

# Atherstone CCTV Scheme



## Code of Practice

***Atherstone CCTV Partnership***

***North Warwickshire Borough Council***

***Atherstone Town Council***

***Warwickshire Police***

5 July 2021

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**Code of Practice in respect of the operation of the  
Atherstone CCTV System**

**Agreed by**

***North Warwickshire Borough Council***

***Atherstone Town Council***

***Warwickshire Police***

***Certificate of Agreement***

*The content of both this Code of Practice is hereby approved in respect of the Atherstone CCTV Partnership and, as far as is reasonably practicable, will be complied with by all who are involved in the ownership, management and operation of the System.*

**Signed for and on behalf of North Warwickshire Borough Council**

Signature: .....

Name: ..... Position held: .....

Dated the ..... day of ..... 20.....

**Signed for and on behalf of Atherstone Town Council**

Signature: .....

Name: ..... Position held: .....

Dated the ..... day of ..... 20.....

**Signed for and on behalf of Warwickshire Police**

Signature: .....

Name: ..... Position held: .....

Dated the ..... day of ..... 20.....

*Each of the Scheme Partners will retain a signed copy of the current Code of Practice and unsigned copies shall be provided to individuals and organisations for illustrative purposes.*

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# Section 1 – Introduction & Background

## 1.1 Introduction

- 1.1.1 Public trust and confidence in the public space Closed Circuit Television (CCTV) System (the Scheme) in Atherstone is an essential element of the Scheme to ensure its success.
- 1.1.2 The purpose of the Code of Practice therefore is to ensure, and to reassure the public, that the Scheme is managed and operated responsibly and appropriately in compliance with relevant national legislation and guidelines.
- 1.1.3 The management, operation, use and confidentiality of the Scheme and its associated control room is undertaken strictly in accordance with this Code of Practice.
- 1.1.4 The Code of Practice has been prepared by North Warwickshire Borough Council (NWBC) in consultation with Atherstone Town Council (ATC) and Warwickshire Police (the Police).
- 1.1.5 The Code of Practice is subject to periodic review following consultation with interested parties to ensure that it continues to reflect the public interest and that it and the Scheme continue to meet legislative requirements.
- 1.1.6 Quarterly meetings of interested parties are held to ensure that appropriate liaison is maintained, problems identified and resolved, and that the Scheme meets its objectives.
- 1.1.7 The Code of Practice is supplemented by an operational procedure manual, which details all aspects of practical operation of the Scheme in order that the objectives and principles set out in this Code of Practice receive strict compliance. The operational procedure manual is only available to authorised persons i.e. external auditors whom are tasked with ensuring the Scheme's compliance, as it contains confidential information that may prejudice the successful operation of the Scheme, should this information enter the public domain.

## 1.2 Background & Ownership Of The Scheme

- 1.2.1 The Scheme to provide CCTV cameras in Atherstone to improve public safety and security was originally sponsored by ATC, NWBC, Warwickshire County Council and the Police.
- 1.2.2 The Atherstone CCTV Partnership consisting of NWBC, ATC and the Police was formed in 2002 to oversee the operation and development of the Scheme, and each Partner's roles and responsibilities are defined in a written agreement entered into by the Partners.
- 1.2.3 Overall responsibility for the Scheme's management rests with the Director of Housing NWBC (the Manager) with day-to-day operation of the Scheme including maintenance also managed by the Director of Housing NWBC (Operational Manager).
- 1.2.4 All images recorded by the CCTV system remain the property of NWBC and copyright thereof is owned by NWBC. NWBC acts as the Scheme's "Processor", and "Controller" with responsibility held by NWBC for all of the Scheme's recorded images (Personal Data) within its possession. When recorded images are provided to other agencies in line with the Scheme's Code of Practice criteria, the agency taking possession of the image recordings become the "Controller" for those images as defined in the General Data Protection Regulations (GDPR) 2018 and the Data Protection Act (DPA) 2018.

## **2.1 Overall Objectives Of The Scheme**

2.1.1 The overall objectives of the Scheme are to responsibly and lawfully operate a public space CCTV system that will help provide a safe and secure environment for the benefit of those who visit, work or live in Atherstone.

2.1.2 To this end the Atherstone CCTV Scheme is registered with the Information Commissioners Office (ICO)<sup>1</sup> for the purpose of monitoring public places and the security of NWBC buildings within Atherstone in order to provide assistance with the following:

1. To reduce the fear of crime
2. To assist the Police, the Councils and other agencies in relation to community Safety
3. To reassure the public
4. To prevent, deter and detect crime and disorder
5. To identify, apprehend and prosecute offenders in relation to crime, public order, road traffic accidents involving injury and all forms of harassment
6. To provide the Police, Councils and other Law Enforcement Agencies with evidence upon which to take criminal and civil actions in the Courts
7. To monitor and assist traffic management issues
8. To assist all “emergency services” to carry out their lawful duties

2.1.3 The CCTV system can only be used for the stated purposes outlined in Section 2 unless, upon agreement by the Scheme Partners, an application to change or modify the purpose of the Scheme is made and approved by the ICO.

## **2.2 Basic Practical Functions Of The Scheme’s CCTV System**

2.2.1 The objectives of the Scheme are aided by:

1. The Scheme being a deterrent to criminal and anti-social behaviour
2. The area of the Scheme being under 24 hours recorded surveillance
3. The Scheme providing a visual guide to assist appropriate response to Incidents
4. The Scheme being a provider of evidence for court proceedings

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<sup>1</sup> The Information Commissioners Office (ICO) is the Government body responsible for regulating the access to and use of personal information held by organizations. Further information can be found at: [www.ico.gov.uk](http://www.ico.gov.uk)

# Section 3 – Public Information & Accountability

## 3.1 Public Confidence In The Scheme

- 3.1.1 Legitimate public concerns exist over the use of public space CCTV in the U.K. and therefore this Code of Practice is designed to satisfy the local community that the use of the Atherstone CCTV Scheme's public space CCTV cameras and information recorded is subject to adequate supervision and scrutiny in line with guidance provided by the Government Surveillance Commissioner's (SCC) Code of Practice<sup>2</sup>.
- 3.1.2 It is of fundamental importance that public trust and confidence is maintained by fully respecting individual privacy and therefore the Scheme is operated strictly in accordance with legislation for the protection of privacy and civil liberties (See appendix 3 for the list of relevant legislation that governs the operation of the Scheme).

## 3.2 Overall Liability

- 3.2.1 Whilst every effort is made to monitor the area covered by the Scheme's cameras comprehensively, the Scheme Partnership cannot accept liability for any occurrence, which is not observed by staff carrying out monitoring, or if the Scheme's cameras do not capture specific images.

*N.B. This does not create implied liability for any observed incidents and all consequent actions as they are carried out in good faith and within current agreed management and operational deployment guidelines.*

- 3.2.2 Overall responsibility for the practical operation of the Scheme rests with North Warwickshire Borough Council

## 3.3 Scheme Operation & Equipment Information

- 3.3.1 The Scheme provides a full colour high Definition resolution CCTV system utilising a combination of pan, tilt and zoom and panoramic cameras for the surveillance of Atherstone town centre including the main shopping area, public car parks, bus station, leisure centre, Coventry Canal, and public play areas. The Scheme also includes a CCTV system for monitoring the security of NWBC buildings.
- 3.3.2 Video links display live images from the CCTV control centre to Warwickshire Police HQ at Leek Wootton. Images displayed on the live video links are exclusively controlled from the CCTV control centre and cannot be recorded remotely.
- 3.3.3 All Scheme CCTV cameras are situated at prime sites within Atherstone and are clearly visible to the public.
- 3.3.4 Signs clearly indicating that CCTV surveillance is in operation are displayed at key positions around the perimeter of the Scheme. The signs allow people entering the area to make a reasonable approximation of the area covered by the Scheme. The signs identify the owners of the Scheme and include appropriate contact details.
- 3.3.5 The Scheme utilises various types of CCTV cameras with the majority being pan, tilt and zoom models with panoramic vision providing High Definition colour images.
- 3.3.6 All of the Scheme's CCTV cameras are recorded 24 hours per day all year round and the images are retained for 31 days in accordance with ICO & SCC guidelines. At the end of this period images are automatically deleted from the Scheme's recording equipment.

<sup>2</sup> The Surveillance Camera Commissioner's Office (SCC) is a Government body set up in 2012 under the Protection of Freedoms Act 2012 to ensure relevant authorities understand and fulfil their duties as defined in the Protection of Freedoms Act 2012. Further information can be found at:



When the Police or an appropriate agency are provided with images of an incident as evidence within this time period they then become the Data Controller for these images and may retain them for as long as is required to complete the legal process in accordance with GDPR 2018 and DPA 2018 compliance.

Factual information on the numbers of the cameras, the area covered by the cameras and statistical findings of their effectiveness forms part of the evaluation process and is published periodically and no less frequently than once per annum. The annual report is a public report and is available in hard copy format from North Warwickshire Borough Council or can be viewed and/or downloaded from [www.northwarks.gov.uk](http://www.northwarks.gov.uk)

### **3.4 CCTV Scheme Review**

- 3.4.1 North Warwickshire Borough Council undertakes to properly manage the CCTV Scheme in accordance with the Code of Practice and Relevant legislation (see appendix 3)..
- 3.4.2 Evaluation of the Scheme's benefits and operation takes place at regular meetings between North Warwickshire Borough Council, Atherstone Town Council and the Police.
- 3.4.3 An annual report of the performance of the Scheme is submitted to ATC, the Police and the relevant NWBC Board.
- 3.4.4 Periodically, an independent, external audit may be commissioned to comprehensively assess the Scheme's benefits, operation and performance with the findings and recommendations published and available to the public.

### **3.5 Complaints And Compliments**

- 3.5.1 Complaints and compliments about the Scheme by members of the public are dealt with through North Warwickshire Borough Council's existing "Complaints and Compliments" system. Complainants can expect a written response to their complaint within 20 working days of the complaint being received. The Director of Housing is responsible for ensuring that all complaints are properly investigated.
- 3.5.2 The annual report produced for the Scheme includes the number of complaints received, the number substantiated and any action that was taken as a result.

### **3.6 Breaches Of The Scheme Code Of Practice**

- 3.6.1 Breaches of the Scheme Code of Practice by members of NWBC staff who manage and operate the Scheme's equipment are dealt with in accordance with NWBC's disciplinary policies and procedures.
- 3.6.2 Data breaches containing personal information must be reported immediately in accordance with the NWBC Data Breach Reporting Procedure and Policy.
- 3.6.2 The Police are also involved if criminal activity is suspected.
- 3.6.3 Any report produced will include recommendations on how to remedy any breach that is proved.
- 3.6.4 The Director of Housing is responsible for the security of the Scheme and its equipment and breaches of security will be investigated in the same way as Breaches of the Code.
- 3.6.5 If a serious breach of the Code of Practice or the Scheme's security occurs, NWBC or ATC may appoint an independent person who holds relevant professional qualifications to investigate and make recommendations as to how and why it occurred and appropriate actions to take to ensure the Scheme's future integrity.

# Section 4 – Public Access To Information & Recorded Images

## 4.1 General Enquiries About The Scheme

- 4.1.1 General information about the Atherstone CCTV Scheme is available on the NWBC website [www.northwarks.gov.uk](http://www.northwarks.gov.uk)
- 4.1.2 All general enquiries about the Scheme must be directed to the Scheme Operational Manager during normal working hours. All responses are provided in strict compliance with the Scheme's Code of Practice and relevant legislation governing the operation of public space CCTV schemes. The contact details for general enquiries are:

The Director of Housing  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
CV9 1DE

Tel. 01827 719369  
E-mail [angelacoates@northwarks.gov.uk](mailto:angelacoates@northwarks.gov.uk)

## 4.2 Subject Access And Third Party Access To CCTV Images And/Or Information

- 4.2.1 Requests for information regarding specific images of an individual that may have been recorded by the Scheme must be made by the Subject Access Requester or their nominated representative. Images of third parties or third party property captured within the images of the Data Subject will be "anonymized" wherever possible to protect third party privacy in accordance with GDPR 2018 and DPA 2018 principles. If it is not possible for technical reasons or the cost is unreasonable to "anonymize" third parties or third party property in order to comply with the GDPR 2018 and DPA 2018 principles the Subject Access Request will be refused and the requester informed of the reason for the refusal. If recorded images are required they will usually be provided in a digitally recorded DVD format.
- 4.2.2 Images are not normally provided to third parties due to privacy considerations except to Police or prosecuting authorities or to a legal representative who has a lawful and legitimate interest in obtaining the image/s as part of the legal process (A motor insurance company for instance). Images are only provided to private individuals in strict accordance with the GDPR 2018 and DPA 2018.
- 4.2.3 A request may be refused if it is not reasonable in terms of resource costs to locate and provide the images/information as defined in the Freedom of Information Act 2000, Protection of Freedoms Act 2012 or because of confidentiality/privacy issues as detailed by the GDPR 2018 and DPA 2018 and / or Protection of Freedoms Act 2012.

*NB As stated in section 3.3.5, the Scheme's recorded images are only retained for 31 days before they are automatically deleted. Therefore, requests for images must be made within one calendar month of the image having been recorded.*

- 4.2.4 Requests made should be accompanied by sufficient information to enable the individual to be identified on the recording. Sufficient information must be supplied to enable the relevant recording to be located including a specific date and reasonable time window of the event that has been requested. The following link provides guidance as to what should provide in order to apply. <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/preparing-and-submitting-your-subject-access-request/>
- 4.2.5 Copies of the Subject Access Form (See Appendix 1) and Subject Access leaflet (See Appendix 2) are available for downloading from the NWBC website [www.northwarks.gov.uk](http://www.northwarks.gov.uk); by personal collection; by post or by telephone from NWBC (See Section 4.1.2 for contact details)
- 4.2.6 Information and/or images will be provided if it is considered reasonable in both time and cost to locate and provide them in accordance with Freedom of Information Act 2000, Protection of Freedoms Act 2012 and GDPR 2018 and DPA 2018 principles. The Scheme Operational Manager will endeavour to respond promptly to information requests but within a maximum of 20 days.
- 4.2.7 No charge will be applied for searching and/or providing relevant information. The information will be provided on DVD media only. If the information is required on an alternative media, the cost of the alternative media and any additional costs required to transfer the information to the media will be chargeable to the requester.
- 4.2.8 ***Images and/or information relating to motoring offences or criminal acts to a person or property will not be provided to members of the public.*** Should a member of the public consider that the Scheme's CCTV cameras have recorded such images and information, they should report the incident to the Police. The Police will then request to review the relevant CCTV images and will be provided with copies of the relevant recorded images should the incident have been captured by the Scheme's cameras and if the Police deem this appropriate.
- 4.2.9 Should the member of the public not consider it appropriate to inform the Police of a particular event involving third parties for which they require information and/or images, relevant information and/or images may only be provided to the person's legal representative (which may be an insurance company) upon submission of a written application detailing the information required, date and time of event and explanation of why the information and/or images are required. Release of the relevant information/images will be authorised if it/they are in compliance with the Freedom of Information Act 2000, Protection of Freedoms Act 2012 and GDPR 2018 and DPA 2018 and an appropriate fee charged, which is in accordance with that defined in NWBC's current Fees & Charges Register.
- 4.2.10 All incident and non-incident Freedom of Information requests for images and/or information are dealt with in accordance with the GDPR 2018, DPA 2018, Protection of Freedoms Act 2012 and Freedom of Information Act 2000 principles as well as ICO & SCC CCTV Codes of Practice guidelines.

# Section 5 – Scheme Operation

## 5.1 Guiding Principles

- 5.1.1 All operators of cameras (CCTV Camera Operators) associated with this Scheme will act with utmost probity at all times.
- 5.1.2 Every use of the Scheme's CCTV cameras will accord with the purposes and key objectives of the Scheme and will comply with the Scheme Code of Practice.
- 5.1.3 CCTV Cameras will not be used to look into private residential property. Where practical, 'Privacy zones' may be programmed into the CCTV system as required, in order to ensure any private residential property interiors within range of the Scheme are not surveyed by the Scheme CCTV cameras.
- 5.1.4 CCTV Camera Operators must always beware of exercising prejudices, which may lead to complaints that the Scheme is being used for purposes other than those for which it is intended. The CCTV Camera Operators may be required to justify their interest in, or recording of, any particular individual, group of individuals or property at any time by virtue of complaints registered with NWBC, legal representation, the audit of the system or by the Scheme's Operational Manager.
- 5.1.5 The over-riding principle is that CCTV Camera Operators are responsible for their every use of the Scheme's cameras, which must be justifiable in accordance with the GDPR 2018, DPA 2018, Protection of Freedoms Act 2012 and Freedom of Information Act 2000 principles as well as ICO & SCC CCTV Codes of Practice guidelines.

## 5.2 General Operation Of The System

- 5.2.1 Only authorised and appropriately qualified members of staff with responsibility for using the equipment housed within the CCTV control room may access the operating controls within that room.
- 5.2.2 The core duty of a CCTV Operator is to proactively monitor the CCTV cameras and obtain the best images that are available, appropriate to the observations being undertaken and to inform the Police of any criminal acts taking place that have been observed.
- 5.2.3 CCTV Camera Operators make full use of the Atherstone Town Watch Radio Link to subscribing retail outlets.

## 5.3 Action When A CCTV Operator Observes An Incident, Or Is Informed Of One.

- 5.3.1 The Police Airwaves radio provides an encrypted direct communication link between the Scheme CCTV control room and the Police to enable prompt notifications of incidents or potential incidents both to and from the Police and to assist the Police to manage incidents whilst they are occurring.
- 5.3.2 When a CCTV Camera Operator observes a criminal or suspicious incident, which they consider requires action or police deployment, the CCTV Camera Operator will immediately inform the police area dispatcher.
- 5.3.3 When a CCTV Camera Operator observes a public safety incident, which they consider requires action or deployment they will immediately inform the Police area dispatcher and/or other relevant Emergency Services.

- 5.3.4 When a CCTV Camera Operator observes other incidents that fall within the Scheme's remit as defined in the Scheme's Code of Practice, which they consider requires action or deployment, they will inform the relevant officer or organisation by the most expedient means to provide them with details of the incident in order for appropriate action or deployment to be made.
- 5.3.5 The CCTV Camera Operator will try and obtain the best available views of an incident and will continue monitoring activity with the aim of producing the best available images to identify offenders or potential witnesses. This will include zooming in to record close up facial images and registration numbers of vehicles.
- 5.3.6 The CCTV Camera Operator will record all pertinent details of an incident in the Scheme Occurrence Log

#### **5.4 Pro-active Operation Of CCTV Cameras**

- 5.4.1 All observations via the Scheme's CCTV cameras are carried out and recorded in compliance with relevant legislation and Home Office approved practices.
- 5.4.2 A record of all notable occurrences is maintained by the CCTV operators. The information is recorded in the CCTV Occurrence Log and includes anything of note i.e. date, relevant times and descriptions of observed subjects and sequences of events which may be useful for investigative and evidential purposes or future system assessment and evaluation.
- 5.4.3 When no events are taking place, the CCTV Camera Operator will monitor images produced by the Scheme CCTV cameras in accordance with the aims and objectives of the scheme i.e.
- a. Actively control CCTV cameras to patrol for suspicious persons or situations.
  - b. Monitor images in order to locate possible risks to the public
  - c. Monitor images in order to identify areas of concern outside of the Policing responsibility
  - d. Monitor vehicular traffic flows
  - e. Undertake other tasks if applicable to the Code of Practice

#### **5.5 Monitoring Pre-Planned Events (Not Directed Surveillance<sup>3</sup>)**

- 5.5.1 On occasions the pattern of operation may be changed due to a pre-planned event, such as a march, demonstration or civic celebration etc. Special arrangements might be necessary, and will be made by the Scheme's Operational Manager as appropriate and in accordance with the Scheme Code of Practice. Such arrangements may include temporarily altering CCTV cameras' patrols to better monitor the event.

#### **5.6 Directed Surveillance<sup>3</sup>**

- 5.6.1. Directed surveillance of persons or property will only take place if a RIPA (Regulation of Investigatory Powers Act) approval document has been completed and signed by an appropriate official/s who has the authority to authorise the particular directed surveillance i.e. a senior police officer or magistrate.
- 5.6.2 The completed and signed RIPA document must be presented to the Scheme Operational Manager prior to directed surveillance taking place and will be retained in the CCTV control room.

- 5.6.3 In exceptional circumstances when it is not possible to provide the appropriate RIPA document prior to the need for directed surveillance to take place due to the urgency of the surveillance, a verbal authorisation from an appropriate official with authority to approve directed surveillance will be sufficient until the appropriate documentation can be completed.
- 5.6.4 In such instances full details of the name and rank/occupation title of the authorising official, the reason for the directed surveillance, and the time period in which the directed surveillance is to take place must be recorded in the Scheme Occurrence Log.
- 5.6.5 In all instances of directed surveillance the name, rank and service ID number (if applicable) of those conducting the directed surveillance as well as the reason for and times that the directed surveillance has taken place must be recorded in the Scheme Occurrence Log.

## **5.7 Operation Of The System By The Police**

- 5.7.1 In the (unlikely) event of authority being granted to the police to assume control of the Atherstone CCTV Scheme i.e. as part of a serious crime investigation, the CCTV control room will continue to be staffed, and equipment operated by, only those personnel who are authorised and qualified to do so.
- 5.7.2 If extreme circumstances are applied due to i.e. national security considerations or specific confidentiality issues whereby the Police take total control of the Scheme, the following will pertain:
- i. The Scheme Operational Manager will be fully briefed and, if possible, will attend the CCTV control room at the relevant time
  - ii. The written approval for Police control will be required from the Chief Inspector and shall be retained within the CCTV control room
  - iii. A detailed entry will be made in the CCTV Occurrence log which will include:
    - a) Full details of all personnel involved
    - b) The names and positions of those granting the application
    - c) All relevant times and dates that the Scheme and CCTV control room are subject to the order
- 5.7.3 On re-occupation of the room all systems will be checked to ensure they are in proper working order and an appropriate entry made in the control room occurrence book noting relevant times and status of recording in operation, etc.

# Section 6 – Scheme Staff

## 6.1 General Principle

- 6.1.1 It is acknowledged that any CCTV System is only as good as the management of the material being recorded. To achieve this, only authorised personnel who have been properly trained and licensed by the (SIA) Security Industries Authority will handle recorded information, gathered by the Scheme equipment except Police officers who are exempt from SIA licensing requirements.
- 6.1.2 Each person having direct involvement with the Scheme equipment is required to sign that they have read and understood both the Scheme Code of Practice and the Scheme Operational Procedural Manual. They will be fully conversant with the contents of both documents, which may be updated from time to time, and which he / she will be expected to comply with at all times, and understand that failure to comply may result in disciplinary action and/or criminal prosecution.
- 6.1.3 Copies of the Scheme Code of Practice and Scheme Operational Procedural Manual are readily accessible to all authorised staff.

## 6.2 Selection, Recruitment & Training of Staff

- 6.2.1 Atherstone CCTV Scheme CCTV System, is managed, accessed and operated by individuals who have been properly selected according to NWBC Recruitment and Selection Policy
- 6.2.2 Prior to performing the role of CCTV operator personnel are subjected to full security screening, which includes an NWBC enhanced DBS (Disclosure and Barring Service) check and Police NPPV (Non Police Personnel Vetting) Level 2 check.
- 6.2.3 All staff operating the Scheme's CCTV systems are appropriately trained, and are required to attain the SIA (Security Industries Authority) Public Space CCTV Operators Licence in order for them to operate the Scheme CCTV system.
- 6.2.4 Each CCTV Operator undertakes SIA Public Space CCTV Operators Licence renewal and DBS and NPPV checks at appropriate intervals for the duration of their employment as CCTV Operators.
- 6.2.5 All CCTV operators, including those who may have access to control and/or monitoring facilities will be fully trained in the use of each item of equipment as well as the content of the Scheme Code of Practice and the Scheme Operational Procedural Manual, which includes training in all relevant social and legal issues. They will undertake continuation training on a regular basis

## 6.4 Staff Discipline

- 6.4.1 Any breach of the Code of Practice, or of any aspect of confidentiality, will be dealt with in accordance with existing NWBC discipline regulations. Staff must recognise that any such breach may amount to gross misconduct, which could lead to dismissal.
- 6.4.2 Should a breach of discipline be considered to be of a criminal nature, the police will be informed immediately to conduct a criminal investigation and prosecution should they consider it appropriate to do so.
- 6.4.3 The Atherstone CCTV Scheme Operational Manager is responsible for ensuring there is no breach of security and that the Code of Practice is complied with. S/He has day to day responsibility for the management of the CCTV control room and for enforcing the discipline regulations.

# Section 7 – CCTV Control Room Access & Security

## 7.1 Authorised Access

- 7.1.1 Only authorised staff are allowed access into the Scheme's CCTV control room.
- 7.1.2 Authorisation is restricted to staff who have a legitimate interest in the operation of the Scheme CCTV system.
- 7.1.3 Only authorised personnel operate any of the equipment located within the CCTV control room, *(or equipment associated with the CCTV System)*.
- 7.1.4 A Register of staff authorised to access the CCTV control is maintained in the CCTV control Room.

## 7.2 Public Access

- 7.2.1 Public access to the CCTV control room / CCTV monitoring and recording equipment is prohibited except for lawful, proper and sufficient reasons.
- 7.2.2 Visits do not take place as a matter of routine and no visit will comprise more people than is safe to accommodate.
- 7.2.3 Visits will only take place with the approval of the Scheme Operational Manager.
- 7.2.4 Visitors will always be accompanied by the Scheme Operational Manager or designated representative.
- 7.2.5 All visitors are required to sign the Visitors Log to include:
  - a) Time & date of entry and exit to the CCTV control room
  - b) Names and status of visitors
  - c) Purpose of visit
  - d) Signature to confirm they have understood they must strictly comply to the GDPR 2018 and DPA 2018 whilst in the CCTV control room
- 7.2.6 Any occurrence, which leads to comment during the course of the visit is subject of record
- 7.2.7 The Scheme Operational Manager reserves the right to refuse access to the CCTV control room or may remove persons if already in the CCTV control room should an operational and/or confidentiality issue arise whereby the visitors' presence was deemed inappropriate.

## 7.3 Equipment Demonstration

- 7.3.1 The demonstration of the capabilities and limitations of the cameras is very strictly controlled during the course of any visit with no emphasis being placed on monitoring and/or recording any individual, group of individuals or property.

## 7.4 Scheme Inspection Visits

- 7.4.1 Visits by authorised inspectors and auditors do not fall into the scope of this section and may take place at any time unaccompanied and without prior warning. However any such visit must be recorded in the same way as that described above.

## 7.5 Security



- 7.5.1 Authorised personnel will normally be present at all times in the CCTV control room.
- 7.5.2 In the unlikely event that the CCTV control room is left unattended it will be securely locked except during an emergency evacuation when the following procedure will apply:
- a) If the need arises to evacuate the CCTV control room because of either a security alert or fire alarm, all CCTV control room staff will act in accordance with local emergency evacuation instructions.
  - b) If possible, but without risking the safety of any member of staff, the CCTV control room will be secured upon leaving. Any operations or procedures under way at the time of evacuation should be abandoned.
  - c) On returning to the CCTV control room all systems will be checked to ensure they are in proper working order and an appropriate entry made in the CCTV Occurrence Log noting relevant times, status of recording in operation, etc.
  - d) Whilst the CCTV control room is evacuated, due regard will be held for the Health & Safety regulations ensuring that no risk is introduced by any such evacuation.

# Section 8 – Management of CCTV Recorded Material

## 8.1 Recording Standards

- 8.1.1 CCTV Images are recorded in High Definition resolution digital format and stored in the system's digital hard drive memory to provide the best quality evidential material that is practicable.
- 8.1.2 Recorded images stored within the system's digital memory are encrypted and only authorised personnel have access to the images via a review computer, which is located in the secure CCTV control room
- 8.1.3 Recorded images are retained in the Scheme CCTV system's digital memory for a period of 31 days. All recorded images are then automatically deleted upon expiry of this period except for specific images secured for legal proceedings and/or a police investigation, which are retained by the relevant agency until such time as they are no longer required as part of the legal proceedings when they should then be deleted in accordance with GDPR 2018 and DPA 2018 principles.
- 8.1.4 An audit trail of recorded material is maintained in the CCTV system database and CCTV Digital Image Review & Movement Log to provide a clear path of where the data has been recorded or copied, so that allegations of interference with that data are eliminated should it be admitted in evidence in a court of law.
- 8.1.5 The Scheme Operational Manager is responsible for the accuracy of the CCTV Digital Image Review & Movement Log, which is retained for a period of 12 months from the last entry and is then destroyed.

## 8.2 Release Of Recorded Material

- 8.2.1 Any release of data MUST comply with the provisions of the GDPR 2018 and DPA 2018 and is subject to compliance with this Section and Section 3.5 of the Scheme Code of Practice
- 8.2.2 All staff are aware of their responsibilities in this area, and particularly to the unlawful release of data, which carries a penalty of criminal prosecution should it be deemed appropriate.
- 8.2.3 Images are only copied to DVD, USB portable storage devices or external hard drives for the purpose of providing images for assisting with lawful investigations and/or legal proceedings, relevant training and briefing purposes. No copies of images are retained by the Scheme for any other purpose
- 8.2.4 The following guidance outlines the terms and conditions governing the release of recorded material:
  - i. Those individuals with a statutory responsibility to investigate alleged criminal offences may release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses. Under those circumstances full details of the information released, to whom, when and how published must be recorded and made available to the prosecuting authority and the defence.
  - ii. If material is to be shown to potential witnesses, which includes Police Officers, for the purpose of obtaining identification evidence, it must be shown on an individual basis in accordance with the Police and Criminal Evidence Act, Code of Practice D 2.21a.
  - iii. The Scheme Partnership may from time to time release recorded material to the press and media when agreed by all parties but only when it is deemed in the public interest

and its release complies with Scheme Code of Practice and relevant legislation. The only exception to this being if the Police require the urgent release of images to the press and media to assist a criminal investigation and all Partners approval would cause an unreasonably delay that is not in the public interest. In such instance the Police will be responsible for ensuring all relevant data protection legislation is complied with.

- iv. Requests are from time to time received from the press and media for recorded material of a particular occurrence, (usually in respect of criminal proceedings). No material containing an incident involving a criminal act will be provided to the press or media without consultation with the police and agreement from them that they consider it to be in the public interest to release the material in accordance with relevant legislation.
- v. Requests for material from the media and press for purposes other than those detailed above will not be approved.

8.2.5 Once the recorded material has been collected by the authorised officer of the agency requiring the images, the safety and security of the images are the responsibility of that agency in accordance with the principles of the GDPR 2018 and DPA 2018 and all other relevant legislation governing the release of information.

### **8.3. Evidential Images**

8.3.1 All recordings are automatically electronically “watermarked” by the CCTV system’s digital recording equipment to ensure their integrity and avoid allegations that the images have been changed or modified in any way after recording.

8.3.2 In the event of a police officer, or authorised representative of another statutory prosecuting authority, (the ‘investigator’) requiring the original image for evidential purposes, Material downloaded to an external hard drive or to a portable digital storage device, DVDs and/or Still Images copied from the System hard drive memory will be treated as the master image/s and marked accordingly.

8.3.3 The master copy of the evidential recorded material must be sealed in an Evidence Bag and the Evidence Bag identification number and all relevant details recorded in the Scheme CCTV Review & Movement Log if the images are to be used for evidential purposes.

8.3.4 The person to whom the recorded material is passed must accept responsibility for maintaining its Data Protection credibility, including a provable audit trail from the point of acceptance of the recorded material to its appropriate disposal by signing a Receipt of Images Declaration form. Upon acceptance of the recorded material they will become the Data Controller as defined by the GDPR 2018 and DPA 2018

8.3.5 Normally recorded material will be provided to the investigating agency in DVD–R format or as a still image printed to photographic paper for evidential purposes unless the length of recording required is such that it is more practical to download to an external hard drive or other digital storage device.

8.3.6 One copy of DVD/Still Image will be made which will be known as the” Master” copy and one which will be known as the “Working” copy. An identical copy, known as the ‘defence copy’ will be provided by the Police for each defendant should it be required.

8.3.7 A defence copy may be handed to a defence solicitor. However, this will only take place upon instructions from the Crown Prosecutor.

8.3.8 No original images or copies will be handed to individual defendants. In the event of a defendant representing him or herself, they will be given the opportunity to view the recording under supervision and advised that the Police (*or prosecutor*) will take the responsibility of ensuring the production of the relevant DVD/Still Image etc in Court.

- 8.3.9 Copies of images over and above those outlined above will not be made unless requested by the investigator and in such instances a charge may be levied at the current rates
- 8.3.10 The CCTV Image Review & Movement Log must be completed and signed, and a Notice detailing the data recipient's GDPR 2018 and DPA 2018 responsibilities must be provided to the recipient along with the material when they take possession of the material. If the person will not sign to accept this responsibility, data/images will not be provided to them.

#### **8.4 Audit Procedures**

- 8.4.1 The Scheme's Operational Manager is responsible for overseeing the image audit processes.
- 8.4.2 At any one time, this process should be capable of identifying where any recorded image can be located. Any shortcomings will be investigated immediately and missing image media (USB device/DVD etc) will be sought. A written record will be made of this process and any subsequent findings.
- 8.4.3 The Scheme Operational Manager will carry out regular checks of the image management system to ensure compliance with the Scheme Code of Practice.

#### **8.5 Retention of Scheme Documents**

- 8.5.1 The CCTV Occurrence Book record will be destroyed 12 months after the date of the last entry unless seized by the police for evidential purposes.
- 8.5.2 The CCTV Image Review & movement Log will be destroyed 12 months after the date of the last entry unless seized by the police for evidential purposes.
- 8.5.3 Completed Receipt of Images declaration forms will be retained for 12 months from when the document was signed and then destroyed unless seized by the police for evidential purposes.

# Appendix 1 – Subject Access Request form

## How to Apply For Access To Information Held On the CCTV System

These notes explain how you can find out what information, if any, is held about you on the CCTV System.

### Your Rights

Subject to certain exemptions defined in the General Data Protection Regulations 2018 and Data Protection Act 2018, you have a right to be told whether any personal data is held about you. You also have a right to a copy of that information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or if you agree otherwise. NORTH WARWICKSHIRE BOROUGH COUNCIL will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, the Council is not obliged to comply with an access request unless –

- The other individual has consented to the disclosure of information, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual(s) or
- The images that may identify third parties can be obscured in order to protect their privacy

**The Council will endeavour to respond promptly to your enquiry and not later than 20 days maximum**

### The Council's Rights

NORTH WARWICKSHIRE BOROUGH COUNCIL may deny access to information where the Act allows. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
- Apprehension and prosecution of offenders

And giving you the information may be likely to prejudice any of these purposes.

There is no charge for a Data Access Request.

### THE APPLICATION FORM:

**(N.B. ALL sections of the form must be completed. Failure to do so may delay your application.)**

**Section 1** Asks you to give information about yourself that will help the Council to confirm your identity. The Council has a duty to ensure that information it holds is secure and it must be satisfied that you are who you say you are.

**Section 2** Asks you to provide evidence of your identity by producing TWO official documents (which between them clearly show your name, date of birth and current address) together with a recent full face photograph of you.

**Section 3** Asks you to confirm whether you will accept just viewing the information, or if you want a copy of the information.

**Section 4 You must sign the declaration**

When you have completed and checked this form, take or send it together with the required TWO identification documents and identifying photograph to:

**THE DIRECTOR OF HOUSING, NORTH WARWICKSHIRE BOROUGH COUNCIL, SOUTH STREET  
ATHERSTONE WARWICKSHIRE CV9 1DE TEL: 01827 719369 OR**

**Email address where to send to required [angelacoates@northwarks.gov.uk](mailto:angelacoates@northwarks.gov.uk)**

The information requested below is to help the Council (a) satisfy itself as to your identity and (b) find any data held about you on the CCTV system.

PLEASE USE BLOCK LETTERS

<i>Title (tick box as appropriate)</i>	<b>Mr</b>		<b>Mrs</b>		<b>Miss</b>		<b>Ms</b>		
<i>Other title (e.g. Dr., Rev., etc.)</i>									
<i>Surname/Family Name</i>									
<i>First Names</i>									
<i>Maiden Name/Former Names</i>									
<b>Sex (tick box)</b>	<b>Male</b>			<b>Female</b>					
<i>Height</i>									
<i>Date of Birth</i>									
<i>Place of Birth</i>	<b>Town</b>								
	<b>County</b>								

<i>Your Current Home Address (to which we will reply)</i>								
	<b>Post Code</b>							
<b>Telephone number will be helpful in case you need to be contacted.</b>	<b>Tel. No.</b>							

If you have lived at the above address for less than 10 years, please give your previous addresses for the period:

<i>Previous Address(es)</i>								
<i>Dates of occupancy</i>	<b>From:</b>							
<i>Dates of occupancy</i>	<b>From:</b>							

**SECTION 2 Proof of Identity**

To help establish your identity your application must be accompanied by:

TWO official documents that between them clearly show your name, date of birth and current address. For example: a birth/adoption certificate, driving licence, medical card, passport or other official document that shows your name and address.

A recent, full face photograph of yourself.

Failure to provide this proof of identity may delay your application.

**SECTION 3 Supply of Information**

You have a right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to:

(a) View the information and receive a permanent copy  
If yes please provide an unused DVD – R format DVD

YES / NO

(b) Only view the information

YES / NO

**SECTION 4 Declaration**

**DECLARATION (to be signed by the applicant)**

The information that I have supplied in this application is correct and I am the person to whom it relates.

Signed by

Date

Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.

NOW – please complete Section 4 and then check the 'CHECK' box (on page 5) before returning the form.

**SECTION 4 To Help us Find the Information**

If the information you have requested refers to a specific offence or incident, please complete this Section.  
Note if this information is subject to criminal investigations it may not be possible to make it available.

Please complete a separate box in respect of different categories/incidents/involvement. Continue on a separate sheet, in the same way, if necessary.

If the information you require relates to a vehicle, property, or other type of information, please complete the relevant section overleaf.

Were you: (tick box below)

A person reporting an offence or incident

A witness to an offence or incident

A victim of an offence

A person accused or convicted of an offence

<b>Other – please explain full reason for requesting this information</b>	
<b>Exact date(s) and time(s)</b>	
<b>Exact place incident happened</b>	
<b>Brief details of incident</b>	

Before returning this form  
Please check:

- Have you completed ALL Sections in this form?
- Have you enclosed TWO identification documents?
- Have you signed and dated the form?



**Further Information:**

**These notes are only a guide. The law is set out in the General Data Protection Regulations 2018 and Data Protection Act 2018, obtainable from The Stationery Office. Further information and advice may be obtained from:**

The Office of the Information Commissioner,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.  
Tel. (01625) 545745

**Please note that this application for access to information must be made direct to NORTH WARWICKSHIRE BOROUGH COUNCIL (address on Page 1) and NOT to the Data Protection Commissioner.**

**OFFICIAL USE ONLY**

Please complete ALL of this Section (refer to 'CHECK' box above).

Application checked and legible?

Date Application Received

Identification documents checked?

Details of 2 Documents (see page 3)

Documents Returned?

Member of Staff completing this Section:

Name:

Location:

Signature

Date

# **Atherstone CCTV Scheme Partnership**

**North Warwickshire Borough Council  
Atherstone Town Council  
Warwickshire Police**

**This leaflet contains advice and information regarding the images recorded by the CCTV System, who may access those images and for what purpose**

## ***Subject Access Principles***

If you wish to exercise your rights of subject access as provided for in General Data Protection Regulations 2018 and Data protection Act 2018 you will be required to make the request in writing on a standard subject access request form.

All requests for subject access will be dealt with by the Director of Housing or a nominated deputy. A written response to the request will be provided within 20 days of receipt, either setting out the steps intended to be taken to comply with the request or setting out the reasons for refusing the request.

A fee, not exceeding the prescribed maximum, may be levied.

The Government's Information Commissioner has published a Code of Practice for users of public space CCTV Systems, which includes the rights of individuals to access information recorded by public space CCTV Systems. A copy of this Code may be obtained on application to the Director of Housing. Contact details are:

The Director of Housing  
North Warwickshire Borough Council,  
The Council House  
South Street  
Atherstone  
CV9 1DE

Phone: 01827 719369

E-mail: [angelacoates@northwarks.gov.uk](mailto:angelacoates@northwarks.gov.uk)

# ***The Purposes For Which Images Are Recorded***

Full details of the principles and criteria under which this Scheme operates may be found in the Atherstone CCTV Scheme Code of Practice. A summary of the aims and key objectives of the Scheme are:

*To reduce the fear of crime*

*To assist the police, the Councils and other agencies in relation to community safety*

*To reassure the public*

*To prevent, deter and detect crime and disorder*

*To identify, apprehend and prosecute offenders in relation to crime, public order, road traffic accidents involving injury and all forms of harassment*

*To provide the police, Councils and other Law Enforcement Agencies with evidence upon which to take criminal and civil actions in the Courts*

*To monitor and assist traffic management issues*

*To assist all “emergency services” to carry out their lawful duties*

Copies of the Code of Practice are available free of charge from NWBC Council House main reception, or on application to the The Director of Housing or by download from North Warwickshire Borough Council’s website: <http://www.northwarks.gov.uk/>

## ***What Recorded Images Are Retained***

The area covered by the Atherstone CCTV Scheme is denoted by CCTV warning signs located at strategic points around its perimeter in order to ensure the public are aware that they will be subject to surveillance whilst within this area. The CCTV cameras operate 24 hours per day, every day of the year. All cameras continuously record onto a digital hard drive memory.

All recordings are retained for 31 days. If no legitimate request for retention of recorded images has been made during this period recorded images are automatically deleted at the end of this period. All requests for retention of recorded images are considered against the provisions of the General Data Protection Regulations 2018, Data Protection Act 2018 and the CCTV Code of Practice.

The storage, processing and use of recorded images obtained by the Atherstone CCTV Scheme is guided by the following general principles:

*Recorded images will only be used for the purposes defined in the Code of Practice and in accordance with the General Data Protection Regulations 2018 and Data Protection Act 2018.*

*Access to recorded images shall only take place in the circumstances defined in the Code of Practice and the provisions of relevant legislation.*

*Recorded images will not be sold or used for commercial purposes or the provision of entertainment.*

*The showing of recorded images to the public will only be permitted in accordance with the law in relation to the investigation, prosecution or prevention of crime.*

*Images released shall remain the property of North Warwickshire Borough Council.*

# **Recorded Images Disclosure Policy**

Disclosure of images obtained by the Atherstone CCTV Scheme will only be permitted in accordance with the relevant legislation and the criteria contained within the Atherstone CCTV Scheme Code of Practice.

*In every case a written application in an approved format, clearly showing the reason(s) for the request, is required.*

## ***An Individual's Right To View Or Request A Copy Of Recorded images***

Subject to certain exemptions defined in the General Data Protection Regulations 2018 and Data Protection Act 2018, private individuals or their representatives have the right to be told whether any recorded images of themselves are held. An individual also has the right to a copy of the images in a permanent form except if the supply of a copy is not possible or would involve disproportionate effort, or if the individual agreed otherwise. The copy will normally be provided on DVD media.

NORTH WARWICKSHIRE BOROUGH COUNCIL will only provide images if it is satisfied as to the individual's identity.

If the release of images will disclose information relating to other individual(s), who can be identified from the images, the Council is not obliged to comply with a Subject Access request unless:

- Consent is received from the other individual(s) to disclose the images, or
- It is reasonable in all circumstances to comply with the request without the consent of the other individual(s)

Images that identify third parties may be obscured in order to protect their privacy

## ***Important Points To Note***

*Requests by an individual for the Council to interrogate recorded images are not accepted prior to the submission of a Subject Access Application form. If no relevant images are subsequently identified or cannot be disclosed for legal reasons written confirmation of the outcome and/or the reason for non-disclosure will be provided.*

*Images are retained for 31days therefore the completed Subject Access form must be submitted no later than 30 days after the event of interest has taken place because the images will be automatically deleted from the system after 31 days.*

*If the Subject Access request is due to damage to property i.e. home or unattended motor vehicle, the incident should always be reported to the Police who will then usually request a review of images. If the Subject Access request is to assist with a motor vehicle accident a copy of relevant images if captured will normally be provided directly to the motor insurance company or legal representative.*

# Appendix 3 – Legislation & Guidelines Governing Public Space CCTV

## **National legislation governing public space CCTV surveillance:**

- i. General Data Protection Regulations 2018
- ii. Data Protection Act 2018
- iii. Human Rights Act 1998
- iv. Freedom Of Information Act 2000
- v. Regulation of Investigatory Powers Act 2000 (RIPA)
- vi. Criminal Procedures and Investigations Act 1996
- vii. Police and Criminal Evidence Act 1984 (PACE)
- viii. Sexual Offences Act 2003
- ix. Protection of Freedoms Act 2012

## **Atherstone CCTV scheme also follows guidelines and recommendations laid down by:**

- x. The Information Commissioners Office CCTV Code of Practice (2008)
- xi. Home Office National CCTV Strategy (2007)
- xii. Home Office CCTV specification documents (Various dates)
- xiii. Surveillance Camera Commissioner's Code of Practice (Oct 2014)

Further information about the legislation governing the operation of public space CCTV surveillance can be obtained from the following websites:

[www.opsi.gov.uk](http://www.opsi.gov.uk) - The Office of Public Sector Information website

[www.direct.gov.uk](http://www.direct.gov.uk) - The Government public services information website

[www.ico.gov.uk](http://www.ico.gov.uk) - The Information Commissioner's Office website

<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>

- The Surveillance Camera Commissioner's website