

USE OF SURVEILLANCE SYSTEMS POLICY

Resources and Performance

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1 Summary

This policy provides the principles which apply to use of overt surveillance cameras across the County Council. It ensures compliance with data protection legislation, the Protection of Freedoms Act, and the Surveillance Camera Commissioner's Code of Practice.

Departmental procedures will underpin this document ensuring these principles are applied in practice for any necessary use of CCTV, ANPR or other surveillance camera systems.

2 Document information and approval

2.1 Document information

Document name	Use of Surveillance Cameras Policy
Document filename	cctvprinciples
Document format	Microsoft® Office Word 2010
Current version	1

2.2 Document history

Version	Description	Author	Date
1	Draft	Elaine Dunncliffe	04/02/16
1	Approved	Elaine Dunncliffe	29/10/16
2	Updated to reflect enactment of DPA2018 and GDPR	Elaine Dunncliffe	26/02/19

2.3 Supporting and associated documents

Title	File name / location	Form at
Data Protection Act 2018	http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted	
EU General Data Protection Regulation (Adopted 14/04/16 in force 25 th May 2018)	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG&toc=OJ:L:2016:119:TOC	

Protection of Freedoms Act 2012	http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted	
Surveillance Camera Code of Practice 2013	https://www.gov.uk/government/publications/surveillance-camera-code-of-practice	
In the Picture: A data protection code of practice for Surveillance cameras	https://ico.org.uk/media/for-organisations/documents/.../cctv-code-of-practice.pdf	

2.4 Document change management

Any proposals for amendments / additions to this policy must be made in writing, and approved by Policy and Resources Officer Group.

Minor alterations will result in a revision of this document. Fundamental changes to this policy will result in a new version of the document.

Once approved, a summary of changes will be logged in the change control record (**section 2.6.1**).

The new revision / version of the policy will be issued to all recipients listed in **section 2.4**.

2.4.1 Change control record

Version	Date prepared	Approved by	Date approved	Description
1	19/09/16	PROG	27/10/16	
2	26/02/19	Minor amendment		Updated legislation and some text to reflect terms used by DPA 2018 and GDPR

3 Introduction

HCC is committed to the protection of the privacy of its residents and service users. We also have a responsibility for the protection of our staff and resources and to ensure our services can operate effectively for the benefit of users and council tax payers. This policy aims to meet these obligations by ensuring surveillance is used where necessary and in a way which limits the impact on privacy.

3.1 Policy statement

This policy aims to:

- ensure that where HCC capture individuals' information it complies with data protection legislation and other relevant statutory obligations;
- contribute to the efficient deployment and operation of surveillance camera systems;
- reduce the risk of reputational harm and regulatory action or penalties resulting from inappropriate use.

3.2 Definitions

Definitions of terms used in this policy.

Term	Definition
ANPR [Automatic Number Plate Recognition]	Camera technology for automatically reading vehicle number plates
CCTV [Closed circuit television]	The use of video cameras to transmit a signal to a specific place, on a limited set of monitors. Frequently used for monitoring public or private space.
Surveillance camera	Broad term to describe ANPR, CCTV, body-worn cameras and others used for overt surveillance purposes.
Surveillance System	Broad term for the linked equipment used for capturing, recording and viewing images for overt surveillance purposes

3.3 Scope

This policy applies to:

- All HCC departments which operate any form of overt surveillance equipment.
- Any contractor who uses surveillance camera systems during the fulfilment of any contractual obligation to HCC.
- It does not apply to schools who should implement policy to cover their own usage.
- **This policy does not apply to covert surveillance for investigation purposes, which must only be carried out in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA)**

3.4 Authority

This is a corporate policy which has been approved and authorised by the Policy and Resources Officer Group.

The basis of this policy is organisational compliance with data protection legislation, the *Protection of Freedoms Act 2012*, the Surveillance Camera Commissioner's *Code of Practice* and associated guidance.

4 Principles

- 4.1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
- 4.2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
- 4.3. The rights of data subjects must be respected.
- 4.4. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
- 4.5. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
- 4.6. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
- 4.7. Images and related information held should be limited to those required for the specified purpose of the surveillance camera system and should be deleted once their purpose has been fulfilled.
- 4.8. Access to images and information held should be restricted with clear rules on who can gain access and for what purpose access is granted. Use or disclosure of images and information should only take place when it is necessary for such a purpose, or for law enforcement purposes.
- 4.9. Surveillance camera system images and information must be subject to security measures which safeguard against unauthorised access and use.

5 Policy

- 5.1. All proposed use of surveillance camera equipment and technology will be subject to a Data Protection Impact Assessment (DPIA).
- 5.2. Departments must apply the principles above when assessing the need to operate surveillance cameras.
- 5.3. Departments must put operating procedures in place which demonstrate the adoption of the principles above.
- 5.4. Each Department's Senior Management Board should assess new proposals for surveillance alongside an approved DPIA to ensure the specified purpose meets a pressing business need, and has been balanced against the loss of privacy of individuals. Where the balance is in favour of the surveillance, the Board should forward the recommendation to PROG for final approval.
- 5.5. Where surveillance relates to the use of county council buildings, Property must be consulted and a joint recommendation from the Department and Resources Boards will be provided to PROG.
- 5.6. Staff operating surveillance equipment or processing images must have appropriate data protection training.
- 5.7. Information on the location of surveillance cameras must be notified to Information Access Team for inclusion in the council's FOI Publication scheme.
- 5.8. All requests from third parties and data subjects for images from surveillance camera systems should be notified to the Data Protection Team as soon as possible and at the latest within two working days of receipt. There is no automatic right to access Hertfordshire County Council data and the Data Protection Team will advise on how any such request should be responded to.
- 5.9. Departments should review the benefits of operating their surveillance systems regularly and at a minimum every two years. Reviews should assess whether continued use justifies the loss of privacy caused by the surveillance.