

Nottingham City Council

Nottingham City Council

CCTV Policy



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Nottingham
City Council

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1. Definitions

UK GDPR	The General Data Protection Regulation 2016 / 679
HRA	Human Rights Act 1998
DPA	The Data Protection Act 2018
RIPA	The Regulation of Investigatory Powers Act 2000
POFA	The Protection of Freedoms Act 2012
FOIA	Freedom of Information Act 2000
CCTV	Closed Circuit System
BWC	Body Worn Cameras
ICO	Information Commissioners Office
ICO Code	“In the Picture: A Data Protection Code of Practice for Surveillance Cameras and Personal Information” – ICO May 2015
SCC	Surveillance Camera Commissioner
SCC Code of Practice	Surveillance Code of Practice 2013

2. Introduction

This policy provides clear guidance on the use of CCTV and should be read in conjunction with the NCC Nottingham Control Centre Manual for CCTV Scheme.

The purpose of this policy is to ensure that individuals and the local community have confidence that the surveillance cameras are deployed to protect our citizens and are not there for arbitrary or unlawful forms of surveillance.

The decision to use any surveillance camera technology must, therefore be consistent with a legitimate aim and a pressing need. This policy confirms that the use of a surveillance camera system must take into account effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

- Nottingham City Council uses Closed Circuit (CCTV) systems in public spaces, in car parks, at a number of Council owned sites and manual cameras.
- Body worn cameras (BWC) are also used by Nottingham City Council. Officers including Community Protection officers will use BWC to prevent and detect crime and for health and safety reasons.
- ANPR cameras will also be caught by this policy.

This policy covers the use of CCTV and BWC equipment and the gathering, storage, use and disposal of personal visual data.

The policy applies to all staff employed by Nottingham City Council including any agency workers and outlines the standards expected from any external agencies such as the police who may have access to the CCTV equipment if a lawful request arises. Failure of NCC staff to adhere to these codes could lead to disciplinary action, which could ultimately lead to dismissal.

3. Purposes of the CCTV System

Nottingham City Council's CCTV, BWC and ANPR systems will each have specific purposes. These will include some or all of the following:

- The detection and prevention of crime and anti-social behaviour
- Reducing fear of crime and provide reassurance to the public through the provision of public space CCTV system
- Public safety
- To facilitate the apprehension or prosecution of offenders
- Safe and efficient operation of the road network
- Management of the road network
- To protect Council buildings, staff, land and other public buildings
- Operational performance and management which may include staff disciplinary, grievance, formal complaints
- To provide assistance to emergency services
- Reducing violent or aggressive behaviour towards staff
- To assist with Health and safety matters
- To comply with lawful requests under the GDPR and DPA.

4. Legislation

In addition to the policy, procedure manuals and codes of guidance, CCTV, BWC and ANPR camera are subject to the following legislation:

- UK GDPR 2016 / 679
- DPA 2018
- HRA 1998
- FOIA 2000
- RIPA 2000

The Human Rights Act 1998 gives effect in the UK to the rights set out in the European Convention on Human Rights (ECHR) Article 8 provides for a person's right to respect for their private and family life, home and correspondence, and is one of the qualified rights

within the Act. Surveillance that may interfere with such a right should only be carried out where it is necessary and proportionate to do so.

The purpose of this policy is that the above legislation is complied with at all times when operating the CCTV, BWC and ANPR systems and to ensure compliance with the codes of practice as outlined below.

5. Surveillance Camera Commissioner: Code of Practice

Nottingham City Council recognises that as a relevant authority defined under The Protection of Freedoms Act 2012 (POFA) NCC must have regard to this code. This policy recognises the importance of the 12 principles outlined below and all NCC staff must adhere to the principles in conjunction with the lawful operation of the CCTV system. The following principles are designed to provide a framework for operators and users of surveillance camera systems so that there is proportionality and transparency in NCC's use of surveillance.

1. 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.
2. 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.
3. 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.
4. There must be clear responsibility and accountability for all surveillance camera activities including images and information collected, held and used.
5. 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.
6. 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 securely deleted once their purposes have been discharged.
7. Access to retained images and information should 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 should only take place when it is necessary for such a purpose or for law enforcement purposes.

8. 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.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. 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.
11. 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 should then 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.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

A copy of the Surveillance Camera Code of practice is available from the Home Office website: www.gov.uk/Surveillance_Camera_Code_of_Practice

6. In the Picture: A Data Protection Code of Practice for Surveillance Cameras and Personal Information

This code provides good practice for those involved in the operation of CCTV and the code of practice advises how best to comply with the seven principles outlined in the UK GDPR and the six principles outlined in the DPA part 3 (criminal processing). The code also gives guidance as to when CCTV, BWC and ANPR cameras should be used and the governance arrangements around them.

This policy and this code of guidance should be read in conjunction with the Data Protection Policy and all operators of CCTV must have access and completed their data protection training and the information security training.

7. Responsibility

The CCTV Manager will be responsible for day to day operation of the public space surveillance CCTV systems and acts as central coordinator and point of contact on all issues relating to CCTV.

The CCTV manager will submit a report on the performance of the Councils public space CCTV sharing findings with relevant partners and departments who are impacted in the use of cameras across the City.

Staff operating CCTV systems are responsible for operating the equipment in accordance with the requirements set out in the operating manual, this policy, guidelines and the codes of practice and the relevant legislation

8. Principles of CCTV Surveillance

Nottingham City Council is committed to respecting our citizens right to privacy. Any decision that impacts on that potential loss of privacy must be considered carefully and any cameras deployed must be carried out where it is necessary and proportionate to do so.

- Cameras should be clearly visible and clearly signed.
- Covert cameras can only be placed where there is a lawful RIPA authorisation in place and the RIPA policy and guidance is adhered to. Where a third party, such as the police, wish to conduct covert surveillance the RIPA authorisation must be approved by senior management within Community Protection.
- Cameras are not to be installed in such a way that they can look into private spaces such as houses as no intrusive monitoring is permitted.

9. Signage

Where overt CCTV cameras are in use there should be clear signs to warn people that they are about to enter an area where CCTV cameras are being used. All signs should comply with the data protection legislation.

Where covert cameras have been authorised signage will not be erected but a valid RIPA authorisation must be in force.

10. Displaying CCTV Footage and Security

CCTV images should only be viewed in a controlled environment where only those who have approved operational requirements to see the images have access. Screens must not be displayed in a public space or left to display where public/visitors could view the screens. Including, and not restricted to, leaving CCTV displays unattended which allow a non-authorised person to lean over a desk, or walk around, to see what is on the screen.

Recording equipment should be locked down and only accessible to those who have a genuine need to access them. Any cameras that are installed to protect premises should be locked down so users of the site cannot access them. Any footage that is required for criminal investigations should be referred to the Nottingham Control Centre at the Woodlands who can ensure due process and compliance is followed.

11. Purchase of Cameras (including Body Worn Cameras)

No camera equipment should be installed without prior completion of a Data Protection Impact Assessment (DPIA), which includes the requirement to consult on the use of the equipment, including when relevant consultation with trade unions.

All cameras purchased by Nottingham City Council should be purchased centrally. CCTV Cameras will be purchased by the Neighbourhood Safety Operations Manager. Any exceptions to this should be agreed by the Director of Communities Residents Services.

Any equipment purchased will be fit for purpose and will meet the criteria laid down in the Surveillance commissioner's code of practice.

Nottingham City Council does not deploy 'dummy' cameras as these give a false sense of security. No cameras other than body worn cameras will be used to record conversations due to the intrusive effect on privacy.

All cameras installed by Nottingham City Council will be included on the NOMAD system.

12. Re-deployable CCTV Cameras

Re-deployable cameras are used by Nottingham City Council. All re-deployable cameras must comply with the requirements set out in this policy.

- No re-deployable camera will be used unless an operational assessment has been undertaken to justify the deployment and to consider whether it is both necessary and proportionate to do so.
- Before any movement of a camera, consultation should take place where it is reasonable to do so.
- Before any move is undertaken a Data Protection Impact Assessment must be carried out and reviewed by the Data Protection Officer for Nottingham City Council.
- If after considering any mitigations to be put in place the risk is still considered to be high then the DPIA must be referred to the Information Commissioners office for consideration.
- If any re-deployment could adversely affect a particular part of the community an Equality Impact assessment must also be carried out.
- A risk assessment of the safety of staff must be undertaken.
- Any deployable camera to be used in a covert operation must have a RIPA authorisation.
- Where cameras are deployed on property accommodating or owned by third parties there will be a written agreement in place or a processing agreement if required.

13. Bus Lane Enforcement and Parking Enforcement Cameras

Nottingham City Council carries out CCTV enforcement of both parking and bus lane regulations. This is supervised by Traffic Management, whose task is to govern the day-to-day running and administration of Civil Enforcement regulations. This will include the enforcement of parking contraventions such as Keep Clear markings (yellow zig-zags) for emergency vehicles and schools in term time within specified hours, bus stop/stand clearways and taxi clearways.

There are multiple ways CCTV is currently used to carry out enforcement operations:

- 1) Manned system
- 2) Mobile enforcement, i.e. CCTV car
- 3) Unmanned operated system (ANPR). ANPR technology is utilised for the purpose of the WPL scheme, including an ANPR equipped car(s) and an ANPR-enabled mobile phone.

Parking contraventions detected by CCTV will be enforced by means of a penalty notice charge. CCTV footage could also be used to provide evidence for any criminal proceedings, including drivers who physically abuse CEOs.

Only authorised officers are allowed to use both the mobile and manned recording systems and to process all alleged contraventions, including ones captured by the unmanned ANPR cameras.

14. Traffic Cameras

It is the duty of Nottingham City Council to use traffic cameras to manage the road network with a view to achieving the expeditious movement of traffic on Nottingham's road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

The traffic cameras are used primarily for the following:

- Assist in mitigating the effects of detected incidents which impact upon normal traffic patterns, thus allowing authorised staff to adjust traffic signal timings where required.
- Allow accurate reporting of detected incidents or congestion.
- Allow authorised staff to assess the effectiveness of the traffic control system and traffic signal timing plans, both from live video and use of recorded footage.
- Monitor highway maintenance works to ensure that they are carried out in accordance with their permit to work on the road network.

- Investigate incidents involving the safety of pedestrians, cyclists, motorists or Nottingham City Council Assets.

These cameras may also be used for the detection of Anti-Social Behaviour or Crime.

15. Fleet Vehicle Cameras

Nottingham City Council has CCTV camera systems fitted to a number of vehicles for the reasons outlined above in section 3 of this policy. The cameras operate automatically via vehicle ignition and can only be accessed by authorised officers in line with this policy.

There are also some Nottingham City Council Vehicles who have CCTV fitted within the vehicle for reasons outlined in Section 3. Where this is the case, there will be clear signage so that any occupants of the vehicles will be aware of any CCTV coverage and no sound will be recorded. A DPIA will be in place for any such usage.

16. Monitoring of Public Space CCTV

Nottingham City Council central CCTV building is staffed by SIA CCTV licensed officers who hold SSAIB and British Standard accreditations. Monitoring takes place on a 24 hour basis and officers adhere to the following principles:

- Monitoring of public space cameras is to take place by authorised officers only.
- All staff required to operate CCTV equipment are to receive training in the use of the equipment and must have had training in data protection, information security and RIPA.
- Access to the CCTV monitors is strictly controlled to authorised staff only.
- CCTV equipment and recording media, including body worn cameras, will be kept in a secure area and no access will be granted to unauthorised staff.
- Staff who operate the CCTV monitors will be required to sign a confidentiality statement which prohibits them from making any material available for the purposes other than those stated in the operating manual. Any other staff having access to the CCTV equipment will also sign a confidentiality agreement.
- Monitoring of CCTV images can take place for authorised and lawful purposes only. Any unauthorised monitoring of CCTV is a disciplinary offence and may lead to dismissal.
- Recorded material will not be sold or used for commercial purposes or for the provision of entertainment. Images provided to the police or other enforcement agencies shall at no time be used for anything other than the lawful purposes for which they were

originally released. Any onward disclosure to a third party will need written consent from Nottingham City Council and will only be given where there is a lawful reason to do so and it is both necessary and proportionate.

- A full and detailed record must be kept of all viewings of the systems and a log kept of all footage viewed and disclosed to a third party. The information must include;
 - Name of CCTV Officer
 - Date of incident and date of viewing
 - Time of incident and times of viewing
 - Camera number and location of the incident
 - The lawful reason for viewing the images
 - An audit trail of anyone the images are released to
 - Method of disclosure i.e. disc or Cryptshare
 - Any disc must be encrypted

17. Requests for CCTV Footage

17.1 Contacts

CCTV requests can be made directly to cctvmedia@nottinghamcity.gov.uk or to the Information Compliance Team at information.compliance@nottinghamcity.gov.uk . Requestors will only be granted access to the footage where a lawful request is made and proof of identity is provided.

17.2 Personal Information

Personal information requests can be made for CCTV footage and will be dealt within one calendar month unless it is a complex case, in which case a two month extension may be granted.

17.3 Enforcement Agencies

Enforcement agencies conducting an investigation into criminal activity may request a CCTV viewing and request a copy for evidential purposes but this will only be granted when sufficient information has been provided to ensure that it is a lawful request and is compliant with the data protection legislation.

Enforcement agencies are not permitted to monitor the CCTV covertly in respect of a particular criminal investigation unless there is a lawful RIPA in place and appropriate approval has been provided to the CCTV manager in advance of any proposed monitoring.

Enforcement agencies are not permitted to view historical or live CCTV on the off-chance of detecting crime. Enough information must be provided to the CCTV manager to ensure that the request is lawful.

17.4 Other Requests & Evidence

The release of evidence or permission to view CCTV evidence may only be authorised by the Security & Logistics Team or the Information Compliance Team.

CCTV images concerning a member of staff will only be released if a lawful request is made. For disciplinary or grievance matters, the request must come from the officer / investigator (the authorised officer) who has been nominated to establish the facts / investigate the matter. Viewings will be permitted and images will only be released to the authorised officer after the linked HR advisor has submitted a request.

Once authorised, arrangements will be made for the authorised officer to view the images. If the information is to be retained for the purposes of the fact find / investigation, two copies will be made and retained in case the member of staff wishes to view the same material.

If any CCTV evidence of stills of footage are used in disciplinary / grievance hearings or employment tribunals, the footage will be retained and held on file until the appeals process and any employment tribunal and appeal have been completed. The CCTV will then be destroyed in line with Nottingham City Council's retention schedule.

Any other requests made, for example in contemplation or in respect of legal proceedings, will only be granted where it is a lawful request and it has been validated by the Information Compliance Team.

Staff who are subject to Nottingham City Council disciplinary, complaints or grievance procedures have the right to request that footage be retained if they believe it will assist their case. Footage must be requested no later than 28 days after the alleged incident if the footage has not already been retained by the authorised officer.

The council may not permit viewing or release images to staff or citizens if a criminal investigation is being conducted by an enforcement agency and it would prejudice the investigation to release the CCTV footage at this stage of the investigation.

18. Retention Period

- 1) CCTV will be kept in line with the retention schedule and the records management policy of Nottingham City Council.
- 2) CCTV footage will not be kept for longer than 31 days unless a lawful request is made to retain the footage.
- 3) Any retained footage will be kept in line with the retention periods which can be found on NCC Information Asset Register <http://ims.nottinghamcity.gov.uk/iar>

19. Disciplinary Offences

- Any misuse of CCTV cameras, body worn cameras, monitoring or recording equipment (including taking pictures or downloading material for unauthorised use) could lead to disciplinary action, which may result in dismissal or criminal prosecution.

- Any breach of this policy document or the procedure manual will be regarded as a serious matter and may result in disciplinary action.

20. Inspections and Audits

All Council CCTV must be managed by an accredited service holding a British Standards Accreditation BS 7958:2015 code of practice for the management and operation of CCTV or equivalent.

The Senior Responsible Officer for CCTV will conduct an annual audit of CCTV to ensure that compliance is achieved and that this policy is being adhered to.

21. Complaints

For any complaints regarding CCTV please refer to 'Have Your Say' procedure which can be found at <http://www.nottinghamcity.gov.uk/contact-us/have-your-say-comments-compliments-and-complaints/>

Please note that CCTV will only be kept for a month. Unless a request is made before this time the CCTV will not be available for any complaint.

22. Further Advice

Please contact:

cctvmedia@nottinghamcity.gov.uk

or

information.compliance@nottinghamcity.gov.uk

