



BURWASH PARISH COUNCIL

CCTV POLICY

Adopted: 13-02-23

Review Date: February 2024

INTRODUCTION & INTERPRETATION

Burwash Parish Council uses Closed Circuit Television ("CCTV") within the car park premises sited at 'The Bear' car park, High Street, Burwash, TN19 7ET.

The purpose of this policy is to regulate the management, operation, use of the system, storage and disclosure of CCTV at the Council. This policy applies to all data subjects whose image may be captured by the CCTV system. It works in concurrence with the Council's Data Protection Policy, Record of Data Processing and Data Retention schedule. The policy considers applicable legislation and guidance, including but not limited to;

- General Data Protection Regulation (GDPR)
- Data Protection Act (DPA) 2018
- CCTV Code of practice as produced by the Information Commissioner's Office (ICO)
- Human Rights Act 1998.
- The CCTV is part of our registration with the Information Commissioner's Office (ICO) under the terms of the Data Protection Act 2018.
- Principles from the Surveillance Camera Commissioner.

HOW DATA IS USED & STORED

Burwash Parish Council will treat the system and all information, documents and recordings obtained and used as personal data under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Cameras may be used to monitor activities within the car park and grounds to identify adverse activity actually occurring, anticipated or perceived, and for the purpose of securing the safety and well-being of the users of the car park, Council's parishioners', staff and visitors.

Images from private homes and gardens are kept out of range of the cameras and cannot be seen by the operator. Materials or knowledge secured as a result of CCTV use will not be used for any commercial or media purpose.

Information transferred to CD/DVD/STD card (or other appropriate media) and will only be used for the investigation of a specific crime or incident. The system has been designed to ensure maximum effectiveness and efficiency, but it is not possible to guarantee that the system will cover or record every single incident taking place in the areas of coverage. Warning signs, as required by the Code of Practice of the Information Commissioner, have been displayed.

USAGE

Burwash Parish Council CCTV for the following purposes:

- to ensure the personal safety of users of the car park, parishioner's, staff and visitors;
- to reduce the fear of crime;
- to protect the Council buildings and their assets;

- to support the police in a bid to deter and detect crime;
- To assist in the prevention and detection of criminal activity and vandalism.
- to assist in identifying, apprehending and potentially prosecuting offenders;
- to protect members of the public and private property; and
- to assist in managing Burwash Parish Council.
- Assist law enforcement agencies in apprehending suspected offenders.
- To provide a safe and secure environment for the workforce and visitors.

COVERT MONITORING

Burwash Parish Council reserve the right to use CCTV for covert monitoring in exceptional circumstances. For example;

- Where there is good cause to suspect illegal or serious unauthorised action(s) are taking place, or where there are grounds to suspect serious misconduct.
- Where notifying the individuals about the monitoring would seriously prejudice the reason for making the recording.

In these circumstances' authorisation must be obtained from Full Council. Covert monitoring will cease following the completion of an investigation.

WHO / WHEN / HOW TO VIEW THE FOOTAGE.

When a request to view the footage is made, the footage will be reviewed in accordance with the request. If the footage contains only the data subject making the request, then the individual may be permitted to view the footage. This will be strictly limited to the footage of the data subject making the request and the specific reason for the request. If the footage contains images of other data subjects, then the Council will consider if;

- The request requires the disclosure of the images of data subjects other than the requester, and if these additional data subjects can be anonymised from the footage.
- The other individuals in the footage have consented to the disclosure of the images or if their consent could be obtained.
- If not, then either it is reasonable in the circumstances to disclose those images to the data subject making the request.

Burwash Parish Council reserves the right to refuse access to the CCTV footage where this would prejudice the legal rights of other data subjects or jeopardise an ongoing investigation. The right is also reserved to provide still images, which may be redacted, in place of video.

DISCLOSURE TO THIRD PARTIES.

Burwash Parish Council will only disclose recorded CCTV footage to third parties where there is a lawful basis to do so and in accordance with legal requirements. If a request is received from a law enforcement agency for the disclosure of footage then the Council will obtain the reason for the request before a decision is made. The final decision will be made by the Clerk as the legal officer of the Council.

This information will be treated with the upmost confidentiality. If an order is granted by a court for the disclosure of CCTV images, then this should be complied with. However, consideration must be given to exactly what the court requires.

OPERATION OF THE SYSTEM.

Burwash Parish Council will:

- Notify the ICO of its use of CCTV as part of its registration.

- Complete a Data Privacy Impact Assessment if amendments are to be made to the deployment or use of CCTV.
- Treat the system and all information processed on the CCTV system as data which is processed under DPA 2018/GDPR.
- Not direct cameras outside of intended car park area onto private property, an individual, their property or a specific group of individuals. The exception to this would be if authorisation was obtained for Direct Surveillance as set up by the Regulatory of Investigatory Power Act 2000.
- Display Warning signs will be positioned clearly in prominent places. Specifically, at the entrance of the car park and on available sight lines throughout the car park. These signs will include information on how to contact the Council regarding information or access to the CCTV footage.
- There is no guarantee that this system will or can cover and detect every single incident taking place in the areas of coverage.
- CCTV footage will not be used for any commercial purposes. The overall management of the CCTV system will be overseen by the Clerk. The Clerk 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. The DPO is responsible for this policy and for conducting the regular, and at least annual, audits of the CCTV systems. The day-to-day management, administration, maintenance, security and support of the system will be the responsibility of the Clerk.

The CCTV system may operate up to 24 hours each day, every day of the year, recording all activity in the areas covered. It is the responsible person's responsibility to ensure that the monitors are correctly sited, taking into account the images that are displayed. Recordings will be held on system memory for a period of ??? days and then deleted. The DPO is responsible for deciding what images will be retained, if required. The Clerk is responsible for maintaining the recordings, ensuring their security and deleting them within the specified time period on their own Council site.

Recorded images will be viewed only in the Clerk's office. The monitoring or viewing of images is restricted to the DPO, the Clerk and other delegated members of the Council, subject to any Subject Access Requests or requests by law enforcement. The only person authorised to make copies (electronic or paper) of images is the Clerk or other delegated persons in the individual Council or another person specifically directed by the Clerk or the DPO.

HOW TO REQUEST IMAGES.

All requests to view or have copies of images by external agencies or individuals will be reviewed by the Clerk. Such requests can be made under the GDPR, the Data Protection Act 2018 or The Freedom of Information Act 2001. Such requests may come from the police, solicitors or individuals.

All requests will be considered in line with this policy with the final decision made by the Clerk and in line with other relevant policies. When disclosing surveillance images of individuals, the Clerk will consider if obscuring of identifying features is necessary or not. This will depend on the nature and context of the footage that is being considered for disclosure.

BREACHES OF THE CODE.

The Clerk of the Council, or a Councillor acting on their behalf, will initially investigate any breach of the Code of Practice by Council staff. Any serious breach of this policy will be subject to the terms of disciplinary procedures already in place. A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed will be investigated by the Clerk and reported to the ICO.

COMPLAINTS.

Burwash Parish Council take any complaints about the collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing or the use of CCTV, please raise this with us in the first instance.

Complaints about Burwash Parish Council's CCTV system should be addressed, in the first instance, to the Clerk who will investigate all complaints in line with the Information Commissioner's Code of practice.

To make a complaint, please contact our data protection officer Satswana Ltd: admin@satswana.com

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF