedures Manual and all operators will be fully aware that they are only able to use the equipment in order to achieve the purpose(s) for which it has been installed. In certain circumstances it is a function of the equipment that parts of specific scenes may be electronically “blanked” or the camera lens may be restricted from providing a view of an area.

4.2 Processing of the images

All new installations and upgrade of existing cameras will be commissioned in line with a privacy impact statement to ensure that the cameras deliver the correct field of view and are of adequate quality for their particular requirement. High quality equipment has been installed throughout the system.

Images will not be retained for longer than is necessary. They are stored in digital format on hard drives for a period of up to 31 days. After this time the images are recorded over.

Only authorised personnel in the control centre can access the data stored on the hard drives.

All data will be handled in accordance with this COP and reference should be made to the operational procedures manual. All operators of the system will be fully trained in handling and processing data.

Evidential images will be provided on DVDs which have been sequentially numbered and recorded in a log. This is to prevent the unlawful release of footage.

Photographs (or still) will be processed in the same way as footage and be only taken for a specific reason following a written request.

The DVD and photograph will remain the property of Scarborough Borough Council. Any DVD or photograph will be destroyed after 3 months if not collected from the control room by the requesting officer.

5 Control Centre Use

Key Personnel

5.1 System Manager

The control centre is managed locally by a manager with direct control of the scheme. The system manager retains responsibility for the implementation of procedures to ensure that the system operates according to the purpose for which it was installed and in accordance with the objectives identified for the system.

Senior Operator

The Senior Operator 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 manager any matter affecting the operation of the system, including any breach or suspected breach of the policy, procedural instructions, security of data or confidentiality.

5.2 Control centre Access

Only visitors with a valid reason will be allowed access to control centre and monitored areas. Public access to the monitoring and/or recording facility will be prohibited except for lawful, proper and sufficient reasons and only then with the personal authority of the system manager. Any such visits will be fully supervised by the Senior Operator.

Police Access

Police Officers will be granted 24 hours access to the control centre and monitoring area for the purpose of retrieving evidence, advising on criminal intelligence, liaison and security purposes in line with the Service Level Agreement between Scarborough Borough Council and North Yorkshire Police.

Contractor Access

Only trained and authorised personnel will be granted access to the control centre or monitoring areas for the purpose of system maintenance.

Inspectors/Auditors Access

The control Centre Supervisor will carry out a monthly audit of the centre ensuring that procedures are followed. The Council's auditors carry out an audit on the centre every 3 years. These visits may take place at any time without prior warning.

5.3 Visitors' Book/Declaration of Confidentiality

ALL visitors will be required to sign a visitors' book. Visitors are required to make an undertaking that all information witnessed during their visit will be held as confidential.

5.4 Control Centre Physical Security

Authorised personnel will normally be present at all times when the equipment is in use. If the monitoring facility is to be left unattended for any reason (i.e. bomb threats/fired drills etc) the room must be secured.

5.5 Communications

A number of separate communication systems will be in operation within the control centre. All systems are to be used strictly in accordance with operating procedures laid down by the suppliers/users. For Police radio systems UHF/VHF and AIRWAVE the procedures and protocols will be supplied by the relevant Police Department (i.e. Communications) and the Council has been added to the Police Airwave Sharers List and holds a TEA2 licence. Any misuse of Police Systems within local authority/partnered control centres may lead to the removal of that system and/or disciplinary measures.

The shop/pub watch radio licence is covered on the registration of the shop and pub watch OFCOM registrations.

In the event of an incident being observed by a CCTV operator, contact will be made as per the procedures laid down either by radio/telephone.

5.6 Council Complaints Procedure

CCTV is no different to any other department within Scarborough Borough Council. We want to provide the best possible services for all residents and visitors to the Borough. Therefore we need to know if there is a problem or if there are specific concerns about our service delivery. Equally we would like to hear from people who are pleased with the service.

Our comments and complaints system operates on three levels:

- **Stage 1:** Looked into by the Service Manager.
- **Stage 2:** Looked into by the Head of Service.
- **Stage 3:** Looked into by the Chief Executive's Customer Services Officer.

There are two separate forms and can be obtained by visiting the Council's website www.scarborough.gov.uk and following the links online to Comments and Complaints.