

**Attachment 1:**

**DRAFT Maidstone Borough Council  
Closed Circuit Television (CCTV)  
Operational Protocol  
2013 – 2017**

## **CCTV Objectives**

### **National Strategic Objectives for CCTV**

Maidstone Borough Council operates its CCTV camera systems in compliance with the 3 purposes set out in the Information Commissioners CCTV Code of Practice.

This states that CCTV camera use must be necessary to address one of the following pressing needs:

- Crime Prevention (including antisocial behaviour)
- Public Safety
- National Security

### **Local Strategic Objectives for Maidstone Borough Council**

**CCTV** Under Section 6 of the Crime and Disorder Act 1998 all Local Authorities have a statutory obligation to bring together named 'Responsible Authorities' to work in partnership to develop and implement strategies to protect the local community from crime and disorder related issues including; anti-social behaviour, drug or alcohol misuse and reoffending. In Maidstone this statutory partnership is known as the Safer Maidstone Partnership and includes representatives from Maidstone Borough Council, Kent Police, the Police and Crime Commissioner, Kent Fire and Rescue Service, West Kent Clinical Commissioning Group and Kent Probation (the 'responsible authorities'). CCTV is employed for the following reasons:

- To support delivery of the Safer Maidstone Partnership Community Safety Plan and objectives by assisting in the prevention and detection of crime and anti-social behaviour.
- To ensure that Maidstone Borough Council's CCTV systems are operated in accordance with regulatory requirements in a transparent and cost efficient manner, taking account of appropriate technological developments.
- To assist in the protection of Maidstone Borough Council clients, staff, assets and public areas.
- To assist Maidstone Borough Council, Kent Police and other statutory and enforcement agencies in carrying out their regulatory, investigatory and enforcement duties in Maidstone.

## **Overview**

Maidstone Borough Council (referred to as 'The Council') is responsible for the management of a number of public realm Closed Circuit Television Camera (CCTV) systems which it operates in the Maidstone Borough.

The Council uses CCTV cameras to improve public safety and to assist in the prevention and detection of crime and disorder.

The Council operates both fixed (static) location visible cameras and a small number of mobile visible cameras.

Generally non covert cameras are used by the Council to cover:

- public spaces
- the outside of council buildings, (car parks/public areas/perimeters)
- the public areas of council buildings. (receptions/interview rooms)

A number of mobile visible cameras are used by the Council to provide short term CCTV coverage of public spaces identified as hotspot locations for crime or disorder and/or to assist Council Departments in carrying out their regulatory, investigatory and enforcement duties.

Maidstone Borough Council is a member of the CCTV Partnership. The four partners of the CCTV Partnership are; Medway Council, Maidstone Borough Council, Gravesham Borough Council and Swale Borough Council. The CCTV Partnership was established by Medway Council, who also act as host council for the Partnership and are responsible for the delivery of the service including the employment of staff, provision of a principal office, the procurement of goods and services and other responsibilities.

### **Static CCTV cameras**

112 static CCTV cameras operate across the Maidstone borough, providing a 24-hour live feed into the main Control Centre for the CCTV Partnership located at Medway Council in Strood, Kent. The cameras are currently maintained through a partnership maintenance contract overseen by Medway Council.

### **Maidstone Borough Council: Current Static CCTV locations in the Maidstone borough (as at June 2013 and updated bi-annually)**

<b>Camera Number</b>	<b>Camera Location</b>
Camera No 1	St Peter's Bridge
Camera No 2	High Street / Bridge
Camera No 3	High Street / Mill Street
Camera No 4	King's Street
Camera No 5	Wheeler Street / Brewer Street
Camera No 6	Week Street / Earl Street

<b>Camera Number</b>	<b>Camera Location</b>
Camera No 7	Week Street / High Street
Camera No 8	Gabriel's Hill
Camera No 9	Lower Stone Street / Palace Avenue
Camera No 10	Week Street / Station Road
Camera No 11	Baker Road / The Broadway
Camera No 12	Maidstone West Station
Camera No 13	Mill Street / Palace Avenue
Camera No 14	Knightrider Street / College Road
Camera No 15	St Faith's Street
Camera No 16	Week Street / Brewer Street
Camera No 17	High Street / Pudding Lane
Camera No 18	Lower Stone Street / Mote Road
Camera No 19	Mill Street Car Park
Camera No 20	Union Street / Church Street
Camera No 21	Queen Anne Car Park
Camera No 22	Vinters Road Car Park
Camera No 23	The Foyer
Camera No 24	Rose Yard
Camera No 25	Rose Yard / Earl Street
Camera No 26	Market Buildings
Camera No 27	High Level Bridge
Camera No 28	High Level Bridge
Camera No 29	High Level Bridge
Camera No 30	Maidstone East Station
Camera No 31	Wat Tyler Way
Camera No 32	Bank Street
Camera No 33	College Road / Hayle Road
Camera No 34	Sheals Crescent / Hayle Road
Camera No 35	Courtney Road / Armstrong Road
Camera No 36	Courtney Road / Brenchley Road
Camera No 37	Forest Road / Courtney Road
Camera No 38	Courtney Road / Coombe Road
Camera No 39	Tovil Road / Coombe Road
Camera No 40	Coombe Road
Camera No 41	Coombe Road / Brenchley Road
Camera No 42	Quarry Road
Camera No 43	Lock Meadow
Camera No 44	Hart Street
Camera No 45	Brenchley Gardens
Camera No 46	The Amphitheatre
Camera No 47	Cobtree Manor
Camera No 48	Spare
Camera No 49	KCC Car Park
Camera No 51	KCC Main Entrance
Camera No 52	Millennium Playground

<b>Camera Number</b>	<b>Camera Location</b>
Camera No 53	Mote Park
Camera No 54	Millennium River Walk
Camera No 55	County Hall Rear
Camera No 56	County Hall Front
Camera No 57	Albert Street Car Park
Camera No 58	London Road Park & Ride
Camera No 61	Maidstone Hospital Rear Car Park
Camera No 62	Maidstone Hospital Rear Car Park
Camera No 63	Maidstone Hospital Rear Foot Path
Camera No 64	Maidstone Hospital Front Car Park
Camera No 65	Spare
Camera No 66	Leisure Centre Front Car Park
Camera No 67	Leisure Centre Side Car Park
Camera No 68	Leisure Centre Rear (Roof)
Camera No 73	Sutton Road
Camera No 74	Bircholt Road / Cuxton Road
Camera No 75	Bircholt Road / Heron Road
Camera No 76	Bircholt Road / Coldred Road
Camera No 77	Bircholt Road (End)
Camera No 78	Cuxton Road / Bicknor Road
Camera No 79	Mangravet Road / Sutton Road
Camera No 80	Mangravet Road / Camp Way
Camera No 81	Shepway Shops (Rear)
Camera No 82	Northumberland Road
Camera No 83	Cumberland Avenue / Suffolk Road
Camera No 84	Cumberland Avenue / Norfolk Road
Camera No 85	Parkwood Shops (Rear)
Camera No 86	Parkwood Shops (Front)
Camera No 87	Wood Wallace
Camera No 88	King Edward Road / Old Tovil Road
Camera No 89	Campway / Grove Road
Camera No 90	Sutton Road / Grove Road
Camera No 91	Oak Tree Avenue
Camera No 92	Woodside Road
Camera No 94	Stryker Mobile 1
Camera No 95	Stryker Mobile 2
Camera No 96	Stryker Mobile 3
Camera No 97	Spare
Camera No 98	London Road Park & Ride
Camera No 99	Sittingbourne Park & Ride
Camera No 100	Willington Street Park & Ride
Camera No 101	Eye Hospital
Camera No 102	Eye Hospital / Trinity Park
Camera No 103	Spare
Camera No 104	Spare

<b>Camera Number</b>	<b>Camera Location</b>
Camera No 105	Spare
Camera No 106	Spare
Camera No 107	Spare
Camera No 108	Spare
Camera No 109	Spare
Camera No 110	Spare
Camera No 111	Spare
Camera No 112	Spare

### **Mobile visible CCTV Cameras**

Maidstone Community Safety Unit own and manage 33 mobile visible (overt) CCTV cameras. These cameras are used to provide short term CCTV coverage for hotspot locations of crime or disorder.

8 cameras were originally purchased and maintained by Maidstone Borough Council and Kent Police. However, Kent Police withdrew its funding for the purchase and maintenance of the cameras in 2009.

Each mobile camera system is contained within a box which is fixed onto an existing street lighting column with a bracket, with camera electrical power being taken from the lighting column.

Each of these camera units contains 1 or 4 CCTV cameras (a Polecat camera has 4 cameras in one unit) which records footage onsite to a hard drive located within the camera unit (approximately 15+ days recording depending on set up and size of inbuilt hard drive). Footage from all camera units is downloaded wirelessly to a laptop retained by the Police Community Safety Officer (PCSO) located within Maidstone's Community Safety Unit.

These 33 cameras are classified as mobile CCTV cameras. As such they will typically be deployed at a hot spot location for up to 6 months. (Where exceptional circumstances apply they may be deployed for an absolute maximum of 12 months at a hot spot location. Where Parish Council owned, the CCTV cameras will have default positions and remain in situ indefinitely).

Exceptional circumstances are defined as documented evidence which shows that a location is continuing to experience serious, frequent, ongoing anti-social / criminal behaviour which is negatively impacting on a local community and which continues despite ongoing actions by Safer Maidstone Partnership agencies to reduce/resolve the problem.

Included within the 33 cameras, the Community Safety Unit owns and manages 6 mobile CCTV cameras purchased through Section 106

contributions, which are dedicated to set locations as recommended by Kent Police's Crime Prevention Design Advisor.

### **Mobile CCTV support service**

The Community Safety Unit provides a support service including advice, deployment and footage download for Borough Council departments, e.g. Parks and Leisure Services, parish councils and housing associations.

There are an additional 5 cameras managed by other internal Council departments, which includes 4 owned by Parks and Leisure Services and 1 camera owned by Environmental Enforcement.

There are an additional 7 Parish Councils within the Maidstone borough which have purchased 9 mobile cameras in total (as at May 2013). Parish Councils agreed to purchase mobile CCTV to enable them to take ownership of their CCTV requirements within their community and have great flexibility for moving and re-deploying a camera if the need arises. If the local PCSO/PCs or local authority identifies a community safety concern in the parish location, they can now liaise in partnership with the parish council to deploy their camera to ensure the optimum CCTV coverage is provided and achieved.

2 further cameras are owned by Golding Homes and Sanctuary Housing associations. In 2013, the Borough Council replaced 8 cameras, which required upgrading due to their age and increased maintenance costs.

The PCSO located within the Community Safety Unit is the main contact for these cameras and will work in partnership with the above, conducting the relevant ongoing service checks and deployment/set up of these camera units. Access to the recordings or views of the cameras is only via the Community Safety Unit PCSO to ensure no unauthorised persons having access to the footage and software/hardware.

### **Camera Deployment of mobile visible (Overt) CCTV Cameras**

1. A Request for Deployment of the Maidstone Mobile CCTV System form will need to be completed and submitted to the Maidstone Community Safety Unit. The Request form will be used to evidence and justify the reasons for mobile CCTV camera deployment. This is to ensure compliance with the Information Commissioners Code of Practice for CCTV, the Surveillance Camera Commissioners Code of Practice for Surveillance Camera Systems (once published) should the camera location be subject to legal challenge by the Information Commissioner, the Surveillance Camera Commissioner, members of the public, the media, or others.

Mobile CCTV camera deployment will only occur where:

- (a) There is evidence available to the Maidstone Community Safety Unit during the previous 6 months which shows that:
- The location in question experienced, serious, frequent anti-social / criminal behaviour which has negatively impacted on the wider community and which continued despite actions by Maidstone Community Safety Unit and other agencies to reduce/resolve the problem;

OR

- The area is, or will shortly be, experiencing significant physical redevelopment. A crime prevention survey has shown that it is likely that this will lead to an increased risk of crime or disorder in the area and in the opinion of the Crime Prevention Design Adviser this risk cannot be prevented or significantly reduced using other crime prevention methods.

OR

- It will assist in the detection of anti-social behaviour or crime and/or the identification, apprehension or prosecution of offenders.

- (b) Temporary CCTV coverage of an area, which is covered by a permanent public space CCTV camera, is required while the permanent camera undergoes repair.

Where mobile CCTV camera deployment is requested past 6 months (for a further 6 months maximum) a further analytical document must be produced to evidence/justify the reasons for this continued camera deployment. This is to ensure compliance with the Information Commissioners Code of Practice for CCTV, the Surveillance Camera Commissioners Code of Practice for Surveillance Camera Systems should the camera location be subject to legal challenge by the Information Commissioner, the Surveillance Camera Commissioner, members of the public, the media or others.

If it is identified that a location where a mobile CCTV camera is deployed requires CCTV camera surveillance for longer than 12 months then before the end of the 12 month camera deployment period, it will be discussed at the Maidstone Community Safety Unit Weekly Tasking group meeting, a joint working partnership discussing individual cases and actions for crime and disorder, to determine whether a permanent CCTV camera is appropriate for the location. Based on the recommendations of the Tasking Group, the final decision will be made by the Head of Housing and Community Services.



## **Dummy CCTV Cameras**

Maidstone Borough Council does not use any dummy cameras.

## **Recording and Monitoring Methods**

There are 2 methods the Council uses to record and monitor its camera systems:

- Images recorded and monitored by a CCTV operator at Medway Council Control Centre, (112 cameras)
- Images recorded on site at the camera location with staff able to view and provide images to approved personnel after an incident has occurred. (i.e. Police or Council Enforcement Officers)

## **Control Centre**

This is a secure facility operated by Medway Council Control Centre on behalf of Maidstone Borough Council staffed by CCTV operators responsible for providing 24 hour, 365 day monitoring of certain CCTV cameras:

- 112 CCTV cameras covering public space around Maidstone which are owned and managed by Maidstone Borough Council.

Images from cameras connected to the Medway Council Control Centre are recorded onto a secure encrypted digital storage system either at the Control Centre, or in the case of a small number of dial up cameras, onsite at the camera location. Unless required for legal proceedings, police investigations, or crime detection, CCTV images are kept for 28 days after which they are automatically overwritten.

CCTV operators monitor cameras to identify incidents by camera scanning, local knowledge, intelligence and tasking requests from authorised partners. The Medway Council Control Centre also works with Maidstone Town Centre Management to support the MaidSafe radio system. This allows CCTV operators to be able to work closely with Maidstone Police, MaidSafe members and other partners to assist in the co-ordination of ongoing incidents and to ensure that CCTV footage is obtained as evidence for later use by Police Officers. All CCTV operators are employed by Medway Council Control Centre and hold enhanced Criminal Record Bureau (CRB) certificates and are regulated and licensed by the Security Industry Authority. Access to the Medway Council Control Centre is restricted to authorised personnel and approved lay monitors only with personnel required to sign in and out of the centre.

## **Requesting Disclosure of CCTV Images**

Contact the Maidstone Community Safety Unit to check if the Council holds images which you wish to obtain. Tel. 01622 602000 E-mail: [communitysafety@maidstone.gov.uk](mailto:communitysafety@maidstone.gov.uk)

Where CCTV images are requested, they will be held by Maidstone Borough Council for 28 days after which they are automatically overwritten.

## **Commissioning and Decommissioning CCTV Cameras**

### **1. Requests for CCTV – Commissioning a CCTV camera**

All requests for the installation of a CCTV camera by the Council should be directed to the Maidstone Community Safety Unit for review.

The following criteria will be used to determine whether the installation of a CCTV camera is appropriate, proportionate, necessary and justified.

### **2. Purpose of Camera – CCTV Code of Practice and Evidential Basis**

Is the reason that the camera has been requested compliant with the CCTV Code of Practices? A CCTV camera can be installed for the following reasons:

#### **Crime Prevention and/or Public Safety**

*Is there statistical evidence available to the Maidstone Community Safety Unit during the previous 6 months which shows that:*

- The area experienced, serious, frequent anti-social / criminal behaviour which can be shown to have negatively impacted on the wider community and which continued despite actions by Safer Maidstone Partnership agencies to reduce/resolve the problem, OR
- The area is, or will shortly be, experiencing significant physical redevelopment. A crime prevention survey has shown that it is likely that this will lead to an increased risk of crime or disorder in the area and in the opinion of the Crime Prevention Officer this risk cannot be prevented or significantly reduced using other crime prevention methods. OR
- To assist in the detection of anti-social behaviour or crime and/or the identification, apprehension or prosecution of offenders. OR

- To support public realm safety issues e.g. to assist in crowd control at large, organised public events.

A request for a CCTV camera will be rejected where:

- the Maidstone Community Safety Unit is not able to identify an area as a hotspot location experiencing serious, frequent anti-social / criminal behaviour within the last 6 months and which cannot be shown to have had a negative impact on the wider community, AND/OR
- significant physical development is not occurring and/or where it is judged not likely to lead to an increased risk of crime or disorder in the area and/or the risk can be prevented or significantly reduced using other crime prevention methods.

### **3. Crime Prevention Review**

*Has a crime prevention report been obtained?*

*Is it the opinion of the Crime Prevention Officer that other possible crime prevention solutions are unlikely or unable to provide improved security for the area?*

A request for a CCTV camera will be rejected where a crime prevention report has not been obtained and/or where other crime prevention solutions judged appropriate by the Crime Prevention Officer for dealing with the problem have not been first attempted.

## **CCTV Monitoring Capacity**

A request for a CCTV camera may be rejected where Medway Council Control Centre Manager and Maidstone Community Safety Unit believes that there is insufficient CCTV operator capacity to monitor the additional camera.

However, if the request is deemed a priority, the Council may negotiate additional resources via Medway Council if sufficient funds are identified or by redistributing the existing resources.

## **Funding**

Requests for new cameras will have to identify the funding source to cover the following costs:

- planning application costs
- purchase, (camera, camera bracket, camera column - where appropriate)
- installation
- connection to the Medway Council Contact Centre, or
- purchase of alternative viewing and recording equipment
- ongoing running costs, (connection and electricity, annual inspection and maintenance, insurance, and mid-life refurbishment costs)

Where CCTV cameras are requested for shopping parades and industrial estates the development of a Service Level Agreement between the Council and local businesses should be considered, with a service charge levied on local businesses to cover the installation and operating costs of the requested camera(s).

In order to ensure the financial viability of the CCTV service a request for a CCTV camera may be rejected where the above costs covering a 10 year period have not been identified, committed or deemed critical.

## **Review of CCTV – Decommissioning/Relocating a camera**

The Information Commissioner's Code of Practice for CCTV 2008 states that the use of CCTV should be regularly reviewed to ensure that its use continues to be justified.

Due to this Maidstone Borough Council CCTV cameras will be reviewed on frequent basis to ensure compliance with the Code of Practice and in turn to ensure compliance with the Data Protection Act 1998. CCTV cameras will be reviewed annually using evidence available to the Medway Council Control Centre and Maidstone's Community Safety Unit.

The following information will be used to consider whether a CCTV camera location continues to be justified under the Code of Practice for CCTV:

- Contributes to public realm reassurance (e.g. lost children)
- Original reason for the camera being installed, (i.e. building security)
- Crime figures, anti-social behaviour incidents and intelligence logs
- Medway Council Control Centre incident logs and performance indicator information regarding a camera, (where appropriate)
- Medway Council Control Centre operator capacity, (where connected)
- Age of the camera
- Annual cost of the camera, (connection/power and repair costs)

Where the evidence can be found to show that a CCTV camera location continues to be justified under the Code of Practice for CCTV the camera will remain.

Where evidence, gathered over a 6 month period, cannot be found to show that a CCTV camera location continues to be justified under the Code of Practice for CCTV the camera will be:

Removed and placed at another location known to be experiencing serious, frequent anti-social / criminal behaviour which can be shown to be negatively impacting on the wider community and which continues despite actions by Safer Maidstone Partnership agencies to reduce/resolve the problem, OR

Removed with the camera placed in storage or dismantled for spare parts and the camera site decommissioned (where no current crime or disorder hotspots have been identified justifying the installation of a camera or where insufficient funding is available to relocate the camera).

Based on the recommendations submitted by Medway Council Control Centre, the final decision will be made by the Borough Council's Head of Housing and Community Services.

## **Maintenance**

### **Maintenance Responsibilities**

Medway Council Control Centre through the Partnership Agreement is responsible for the maintenance of Maidstone Borough Council static CCTV systems and uses a private CCTV contractor to carry out CCTV work on behalf of the Council.

Maidstone Borough Council is responsible for the maintenance of its mobile shared partnership CCTV systems and currently uses a private CCTV contractor to carry out CCTV work on behalf of the Council.

### **Camera Life Expectancy**

The average projected life span of an external CCTV camera is estimated at between 6 to 8 years. This is dependent on; the type of camera and camera mount, the exposure of the camera site; the camera receiving regular maintenance over its life span; and on the camera being subject to a mid life span refurbishment programme.

## **CCTV Working and Support Groups**

### **Borough Council CCTV camera systems**

- a working group of representatives from the CCTV Partnership (Medway Council, Maidstone Borough Council, Gravesham Borough Council and Swale Borough Council) meet bi-monthly to review CCTV operational issues and CCTV management and performance.
- a stakeholder group of representatives from Maidstone Borough Council, Medway Council Control Centre, Maidstone Town Centre Management, CCTV lay-monitors and local town centre retailers and businesses meets annually to review CCTV operational issues and performance information.
- a group of local independent representatives, appointed by representatives from the CCTV Partnership and stakeholder group, provide a lay-monitor service acting as a critical friend for the operational of Borough Council CCTV camera systems.

## **Complaints**

Any complaints regarding a CCTV camera should be made to the Head of Housing and Community Services who will investigate the matter and will aim to provide a full written response within 10 working days.

If after this a complainant is still dissatisfied with the way their complaint has been dealt with they should submit a Formal Complaint via Maidstone Borough Council's Corporate Complaints Procedure.

## **CCTV Contacts - Responsible Officers**

- 1. Please contact the Maidstone Community Safety Unit for further information regarding Maidstone Borough Council CCTV cameras.**

John Littlemore  
Head of Housing and Community Services  
Maidstone Borough Council  
Maidstone Community Safety Unit  
Maidstone House  
King Street  
Maidstone  
Kent ME15 6JQ

Email: [johnlittlemore@maidstone.gov.uk](mailto:johnlittlemore@maidstone.gov.uk)  
[www.maidstone.gov.uk](http://www.maidstone.gov.uk)

## **Appendix 1: Information Commissioners Code of Practice for CCTV: Deciding whether to use CCTV or to continue using CCTV**

Using CCTV can be privacy intrusive, as it is capable of putting a lot of law-abiding people under surveillance and recording their movements as they go about their day to day activities.

You should carefully consider whether to use it; the fact that it is possible, affordable or has public support should not be the primary motivating factor.

You should take into account what benefits can be gained, whether better solutions exist, and what effect it may have on individuals.

Example: Cars in a car park are frequently damaged and broken into at night. Consider whether improved lighting would reduce the problem more effectively than CCTV.

You should consider these matters objectively as part of an assessment of the scheme's impact on people's privacy. This does not have to be an extensive or time-consuming process in all cases. The extent of assessment necessary will depend on the size of the proposed scheme and the level of impact it is likely to have on people's privacy<sup>1</sup>.

You should use the results of the impact assessment to determine whether CCTV is justified in all the circumstances and if so how it should be operated in practice.

### **The things to cover in any impact assessment include:**

1. What organisation will be using the CCTV images? Who will take legal responsibility under the Data Protection Act (DPA)?<sup>2</sup>
2. What is the organisation's purpose for using CCTV? What are the problems it is meant to address?
3. What are the benefits to be gained from its use?
4. Can CCTV technology realistically deliver these benefits? Can less privacy-intrusive solutions, such as improved lighting, achieve the same objectives?

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<sup>1</sup> If you are establishing a large system, or considering a use of CCTV which could give rise to significant privacy concerns, you may wish to consider using the ICO's Privacy impact assessment handbook.

<sup>2</sup> If CCTV is used by a business or organisation, then it is the body that is legally responsible under the DPA (the "data controller"), not an individual member of staff.



5. Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying the individual?
6. Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?
7. What future demands may arise for wider use of images and how will you address these?
8. What are the views of those who will be under surveillance?
9. What could you do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?

Where the system will be operated by or on behalf of a public authority, the authority will also need to consider wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life). This will include:

1. Is the proposed system established on a proper legal basis and operated in accordance with the law?
2. Is it necessary to address a pressing need, such as public safety, crime prevention or national security?
3. Is it justified in the circumstances?
4. Is it proportionate to the problem that it is designed to deal with?

If this is not the case then it would not be appropriate to use CCTV.

## **Appendix 2: Regulation of CCTV**

### **Non covert CCTV Regulation**

On 1 May 2012 the Protection of Freedoms Act 2012 received Royal Assent. This new Act creates the role of a Surveillance Camera Commissioner who is responsible for the oversight of statutory authorities CCTV camera systems through the introduction of a new mandatory Code of Practice for CCTV. The Surveillance Camera Commissioner replaces the Information Commissioner's Office who was previously responsible for regulating the use of non covert CCTV cameras operated by the Council under the Data Protection Act 1998 and the Freedom of Information Act 2000 and the CCTV Code of Practice which the Council follows to ensure its CCTV camera systems are managed in line with national best practice and that their use is compliant with the Data Protection Act 1998.

### **Covert CCTV Regulation: Changes to local authority use of RIPA**

The Office of Surveillance Commissioners is responsible for regulating the use of covert CCTV cameras operated by the Council under the Regulation of Investigatory Powers Act (RIPA) 2000.

RIPA is the law governing the use of covert techniques by public authorities. It requires that when public authorities, such as the police or government departments, need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate, and compatible with human rights. RIPA's guidelines and codes apply to actions such as:

- intercepting communications, such as the content of telephone calls, emails or letters
- acquiring communications data: the 'who, when and where' of communications, such as a telephone billing or subscriber details
- conducting covert surveillance, either in private premises or vehicles (intrusive surveillance) or in public places (directed surveillance)
- the use of covert human intelligence sources, such as informants or undercover officers
- access to electronic data protected by encryption or passwords

RIPA applies to a wide-range of investigations in which private information might be obtained. Cases in which it applies include:

- terrorism
- crime
- public safety
- emergency services

From 1 November 2012 new [guidance on local authority use of RIPA](#), means local authorities are required to obtain judicial approval prior to

using covert techniques. This order requires any covert surveillance authorised under the Regulation of Investigatory Powers Act to be further authorised by a court order from a Magistrates' Court.

Additionally, from this date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a 6 month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

### **Other Legislation Impacting on CCTV**

In addition to the above legislation and regulation CCTV cameras are used by the Council in accordance with the criminal and civil law and

### **Criminal Justice and Public Order Act 1994**

Section 163 of the Act allows local authorities to provide CCTV cameras to promote the prevention of crime or the welfare of victims of crime and requires that the local authority consult the police over these cameras.

### **Criminal Procedures and Investigations Act 1996**

This Act creates a statutory framework for the disclosure to defendants of material which the prosecution does not intend to use in the presentation of its own case – known as unused material. This may include, where in existence, CCTV camera images.

**Human Rights Act 1998**

Article 8 - The Right to Respect for Private and Family Life.

**Crime and Disorder Act 1998**

Section 17 of the Act requires a local authority to consider the impact of everything it does on crime and disorder e.g. what impact does the operation of a service, policy, procedure, working practice, service level agreement etc. have on community safety.

**Private Security Industry Act 2001**

Under the Act a Security Industry Authority (SIA) licence is required for personnel who carry out public space surveillance – i.e. CCTV operators.

## **Appendix 3: Disclosure of CCTV Images**

### **Surveillance Camera Commissioner**

The Surveillance Camera Commissioner was created within the Protection of Freedoms Act 2012 to meet the Coalition agreement to further regulate CCTV. The act commits the Secretary of State to produce a code of practice about surveillance camera systems which sets out new guidelines for CCTV and automatic number plate recognition. The role of the Commissioner is to encourage compliance with the code, review how the code is working and to provide advice to ministers on whether or not the code needs amending. The Surveillance Camera Commissioner Office website provides advice and guidance regarding the use of CCTV.

The Council's use of CCTV cameras is covered by the Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012.

The Council uses clearly visible and readable signs to inform people that it is using non covert CCTV cameras in an area. These signs also contain the contact details of the Council.

Under the Data Protection Act 1998 people have the right to see CCTV images of them held by the Council and to ask for a copy of them. This is called a Subject Access Request. Under the Act the Council must deal with a Subject Access Request within 40 calendar days.

The person making a request will need to provide the Council with proof of their identity to show they are the person in the images requested and of the date and time period involved to help the Council to find any images of the subject on the CCTV system involved.

Unless required for legal proceedings, police investigations, or detection of crime, images from CCTV cameras connected to the Medway Council Control Centre are kept for 28 days after which they are overwritten. (Images from dial up cameras connected are kept for 14 days after which they are overwritten)

The Council is not allowed to disclose images of identifiable people to the media or to put them on the internet for entertainment. Images from Council CCTV systems can however be released to help identify a person or for legal reasons, for example crime detection. CCTV images may also be released due to a court order. Such images will generally be disclosed by the police.

Police Officers, Statutory Agencies, Enforcement Agencies and Council Departments are permitted to request and remove copies of CCTV images from Council CCTV systems when investigating criminal or civil offences

or where court proceedings or other enforcement action may occur - subject to the rules of evidence.

Where the Council itself discloses CCTV images (separate from the above reasons) this will only occur after authorisation from the Legal Services Team. Depending on the circumstances of the disclosure consultation may also be appropriate with the Communications Team.

Once the Council gives CCTV images to another organisation, then that organisation is also responsible for ensuring that its handling of the images is compliant with the Data Protection Act.

The CCTV cameras managed by the Council are also subject to the Freedom of Information Act 2000. This Act allows people to request official information (i.e. regarding CCTV) held by the Council which is requires a response within 20 working days.

Where CCTV images are requested under the Freedom of Information Act by a person within the images requested, the request will be handled under the Data Protection Act as a Subject Access Request. If, however, other people are identifiable in the CCTV images requested, then the images would be considered personal information and it is likely they would be exempt from the Freedom of Information Act.