

CCTV Policy

Document control:

Organisation: South Lakeland District Council (SLDC)

Title: CCTV policy

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Filename: CCTV policy

Owner: Performance Innovation and Commissioning Specialist (Data Protection Officer)

Subject: CCTV policy

Protective marking: Not protectively marked

Review date: October 2022

Revision History:

Revision date	Revised by	Previous version	Description
27/06/2018	Cabinet	DRAFT	CEX/16
Sept 2019	Paul Mountford	V1	Annual Review
Sept 2020	Paul Mountford	V1	Annual Review
Aug 2021	Paul Mountford	V3	Amendments to para 6.3
Jan 2022	Paul Mountford	V4	Amendments including dash cam systems

Document approval:

Approver	Name	Date
Senior information Risk Officer	David Sykes	August 2019
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Key messages

- guidelines on the Council's use of CCTV
- protect the organisation from allegations of misuse of the system
- protect staff and the public from any abuse of the CCTV system

1, Statement

South Lakeland District Council uses Closed Circuit Television (CCTV) systems in public spaces, within car parks and at a number of the organisation's owned sites. The Council has installed a number of separate systems on a number of its operational vehicles. Council Officers operate body worn video recording devices. Council Officers operate dash cam devices in support of services and the safety of staff and the public.

2, Purpose

The purpose of this policy is designed to give clear guidelines on the Council's use of fixed and mobile CCTV systems, Body Worn Portable Devices and Dash Cam Devices and to protect the organisation from allegations of misuse of the system and to protect staff and the public from any abuse of these systems.

3, Scope

This policy covers the use of fixed and mobile CCTV systems, Body Worn Portable Devices and Dash Cam Devices and the gathering, storage, use and disposal of visual data. This policy applies to all staff employed by the Council and must be the standard expected from any external agencies or persons who operate CCTV systems on its behalf.

4, Definition

The Council has installed a comprehensive public realm CCTV surveillance system which covers key Council assets in Bowness-on-Windermere, Kendal, Troutbeck and Ulverston. In addition, the Council has installed a number of separate systems at key Council premises, on a number of its operational vehicles and operates a body worn video system in the operation of its Civil Enforcement duty. The Council also supports Cumbria Constabulary's county wide CCTV scheme. The following CCTV systems are in use by the Council:

Ferry Nab, Bowness-on-Windermere CCTV System - this system provides external CCTV coverage of the Council's operations. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

Kendal Town Hall CCTV System - this system provides internal CCTV coverage within Kendal Town Hall. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

South Lakeland House CCTV System - this system provides internal CCTV coverage within South Lakeland House. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

Westmorland Shopping Centre Car Park, Kendal CCTV System - this system provides internal and external CCTV coverage of Westmorland Shopping Centre Car Park. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

Canal Head Depot, Kendal CCTV System - this system provides external CCTV coverage of the Council's operations depot. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

North Lonsdale Road Depot, Ulverston CCTV System - this system provides external CCTV coverage of the Council's operations depot. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

Ecclelrigg Depot, Troutbeck CCTV System - this system provides external CCTV coverage of the Council's operations depot. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

Mobile Environmental Crime Detection and Prevention Monitoring Device(s) - Portable CCTV equipment for the use by SLDC Neighbourhood Enforcement Team to assist with the detection and prevention of environmental crime. Recorded images are accessible to duly authorised officers in accordance with this policy.

Town View Fields Hostel, Kendal CCTV System - this system provides internal and external CCTV coverage of the Council's emergency homeless hostel. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

South Lakeland House Car Park, Kendal CCTV System - this system provides internal and external CCTV coverage of South Lakeland House Car Park. Live images are visible to staff on site; recorded images are accessible to duly authorised officers in accordance with this policy.

Operational Vehicle CCTV System - the Council has fitted a number of its operational vehicles with CCTV cameras. Live images are visible within the vehicle; recorded images are accessible to duly authorised officers in accordance with this policy.

Body Worn Portable/ Dash Cam System - Council Officers operate body worn video recording devices and Dash Cam devices. Recorded images are accessible to duly authorised officers in accordance with this policy.

5, Risks

It is important that everyone and especially those charged with operating the CCTV systems on behalf of the Council understand exactly why each of the systems has been introduced and what the cameras will and will not be used for.

The primary objectives of the Council's CCTV systems are to provide a safe environment for the benefit of those who live, work, trade, visit, service and enjoy local facilities. Their collective purpose is to:

- Reduce the fear of crime and provide reassurance to the public through provision of a CCTV System.
- Assist in the detection and prevention of crime, anti-social behaviour and the maintenance of public order.
- Facilitate the apprehension and prosecution of offenders in relation to crime, public order and anti-social behaviour.
- To collect and provide evidence for the purpose of criminal and civil litigation by the police or other bodies with a responsibility for enforcing law, licensing regimes and other regulatory functions.
- To protect Council assets, resources, staff, land and other public facilities and ensure reasonable, justified and proportionate compliance with Council Policy and Procedure.
- To assist in improving the environment of the area.
- To provide assistance to emergency services.
- To assisting in staff disciplinary, grievance, formal complaints and Health and Safety Investigations.

Individuals will only be monitored if there is reasonable cause to suspect that a criminal offence or serious breach of discipline (potentially amounting to misconduct) has been, or may be about to be committed. This will only be permitted when authorised and may require the use of a RIPA authorisation. Duly authorised officers must consult the Senior Information Risk Officer (SIRO), Solicitor to the Council, Human Resources Manager and Data Protection Officer before any such action is taken.

In any event, a comprehensive incident log will be recorded giving a reason for the monitoring of the individual. All duly authorised officers must be able to justify their actions at all times.

6, Applying the Policy

In addition to Council policies, procedures, guidelines and Codes of Practice, CCTV and its operation are subject to legislation under:

- The Data Protection Act 2018 (DPA).
- The UK General Data Protection Regulation (UK GDPR).
- The Human Rights Act 1998 (HRA).
- The Freedom of Information Act 2000 (FOIA).
- The Regulation of Investigatory Powers Act 2000 (RIPA).
- The Protection of Freedoms Act 2012.

It is important that the operation of all the Council run CCTV systems comply with these Acts, policies, procedures, guidelines and Codes of Practice. This is to ensure that staff running the CCTV systems, the public and the Council itself are protected from abuses of the CCTV systems. Authorised officer's will be responsible for reviewing all CCTV documentation relating to their system annually (or as changes occur) and ensuring the information in those documents is up to date. The Council's Data Protection Officer will assist in this process.

The Council also takes proper regard to the Surveillance Camera Code of Practice 2013 issued by the Secretary of State and will work to develop the good practice advice set out in 'In the picture: A data protection code of practice for surveillance cameras and personal information' published by the Information Commissioner's Office in May 2015.

Where any doubt exists about the lawful and proper use of any of the Council's CCTV Systems, the data they capture or data gathered by way of any monitoring contract, legal advice or advice from the Surveillance Commissioner's Office will be sought.

The lawful basis for processing fixed and mobile CCTV Systems and Body Worn Portable/ Dash Cam footage is as follows:

- Article 6(1)(c) - Legal obligation: the processing is necessary for the Council to comply with its responsibilities under various legal and regulatory requirements.
- Article 6(1)(d) - Vital interests: the processing is necessary to protect someone's life, including helping to ensure the health and safety of Council Officers in the course of their work.

6.1, Privacy

The CCTV systems are included as part of the Council's Data Protection Registration with the Information Commissioners Office (ICO) in accordance with all data protection requirements. Every consideration will be given to the right of the general public to go about their daily business with minimum loss of privacy. Whilst total privacy cannot be guaranteed within a CCTV area, the cameras and their recordings will not be used to unduly monitor persons going about their lawful business.

It is a requirement under the Information Commissioners Code of Practice and the National CCTV Strategy that any equipment purchased is fit for purpose and will meet the objectives set down for the scheme. There is also a clear requirement for all CCTV schemes to have an effective maintenance schedule and Code of Practice. Officer's purchasing new CCTV equipment need to ensure these requirements are met.

If surveillance of persons is carried out in a manner calculated to ensure they are unaware it is taking place, then the operators of the fixed and mobile CCTV Systems and Body Worn Portable/ Dash Cam footage will be subject to the policy and procedure published by the Council on covert surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA).

Audio recording must only be used where the Council:

- has identified a need or issue which can be characterised as a pressing social need and can evidence that this need must be addressed
- has considered other less privacy intrusive methods of addressing the need; and
- having reviewed the other less privacy intrusive methods, the Council has concluded that these will not appropriately address the identified issue and the only way to address the issue is through the use of audio recording.

If a decision is made to use audio recording, the Council will make it clear that audio recording is taking place, over and above any visual recording which is already occurring.

Prior to any decision to use audio recording, a Data Protection (Privacy) Impact Assessment must be undertaken to inform the decision making process. The Data Protection Officer will support the Lead Authorised Officer in this process.

6.2, Code of Practice

The casual viewing or trawling of images is strictly forbidden. Viewings must only be undertaken for a specific legitimate purpose.

In accordance with the Surveillance Camera Code of Practice (2013), the following 12 guiding principles have been adopted within the Council CCTV system. They are:

- 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 must 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 must 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 must 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 must 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.
- Any information used to support a surveillance camera system which compares against a reference database for matching purposes must be accurate and kept up to date.

6.3, Signage

All areas where CCTV is in use must be clearly signed to comply with the Data Protection Act 2018. This is to warn people that they are about to enter an area covered by CCTV cameras or to remind them that they are still in an area covered by CCTV. The signs will also act as an additional deterrent. CCTV signs must not be displayed in areas, which do not have CCTV cameras.

Where covert cameras have been authorised for deployment, signage will not normally be erected. The sign must carry the CCTV camera and SLDC Logo. The information on the sign must explain why the CCTV cameras are there, who runs them and a contact number. The signs, position and the message needs to be big enough to enable people to easily read the information on it.

6.4, CCTV Ownership

South Lakeland District Council is the data controller. The Lead Officer and other Officers duly authorised are defined by the Policy (see paragraph 6.9) to review recorded images captured by the relevant CCTV systems. The duly appointed officers are supported by the Council's Data Protection Officer.

6.5, Control and Operation of CCTV Systems

Only staff with responsibility for using CCTV equipment shall access the systems operating controls (other than those under supervised training). All use of cameras and control equipment shall be in accordance with the purposes and primary objectives of this policy.

6.6, Recorded material and still images

All recorded material produced from the Council's CCTV systems remain the property of the Council and are protected by copyright. Recorded material is held for a maximum of 30 days unless retained for evidential or training purposes. Recorded material shall only be used for the purposes defined in the Policy. Access to recorded material will only take place as defined in this Policy, and by duly authorised officers.

The release of recorded material to the public will only be allowed in accordance with the law. Recorded material will only be used in accordance with the primary objectives as set out in this Policy and in accordance with the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR).

In accordance with Schedule 2 Part 1 of the Data Protection Act 2018 Enforcement Agencies may apply for access where the agency reasonably believe that access to specific recordings is necessary for the proper investigation and detection of a particular offence or offences or for the prevention of crime and disorder.

In accordance with Schedule 2 Part 1 of the Data Protection Act 2018 agencies and organisations may apply where access is necessary for the purpose of, or in connection with, legal proceedings, is necessary for the purpose of obtaining legal advice, or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

No other access to data will be allowed unless approved by a duly authorised officer. Still images should not be taken as a matter of routine. The taking of each still image must be for justifiable reasons.

All still images will remain the property of the Council. A record will be kept of the reason for production of the photograph, date and time, the particulars of production, and information identifying those responsible for producing the photograph.

At no time should a still image be used for anything other than the purpose specified and identified when released to Enforcement or other agencies or organisations. Still images may be sent electronically via secure email to named officers.

6.7, Enforcement agency contact and the use of the Council's CCTV Systems

Enforcement agencies such as the police have a legal requirement to seize any relevant evidence when investigating a crime and the Council has a duty to comply with their request. But the enforcement agencies are bound by the same rules as everyone else.

Enforcement agencies are not permitted to trawl the CCTV system on the off chance of detecting a crime or wrong doing. They are required to provide the duly appointed Officer with a Crime or Incident number or other such proof that they are conducting a legitimate investigation.

The release of evidence or permission to view images may only be authorised by the duly appointed Officer or in their absence, the Data Protection Officer or Departmental Director. Where an enforcement agency requests copies of an image, one copy is to be made but there is no requirement for the duly appointed Officer to retain or produce any further copies.

The control of cameras and their monitoring is, unless covered by RIPA or other authorisation, the responsibility of duly authorised staff only. Enforcement Agencies may request assistance in order to:

- Assist with the deployment of resources.
- Monitor potential public disorder or other major security situations.
- Assist in the detection of crime.
- Facilitate the apprehension and prosecution of offenders in relation to crime and public order.
- Assist with the detection of moving traffic offences where it is considered that the public safety is at risk.

6.8, Civil Contingencies

Use of the Council's CCTV Systems are integrated into the Council's Emergency Planning Procedures for major civil emergencies.

6.9, Duly Appointed Officers

The Lead Duly Authorised Officer for each system is set out below and is the Information Asset Owner. Duly Authorised Officers within each function are also identified.

In addition to staff viewing live images, duly authorised officers with reasonable, justified and proportionate grounds can view recorded images in order to undertake audit checks, system checks and checks to ensure compliance with Council Policy and Procedure.

Prior to any decision to procure additional cameras or new CCTV systems, a Data Protection (Privacy) Impact Assessment must be undertaken to inform the decision making process.

CCTV System	Lead Duly Authorised Officer (Information Asset Owner)	Duly Authorised Officer(s)
Ferry Nab, Bowness-on-Windermere	Operational Delivery and Commercial Services	Lake and Parking Services Officer Lake Warden(s)
Kendal Town Hall	Operational Delivery and Commercial Services	Facility Manager Halls Officer (Kendal)
South Lakeland House, Kendal	Operational Delivery and Commercial Services	Facility Manager Senior Communications Officer Contact Centre Team Leader
Westmorland Shopping Centre Car Park, Kendal	Operational Delivery and Commercial Services	Lake and Parking Services Officer Parking and Cash Collector Supervisor Parking Assistant (Westmorland Shopping Centre)
Canal Head Depot, Kendal	Operational Delivery and Commercial Services	Principal Street Scene Officer Street Scene Team Leader (Canal Head)
North Lonsdale Road Depot, Ulverston	Operational Delivery and Commercial Services	Principal Street Scene Officer Street Scene Team Leader (North Lonsdale Road)
Ecclerigg Depot, Troutbeck	Operational Delivery and Commercial Services	Principal Street Scene Officer Street Scene Team Leader (Ecclerigg)
Town View Fields Hostel, Kendal	Operational Delivery and Commercial Services	Hostel Team Leader Housing Options Manager Hostel Support Officer(s)
South Lakeland House Car Park, Kendal	Operational Delivery and Commercial Services	Lake and Parking Services Officer Parking and Cash Collector Supervisor Parking Assistant (Westmorland Shopping Centre)
Operational Vehicles	Operational Delivery and Commercial Services	Principal Street Scene Officer Street Scene Team Leader(s) Street Scene Operative(s)
Body Worn Portable Devices	Operational Delivery and Commercial Services	Lake and Parking Services Officer Parking and Cash Collector Supervisor Civil Enforcement Officer(s)
Dash Cam Devices	Operational Lead Customer and Locality Services	Locality Officers - Customer and Commercial Services
Mobile Environmental Crime Detection and Prevention Monitoring Device(s)	Operational Lead Customer and Locality Services	Principal Street Scene Officer Street Scene Team Leader(s) Neighbourhood Enforcement Officer(s)

7, Policy Compliance

Tampering with or misuse of cameras, monitoring or recording equipment, images or recorded data by staff may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or criminal prosecution.

Any Council Officer found to have breached this policy may be subject to South Lakeland District Council disciplinary procedure. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If Council Officers do not understand the implications of this policy or how it may apply to them they can seek advice from the Council's Data Protection Officer.

8, Policy Governance

The following table identifies who within South Lakeland District Council is Accountable, Responsible, Informed or Consulted with regards to this policy.

The following definitions apply:

Responsible - the person(s) responsible for developing and implementing the policy.

Accountable - the person who has ultimate accountability and authority for the policy.

Consulted - the person(s) or groups to be consulted prior to final policy implementation or amendment.

Informed - the person(s) or groups to be informed after policy implementation or amendment.

Responsible: Data Protection Officer

Accountable: SIRO

Consulted: Senior Management Team (SMT), Shared ICT Services, Human Resources, Solicitor to the Council, Asset Management, Community and Leisure, Public Protection

Informed: All Council Employees, All Temporary Staff, All Contractors

9, References

The following South Lakeland District Council documents are directly relevant to this policy, and are referenced within this document:

Framework structure:

Information governance framework

CCTV Policy

SLDC CCTV system – Operational protocol

Drone usage policy