



West Winch Parish Council

CCTV Policy and Code of Practise

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Author:	The Clerk
Ratified By:	
Date Ratified:	
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Revision History:

Version	Date Created	Date Ratified	Author	Summary of Changes

1. Introduction

Closed circuit television (CCTV) is installed at the William Burt Complex for the purposes of staff, users, equipment, and premises security. Cameras are located at various places on the premises, and monitor exterior of the Village Hall car park, the entrance to the car park and the entrance to the Village Hall and Social Club. Images from the cameras are recorded.

The use of CCTV falls within the scope of the Data Protection Act 1998 (“the 1998 Act”). This code of practice follows the recommendations issued by the Data Protection Commissioner in accordance with powers under Section 51 (3)(b) of the 1998 Act.

This policy takes account of all applicable legislation and guidance, including:

- General Data Protection Regulation (“GDPR”)
- Data Protection Act 2018 (together the Data Protection Legislation)
- CCTV Code of Practice produced by the Information Commissioner
- Human Rights Act 1998
- This policy sets out the position of the Parish Council in relation to its use of CCTV.

The CCTV scheme is registered with the Information Commissioner under the terms of the Data Protection Act 2018. The use of CCTV and the associated images is covered by the Data Protection Act 2018. This Policy outlines the Council’s use of CCTV and how it complies with the Act. The Clerk and The Chairman are the Parish Council’s Data Protection Officers. The Clerk is responsible for the Council’s Data Protection Policy.

2. Data Protection statement

1. The Parish Clerk and Chairman are the Data Controllers under Section 4(4) of the Act.
 2. CCTV is installed for the purpose of staff, users, equipment and premises security.
 3. Access to stored images will be controlled by the Data controller on a restricted basis within the Council and the Village Hall Chairman/Vice Chair.
 4. Use of images, including the provision of images to a third party, will be in accordance with the Councils Data Protection registration.
 5. CCTV may be used to monitor the movements and activities of staff and visitors whilst on the premises and using the equipment.
 6. External signage is displayed on the premises stating of the presence of CCTV and indicating the Parish Council as the Data Controller including a contact number during office hours for enquiries.
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3. RETENTION OF IMAGES

Images from cameras are recorded on a computer system (“the recordings”). Where recordings are retained for the purposes of security of staff, users and premises, these will be held in secure storage, and access controlled. Recordings which are not required for the purposes of security of staff, users and premises, will not be retained for longer than is necessary (28 Days)

The system does have an automatic power backup facility so will operate in the event of a main supply power failure.

4. ACCESS TO IMAGES

It is important that access to, and disclosure of, images recorded by CCTV and similar surveillance equipment is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes.

5. ACCESS TO IMAGES BY STAFF

Access to recorded images is restricted to the Data Controllers, who will decide whether to allow requests for access by data subjects and/or third parties (see below).

Viewing of images must be documented as follows:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- The reason for the viewing
- The outcome, if any, of the viewing
- The date and time of replacement of the recordings

6. REMOVAL OF IMAGES FOR USE IN LEGAL PROCEEDINGS

In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
 - The date and time of removal of the recordings
 - The reason for removal
 - Specific authorisation of removal and provision to a third party
 - Any crime incident number to which the images may be relevant
 - The place to which the recordings will be taken
 - The signature of the collecting police officer, where appropriate
 - The date and time of replacement into secure storage of the recordings
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7. ACCESS TO IMAGES BY THIRD PARTIES

Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1), a fee of £10.00 may be levied (which is non-refundable if the request is declined).

The data controller will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Village Hall Chairman/Vice Chair to confirm usage of hall and activities therein
- Prosecution agencies
- Relevant legal representatives
- The press/media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

8. DISCLOSURE OF IMAGES TO THE MEDIA

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out.

If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
 - The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers
 - The written contract makes the security guarantees provided by the editing company explicit
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9. ACCESS BY DATA SUBJECTS

This is a right of access, which is provided by section 7 of the 1998 Act. Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1), a fee of £10.00 may be levied (non-refundable if the request is declined).

10. PROCEDURES FOR DEALING WITH AN ACCESS REQUEST

All requests for access by Data Subjects will be dealt with by the Parish Clerk

The data controllers will locate the images requested. The data controllers will determine whether disclosure to the data subject would entail disclosing images of third parties.

The data controllers will need to determine whether the images of third parties are held under a duty of confidence. In certain circumstances the Councils indemnity insurers will be asked to advise on the desirability of releasing any information.

If third party images are not to be disclosed, the data controllers will arrange for the third party images to be disguised or blurred. If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers
- The written contract makes the security guarantees provided by the editing company explicit

The Parish Clerk will provide a written response to the data subject within 21 days of receiving the request setting out the data controllers' decision on the request.

A copy of the request and response should be retained.

11. COMPLAINTS

Complaints must be in writing and addressed to the Parish Clerk. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the individual or data subject is required. All complaints will be acknowledged within 7 days, and a written response issued within 21 days.

Appendix 1

**CCTV Operations System – Data Protection Act 2018 Subject Access Requests –
Application Form for the General Public**

Section 1 – About Yourself

The information requested below is to help the Parish Council satisfy itself as to your identity, and to find any data held about yourself.

PLEASE USE BLOCK LETTERS

<p>Title: (circle as appropriate) Mr Mrs Miss Ms</p> <p align="center">Other:.....</p>
Surname:
First Name(s):
Current Home Address & Tel No:

Section 2: Proof of Identity

To help establish your identity, your application must be accompanied by either a driving licence, passport, or utility bill

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) Receive a permanent copy YES / NO

(b) Only view the information YES / NO

Section 4 – Helping us find the Information

If the information you have requested refers to a specific offence or incident, please complete this section.

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

were you (tick relevant box):

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

Other (please specify):

Date and Time of Incident:

Place of incident happened:

Any other useful or identifying information:

Section 5 – 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: Date.....

Print Name:

WARNING: A person who impersonates or attempts to impersonate another person may be guilty of a criminal offence. Where impersonation is suspected, the Police will be informed.

Please ensure that all parts of this form have been completed and return a signed hard copy to The Parish Clerk full details can be found on the Parish Council Website:
<https://westwinchparishcouncil.norfolkparishes.gov.uk/>

Your request will be processed within 21 calendar days of receipt.

FOR OFFICE USE ONLY:

Application checked and legible? Date application received:

Identification documents checked? Documents returned? YES / NO

Details of document supplied: Incident report completed? YES / NO

Incident report no.

Member of staff completing this section:

Name:

Position:

Signature:

Date:

Appendix B

**CCTV Operations System – Data Protection Act 2018
Request from Police for Data held on CCTV**

Date and Time of Incident:

Details of Incident:

Signature of Police Officer:

Name and Collar Number of Police Officer:

Identity Card Checked: YES / NO (If no, give reason)

Incident Report No:

Date Information Taken:

Member of Staff Dealing with Request:

Please ensure that all parts of this form have been completed and return a signed hard copy to:

The Parish Clerk full details can be found on the Parish Council Website:
<https://westwinchparishcouncil.norfolkparishes.gov.uk/>

**CCTV Operations System – Data Protection Act 2018
Application for Access to Information held on CCTV by Councillors and Staff**

Name:

Position:

Date and Time of Incident:

Details of Incident:

- a) A person reporting an offence or incident
- b) A witness to an offence or incident
- c) A victim of crime
- d) A person accused on an offence or incident

The information viewed must only relate to the incident recorded above. Viewing must take place with a trained and authorised member of staff.

Please specify the name of the member of staff:

If appropriate images are found, do you require copies? YES / NO

Signature of person requesting access:

Please specify the name of the member of staff: