

Tolleshunt Knights Parish Council CCTV Policy

1. Introduction

- 1.1. The purpose of this policy is to regulate the management, operation and use of the closed-circuit television (CCTV) system in the Tolleshunt Knights Village Hall/Playing Field Car Park (car park) and Knights Meadow (playing field), adjacent to the Tolleshunt Knights Village Hall (village hall) on Top Road in Tolleshunt Knights. The system is operated by Tolleshunt Knights Parish Council (the parish council) in partnership with the Tolleshunt Knights Village Hall Management Committee (the village hall management committee). The equipment comprises a number of fixed cameras located within and around the car park and playing field as well as a digital video recording (DVR) unit and a monitor.
- 1.2. This policy follows the Data Protection Act 1998 (the Act) guidelines, the Human Rights Act 1998 and the General Data Protection Regulation (GDPR) (EU) 2016/679
- 1.3. Objectives of the CCTV Policy;
 - 1.3.1. To increase personal safety and enjoyment of visitors and staff to the village hall, car park and playing field;
 - 1.3.2. To protect the village hall, car park and playing field from acts of vandalism, anti-social behaviour and criminality;
 - 1.3.3. To support law enforcement agencies in a bid to deter and detect crime;
 - 1.3.4. To assist in identifying, apprehending and potentially prosecuting offenders;
 - 1.3.5. To protect members of the public and private property;
 - 1.3.6. To deter anti-social behaviour, criminality and reduce the fear of crime.

2. Definitions

- Authorised bodies = authorities listed under section 115 of the Crime and Disorder Act 1998.
- Car Park = Tolleshunt Knights Village Hall/Playing Field Car Park

- CCTV = Closed Circuit Television
- DVR = Digital Recording Unit
- GDPR = General Data Protection Regulation (EU) 2016/679.
- Law Enforcement Agencies = any agency responsible for the enforcement of the laws that has jurisdiction in Tolleshunt Knights
- Legislation = Data Protection Act 1998 + GDPR (General Data Protection Regulation (EU) 2016/679).
- Parish Clerk = The Clerk of Tolleshunt Knights Parish Council.
- Parish Council = Tolleshunt Knights Parish Council.
- Playing Field = Knights Meadow, Top Road, Tolleshunt Knights, CM9 8EU.
- The Act = The Data Protection Act 1998. The Village Hall Management Committee = Tolleshunt Knights Village Hall Management Committee.
- Village Hall = Tolleshunt Knights Village Hall.

3. Responsibilities of the Owners of the Scheme

- 3.1. Tolleshunt Knights Parish Council is the Data Controller and retains overall responsibility and ownership of the system. However, it will be operated in partnership with the village hall management committee as some of the cameras and the DVR will be located on their property.

4. Statement of intent

- 4.1. The CCTV scheme has been registered with the Information Commissioner under the terms of legislation and will seek to comply with the requirements both of the Act and the Information Commissioner's Code of Practice. The parish council will treat the system and all information, documents and recordings obtained and used as data protected by legislation
- 4.2. This policy follows the six (6) data protection principles enshrined in GDPR.
- 4.3. Cameras will be used to monitor activities within the car park and playing field to identify adverse activity that has occurred, for the purpose of securing the safety and well-being of visitors and staff.

- 4.4. The cameras are positioned as to not overlook any private property. Where this cannot be achieved approval has been sort from the owner/resident of the affected property.
- 4.5. The cameras and DVR do not have the facility to record, transmit or reproduce audible content.
- 4.6. At no time will a camera be directed to follow or track an individual. Unless requested at the direction of law enforcement agencies.
- 4.7. Materials or knowledge secured as a result of CCTV use will not be used for any commercial, media or entertainment purpose, except on the advice of the authorised bodies if they deem it to be in the public interest.
- 4.8. Recordings will be made available to law enforcement agencies only on receipt of an official request.
- 4.9. Warning signs, as required by the Code of Practice of the Information Commissioner, have been displayed.

5. Operation of the system

- 5.1. The parish council is responsible for ensuring that the CCTV system is operated according to this policy and that regular audits are carried out to ensure that procedures are complied with. They are also responsible for the annual registration with the Information Commissioner.
- 5.2. The day to day management, administration, maintenance, security and support of the system will be the responsibility of the parish council in partnership with the village hall management committee.
- 5.3. The CCTV system will be in operation 24 hours a day, every day of the year, recording all activity in the areas covered from three (3) static cameras.

- 5.4. Recordings will be held on system memory for a period of 60 days and then erased. The only exception to this is if the images are required for legal reasons. The parish council is responsible for maintaining the recordings, ensuring their security and deleting them within the specified time period.

6. Viewing CCTV Images

- 6.1. As directed by the Chairman of the parish council, members of the parish council, its staff are authorised to view CCTV images. Nominated members of the village hall management committee are authorised to view CCTV with the permission of the Chairman of the parish council.
- 6.2. Images captured by the CCTV equipment will not be routinely viewed by members of the parish council, its staff or the village hall management committee.
- 6.3. Images will only be viewed by the parish council or village management committee if;
 - 6.3.1. an act or acts of anti-social behaviour, vandalism or any crime has been committed,
 - 6.3.2. an act or acts of anti-social behaviour, vandalism or any crime is suspected of having been committed or,
 - 6.3.3. are formally requested by law enforcement agencies,
 - 6.3.4. are formally requested by a person under the legislation,
 - 6.3.5. as part of routine maintenance of the CCTV system.
- 6.4. The only location where images can be viewed is inside the Village Hall. The recording equipment is housed in a securely locked cabinet to which only the authorised persons hold a key. Other organisations and users of the Village Hall have no access to the equipment.
- 6.5. The only persons authorised to make copies (electronic or paper) of images is a member of the parish council, village hall management committee or another person specifically directed by the Chairman of the parish council.

- 6.6. Authorised persons may only allow external persons or agencies to view CCTV images with the express permission of the Chairman of the parish council and by following the procedures below.

7. Requests to View or have Copies of images by external agencies or individuals

- 7.1. The legislation allows individuals whose images have been recorded the right to view the images of themselves and to have a copy of the images. This is termed a Subject Access request.
- 7.1.1. Requests of this nature must be made to the Chairman of the parish council via the parish clerk who will make arrangements for the images to be provided within the legal timeframe.
 - 7.1.2. The person making the request must give sufficient information to enable the images to be found.
 - 7.1.3. Such images may well include images of third parties. The Chairman of the parish council will decide if such images need to be obscured.
- 7.2. The parish council reserves the right to charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive.
- 7.3. The parish council reserves the right to refuse to a request if it is manifestly unreasonable.
- 7.4. Where a parent of a child is requesting images on a child's behalf; the request shall take in to account the concept of Gillick competence.
- 7.5. Requests by law enforcement agencies and other authorised bodies (most commonly the police service) can be authorised by the parish council under section 29 of the Data Protection Act 1998 and GDPR. Images may be released to law enforcement agencies and other authorised bodies on the understanding that the images remain the property of the parish council, and the parish council reserves the right to refuse permission for law enforcement

agencies to pass the images to any other person. Such requests should be made to the Chairman of the parish council.

- 7.6. Where a request has been received from an authorised body to release an image for media purposes; the parish council shall use a specialist supplier to edit the image(s) to ensure images of individuals are disguised where appropriate.
- 7.7. Applications received from outside bodies (e.g. solicitors) to view or release footage will be referred to the Chairman of the parish council (using appendix 1). In these circumstances footage will normally be released where satisfactory documentary evidence is produced (such as a Crime Number) showing that they are required for legal proceedings, or in response to a Court Order.
- 7.8. Members of the public are able to request images outside of their rights as detailed in legislation (using appendix 1). For example; if damage to vehicle in the car park is made in the car park, the owner of the vehicle may request images showing their car being damaged. In such cases the parish council will only send copies of the images to an insurance company to support a claim.
- 7.9. The parish council will consider these requests on a case by case basis. Consideration will be given as to how genuine or necessary the request is and whether there is any risk to the safety of others, or if it impacts on a criminal investigation.
- 7.10. Where images are disclosed to authorised bodies the parish council will stipulate a date of destruction for the image(s).
- 7.11. Where necessary, the Chairman of the parish council or their representative will refer to the Information Commissioners Code of Practice for further guidance on disclosing images to law enforcement agencies or to individuals.
- 7.12. In all such cases where requests are made the parish council will keep a detailed log of the nature of the request and the details/images viewed and provided (appendix 2 and 3).

8. Breaches of the code (including breaches of security)

- 8.1. Any data breaches must be immediately report to the parish council Data Protection Officer and the Information Commissioner if applicable.
- 8.2. The Chairman of the parish council, or Vice-chairman of the parish council acting on their behalf, will initially investigate any breach of the Code of Practice by an authorised person. Any serious breach of the Code of Practice will be subject to the terms of disciplinary procedures already in place.

9. Assessment of the scheme and code of practice

- 9.1. The Chairman of the parish council or their representative may carry out performance monitoring, including random operating checks.

10. Complaints

- 10.1. Any complaints about the CCTV system must be addressed to the Chairman of the parish council via the parish clerk.
- 10.2. Complaints will be investigated in accordance with the Information Commissioners Code of Practice.

Appendix 1

Tolleshunt Knights Parish Council CCTV Subject Access Request Form

BEFORE completing this form please read the following;

- The release of images captured by the parish council's CCTV equipment to a member of the public or outside body (excluding law enforcement agencies) will be made in accordance with the Information Commissioners Code of Practice, Data Protection Act 1998 and GDPR.
- The parish council reserves the right to edit images to meet its obligations under the Information Commissioners Code of Practice, Data Protection Act 1998 and GDPR.
- Any images released to a member of the public or outside body may not be used for any commercial or media purpose (this includes social media) or shared with any person(s) or organisations, without specific permission from Tolleshunt Knights Parish Council.
- As identified in the parish council's CCTV policy; images will only be held for a period of 60 days and then deleted. Any requests outside of this time period will be rejected.
- The parish council reserves the right to decline this request if it doesn't meet the criteria stated above, the parish council's CCTV policy, or is manifestly unreasonable.
- The parish council reserves the right to request proof of identification from the requestor.
- The parish council has one month to respond to this request.
- Should the image(s) requested be found; a fee may be charged to the requestor for a copy of these images if the request is manifestly unfounded or excessive, or if it is a repeat request.
- The requestor must sign for receipt of the image(s)

Appendix 1 cont

Please provide the following information in relation to your request;

(If this is not completed accurately your request may be declined)

Date of request:	
Name of requestor:	
Time and date the images were recorded: (Please be as specific as possible and include a description of yourself if applicable)	
Reason for request:	
Requestor contact details: (Please include a telephone number or email address)	

Declaration

I confirm that I agree with the conditions of access to CCTV images held by Tolleshunt Knights Parish Council, and have provided accurate information in relation to this request.

Signed

Date

Print name

Appendix 1 cont

For office use only

Request number:	
Date response required by:	
Images found (Y/N):	
Images found by:	
Authorisation images can be released:	
Fee received (Y/N)	
Image format of release:	
Method of release:	
Reason(s) if images can't be released:	
Date completed:	
Completed by:	

Appendix 2

**Tolleshunt Knights Parish Council
CCTV Image Viewing Log**

Date images viewed	By whom	Reason	Request number (if applicable)	Date and time of images viewed
Request number	Images forward to Police etc	Authority forward to	Date images passed	Notes

Appendix 3

Tolleshunt Knights Parish Council CCTV Image Release Log

Request number	Date received	Date response required	Requestor type	Name of requestor
Reason	Time and date the requested images were recorded	Time and date viewed by operator	Images found (Y/N)	By whom
Format provided to the requestor (JPEG/MPEG etc)	Method of images provided to the requestor (printed photo/USB flash drive etc)	Completed date	By whom	Open/Closed