

Birdlip CCTV Policy and Code of Practice



Introduction

Closed Circuit Television (CCTV) is installed at key locations in Birdlip in the interests of security and crime prevention / protection. Cameras are located at the three entrances to Birdlip, as well as in other key locations. An ANPR system is also located in the village. Images from the cameras are recorded.

The use of CCTV falls within the scope of the UK General Data Protection Regulation / Data Protection Act 2018 (the UK-GDPR/DPA18). In order to comply with the requirements of the law, data must be:

- Fairly and lawfully processed.
- Processed for limited purposes and not in any manner incompatible with those purposes.
- Adequate, relevant and not excessive.
- Accurate.
- Not kept for longer than is necessary.
- Processed in accordance with individuals' rights.
- Secure

The Birdlip CCTV system complies in this context with the 12 guiding principles of the UK Government's amended Surveillance Camera Code of Practice (updated 3 March 2022).

Data Protection Statement

1. Birdlip Parish Council have appointed two of its members (Elaine Lavington - Clerk and Oliver Hale - Councillor as the 'Data Controllers' under the Act.
2. CCTV is installed for the purpose of residents' and premises' security.
3. Access to stored images will be controlled on a restricted basis within the Council.
4. Use of images, including the provision of images to a third party, will be in accordance with the Council's Data Protection registration.
5. External signage is displayed at the entrances to Birdlip stating the presence of CCTV and indicating a contact details for enquiries during office hours.

Retention of Images

Images from cameras are recorded on a secure hard drive ('Recordings'). Recordings are retained for 30 days for the purposes of security and crime detection. They are held in secure storage, and access is controlled. Recordings which are not required for the purposes of crime detection, will not be retained for longer than is necessary.

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.

Access to Images by Council 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

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 name and signature of the collecting police officer, where appropriate.
- The date and time of replacement into secure storage of the recordings.

Access to Images by Third Parties

Requests for access to images will be made using the 'Application for Access to CCTV Images' form (which is at Appendix 1).

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 very 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.
- 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 ('Data Subjects') (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings).

There is a fee of £25 (to contribute towards administration costs) payable to Birdlip Parish Council, for anyone, other than Law Enforcement Agencies, making an 'Application to access CCTV images'. The fee is payable regardless of whether permission is subsequently granted.

In most circumstances, images will only be released via Gloucestershire Constabulary in order to assist with the prevention and detection of crime. Responsibility for Data Protection will pass to the receiving party.

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 Controller(s).
- The written contract makes the security guarantees provided by the editing company explicit.

Procedures for Dealing with an Access Request

All requests for access by Data Subjects will be dealt with by the Clerk. Requests for access to images will be made using the 'Application for Access to CCTV Images' form.

The Data Controller(s) will locate the images requested. The Data Controller(s) will determine whether disclosure to the Data Subject would entail disclosing images of third parties.

The Data Controller(s) will need to determine whether the images of third parties are held under a duty of confidence.

If third party images are not to be disclosed, the Data Controller 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 Data Controller will provide a written response to the Data Subject within 30 days of receiving the request setting out the Data Controllers' decision on the request.

A copy of the request and response should be retained.

Complaints

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

Appendix 1

Application for Access to CCTV Images

Data Protection Act/General Data Protection Regulation

ALL Sections must be fully completed. Attach a separate sheet if needed.

Name and address of Applicant	
Confirm £25 data request fee paid	
Name and address of 'Data Subject' – i.e. the person whose image is recorded	

If the Data Subject is not the person making the application, please obtain a signed consent from the Data Subject opposite	Data Subject signature:
If it is not possible to obtain the signature of the Data Subject, please state your reasons	
Please state your reasons for requesting the image	
Date on which the requested image was taken	
Time at which the requested image was taken	
Location of the Data Subject at time image was taken (i.e. which camera or cameras)	

Full description of the individual, or alternatively, attach to this application a range of photographs to enable the Data Subject to be identified by the operator	
Please indicate whether you (the applicant) will be satisfied by viewing the image only	
COUNCIL USE ONLY	COUNCIL USE ONLY
Access granted (tick)	
Access NOT granted (tick)	Reason for not granting access:
Data Controller's name: Signature: Date:	

Please submit your application via the Parish Clerk. On receipt of a fully completed application, a response will be provided as soon as possible and, in any event, within 30 days.