



CCTV Code of Practice

This document is a requirement for “Relevant Authorities” under the Secretary of State’s Surveillance Camera Code of Practice

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Rushmoor Borough Council – CCTV Code of Practice

1 Introduction

1.1 Rushmoor Borough Council is committed to upholding the rule of law and respects the rights of individuals. This code governs the use and operation of all CCTV systems owned or operated by the Council.

1.2 Rushmoor Borough Council uses secure video imaging systems (CCTV) in public spaces, within car parks and at several Rushmoor Borough Council owned and operated sites across the Borough.

1.3 Rushmoor Borough Council also maintains and operates CCTV systems on behalf of Hart District Council. For the purposes of this document, any CCTV operations referred to under Rushmoor Borough Council will also be presumed to include Hart District Council.

1.4 This document, the Secretary of State's Surveillance Camera Code of Practice, the Rushmoor Borough Council Privacy Impact Assessment and any other relevant documents:

1.4.1 Give clear guidelines on Rushmoor Borough Council use of CCTV

1.4.2 Protect staff and the public from any misuse of the CCTV system

1.4.3 Protect Rushmoor Borough Council and its CCTV operators & partners from allegations of misuse of the system

1.5 This Code of Practice 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 Rushmoor Borough Council and should be the standard expected from any external agencies or persons who operate CCTV systems on its behalf.

1.6 This document should be read in conjunction with the Surveillance Camera Commissioner CCTV systems Code of Practice and Rushmoor Borough Council CCTV Operational Manual. 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.

2 Objectives of Relevant Authority CCTV Systems

2.1 It is important that everyone and especially those charged with operating the CCTV systems on behalf of Rushmoor Borough Council understand exactly why each of the cameras has been introduced and what the cameras will and will not be used for.

2.2 Each CCTV camera 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 other building tenants
- Reducing fear of crime, anti-social behaviour and aggression
- Protecting property & assets owned by Rushmoor Borough Council and others
- Assisting with staff disciplinary, grievance, formal complaints and Health and Safety Investigations.

2.3 The CCTV systems will not be used for any other purpose than those set out in this document without prior consultation with the Rushmoor Borough Council Corporate Manager – Legal Services for CCTV. Any novel or non-standard use of the CCTV cameras will require the approval of the Corporate Manager – Legal Services and documented accordingly subject to relevant consultations and data protection impact assessments.

2.4 CCTV cameras will not be used to monitor 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.

2.5 Individuals 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.

2.6 The last objective in this list is covered in more detail below.

3 Legislation

3.1 In addition to Rushmoor Borough Council policies, procedures, guidelines and Codes of Practice, CCTV and its operation are subject to legislation under:

3.1.1 The Data Protection Act 2018 (DPA)

3.1.2 The Human Rights Act 1998 (HRA)

3.1.3 The Freedom of Information Act 2000 (FOIA)

3.1.4 The Regulation of Investigatory Powers Act 2000 (RIPA)

3.1.5 The Protection of Freedoms Act 2012 (PFA)

3.1.6 The General Data Protection Regulation 2018 (GDPR)

3.2 The Rushmoor Borough Council Corporate Manger – Legal Services will act as the CCTV Single Point of Contact (CCTV SPOC) for the Council.

3.3 The role of the CCTV SPOC includes working with the CCTV Supervisor on the following;

3.3.1 Advising Rushmoor Borough Councils managers and elected members on all CCTV related matters

3.3.2 Giving guidance and advice on the procurement, specification, operation and maintenance of all CCTV systems used by the council and staff

3.3.3 Maintaining a register of all CCTV cameras and systems operated and funded by the council and the purpose for which the systems are used and operated.

3.3.4 Maintaining a map showing all cameras for access by the public

3.3.5 Acting as an internal consultant for projects which require the specification of CCTV systems (as charge for this service may be made)

3.4 It is important that the operation of all Rushmoor Borough Council CCTV systems comply with the relevant legislation, policies, procedures, guidelines and Codes of Practice. This is to ensure that staff operating the CCTV systems, the public and Rushmoor Borough Council are protected from abuse of the CCTV systems. The Corporate Manger – Legal Services, in partnership with the CCTV Supervisor 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 Responsibility

4.1 Rushmoor Borough Council Heads of Service have overall responsibility for CCTV systems used within their Departments. Close supervision rests with the Heads of Service and Service managers.

4.2 The Corporate Manager – Legal Services will be responsible along with the CCTV Supervisor for ensuring that all users are kept up to date on new legislation and changes in procedures and will review the Rushmoor Borough Council Policy and Codes of Practice document annually, together with maintaining a central database of all documents relating to the Rushmoor Borough Council CCTV systems.

5 CCTV Supervisor

- 5.1 The CCTV Supervisor is the manager responsible for the area within which the CCTV system is installed and are responsible for:
- 5.1.1 The day-to-day operation of the CCTV system within their charge together with the security and accountability of all equipment and media used by their system. This includes any system owned by the Rushmoor Borough Council, but which is in the possession of third parties such as those cameras deployed in shopping precincts, commercial or tenanted properties, leisure facilities and swimming pools as well as schools, nurseries and child-care centres etc.
 - 5.1.2 Making sure that authorised staff (the CCTV Supervisor, their operating team, and other people authorised to view images) using the CCTV system are properly trained in the use of the equipment and comply with the Code of Practice and policies and procedures. They are not to permit any other staff to operate the equipment or view images without authorisation.
 - 5.1.3 Acting as the first point of contact for enquires, complaints and requests for evidence and as the liaison officer for all external and internal contacts for their CCTV system.
 - 5.1.4 The CCTV Supervisor may not hold the position of Designated Officer or an Officer role for Safeguarding as set out in the Safeguarding Children and Vulnerable Adults Policy.
 - 5.1.5 Neither the CCTV Supervisor nor their staff can instigate a RIPA operation for their own system without first contacting a RIPA Authorised signatory (see Rushmoor Borough Council RIPA Policy).

6 CCTV Staff Operating CCTV Systems

- 6.1 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, Codes of Practice and local Operational Manuals.
- 6.2 They must ensure that their training is up to date.
- 6.3 They are responsible for bringing any faults or misuse of the equipment to the CCTV Supervisor's attention immediately for repairs to be arranged.

7 Purchase and Deployment of CCTV Cameras

- 7.1 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.
- 7.2 Cameras are not to be installed in such a way that they can look into private space such as inside private dwellings.

- 7.3 Covert cameras will not be used unless the location and purpose is specifically authorised and includes RIPA DSA authorisation and that use will cease as soon as practicable.
- 7.4 Cameras should normally be clearly visible and clearly signed.
- 7.5 Concealed and unsigned cameras within property may on rare very 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, their purpose and where the monitor to view the images is kept.
- 7.5.1 Rushmoor Borough Council will not use CCTV cameras if there are cheaper, less intrusive and more effective methods of dealing with the stated problem.
- 7.5.2 No individual 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 Corporate Manager – Legal Services for compliance checks and additional input or advice from the CCTV Supervisor.
- 7.6 Before deciding on CCTV cameras as a solution, Services will be required to look at less intrusive alternatives. Each alternative is to be described in the documents in paragraph 5.7 above, along with the reasons for its unsuitability to resolve the stated issue.
- 7.7 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. A copy of these documents should be sent to the Corporate Manager – Legal Services and CCTV Supervisor and will need to be presented before any purchase is agreed upon.
- 7.8 Where CCTV is to be used within a project, a complete breakdown of all on-going revenue / maintenance / replacement costs for the proposed system should be identified and funded prior to any system being installed. The Corporate Manager – Legal Services and CCTV Supervisor will be available to give advice at each stage of the above process.
- 7.9 Once authorisation is given to procure new or replacement CCTV cameras, advice should be sought from the Rushmoor Borough Council Procurement Team to ensure that the correct procedures are followed.
- 7.10 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. The Responsible Officer for the area installing CCTV will be required to approve the

procurement of the CCTV system and to advise the Corporate Manager – Legal Services and CCTV Supervisor of this.

- 7.11 Rushmoor 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” CCTV monitoring.
- 7.12 Rushmoor Borough Council does not purchase cameras that are to be used for monitoring audio conversations or be used to talk to individuals in the location of a camera as this is seen as an unnecessary invasion of their privacy. If cameras have an audio monitoring feature, it will be switched off.
- 7.13 Once any new cameras have been installed, a copy of a map or building plan showing the location of the CCTV cameras should be sent to the CCTV Supervisor for inclusion in the central CCTV document library and on the Rushmoor Borough Council website where appropriate.

8 Monitoring

- 8.1 Monitoring of cameras where required will only be carried out by persons authorised by the CCTV Supervisor and in the CCTV Control Room.

9 Recorded Images Reviews and the Provision of Evidence

- 9.1 The casual review or trawling of recorded images by anyone is strictly forbidden. Reviews must only be undertaken for a specific, legitimate purpose.
- 9.2 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.
- 9.3 The police may request the provision to them of evidence when investigating offences. The CCTV Supervisor should consider any request with care and refuse it unless a warrant is produced by the police or the police state unequivocally that there is a public safety or security reason for requiring the production of evidence without a warrant and undertake to either return the material as soon as possible if unused and if used to return it following the conclusion of any proceedings. The same rule applies to any other body with a law enforcement function.¹
- 9.4 Enforcement agencies or internal members of staff are not permitted to trawl the CCTV system on the off chance of detecting a crime or wrongdoing. They are required to provide the CCTV Supervisor with a DP2 form (or equivalent internal release form) and Crime or Incident number where relevant.

¹ <https://www.jisc.ac.uk/guides/networking-computers-and-the-law/disclosure-of-information-to-law-enforcement>

- 9.5 The release of evidence or permission to view images may only be by the CCTV Supervisor or CCTV Operators whereby appropriate paperwork has been completed. Where an enforcement agency requests copies of an image or video recording, one working copy is to be made in addition to the master copy but there is no requirement for the CCTV Supervisor to retain or produce any further copies or copy it to any other portable media.
- 9.6 If any matter concerns a member of Rushmoor 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.
- 9.7 The CCTV Supervisor will retain the relevant images on the system's hard drive and not copy them to portable media. They will seek authority from the Corporate Manager – Legal Services to release the images in consultation with the Head of Service before any images are released.
- 9.8 It is appreciated that this process may take a little time and officers should move quickly to complete the process so that the investigation is not unnecessarily delayed. To ensure the images are not lost due to retention time, the Investigating Officer can formally ask the CCTV Supervisor to download & retain the video images until the review/ release of evidence process has been completed.
- 9.9 Once authorised, arrangements will be made to enable the Investigating Officer to view the images and if necessary be issued with two copies of recorded material on suitable portable recording media. Note: Only the Investigating Officer is permitted to view the images at this stage.
- 9.10 The reason for the second disc is that if it is decided to use CCTV images in an employment related hearing, the person being investigated must be given a copy of the images under evidence disclosure to permit them and their representatives to mount a defence. At the end of the hearing ALL copies of the images are to be collected by HR, held on file and destroyed once the appeals process and any Employment Tribunal processes have been completed and any limitation period has expired.
- 9.11 Staff who are subject to disciplinary, complaints or grievance procedures have the right to request that images be retained if they believe it will support their defence. The process will be the same as that shown above for the Investigating Officer.
- 9.12 Any video evidence will only be released to external agencies in accordance with the rules on the disclosure of evidence in criminal cases, this includes the police. Where the video evidence concerns investigations in relation to civil matters (such as RTAs) the images will only be released following approval from the Corporate Manager – Legal Services.
- 9.13 The responsibility for investigating and disclosing images to those involved in the investigation are covered by the Police and Criminal Evidence Act (PACE) and the Evidence and Disclosure Act and the prosecuting authorities are required to follow the procedures set out in

these Acts. It should be noted that other enforcement agencies will operate under other legislation but the use of and disclosure of the evidence rests with them.

9.14 It is critical that a full and detailed record is kept of all recorded image reviews of the systems and all instances when video images are given to another person or agency. This information must include:

- Date, time, camera number and location of the incident.
- The name of the authorising officer,
- The date time, name and contact details of the person review or removing images.
- The reason for the review/ issue of images and
- The person who released and the received the images signatures.
- Any media containing images should be uniquely marked and the number recorded for ease of identification.

10 Insurance Claims

10.1 CCTV involvement in insurance claims falls into two categories. Firstly, incidents, which may result in claims against Rushmoor Borough Council and secondly claims involving third parties, normally road traffic collisions.

10.2 CCTV cameras may be able to assist in events that could result in a claim against Rushmoor Borough Council. When a report is received which may result in a claim, the CCTV Supervisor/Operator for dealing consider whether CCTV covers the area. If so, they should then ask the CCTV systems' Responsible Officer to hold images for that period, but this must be done within 28 days from the date of the incident. The Officer dealing with the incident should then follow the procedures for review and obtaining evidence, which is set out in section 7 above.

10.3 If evidence is issued to the Officer dealing with the incident, they become responsible for the security, safety and integrity of the images. All recorded media must be stored in a secure place with access limited only to those people involved in the subsequent claim. At the end of the waiting period or after any claim has been dealt with this officer will be responsible for the destruction of the recorded media by shredding and a record in the form of a signed memo to that effect will be kept for the relevant limitation period.

10.4 Requests for assistance from CCTV cameras in third party claims are increasing especially with regard to road traffic collisions. Often it is the person involved in the accident who will contact CCTV and ask either if we have any images or if they can come and have a look. Requests of this kind should normally be refused. Instead, members of the public should be advised to contact their insurance company and ask them to write to the CCTV Supervisor formally, giving as much detail about the incident as possible and requesting assistance. It is also important that it is stressed to the person requesting the information that the letter is received before the

automatic overwrite/ delete period on the recorder (normally 28 to 30 days). No other action should be taken at this stage.

- 10.5 If the letter arrives within the recording period, the CCTV Officer should validate the claim and pass to the CCTV Operator to view the images. If the incident was not caught on camera the insurers or solicitor can be called and informed and the case can be closed. If the letter arrives after the recording period, there will be no relevant images and again the person requesting the images should be informed.
- 10.6 If relevant images are found on the video image recorder, the insurance company/Solicitor should be informed and asked if they want a copy. There is currently no fee charged for this service, although this is subject to review.
- 10.7 The images may then be copied and sent to the relevant person accompanied by two copies of a letter reminding them that Rushmoor Borough Council retains 'copyright' over the images, that they are responsible for the security and destruction of the images and that the images must not be used for any other purpose other than the one they were released for. The details of the media released should be included (i.e. media number) in the letter and they should be asked to sign one copy of the letter confirming they have received the images and accepting the conditions of release. A detailed record of all actions must be maintained. Failure to comply with the conditions of release may result in legal action being taken against the person who signed the acceptance letter.

11 Signage

- 11.1 All areas where CCTV is in use should be clearly signed to comply with the Data Protection Act. This is to warn people that they are about to enter an area monitored by CCTV cameras or to remind them that they are still in an area covered by CCTV. The signs will also act as an additional deterrent. CCTV signs should not be displayed in areas which do not have CCTV cameras.
- 11.2 Where 'Covert' cameras have been authorised for deployment, signage will not normally be installed.
- 11.3 The CCTV signs should have a yellow background with all writing in clear black print. The sign should carry the CCTV camera and Organisations Logo. The information on the sign should explain why the CCTV cameras are there, who operates them and a contact number to obtain information. The signs, position and the message need to be big enough to enable people to easily read the information on it. For pedestrians, the sign should be A3 or A4 size and for vehicle access A3 size (see Appendix C for a sample sign graphic).

12 Subject Access Requests

- 12.1 Under the Data Protection Act members of the public have the right to ask to request a copy of their personal data held by Local Authorities (or any other organisation) - this is called a subject access request. This data includes visual images captured by CCTV however, the right is limited to images of the data subject making the request. If third parties are identifiable an access request may be refused or limited in scope, and operators should seek advice or instructions if in doubt. Before registering a subject access request, the applicant must be able to demonstrate that they are the person whose images are being sought and if they are unable to do so the request must be refused.

- 12.2 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 systems for example, when the images form part of a criminal investigation.
- 12.3 In all instances where Subject Access Requests are received, they should be registered on the corporate Subject Access Request Register and passed onto the CCTV Supervisor (who has responsibility for dealing with Access Requests) before CCTV images are released.

13 CCTV Image Recording Systems

- 13.1 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 Operational Procedure Manual 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.
- 13.2 Except for evidential purposes, images will not be extracted or copied in whole or in part by any means (including using a mobile phone to take a screenshot) printed onto paper / emailed etc.
- 13.3 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.
- 13.4 Recording equipment and recording media will be kept in a secure location and no access will be granted to unauthorised staff.
- 13.5 All images will remain the property and copyright of Rushmoor Borough Council.
- 13.6 Each new recording media must be clearly marked with a unique reference number in indelible ink before it is brought into operation.
- 13.7 Each use of media will be noted in the Evidence Management Log. Unused media or media awaiting issue will be held in a secure cabinet in such a way that completeness of the archive is immediately apparent. The CCTV Register will be stored in a secure place.
- 13.8 All CD & DVD media will be disposed of securely when no longer required (normally by shredding).
- 13.9 All recording protocols should be an 'Open' type protocol. This enables the police and other agencies to view evidence on their own systems without having to preload operating software. This is important because most police computers are unable to download software from external sources, which means they will be unable to use the CCTV images for their investigations.

14 Disciplinary Offences and Security

- 14.1 Tampering with or misuse of cameras, monitoring or recording equipment, documents or recorded data by staff may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or criminal prosecution.

14.2 Any breach of this Policy document or the Operational Procedure Manual will be regarded as a serious matter. Staff who are in breach of this instruction may be subject to action under the Rushmoor Borough Council disciplinary procedures.

14.3 The responsibility for guaranteeing the security and proper use of the system will rest with the CCTV Supervisor of the system concerned. These officers will, in the first instance, investigate all breaches or allegations of breaches of security or misuse and will report his/her findings their Head of Service and Director.

15 Statistics

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

15.2 An annual report will be produced by the CCTV Supervisor, covering the previous financial year (1st April – 31st March) and should include the following:

- Name of the CCTV Supervisor and job title
- 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 another agency)
- Number of authorised RIPA operations
- Date of last maintenance and functional check
- Any changes to the system

16 Inspections/ Visits

16.1 All CCTV systems may be subject to inspections or visits by a member of the Information Commissioners Office or the Investigatory Powers Commissioners Office. In addition, systems may also be subject to visits/inspections by members of the organisation and the Corporate Manager – Legal Services.

16.2 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 and to offer advice for improvement where required.

17 Health and Safety

17.1 The CCTV Supervisor is to ensure that staff are made aware of and comply with Rushmoor Borough Council policies on Health and Safety. They are to be aware of policies relating to working with electrical equipment, VDU Regulations.

18 Complaints

18.1 Complaints about the operation of a CCTV system should be addressed initially to the Corporate Manager – Legal Services. All complaints will be dealt with in accordance with Rushmoor Borough Council Corporate complaints procedure.

19 Further Advice/ Information

19.1 Further advice on CCTV related matters may be obtained from the individuals and organisations shown below:

- General advice on CCTV issues can be sought from the CCTV Supervisor
- Subject Access Request advice can be sought from the Information Governance Officer

Appendices:

1. Operational Requirement Assessment Form
2. Data Protection Impact Assessment
3. Example CCTV signage
4. CCTV Guiding Principles
5. Subject Access Request Form

Appendix 1 – Operational Assessment Form



RBC Operational
Requirements Level

Appendix 2 – Data Protection Impact Assessment



RBC DPIA 2020.pdf

Appendix 3 – Example Signage



Appendix 4 – 12 Guiding Principles



Code of practice - A
guide to the 12 prin

Appendix 5 – Subject Access Request Form



Subject Access
Request - V4.docx

