

Swale Public Space CCTV Policy

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Author:	Stephanie Curtis/Sean Smith
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1. Introduction

- 1.1 Swale Borough Council operates a public space CCTV system across the borough in its town centres and other locations where there is an identified need due to levels of crime and anti-social behaviour (ASB).
- 1.2 Swale Borough Council is committed to respecting people's rights to privacy and supports the individual's entitlement to go about their lawful business. This is a primary consideration in the operation of any CCTV system operated by the Council.
- 1.3 This document along with individual systems Codes of Practice are designed to give clear guidelines on the Swale Borough Council (SBC) use of CCTV and to protect SBC and its CCTV operators & partners from allegations of misuse of the system and to protect staff and the public from any misuse of the CCTV system.
- 1.4 This policy covers the purchase and use of CCTV equipment and the gathering, storage, use and disposal of visual image data. This policy applies to all staff employed by Swale Borough Council and should be the standard expected from any external agencies or persons who operate CCTV systems on its behalf.
- 1.5 This document should be read in conjunction with the Management & Operational Procedures. Failure to comply with these documents could lead to disciplinary action, which may lead to dismissal and in certain circumstances criminal proceedings against the individuals concerned.
- 1.6 This Public Space CCTV System has been notified to the Information Commissioners Office.

2. Objectives of Council CCTV Systems

- 2.1 Swale Borough Council operates its public space CCTV system in compliance with the Information Commissioners CCTV Code of Practice. This states that CCTV use may be necessary to address one of the following – crime prevention (including ASB); Public Safety; and/or National Security.
- 2.2 The Crime and Disorder Act 1998 places an obligation on local authorities to consider the crime, disorder and environmental issues affecting the local area and ensure their activities do all they reasonably can to prevent them. The implementation and monitoring of CCTV is one activity delivered by Swale Borough Council that contributes towards this obligation as it is one of the regulated authorities that can offer this service to the community.

- 2.3 It is important that everyone and especially those charged with operating the CCTV systems on behalf of Swale Borough Council understand exactly why each of the systems has been introduced and what the cameras will and will not be used for.
- 2.4 Each CCTV system will have its own site or task specific objectives. These will include some or all the following:
- Protecting areas and premises used by staff and the public;
 - Deterring, detecting and recording crime and anti-social behaviour;
 - Assisting in the identification of offenders leading to their arrest and prosecution or other appropriate action / sanction;
 - Reducing violent or aggressive behaviour towards staff and others working for the Council or tenant
 - Reducing fear of crime, anti-social behaviour and aggression
 - Protecting property & assets owned by Swale Borough Council and others
 - Assisting with staff disciplinary, grievance, formal complaints and Health and Safety Investigations.
- 2.5 The CCTV systems will not be used for any other purpose than those set out in this document without prior consultation with the (Swale Borough Council Senior Manager responsible for CCTV) and where appropriate advance notification to staff and following consultation with the Trade Unions and, where appropriate, residents who live in the property. Any novel or nonstandard use of the CCTV cameras will require the approval of the above Manager.
- 2.6 CCTV cameras will not be used to monitor the progress of staff or individuals in the ordinary course of their lawful business in the area under surveillance. Nor are managers permitted to use the cameras to observe staff working practices or time keeping or to assist them in the day-to-day management of their staff without prior approval from HR and when carried out as part of an investigation.
- 2.7 Staff / Members of the public will only be monitored if there is reasonable cause to suspect a criminal offence or serious breach of discipline, potentially amounting to misconduct has been, or may be, about to be committed and this will only be permitted when authorised by an appropriate manager and may require the use of an additional authorisation(s). Officers should consult the Heads of Legal Services and Human Resources before any such action is taken.

3. Legislation

3.1 In addition to Swale Borough Council policies, procedures, guidelines and Management & Operational Procedures, CCTV and its operation are subject to legislation under:

3.1.1 The Data Protection Act 2018 (DPA).

3.1.2 UK General Data Protection Regulation.

3.1.3 The Human Rights Act 1998 (HRA).

3.1.4 The Freedom of Information Act 2000 (FOIA).

3.1.5 The Regulation of Investigatory Powers Act 2000 (RIPA).

3.1.5 The Protection of Freedoms Act 2012 (PFA)

3.1.6 Information Commissioners Surveillance Code of Practice and 12 guiding principles

4. Responsibility

4.1 The Swale Borough Council Control Centre Manager will act as the CCTV Single Point of Contact (CCTV SPOC) for the Council.

4.2 The role of the CCTV SPOC includes the following;

- Advising the Council managers and elected members on all CCTV related matters
- Ensure that authorised staff use the CCTV system appropriately and taking appropriate disciplinary action if required
- Responsible for liaison with all partners in, and users of, the CCTV system; this includes the supervision of access to any images obtained by CCTV
- Giving guidance and advice on the procurement, specification, operation and maintenance of all CCTV systems used by the council
- Maintaining a register of all CCTV systems operated and funded by the council
- Maintaining a map showing all cameras for access by the public
- Acting as an internal consultant for projects which require the specification of CCTV systems (as charge for this service may be made)

4.3 It is important that the operation of all Swale Borough Council CCTV systems comply with the relevant legislation, policies, procedures, guidelines and Management & Operational Procedures. This is to ensure that staff operating the CCTV systems, the

public and Swale Borough Council are protected from abuse of the CCTV systems. The CCTV SPOC will be responsible for the review of all CCTV documentation relating to the operation and use of the system annually (or as changes occur) and to ensure the information in those documents is up to date.

- 4.4 The CCTV SPOC will be responsible for ensuring that all users are kept up to date on new legislation and changes in procedures and will review the Swale Borough Council Policy and Management & Operational Procedures annually, together with maintaining a central database of all documents relating to the Swale Borough Council CCTV systems.
- 4.5 Staff operating CCTV systems are responsible for operating the equipment in accordance with requirements set out in current legislation, this policy document, guidelines, confidentiality certificates, Management & Operational Procedures and local Operational Manuals. Management must ensure that their training is up to date. They are responsible for bringing any faults or misuse of the equipment to the Responsible Officer's or Control Centre Managers attention immediately for repairs to be arranged.
- 4.6 For any CCTV systems installed or monitored on behalf of other Council departments, the team manager is responsible for liaising with the CCTV SPOC on a regular basis regarding their ongoing use and justification on at least an annual basis.

5. CCTV in Third Party Owned Buildings or Spaces

- 5.1 A number of Swale Borough Council CCTV systems may be located in premises or spaces owned or managed by third parties. These may include private premises or those public spaces managed by parish councils, partner agencies etc.
- 5.2 Services offered by Swale Borough Council in relation to these systems will be on a case-by-case basis and may include design, installation, monitoring and/or maintenance.
- 5.3 There will be a clear understanding between the Council and these third parties as to who is responsible for each element of the system, with a time-defined Service Level Agreement in place.
- 5.4 The third party will always be responsible for the justification of the CCTV system and therefore compliance with the Surveillance Camera Code of Practice, specifically the principle that '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'. Advice will be given by the CCTV SPOC to these third parties on compliance with this code of practice, including though design and ongoing operation.
- 5.5 The CCTV SPOC will meet regularly with all third parties to ensure compliance of the system with the Surveillance Camera Code of Practice.
- 5.6 A fee will be charged to all third parties based upon the level of service from the CCTV Control Centre. This will be tailored for each service provided, but will ensure full cost

recovery for both management and daily operation of their system. The fee will be reviewed annually as part of the Councils fees and charges process.

6. Purchase and Deployment of CCTV Cameras

- 6.1 It is crucial that serious consideration is given to the necessity for CCTV cameras in any given location, and to assess any impact of them on the privacy of individuals using the areas where cameras are to be installed, ensuring compliance with the Surveillance Code of Practice.
- 6.2 Any requests for the installation of public space CCTV must be discussed with the CCTV SPOC. There will be consultation with the Police or other enforcement agencies, to determine if there is the evidence of reported crime or ASB concerns, or another justification for community safety purposes. This will include the volume and frequency of incidents, the risk level of the victim and if they are a repeat victim and if there is under reporting in the area. Consideration will also be given to the other solutions already tried to resolve the problem and how it is felt that CCTV will resolve the problem. If required, there will also be consultation with other partner agencies and communities to determine if there is a legitimate aim and pressing need for the camera.
- 6.3 Before deciding on CCTV cameras as a solution, there is a requirement to look at less intrusive alternatives. If after looking at all the alternatives it is decided that CCTV is the only suitable solution, a clear operational objective for the system and each camera must be identified together with an assessment on the impact on privacy must be carried out. A record of these decisions must be retained for inspection and review every year.
- 6.4 Swale Borough Council will not use CCTV cameras if there are cheaper, less intrusive and more effective methods of dealing with the stated problem. No individual Department or Service will be permitted to purchase or install CCTV cameras until a full Operational Assessment and Privacy Impact Assessment have been completed and presented to the CCTV SPOC for compliance checks and additional input or advice.
- 6.5 Cameras are not to be installed in such a way that they can look into private space such as inside private dwellings.
- 6.6 Cameras should normally be clearly visible and clearly signed. All areas where CCTV is deployed will have suitable signage that is compliant with the CCTV Code of Practice. The signage includes the reasons for the operation of the CCTV cameras and a point of contact for further information.
- 6.7 Covert cameras are not normally to be deployed into areas used by staff or the public (and will in all cases be deployed following a RIPA authorisation). When monitoring on behalf of third parties or within council property, concealed and unsigned cameras may on very rare occasions be deployed in areas of high security where there is no legitimate public access and where staff access is controlled and restricted (for example, an IT server room or secure plant room). Staff who normally work in these

areas should, where appropriate, be informed of the location of these cameras (usually by signage), their purpose and where the monitor to view the images is kept.

- 6.8 This policy does not cover the use of Body Worn Cameras, these are covered by a separate policy.
- 6.9 Swale Borough Council does not deploy 'Dummy' cameras as these give a false sense of security to the public who may otherwise have avoided an area not under "real" monitoring.
- 6.10 Council officers are not to purchase cameras that are used for monitoring audio conversations or be used to talk to individuals as this is seen as an unnecessary invasion of their privacy.
- 6.11 There will be a regular review of all deployments of CCTV Cameras to ensure that their necessity remains. The CCTV Decommissioning procedures will be utilised should this need no longer remain. Consultation as part of this will take place with Kent Police and other appropriate partners/community members. When cameras are monitored by the Council on behalf of a third party, the third party will be responsible for this.
- 6.12 The Council operates a small number of mobile CCTV cameras. These are deployed to areas of increased crime/ASB and locations are agreed in conjunction with Kent Police where the need is evidenced. They are deployed for a limited period and their impact is continually assessed.
- 6.13 Should any Council department be considering use of CCTV with a project or delivery of a service; the CCTV SPOC is available to give advice at each stage of the above process. Costs need to be considered for all on-going revenue, maintenance and replacement of the proposed system.
- 6.14 Once authorisation is given to procure new or replacement CCTV cameras, advice should be sought from the Swale Borough Council Procurement Team to ensure that the correct procedures are followed.
- 6.15 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 to be operated in accordance with the Code of Practice. Council Officer's / staff purchasing new CCTV equipment need to ensure these requirements are fully met.

7. Monitoring

- 7.1 The CCTV Control Room will be staffed by Swale Borough Council employees to enable 24/7/365 monitoring of all required cameras.
- 7.2 Monitoring of other cameras where required will only be carried out by persons authorised by the CCTV SPOC or departmental Responsible Officers.

- 7.3** Any CCTV visual displays located in public reception areas are intended to provide live monitoring of reception areas by staff alone. It is the responsibility of the Responsible Officer in the associated Department concerned to ensure that those observing the visual displays are properly trained in their duties & responsibilities and that the ability to view the display is restricted to only those authorised to see it.
- 8. Recorded Images Reviews and the Provision of Evidence**
- 8.1 All equipment will be capable of recording all cameras simultaneously throughout every 24 hour period. Recorded data is stored onto a hard drive and automatically deleted after 28 days.
- 8.2 The provision of evidence or reviews of recorded material will normally be requested either by the police, other enforcement agency or another department conducting an investigation into criminal activities, potential disciplinary matters, complaints, grievance or Health and Safety issues.
- 8.3 Enforcement agencies such as the police have a legal obligation to 'seize' any relevant evidence when investigating a crime and Responsible Officers must comply with their requests. However, enforcement agencies are bound by the same procedures and policies as everyone else.
- 8.4 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 Control Centre Manager or Responsible Officer with a Crime or Incident number or other such proof that they are conducting a legitimate investigation.
- 8.5 The release of evidence or permission to view images may only be authorised by the Control Centre Manager or Community Safety Manager or in their absence, the Head of Service, Information Governance (DPO) or the Departmental Director. Where an enforcement agency requests copies of an image or video recording, one copy is to be made but there is no requirement for the Responsible Officer to retain or produce any further copies.
- 8.6 If any matter concerns a member of Swale Borough Council staff, there will be no automatic right to review or the release of images. Reviews will be permitted, and images will only be released to a properly authorised investigating officer after they have approval following a formal request to the Departmental Head of HR.
- 8.7 As the purpose of the CCTV system includes crime prevention, detection and investigation, it must be capable of providing images and other data which are of evidential value to the criminal justice system and shared with Police and other statutory agencies. Effective safeguards will be in place to ensure that the integrity of the recorded images and data. A recorded audit trail will be in place as agreed in the CCTV Control Room procedures. Should any recorded media not be collected within 28 days of it being made, it will be destructed inline with the control room procedures.

8.8 All staff required to operate CCTV equipment are to receive training in the use of the equipment and must conform to this Policy document and their system Code of Practice at all times. Staff who operate the video image recorders will be required to sign a 'Confidentiality Statement', which prohibits them from making any material available for purposes other than those stated in the Code of Practice. Any other staff having access to the equipment will also sign a Confidentiality Statement. Once signed, the Confidentiality Statement should be placed in the person's Personal file.

8.9 Recorded material will not be sold or used for commercial purposes or for the purposes of entertainment. Images provided to the Police or other enforcement agencies or for internal investigations shall at no time be used for anything other than the purposes for which they were originally released.

9. Maintenance

9.1 To ensure compliance with the Information Commissioner's CCTV Code of Practice and to ensure images recorded continue to be of appropriate evidential quality, the system shall be maintained in accordance with the requirements of the CCTV Procedures under a maintenance agreement.

9.2 The maintenance arrangements will make provision for regular service checks of all equipment including cleaning and checks/minor adjustments to the equipment settings.

9.3 The maintenance arrangements will make provision for 'emergency' attendance on site by a CCTV engineer to rectify any loss or severe degradation of image or camera control. This will include maximum time periods for attendance and repair, depending on the severity of the impact.

9.4 Provision will be made to ensure that equipment is replaced that is reaching the end of its serviceable life.

10. Security

10.1 The Control Centre will be secured at all times and only accessed through an access control system.

10.2 The CCTV Recorders are kept in a secure room within Swale House. These can only be accessed by authorised Council officers.

10.3 Access to the Control Centre will be strictly limited. Where there is a requirement for an authorised officer to attend or an officer from another statutory service, their attendance will be logged as per the operational procedures. Other visitors may be agreed in conjunction with the Control Centre Manager.

10.4 Visitors to the Control Centre that have not been Police vetted should not be able to hear any police broadcasts through the Police radio system. The Police radio should be turned off or down, or visitors asked to leave.

- 10.5 The Police radio is not to be removed from the control room, unless authorised by Kent Police, Control Centre Manager or the Community Safety Manager

11. Transparency and Third Party Access

- 11.1 This CCTV Policy, performance information and any reviews of the system will be made publicly available to demonstrate transparency to those persons that the system is monitoring.
- 11.2 Any complaints in relation to the operation of the CCTV System should be addressed through the Council corporate complaints process.
- 11.3 A Data Protection Impact Assessment (DPIA) will be completed for the CCTV System and reviewed on a regular basis. An additional one will be completed if there are fundamental changes to the system such as large equipment upgrades.
- 11.4 A Privacy Notice will be in place for the public space CCTV system.
- 11.5 Under the Data Protection Act, UK GDPR and the Freedom of Information Act members of the public and other organisations have the right to ask to see data held by Local Authorities and other Public Bodies. This data includes visual images captured by CCTV. As a general principle, access to this data should not be refused. However, there are certain circumstances when it will not be possible to provide images from CCTV - for example, when the images form part of a criminal investigation. In all instances where Access Requests are received, they should be passed onto Swale Borough Council Information Governance Officer (who has responsibility for dealing with Access Requests) for action, before CCTV images are released.

12. Insurance Claims

- 12.1 CCTV involvement in insurance claims falls into two categories. Firstly, incidents, which may result in claims against Swale Borough Council and secondly claims involving third parties, normally road traffic collisions.
- 12.2 The CCTV SPOC will be able to assist in the provision of images for investigations into any claims against Swale Borough Council.
- 12.3 Third party requests, relating to issues such as road traffic collisions, can only be actioned from a direct request by an insurance company, not a member of the public. Separate procedures must be followed in relation to these and there will be a fee for the release of any images. This fee is based on the amount of time spent by staff to review extracted the images, to copy them and for any other processing of the images together with the administration, completion of appropriate documentation, cost of media, disk labelling etc. and is based on the hourly salary rate.

13. Statistics

13.1 CCTV systems are required to show how effective the cameras are in dealing with the objectives set out for them.

13.2 An annual performance report will be compiled to demonstrate the effectiveness of all CCTV systems managed by Swale BC and will include the following:

- Location of system (building and address)
- Number and details of installed system and cameras
- Number of recorded incidents in the past year
- Number of CCTV evidence reviews
- Number of evidence seizures (passed to police or other agency)
- Number of authorised RIPA operations
- Date of last maintenance and functional check
- Any changes to the system

14. Inspections/ Visits

14.1 All CCTV systems may be subject to inspections or visits by a member of the Information Commissioners Office or the Regulation of Investigatory Powers Commissioner. In addition, systems may also be subject to visits/ inspections by members of the organisation and the CCTV SPOC.

14.2 These visits/ inspections are designed purely to ensure that the systems are being operated and maintained in accordance with current legislation, this Policy and their own CCTV Codes of Practice are to offer advice for improvement where required.

15. Health and Safety

15.1 The CCTV Control Room will be operated inline with the Council's health and safety policies and procedures. This will include lone working procedures, working with electrical equipment and visual display units. Any additional measures for the control room will be included within the operational CCTV procedures and risk assessment. Responsible officers need to ensure any of their own staff operating CCTV cameras are aware of these policies and procedures.