

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Policy and Resources Cabinet Board 29<sup>th</sup> June 2016**

### **Report of the Head of Corporate Strategy and Democratic Services - Karen Jones**

#### **Matters for Decision and Information**

**Wards Affected** - Aberavon, Briton Ferry East, Briton Ferry West, Bryn and Cwmavon, Glyncorrwg, Neath East, Neath North, Neath South, Port Talbot, Sandfields East, Sandfields West, Seven Sisters

#### **Report Title: Closed Circuit Television Service (CCTV) update**

#### **Purpose of the Report**

1. To update the Cabinet Board regarding the progress of the decisions made in the Policy and Resources Cabinet Board of 7<sup>th</sup> January 2016.
2. To seek Member approval for the CCTV Scheme as attached at Appendix 2;
3. To seek Member approval to authorise the Head of Corporate Strategy and Democratic Services to extend discussions as to the potential of a joint service with Bridgend County Borough Council;

#### **Executive Summary**

1. On 7th January 2016 the Policy and Resources Cabinet Board agreed the following:-
2. That the number of cameras across the county borough be reduced to be compliant with existing legislation and Codes of Practice as set out at Appendix 1 of the circulated report.
3. The proposal that the CCTV service moves to a demand led service is deferred until April 2017.

4. That an update report be brought to Committee in early 2016 setting out the proposed methodology and timetable for developing the business case for establishing a joint service with the City and County of Swansea that tests the cost benefits of establishing a joint CCTV service either on a CCTV only scope, or, extending the CCTV service on a joint basis to include other complementary functions.
5. Officers be authorised to finalise arrangements with Bridgend County Borough Council to deal with the Councils emergency out of hours telephone service to coincide with any reduction in CCTV monitoring out of hours.
6. The Head of Corporate Strategy and Democratic Services be authorised to implement the recommendations of the Cabinet Board including entering into agreements to effect the necessary cash limits for the service.
7. The Head of Corporate Strategy and Democratic Services reports no less frequently than quarterly to the Policy and Resources Scrutiny Committee on levels of crime and disorder across the county borough so that Members can maintain an overview of the impact of the changes being recommended.

## **Background**

8. Decommissioning of cameras – progress.
9. The decommissioning of cameras in order to be compliant with the Surveillance Camera Commissioner's guiding principles, is progressing. At the time of writing seventeen cameras have been decommissioned, with the remaining twelve cameras scheduled to be completed by August 2016. Following the completion of the exercise, forty eight cameras will remain which are principally located in the Neath and Port Talbot town centre areas, and the Aberavon beachfront.
10. The revised camera landscape will result in a reduction on annual rental fees for transmission circuits but this cannot be realised until March 2019 when the British Telecom (B.T.) contract terminates.
11. The current cost of the B.T. circuits is £59,810.35. With the reduction in circuits the revised annual cost will be £29,405.14 realising an annual saving of £30,405.21 from April 2019.

12. With regard to the Virgin Media contract, the current annual cost of £11,000.00 will be reduced by approximately £2,935.00, resulting in a revised future annual cost of £8,065.00 which will be effective from the next financial year (2017/2018).
13. Changes to the CCTV service underwent two public consultation exercises. Since the de-commissioning exercise started no complaints have been received, although two enquiries have been received. One enquiry was raised by Briton Ferry Town Council and one by a member of the public and responses were provided in both instances with no further queries received.
14. The Office of the Surveillance Camera Commissioner has re-affirmed that it is not permissible to leave a camera in place which is not active.
15. It is not yet possible to measure any impact on crime in the areas where cameras have been removed as the exercise only commenced in March 2016. There is no anecdotal evidence to show any marked change in crime and disorder following the removal of cameras so far.
16. Some crime statistics have been provided by South Wales Police and are shown at Appendix 1. These statistics relate to Neath North but the Police have been unable to provide any further data on levels of crime and disorder across the county borough to provide an overview of the impact of the CCTV changes as requested by Members. The data that has been provided shows an overall decrease in recorded crime when comparing the period March 2014-15 and March 2015 – 16. Individual crime rates are generally marginal and show no significant variation since the implementation of a reduced CCTV service in June 2014 to meet the requirements of the Forward Financial Plan/CCTV budget savings target.
17. Within the statistics provided by South Wales Police it should be noted that the increase in drug offences is viewed by them as a positive indicator due to more pro-active measures and detection work to deal with these crimes.
18. Similarly with violent crime, more emphasis is being placed on victims to report domestic violence.

19. With regard to the night time economy within the two town centre environments, the main police focus has been towards a campaign of focused licensed premises visits, an increase in patrols in the town centre together with drink awareness campaigns during events such as the Six Nations and Christmas/New Year celebrations.

20. Development of the business case for a joint service as part of the work to decommission cameras, the Council's CCTV Scheme has been updated and is attached at Appendix 2 for approval.
  
21. Following the agreement to develop a business case for establishing a joint service with the City and County of Swansea (CCoS), an initial scoping meeting took place on 22<sup>nd</sup> April 2016 which involved officers from both authorities together with other invited stakeholders. The timetable stipulated by CCoS for the review is twenty two weeks therefore the process is scheduled to be completed by the beginning of October 2016. Discussions in the scoping workshop covered the service in its current form in both Neath Port Talbot and the City and County of Swansea and covered four main areas;
  - a) Strengths and weaknesses of the current service in both authorities.
  - b) Future outcomes, who are the stakeholders and what would they want from the service going forward?
  - c) Future challenges, what are the Political, Economic, Social and Technological factors which will impact on the service?
  - d) Future vision – what is required from the service in the future? e.g. a cost effective service and a potential return to 24/7 monitoring in NPTCBC.
  
22. Since then we have been informally advised that two key management personnel are leaving the City and County Of Swansea. In view of this very recent change it is felt advisable to request permission to re-visit the potential of CCTV and out of hours service delivery in collaboration with Bridgend County Council whilst continuing to explore the potential of a joint service with City and County of Swansea.

## Financial Impact

23. The benefit of reduced transmission costs through a reduced camera landscape is restricted by the costs associated with an early termination of the British Telecom (B.T.) contract which expires in 2019. The BT savings which would be effective from April 2019 are estimated as follows;

### Annual BT circuit rental fees

Current costs of all B.T. circuits	£59,810.35
Cost of Retained Circuits	£20,905.14
% cost of local B.T. Hub to Quays	£ 8,500.00
Total cost of retained circuits	£29,405.14
<b>Estimated saving on B.T. circuits p.a.</b>	<b>£30,405.21</b>

### Annual Virgin Media Circuit rental fees

Current circuit costs	£11,000.00
Cost of retained costs	£ 8,065.00

**Estimated savings on Virgin Media p.a. £ 2,935.00**

The Virgin Media savings would take effect in the next financial year (2017/2018) as there is no contractual tie-in as with BT.

## Equality Impact Assessment

24. An Equality Impact Assessment was included in the February 19<sup>th</sup> 2015 report to the Cabinet Board. No update to that document is required at this time.

## Legal Impact

25. This report deals with the Councils duty to comply with the Protection of Freedoms Act 2012 and the guiding principles of the Surveillance Camera Commissioner.

## **Crime and Disorder Impact**

26. The Council has a legal duty under Section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with “due regard to the need to prevent Crime and Disorder in its area”
27. CCTV makes a contribution to the prevention and detection of crime and disorder in the county borough. Of the two options recommended in the last report the option to proceed with a demand led model was deferred. The second option to reduce the number of cameras in the county borough to comply with existing legislation was agreed by Members.
28. There is a risk that the prevention and detection of crime and disorder in areas where cameras are being removed will be negatively affected. Monitoring of the position is being undertaken and a request for data has been made to South Wales Police which will be reported to Members in order that the position can be kept under review.

## **Recommendations**

29. To approve the CCTV Scheme attached at Appendix 2;
30. To authorise the Head of Corporate Strategy and Democratic Services to extend discussions as to the potential of a joint service with Bridgend County Borough Council;
31. To note the update on the decommissioning of cameras;
32. To note the position in taking forward the potential of a joint service with the City and County of Swansea, including the changes in key personnel.

## **Reasons for Proposed Decision**

33. To ensure the Council’s policy framework governing CCTV complies with the relevant legislation.
34. To enable progress to be made in securing the best value for money option for the future provision of the CCTV service in Neath Port Talbot County Borough Council.

**35. Implementation of Decision**

The decision will be implemented after the three day call in period.

## **Appendices:**

- . Appendix 1 - Crime Statistics
- Appendix 2 - CCTV Code of Practice

## **Background Papers**

Policy and Resources Cabinet Board 7<sup>th</sup> January 2016 – CCTV Service.

Policy and Resources Cabinet Board 15<sup>th</sup> October 2015 – CCTV Service

Policy and Resources Cabinet Board 19th February 2015 – CCTV Service

## **Officer Contact:**

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## Appendix 1

Recorded Crime Neath North				
6901 Neath North	2014-15	2015-16	Change	
<b>Violence against the person</b>	<b>190</b>	<b>235</b>	<b>45</b>	<b>23.7%</b>
<b>Sexual offence</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>50.0%</b>
<b>Robbery</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>100.0%</b>
<b>Burglary of dwelling</b>	<b>11</b>	<b>15</b>	<b>4</b>	<b>36.4%</b>
<b>Burglary of other premises</b>	<b>32</b>	<b>25</b>	<b>-7</b>	<b>-21.9%</b>
<b>Theft of motor vehicle</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0.0%</b>
<b>Theft from motor vehicle</b>	<b>10</b>	<b>17</b>	<b>7</b>	<b>70.0%</b>
<b>Other theft</b>	<b>399</b>	<b>303</b>	<b>96</b>	<b>-24.1%</b>
<i>* Vehicle Interference</i>	6	4	-2	-33.3%
<i>* Concealing etc criminal property</i>	1		-1	100.0%
<i>* Theft from person</i>	14	16	2	14.3%
<i>* Theft dwelling other than machine/meter</i>	3	11	8	266.7%
<i>* Theft by employee</i>	3	3	0	0.0%
<i>* Theft of mail bag or postal packet</i>	1		-1	100.0%
<i>* Theft of pedal cycle</i>	1	7	6	600.0%
<i>* Theft from veh other than motor vehicle</i>		1	1	N/A
<i>* Theft from shops and stalls</i>	280	184	96	-34.3%
<i>* Theft from automatic machine or meter</i>		2	2	N/A
<i>* Theft non specific</i>	71	65	-6	-8.5%
<i>* Theft of conveyance other than veh/pcycle</i>	1	1	0	0.0%
<i>* Making off without payment</i>	15	8	-7	-46.7%
<i>* Receiving stolen goods</i>	3	1	-2	-66.7%
<b>Fraud or forgery</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>N/A</b>
<b>Criminal damage</b>	<b>67</b>	<b>74</b>	<b>7</b>	<b>10.4%</b>
<b>Drug trafficking</b>	<b>5</b>	<b>2</b>	<b>-3</b>	<b>-60.0%</b>
<b>Other drugs offence</b>	<b>20</b>	<b>33</b>	<b>13</b>	<b>65.0%</b>
<b>Other notifiable offence</b>	<b>5</b>	<b>12</b>	<b>7</b>	<b>140.0%</b>
<b>Grand Total</b>	<b>754</b>	<b>738</b>	<b>16</b>	<b>-2.1%</b>

Data extracted from published Recorded Crime data on 13th May 2016

## Appendix 2

### CODE OF PRACTICE

### NEATH PORT TALBOT COUNTY BOROUGH COUNCIL CCTV SCHEME

## 1 INTRODUCTIONS & DEFINITIONS

### 1. Introduction

This Code of Practice shall apply to the Closed Circuit Television Surveillance Scheme known as the Neath Port Talbot Council CCTV Scheme. The Scheme initially comprises of cameras located in specific external and internal locations within the Neath Port Talbot County Borough Council area, with control, monitoring and recording facilities at a dedicated location. The cameras are sited to capture images which are relevant to the purposes for which the scheme has been established.

#### 1.1 Ownership

The Scheme is owned by Neath Port Talbot County Borough Council being responsible for the management, administration and security of the system. Neath Port Talbot County Borough Council will ensure the protection of individuals and the public by complying with this Code of Practice.

#### 1.2 Closed Circuit Television Mission Statement

To promote public confidence by developing a safe and secure environment for the benefit of those employed, visiting or using the facilities provided by Neath Port Talbot County Borough Council. Neath Port Talbot County Borough Council is committed to the recommendations contained in the Information Commissioner's CCTV Code of Practice which can be found at [www.ico.org.uk](http://www.ico.org.uk)

#### 1.3 Definitions

**1.3.1 The Council** shall mean Neath Port Talbot County Borough Council.

**1.3.2 The CCTV Control Room** shall mean the secure area of a building where CCTV is monitored and where data is retrieved, analysed and processed. The CCTV control room is a secure location with restricted access, situated at The Quays where only trained staff have access to retained images.

**1.3.3 CCTV Scheme** shall mean the totality of the arrangements for closed circuit television in the locality and is not limited to the technological system, staff and operational procedures.

- 1.3.4 The retrieval system** means the capability, in any medium, of effectively capturing data that can be retrieved, viewed or processed.
- 1.3.5 CCTV system** means the surveillance items comprising cameras and associated equipment for monitoring, transmission and controlling purposes, for use in a defined zone.
- 1.3.6 Data** shall mean all information, including that about a person in the form of images, and any other associated linked or processed information.
- 1.3.7 Personal Data** means data which relates to a living individual who can be identified:
- from that data or
  - from the data and other information which is in the possession of or is likely to come into the possession of, the data controller.
- 1.3.8 Sensitive personal data** means data which is deemed to be sensitive. The most significant of these, for the purposes of this code are information about:-
- the commission or alleged commission of any offences
  - any proceedings for an offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.
- 1.3.9 An incident** is an activity that raises cause for concern that the safety or security of an individual or property including vehicles which may be compromised or, that an offence has been, is being or is about to be committed, or that an occurrence has taken place warranting specific action by an operator.
- 1.3.10 The Owner** is the Council, the organisation with overall responsibility for the formulation and implementation of policies, purposes and control of the scheme.
- 1.3.11 The Manager** (Neath Port Talbot Council) has the responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme, as defined by the owner of the scheme.
- 1.3.12 Data Controller** means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or about to be processed.

**1.3.13 Contractor** is a party contracted by the owner to undertake the day to day operation of their CCTV system, either utilising the owner's facilities or supplying a full monitoring service.

**1.3.14 Operators** are employees of the owner and are specifically designated to carry out the physical operation of controlling the CCTV system and the data generated. All operators are screened and trained to the standard required by the Council.

**1.3.15 Recording material** means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.

**1.3.16 A hard copy print** is a paper copy of a live image or images which already exist on recorded material.

#### **1.4 System Description**

**1.4.1** The Closed Circuit Television system referred to in this document has been introduced into the Council area. Whilst the scheme is owned by the Council and operated by employees of the Authority, its implementation is supported by the following bodies - (the Partners)

- South Wales Police
- Neath Port Talbot Community Safety Partnership
- Local Businesses
- Local Licensed Premises

The owner, contractor, operators and all partners will work in accordance with this code. The partners will have no involvement in the operating of the system with the exception of the Police and authorised personnel.

**1.4.2** This Code of Practice shall apply to the Closed Circuit Television Surveillance System known as the Neath Port Talbot County Borough Council CCTV Scheme.

**1.4.3** The system consists of static and fully functional (pan, tilt and zoom) cameras and either a fibre optic or other transmission system which sends pictures to the Council Control Room.

**1.4.4** Images from all cameras are recorded simultaneously throughout a 24 hour period for 365/6 days each year.

**1.4.5** There is also a link to the South Wales Police Western Control Room where live events can be monitored and response resourced.

**1.4.6** The physical and intellectual rights in relation to any and all material recorded within the Neath Port Talbot Control Room facility shall, at all times, remain in the ownership of the Council.

## **2 OBJECTIVES OF THE CCTV SCHEME & CODE OF PRACTICE**

### **2. Purpose of and compliance with the Code of Practice.**

**2.1** This Code of Practice is to detail the management, administration and operation of the closed circuit television (CCTV) system in the Council area and the associated control room.

**2.1.2** The Code of Practice has a dual purpose, in that it will assist owners, management and operators to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.

**2.1.3** The Owners, CCTV operators and users of the CCTV systems and associated safety and security equipment connected to the Control Room shall be required to give a formal undertaking that they will comply with this Code of Practice and act in good faith with regard to the basic principles contained within it.

**2.1.4** The owners, CCTV Operators, users and any visitors to the Control Room will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.

### **2.2 Objectives of the scheme**

**2.2.1** The following objectives have been established for the Council CCTV and associated system

- Reducing the fear of crime
- Deterring and preventing crime
- Assisting in the maintenance of public order and reducing offences involving vandalism and nuisance
- Providing high quality evidence which may assist in the detection of crime and the apprehension and prosecution of offenders.
- Protecting property

- Providing assistance with civil claims
- Providing assistance with issues relating to public safety and health
- Providing assistance and reassurance to the public in emergency situations.

## 3

## FUNDEMENTAL PRINCIPLES & POLICIES

### 3 Rights of Privacy

**3.1** The Council and Partners support the individual right to privacy and will insist that all agencies involved in the provision and use of public surveillance CCTV systems connected to the control room accept this principle as being paramount.

### 3.2 Principles of management of the scheme

**3.2.1** Prior to the installation of cameras an “Impact Assessment” to determine whether a CCTV system is justified and how it will be operated will be undertaken in compliance with the Information Commissioner’s CCTV Code of Practice.

**3.2.2** Cameras will be sited to ensure that they can produce images of the right quality, taking into account technical and environmental issues.

**3.2.3** To accomplish the above an “Operational Requirement” will be completed at the time of the “Impact Assessment” for each proposed camera to dictate the quality of images required. This is a recommendation of the Information Commissioner.

**3.2.4** If wireless transmission systems are used to control CCTV equipment, sufficient safeguards will be in place to protect them from being intercepted.

**3.2.5** The Scheme will be operated fairly, within the applicable law and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

**3.2.6** Operators are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.

**3.2.7** The Scheme will be operated with due regard for the privacy of the individual.

**3.2.8** Before cameras are placed in residential areas the residents in that area will be informed/consulted concerning the proposed system.

**3.2.9** The public interest in the operation of the scheme will be recognised by ensuring the security and integrity of operational procedures.

### **3.3 Policy of the scheme and signage**

**3.3.1** The Scheme aims to provide surveillance of the public areas within the Council area in order to fulfil the stated purpose of the Scheme. The area protected by CCTV will be indicated by the presence of signs. The signs will be placed so that the public are aware that they are within an area covered by surveillance equipment. The signs will state the organisation responsible for the Scheme, the purposes of the Scheme and a contact telephone number. Data will not be held for longer than is necessary and disposal of such data will be regulated.

#### **3.3.2 Point of Contact**

Should the public wish to make contact with the owner of the scheme they may write to:

The Customer Services Manager  
Neath Port Talbot Council  
The Quays  
Brunel Way  
Neath SA11 2GG

The contact point will be available to members of the public during office hours. Enquirers will be provided with the relevant documentation.

#### **3.3.3 Release of information to the public**

Information will be released to third parties who can show legitimate reasons for access. They will be required to request any information with reasons in writing identifying themselves and provide the reasons why the disclosure is being requested. Information will only be released if the data captures identifiable individuals or information relating to individuals and the reasons are deemed acceptable to the Council the request and release of information complies with current legislation and on condition that the information is not used for any other purpose other than that specified.

Individuals may request to view information concerning themselves held on record in accordance with the Data Protection Act 1998. More information on the viewing of information is contained in section 7.7.8.

### **3.3.4 Release of information to statutory prosecuting bodies**

The Authority's customary practice is to assist statutory prosecuting bodies such as the Police, and other agencies where it is deemed by it that such disclosure is made in compliance with the exemptions detailed in the Data Protection Act 1998. Such agencies and prosecuting bodies may have access to information, permitted for disclosure, on application to the owner of the scheme or the manager, provided the reasons and statement of the purpose are within the objectives of the Scheme.

## **4**

## **LEGAL REQUIREMENTS**

### **4 Legal Requirements**

**4.1** The Council scheme will comply with the legal requirements regarding CCTV, These are:

- The Data Protection Act 1998 and the resulting Information Commissioner's Code of Practice.
- Article 8 of the Human Rights Act 1998 that gives the right to "Respect for Private and Family Life"
- Requests made for "directed surveillance" as defined in the Regulation of Investigatory Powers Act 2000 must meet the requirements of that Act.
- The Council is also mindful of its obligations under the Crime and Disorder Act 1998 to consider the impact of its actions on crime and disorder in an area, and on the regulation of the exchange of information with the Police Authority.

Our Code is based on the Information Commissioner's Code of Practice and the detailed requirements and guidance provided by the Commissioner's Code must be followed by the Scheme.

The current version of the Information Commissioner's Code can be obtained from [www.informationcommissioner.org.uk](http://www.informationcommissioner.org.uk) or by writing to the Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire SK9 5AF.

#### **4.1.2 Surveillance Camera Code of Practice**

The Surveillance Camera Code of Practice Code was a requirement of the Protection of Freedoms Act 2012 which sets out guidelines for CCTV and Automatic Number Plate Recognition (ANPR) systems to ensure their use is

open and proportionate and that they are able to capture quality images that give the Police a better chance to catch criminals and cut crime.

The Code has 12 guiding principles, which provide a framework of good practice that includes existing legal obligations. The 12 principles are contained in Appendix 1 of this code.

## **5 RESPONSIBILITIES**

### **5 Responsibilities**

The overall responsibility for the management of the CCTV scheme in the council area rests with the Head of Corporate Strategy and Democratic Services, Civic Centre, Port Talbot SA13 1PG.

There is a responsibility on every user of the CCTV scheme to ensure that this Code of Practice is upheld and applied at all times. The Code will be reviewed and amended as appropriate to ensure the Council fulfils its obligations under the code.

#### **5.1 Hierarchy of Responsibilities**

##### **5.1.1 The Owner**

The owner shall be responsible for the effective management and public relations of the Scheme. It will produce a written policy and be responsible for its implementation. This shall be carried out in consultation with users of the Scheme and provide for the release of information relating to the operation of the system. The owner is responsible for dealing with complaints, and ensuring a fair system of staff selection and recruitment is adopted for staff employed in the control and monitoring environment. The role of owner also includes all statutory responsibilities including the role of “data controller” as defined in the Data Protection Act 1998.

##### **5.1.2 The Manager**

The Manager or designated member of staff should undertake regular reviews of the operation of the system to ensure the provisions of the code are being complied with. These should be reported back to the owner of the Scheme.

The Manager is the person who has direct control of the scheme and as such he/she will have the authority for the following;

- Staff Management

- Observance of the Policy
- Release of data to third parties who have legal right to copies
- Control and security clearance for visitors
- Security and storage of data
- Security clearance of persons who request to view data
- Release of new and destruction of old data, tapes and disks
- Liaison with police and other agencies
- Maintenance of the quality of recording and monitoring equipment and monitoring faults

The Manager should retain responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it is installed and in accordance with the objectives identified for the system.

The Manager shall also ensure that on a day-to-day basis all equipment is working correctly and that the operators of the scheme comply with the Code of Practice and Procedural Manual. Dealing with breaches of the Code and disciplinary measures shall lie with the Manager.

### **5.1.3 The Operators**

The operators will be responsible for complying with the Code of Practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme. They are required to be proficient in the control and use of the CCTV camera equipment and the recording facilities within the control room, they should maintain records in the Control Room and document information in the operational log. They should report any operating problems to the maintenance contractor.

## **5.2 Accountability**

The Manager shall be accountable to the owner of the Scheme and will provide periodic progress reports on the Scheme. The Manager will resolve technical and operational matters.

Failure of the operators to comply with the procedures and Code of Practice should be dealt with by the Manager. Person (s) misusing the system will be subject to disciplinary or legal proceedings in accordance with the employer's policy.

### **5.3 Annual Assessment**

An annual assessment of the Scheme will be undertaken to evaluate the effectiveness of the system. This will include annual reviews of the Scheme's operation, performance, working practices and, where appropriate make recommendations for improvements. The results will be assessed against the stated purposes of the Scheme. If the Scheme is not achieving its purpose, it should either be stopped or modified.

### **5.5 Complaints**

A member of the public wishing to make a complaint about the system may do so through the Councils complaint procedure. See link below;

<http://www.npt.gov.uk/default.aspx?page=2777>

## **6 CONTROL ROOM MANAGEMENT AND OPERATION**

### **6 Access to Control Room**

Access to the monitoring area will be strictly controlled. Security of the Control Room shall be maintained at all times.

**6.1** Only those persons with a legitimate purpose will be permitted access to the Control Room. This will normally be;

- Operating Staff
- The Manager/Supervisor
- Police Officers
- Engineers and cleaning staff
- Independent Inspectors appointed under this Code of Practice may visit the Control Room without prior appointment.
- Organised visits by authorised persons in controlled circumstances e.g. Officers of the Surveillance Camera Commissioner's Office, Solicitors

All visitors to the Control Room, including Police Officers, will be required to sign a visitors log and observe the notice regarding confidentiality.

## 7 Privacy

Cameras should not be used to infringe the individual's rights of privacy. The cameras are generally sited where they are not capable of viewing the internal and external area of a residential property. Where it is reasonably possible that cameras would intrude in private areas, privacy zones may be programmed into the cameras where possible and CCTV operators trained to recognise privacy issues.

### 7.1 Disclosure Policy

7.1.1 The following principles must be adhered to;

- All employees will be aware of the restrictions set out in this Code of Practice in relation to, and disclosure of, recorded images.
- Images not required for the purposes of the Scheme will not be retained longer than necessary. However, on occasions it may be necessary to retain images for a longer period, where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.
- The Data Controller will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV Scheme.
- Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised employees of the Council and/or its Contractors.
- Recorded material will only be used for the purposes defined in the objectives and policy
- Access to recorded material will be in accordance with policy and procedures.
- Information will not be disclosed for commercial and entertainment purposes.
- All access to the medium on which the images are recorded will be documented.
- Access to recorded images will be restricted to those staff that need to have access in order to achieve the purpose (s) of using the equipment.
- Viewing of the recorded images will take place in a restricted area.

**7.1.2** Before data is viewed by a third party the Manager should be satisfied that data is;

- The subject of a complaint or dispute that is unanswered
- The original data and the audit trail is maintained throughout
- Not part of a current criminal investigation by the Police, or likely to be so
- Not removed or copied without proper authority
- The image obtained is aimed at identifying individuals or information relating to an individual.

## **7.2 Access to recorded images**

Access to recorded images will be restricted to the Manager or designated member of staff who will decide whether to allow requests for access by third parties in accordance with the disclosure policy.

## **7.3 Viewing recorded images**

Viewing of recorded images will take place in a restricted area. Other employees should not be allowed to have access to that area when viewing is taking place.

## **7.4 Operators**

All operators are trained in their responsibilities in relation to access to privacy and disclosure issues.

## **7.5 Removal of medium for viewing**

The removal of medium on which images are recorded, for viewing purposes, will be documented in accordance with Data Protection Act 1998 principles and the procedural manual.

## **7.6 Access to data by third parties**

**7.6.1** Access to images by third parties will only be allowed in limited and prescribed circumstances. In the case of the Council CCTV Scheme disclosure will be limited to the following:-

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Prosecution agencies
- Legal representatives
- The media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of a victim, witness, or perpetrator in relation to a criminal incident. As part of that assessment

the known wishes of the victim of an accident or crime should be taken into account.

- The people whose images have been recorded and retained and not defined unless disclosure to such an individual would prejudice any criminal enquiries or criminal proceedings.
- Where relevant legislation allows access in certain circumstances.
- Public bodies that wish to pursue civil cases.
- In response to requests under the Freedom of Information Act where the information is not exempt from disclosure.

**7.6.2** All requests for access or for disclosure will be recorded. If access or disclosure is denied, the reason should be documented.

**7.6.3** If access to or disclosure of the images is allowed, details will be documented.

**7.6.4** Recorded images should not in normal circumstances be made more widely available, e.g. they should not be routinely made available to the media or placed on the Internet.

## **7.7 Data Subject Access Disclosure**

**7.7.1** All staff involved in operating the equipment must be able to recognize a request for access to recorded images by data subjects and be aware of individual's rights under this section of the Code of Practice.

**7.7.2** Data subjects requesting access will be provided with a standard subject access request form which they are encouraged but not obliged to use.

**7.7.3** Subject access rights are governed by Section 7 of the Data Protection Act 1998 (DPA) and include the following conditions;

- A fee is paid for each search – maximum fee is £10.00
- A person gives sufficient and accurate information about the data they are seeking i.e. the time and place is provided to the Council.
- Information required as to the identification of the person making the request

**7.7.4** Where activities are seen to be covered by the DPA reference should be made to Section 7.1.2 of this Code of Practice prior to the release of such data.

**7.7.5** The subject access request will be dealt with promptly and any case within 40 days of receipt of the request or within 40 days of receiving all the information required which is necessary to be able to deal with the request.

**7.7.6** All subject access requests should be dealt with by the Manager or designated member of staff.

**7.7.7** A search request should provide sufficient information to locate the data requested (e.g. within 30 minutes for a given date and place). If insufficient information is provided the Council may refuse a request until sufficient information is provided to it.

**7.7.8** Under certain circumstances e.g. Section 29 of the Data Protection Act 1998 the Manager or designated member of staff can decide that a Subject Access Request is not to be complied with. In such cases the refusal will be documented.

The Owner/Manager having verified the validity of a request should provide the requested material to the individual. Only that personal data specific to the search request should be provided. Other individuals should be blanked off by electronic screening or manual editing where reasonably possible.

If the individual agrees, it may be possible to provide subject access by viewing only, if this is the case;

- Viewing must take place in a controlled environment
- Material not relevant to the request should be masked or edited out

## **7.9 Other Rights**

**7.9.1** The member or designated member of staff must provide a written response to the individual within 40 days of receiving the request setting out their decision on the request.

**7.9.2** If the Manager or designated member of staff decides that the request will not be complied with, they must set out their reasons in the response to the individual.

**7.9.3** A copy of the request and response will be retained.

## **7.10 Media Disclosure**

Disclosure of images from the CCTV System must be controlled and consistent with the purpose for which the system was established. For example, if the system is established to help prevent and detect crime it will be appropriate to disclose images to law enforcement agencies where a crime needs to be investigated, but it would not be appropriate to disclose images of identifiable individuals to the media for entertainment purposes or place them on the Internet. Images will not be released to the media for entertainment purposes or place them on the Internet.

Images can be released to the media for identification purposes; this will not be generally done by anyone other than a law enforcement agency.

## **8**

## **RECORDED MATERIAL MANAGEMENT**

### **8 Recorded Material**

Images which are not required for the purpose (s) for which the equipment is being used will not be retained for longer than is necessary. On occasions images may need to be retained for longer periods as a requirement of an investigation into a crime. While images are retained, access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

#### **8.1 Retention of Images**

**8.1.1** Recorded material should be of high quality. In order for recorded material to be admissible in evidence, total integrity and continuity must be maintained at all times.

**8.1.2** Security measures will be taken to prevent unauthorised access to, alteration, disclosure, destruction, accidental loss or destruction of recorded material.

**8.1.3** Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.

**8.1.4** Images retained for evidential purposes will be retained in a secure place where access is strictly controlled.

#### **8.2 Hard Copy Print**

A hard copy print will only be made when absolutely necessary. All video prints will remain the property of the scheme owner. The taking of video prints will be recorded in a register which is retained in the control room.

## Appendix 1

### Protection of Freedoms Act– Surveillance Camera Guiding Principles

In May of 2012 the Protection of Freedoms Act was given Royal Assent which led to the creation of the Surveillance Camera Commissioner. A Code of Practice was issued by the Secretary of State under Section 30 of the 2012 Act. It provides guidance on the appropriate and effective use of surveillance camera systems by the relevant authorities (as defined by Section 33 of the 2012 Act) in England and Wales who must have regard to the code when exercising any functions to which the Code Relates. Neath Port Talbot Council is defined as a relevant authority under s33 of the 2012 Act. There are 12 guiding principles set out by the Surveillance Camera Commissioner which are listed below;

#### The Guiding Principles

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.
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.
3. 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. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used
5. 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.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rule on who can gain access and for what purpose such access is granted, the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.