



*PUBLIC SPACE  
CCTV SCHEME*

*CODE OF PRACTICE*

## **CODE OF PRACTICE**

### **Introduction**

The London Borough of Richmond Upon Thames, the Richmond Upon Thames Division of the Metropolitan Police and the local community are making progress in promoting community safety and crime prevention. The fundamental aim of this partnership is to make the Borough a safer place in which to live work and visit.

The original scheme was originally funded by the Home Office, London Borough of Richmond Upon Thames and members of the London Borough of Richmond Upon Thames Chamber of Commerce but since 2002 has been funded by Transport for London and the London Borough of Richmond Upon Thames.

The owner of the scheme is the Council for the London Borough of Richmond Upon Thames, 44 York Street, Twickenham, Middlesex, TW1 3BZ. In partnership with the Richmond Upon Thames Division of the Metropolitan Police. Who are committed to complying with this Code of Practice.

The area covered by the scheme is broken into several areas within the Borough.  
**See Appendix A**

The system adopted includes PAL CCD high-resolution colour camera with full pan, tilt and zoom facilities.

Each camera output will be multiplexed onto a time-lapse video recorder with a real time video recorder available for recording of specific incidents. A video printer can produce a hard copy photograph for evidential purposes. The output of the cameras can be relayed between the Control Centre and Twickenham Police Station via fibre-optic links

Client for Scheme: Chief Executive.  
Manager for Scheme: Director of Environment.

The recorded material and copyright of the recorded material is in the ownership of the London Borough of Richmond Upon Thames.

### **Purpose of Scheme**

1. To discourage all types of criminal activity in the area and help reduce the fear of crime.
2. To assist the Police in providing a swift response to criminal activity and provide evidential material for court proceedings.
3. To enhance community safety, assist in developing the economic well being of the Richmond area and encourage greater use of the Town Centres, Schools and Colleges, Parks, Leisure Facilities, Shopping Centres, Car parks, etc.
4. To promote and facilitate an active partnership in the discouragement of crime, between the Police, the Council, the Business Community and the Resident and Visitors to the Borough.
5. To assist in the compliance of Council procedure within the Borough ie. Health & Safety Regulations.

6. To alert the emergency services in the event of fire, road traffic accidents or people needing assistance.
7. To assist in Traffic Management, aiding and supporting Parking Enforcement initiatives.
8. To assist the Local Authority in its enforcement and regulatory functions within the Borough.
9. To assist in supporting civil proceedings, which will help detect crime.
10. To assist in the event of a civil emergency or disaster.

The CCTV system is intended to view and monitor activity in the public spaces in the area of coverage. Every possible effort has been made in the planning and design of the CCTV system to give it maximum effectiveness but it is not possible to guarantee that the system will see every single incident taking place in the areas of coverage.

The scheme is not to be used to invade the privacy of any individual in residential, business, or other private premises, buildings or land.

Signs displaying the following wording will be installed and maintained on the camera pole and the area of coverage stating, "Images are being monitored and recorded for the purposes of public safety, crime prevention, and traffic enforcement. This scheme is controlled by the Richmond Upon Thames Borough Council. For further information contact 020 8891 7856".

The Scheme makes specific arrangements for the provision of recordings for evidential purposes to the police.

### **Data Protection**

The scheme complies, and LBRuT and its partners are committed to ensuring it complies, with the Data Protection Act 1998. This Code of Practice and the Operating Instructions take into account data protection considerations.

### **Changes to the Code**

Any major change will only occur after consultation with the partners of the Scheme. Minor changes will be agreed with the Manager and the client for the scheme.

### **Responsibilities of the Owner of the Scheme**

The Council for the London Borough of Richmond Upon Thames as owner has responsibility for the compliance with the purposes and objectives of the scheme including operational guidance and the protection of the interests of the public and privacy of the individuals whose images are captured on tape.

### **Management of the System**

The day-to-day management of the scheme and requirements of the Code of Practice will be undertaken by the Principal Officer for Careline Services (hereafter known as the Manager or in that officer's absence by a recognised deputy).

The Manager will liaise with the client officer based in the Chief Executives and the Environment Directors departments and with the designated Police Liaison Officer from Richmond Upon Thames Division of the Metropolitan Police or in his absence a nominated officer.

Access to recordings and the Control Room will comply with specific guidelines and will be recorded and monitored.

The purpose for different links between the Police and the Control Room will include to hand over the operation of the system in the event of an incident (the level of response will be decided by the Police using the existing criteria when responding to calls for Police attendance), and organise Police viewing of tapes where required.

The operational documentation required to run the scheme has been developed from and specifically linked to the Code of Practice.

## **Installation**

### Consultation

The CCTV installations are carried out through consultation with the Police through the Crime Reduction Board, the Environment Directorate and the Cabinet.

### Sound

No sound will be recorded in public places, however all telephone calls to the control room are recorded.

### Change

Any technological change, which will have a significant effect upon the capacity of the system, will be fully assessed in relation to the purpose and key objectives of the scheme.

### Dummy Cameras

No dummy cameras will be used in the scheme as they give a false sense of security and are in contravention to the DPA 1998 Code of Practice.

## **Accountability**

### The Public

Copies of the Code of Practice and complaints procedure are with each partner and can also be obtained from the Chief Executive and Director of Environment, London Borough of Richmond Upon Thames, 44 York Street, Twickenham, TW1 3BZ at the Boroughs libraries or on the Councils internet site.

Copies of the annual report will be made available to the public from the Boroughs libraries or on the Councils Internet site.

### Local Authority

The Councils Operations Manager will receive regular and frequent reports on performance levels and developments within the department. The Chief Executive and Director of Environment will be responsible for any consultation agreement with the Police and Chamber of Commerce and to receive the Annual Report.

## **Police**

The Police have introduced procedures to monitor and audit their participation in the scheme including compliance with the Code. The Police Liaison Officer will undertake such monitoring and audit.

## **Public Information**

The recording and retention of people in public places will be undertaken fairly and lawfully.

CCTV cameras will not be hidden and signs that they are operating will be displayed at the perimeter of the area of coverage.

We believe that the Code of Practice should be easily available to members of the public. A leaflet summarising the main provisions is also available.

The Annual Report will be prepared by the CCTV Service Development Manager with the Manager, and will include an evaluation of the scheme and on the impact of the scheme in achieving the key objectives and any complaints including those substantiated and action taken to remedy the complaint. Copies will be made available in the Civic Offices, libraries and police stations and on the Councils Internet site.

### **Assessment of the scheme and Code of Practice**

The owner and partners will evaluate the scheme periodically as follows:

- The assessment of impact upon crime.
- Assessment of areas without CCTV.
- The views of the public.
- Operation of the Code of Practice.
- Whether the purposes for which the scheme was established still exist.
- Future functioning, management and operation of the scheme.

The results will be published in the annual report and will include the cost of all resources committed to the scheme.

The Manager with the day-to-day responsibility for the scheme will continuously monitor the operation of the scheme and the implementation of the Code of Practice.

A regular audit will be undertaken by the Council's CCTV Service Development Manager and will include the examination of Control Room records, tape histories and the content of recorded tapes. The Manager will undertake spot checks for the content of recorded tapes.

### **Staff**

The staff employed to work in the Control Room are appointed under the council's equal opportunities fair recruitment processes. Appropriate checks will be made upon the background of individuals and will require the disclosure of relevant criminal convictions.

There is a disciplinary procedure, which incorporates compliance with the Code of Practice and operational requirements and makes plain the risk to staff in the event of breaches of the Code or misappropriation or recordings. A requirement of confidentiality during and after termination of employment applies in staff contracts which state that staff will not during or after the period of their employment divulge to any person whatsoever or otherwise make use of any confidential information.

Staff will be trained in the operational skills necessary to operate a successful scheme and in compliance with the Code of Practice. Training will include how to identify suspicious behaviour, when to track individuals or groups and when to take close up views of incidents or people and compliance with RIPA, Data Protection Act and any other relevant legislation, Staff will be aware of the need not to infringe upon the Public's Human Rights. The effectiveness of individual operators will be reviewed.

### **Complaints**

The complaints procedure for the Department of Environment Directorate will be the vehicle for complaints. Particulars about how to make a complaint, the name and address of the person to whom the complaint should be made are publicly available in the Civic Centre.

The Annual Report will include information on the number of complaints received, those, which have been substantiated, and any action taken to remedy the complaint.

### **Breaches of the Code including those of security**

The Manager will be responsible for security. Breaches of the Code of Practice and of security will be investigated by the CCTV Development manager and where necessary the\* Head of Internal Audit and will make recommendations to the Environment Director who may inform the Chief Executive to remedy any breach which is proved.

### **Control and Operation of Cameras**

Information recorded will be accurate, adequate and relevant and not exceed that necessary to fulfil the purpose of the scheme.

Only staff with responsibility for using the equipment shall have access to operating Controls.

Use of camera will accord with the scheme objectives and comply with the Code of Practice.

Operators will be aware that recordings are subject to routine audit and that they may be required to justify their interest in a member of the public or premises.

### **Access to and Security of Monitors / Control Room**

Access to view monitors, whether to operate the equipment or to view the images is limited by the Data Protection Act 1998 to staff with that responsibility, these staff will have been trained and vetted for operations in this area.

A Control Room Access Log will record staff that are on duty each shift and the names of any persons or groups that have been authorised by the Manager to have access to the Control Room and / or view the monitors.

A member of staff will be present during the operation of the monitors.

Public access to the Control Room shall not be allowed except by pre-arranged appointment with the manager and then only for lawful, proper and sufficient reasons. Visitors will be asked to respect the confidentiality requirements and will have to sign to the Control Room acknowledging this.

Technical repairs and cleaning and similar tasks should be carried out in Controlled circumstances and people undertaking these tasks will be recorded in the Access Log.

Police visits will be pre-arranged and made to interview staff, collect or return recorded tapes. Other visits by Police must comply with other provisions of the Code of Practice or the purpose of the visit should be established and confirmed with the police liaison officer at the police station and approved by the Manager.

Access will be monitored and recorded.

Occurrence and Incident Logs must be maintained on the basis of the date and time throughout day and brief details given of all incidents viewed or dealt with by operators within the Control Room, including particulars of visits and telephone calls.

Staff operating the cameras will be provided with adequate instructions on compliance with Health and Safety legislation (e.g. operating environment, lighting, position of CCTV monitors, ventilation and number of viewing hours and relationship to operator efficiency).

### **Tapes and Recorded Material**

'Recorded material' may be videotape, compact disc, computer disk, film, or any media used for storing images, which can be viewed or processed after the event. It must be of good quality and be accurate in content. Security measures will be taken against unauthorised access to, alteration, disclosure or destruction, and against accidental loss or destruction of recorded material.

### **Statement of Intent**

'Recorded material' will be used only for purposes defined in this Code of Practice.

- Access to recorded material will only take place as defined in this Code of Practice.
- Recorded material will only be allowed in accordance with the law Section 19 PACE for investigation of crime and identification of a suspect.
- Recording equipment will be checked daily to ensure it is in good working order and that the time and date generator is correctly set and displayed and certified in the daily incident log.
- A test recording will be made monthly to check the quality of the recorded image. In the event of any significant loss of quality, the recorder will be taken out of service for urgent repair and this will be recorded in the Incident Log.
- A library of tapes will be maintained including a supply of spare tapes to replace those removed for evidential purposes (The Tape Log will record the use and location of all tapes.).
- Tapes will be used in rotation and will be retained for 28 days before being degaussed and reused.
- Tapes required for evidential purposes will be separately indexed and securely stored separately to avoid accidental re-use and any copies handed to the Police in an evidence bag.
- The tape retention policy is known to the Police and the Information Commissioners Office.
- All previous data recorded on tapes will be erased by degaussing the tape prior to reuse on the day of recording new data on that tape. .
- Tapes will be maintained and used no more than 24 times for 12hr mode tapes and 50 times for real time recordings from the event recorders. Tapes will then be destroyed using an authorised confidential waste service.

### **Cataloguing, Storage and Recording of Use of Tapes**

- Tapes will be stored in a secure cabinet to ensure that there is no unauthorised access or possibility of accidental damage.
- Tapes will be individually and uniquely identified and labelled.
- A register will be maintained giving exact date and times of each use of each tape, recording the whereabouts of the tape, the reason for its removal and of the individual then responsible for it this includes viewing as well as recording.
- The Tape Log will be stored securely.
- Staff must be informed that records kept for library purposes and the tape register will be included in the regular audit.

### **Evidential use of recordings**

- Tapes required for evidential purposes shall be treated as exhibits and shall be retained and stored according to procedures agreed with the police.
- Any tape that is provided for evidence must be of proven integrity.
- Staff will be required to provide the police with statements required for evidential purposes.

### Police access to tapes

- Police may apply for access in accordance with an agreement made with the Council where the police reasonably believe that access to specific tapes is necessary for the investigation and detection of a particular offence or offences or for the prevention of crime.
- Police may obtain access under the provision of the Police and Criminal Evidence Act 1984.
- Tapes provided to the Police shall at no time be used for anything other than the purpose specified and identified when the tape is released to the police by Control Room Staff.
- Arrangements may be made from time to time for a Police officer appointed in accordance with liaison arrangements to visit the Control Room and confirm that the agreed procedures are being followed.

In the circumstances described above, the Control Room will then release the tape but ownership and copyright remain the Councils. The tape shall at no time be used for anything other than the purpose specified and identified.

For any video to be used as evidence in any criminal proceedings, there must be evidence of continuity of handling of the tape from the time it was first brought into use in the Control Room to its production in Court as evidence.

Any tape released from the Control Room to the Police will be placed in a sealed exhibit bag by the Police Officer before leaving the Control Room. The tape will be kept secure at all times thereafter and will be recorded and dealt with on the defendants custody record as a police exhibit or entered in F66 if no suspect arrested.

The videotape exhibited in Court as evidence must be the original recording. There must be NO editing, either by cutting or splicing or recording from other sources.

However, while the original tape is in Police possession, police may take one working copy of the tape and a second copy of the tape be used as disclosure material to the defence, using their official TTS5 (2) department service. Here again, written statements will be required from the police officers as supporting evidence on copying and other handling of the tape.

(N.B. TTS5 (2) department has specialist facilities for tape copying, analysis, image enhancement and processing for evidential purposes).

If a person is monitoring the CCTV system when an incident occurs, the evidence of what was seen on the monitor will be admissible in Court, as supporting evidence to the video recording itself. In these circumstances, a police officer duly authorised by the Police Control Room Supervisor at Twickenham Police Station will attend the Councils Control Room and obtain a statement from the person who witnessed the incident on the monitor.

The person in the Control Room who loaded the tape and the person who removed it from the recorder may also be required to make statements for Court purposes.

At the conclusion of the use of any original tape recording used by the Police, it will be returned to the Council Control Room unless the Court directs that it should be destroyed instead of being handed back to the Council.

If the police request the use of the system not provided for in the Code of Practice this will be agreed between The Chief Executive, the Environment Director and Chief Superintendent.

Telephone calls from the police, the officer involved, purpose of call and outcome, should be recorded in the Occurrence Log.

## **Third Party Access to Data**

### ***Access to and Disclosure of Images to Third Parties***

Only designated staff employed by the London Borough of Richmond upon Thames will have access and be authorised to view images on the CCTV system. This is restricted to:

The Control Room Manager  
The Corporate Health & Safety Manager  
The Facilities Manager  
Cash Office Manager  
The Head Council's Audit Section  
Other persons authorised by one of the above positions in the investigation of a particular incident or event.

These staff members are only permitted access for the purposes of carrying out their Council duties. Appendix B will be completed where the above persons need to download or otherwise allow viewing by third parties.

Disclosure of the recorded images to third parties should only be made if disclosure is compatible with the reasons for which the CCTV cameras were installed. These are: for the prevention, investigation and detection of crime; the identification, apprehension and prosecution of offenders; using evidence in criminal proceedings; and for public and staff safety. Disclosures for these purposes must only be made to: -

- Law enforcement agencies where the image(s) recorded would assist in a specific enquiry
- Prosecution agencies
- Relevant legal representatives
- The Media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be considered.
- People whose images have been recorded and retained and wish to view their own images (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings) (see paragraph 7 below).

All requests for access or for disclosure should be made on the appropriate declaration form (Appendix B) and recorded on the control sheet (Appendix C) and if either accepted or denied the reasons documented. In cases where access to or disclosure of the images is allowed, then the following is to be documented by CCTV Control Centre Manager who will supervise any access to the images.

- (i) The date and time at which access was allowed or the date on which disclosure was made
- (ii) The identification of any third party who was allowed access or to whom disclosure was made
- (iii) The reason for allowing access or disclosure

The extent of the information to which access was allowed or which was disclosed.

### ***Access by Data Subjects***

Section 7 of the Data Protection Act 1998 allows individuals to find out what data is held about themselves on computer and in paper records including CCTV images. This is known as the right of subject access.

Customer Service staff need to be able to recognise a request for access to recorded images by data subjects and be aware of the procedure in such circumstances. Enquiries will be referred to the senior member of staff on site who will initially deal with the individual who makes the request and will then contact the CCTV Control Centre Manager if such a request is made.

The Senior Customer Services Officer will provide the Data Subject with a standard subject access request form (**Appendix D**). This form can also be filled in by a person representing the Data Subject (for example, solicitor), where there is written authority from the Data Subject for that person to act on their behalf. However, if a solicitor/barrister wants to see images of people in addition to the individual they are acting for, they will need to fill in the form "Appendix C"

"Appendix D" will contain the following information: -

- (i) The name, address and contact information of the data subject
- (ii) The information required in order to locate the images including all relevant dates and times and if necessary a photograph of the individual in order to locate the correct image
- (iii) Indication whether the individual will be satisfied with viewing the image(s) only

Individuals will be provided with a leaflet that describes the types of images that are recorded and retained and information about the disclosure policy. This will include details of the response time the individual may expect the information to be available by and an explanation of the rights provided under the Data Protection Act 1998. It will inform the applicant that a fee of £10 will be charged for the search.

**The Council is under a legal obligation to provide access to the CCTV images within 40 days of receiving the completed form at Appendix D and the £10 fee.**

As part of the process the Supervisor/Manager will advise the Administration & Customer Services Manager whether the disclosure to the individual would entail disclosing images of other third parties. If it does then the Administration & Customer Services Manager will determine whether these images should be disclosed to the Data Subject, or whether they should be blurred or disguised. Images of other individuals should only be disclosed where:

- The other individual has consented to the disclosure; **or**
- It is reasonable in all the circumstances to disclose the image of the other individual without their consent. In deciding this regard shall be had to:
  - Any duty of confidentiality owed to the other individual;
  - Any steps taken by the Council with a view to seeking the consent of the other individual;
  - Whether the other individual is capable of giving consent (for example, whether they can be located); and
  - Any express refusal or consent by the other individual.

In summary, all steps should be taken to disguise or blur the features of identifiable individuals apart from the Data Subject on the CCTV image. Where it is not possible to do so, or to do so will involve significant effort, a decision must be made as to whether it is reasonable to disclose the images of the other individuals without their consent.

If the CCTV Control Centre Manager decides that a subject access request from an individual is not to be complied with, the reasons for refusal should be documented on the subject access request form and a response provided.

The Data Subject is entitled to see his/her own images unless providing these to the Data Subject would be likely to prejudice the prevention or detection of a crime, or the apprehension or prosecution of offenders. This must be decided on a case-by-case basis.

***Other Rights/Information***

An individual is entitled to serve a notice on the Council requiring the Council to cease processing images relating to the individual that are likely to cause substantial, unwarranted damage or distress to that individual or another person. All staff involved in operating the equipment must be able to recognise such a request from an individual

The CCTV Control Centre Manager is responsible for responding to such requests. Where a staff member receives a request, they must inform the CCTV Control Centre Manager about this immediately.

The CCTV Control Centre Manager has 21 days to respond to the request, and must indicate whether he will comply with the request or not.

If the Manager decides that the request will not be complied with he will set out the reasons in his response.

An individual file should be kept retaining all the documents relating to the request and referenced for ease of access and for audit purposes.

If an automated decision is made about an individual, the CCTV Control Centre Manager must notify the individual of that decision. If, within 21 days the individual requires, in writing, the decision to be reconsidered, the CCTV Control Centre Manager shall reconsider the automated decision. On receipt of the request to reconsider the automated decision the CCTV Control Centre Manager shall respond within 21 days setting out the steps that they intend to take to comply with the individual's request.

The whole process will be documented and a separate file maintained for each request.

### **Photographs**

- Still photographs will not be taken as a matter of routine.
- Still photographs from live incidents will only be taken at the request of the police officer whom should be identified, and a record made of the request in the Incident Log, together with a note of the incident, and the time and date of the request.
- A still photograph taken at a live incident or from a video recording may be produced at the request of a police officer of at least the rank of Inspector provided the Manager is satisfied the photograph is required for the prevention or detection of crime.
- Still photographs remain the property of the Council. A record will be kept in the Incident Log of the reason for their production, date and time, the name of the Control Room staff member responsible for producing it and will be indexed in sequence.
- Still photographs released to the police, will only be dealt with by the Police as an exhibit.
- Still photographs will be destroyed within 28 days unless made the subject of an application from the Police or are required as evidence. A record will be kept of the destruction of all photographs in the Incident Log.

### **Dealing with Incidents**

If during the monitoring in the Control Room, an operator sees an incident, which involves, or appears to involve, criminal activity, the operator will immediately switch to real time recording and alert the Police Control Room at Twickenham Police Station using the dedicated telephone link or call 9/999 depending upon the severity. The operator will try to obtain evidential quality footage of the event, if the police ask to take control of the camera this can be done but a log must be made in the Occurrence Log.

The Control Room Operator will log the details of the incident and the communication with the Police Controller on an Incident Form (including time, date, details of what was seen and the name of the Police Officer contacted).

If, during monitoring, the operator sees an incident which does NOT appear to involve criminal activity but which may constitute a misdemeanour (traffic congestion, damage or obstruction in landscaped areas etc) the operator may alert, at the earliest opportunity, the appropriate Council officer in the relevant department whose responsibility it may be to investigate the report and take all necessary remedial action.

Again the Control Room operator will log the details of the incident and the reporting line used in the Occurrence Log.

### **Police Contacts and use of the System**

When the Police have reasonable cause to believe that an incident has been recorded which involves, or may involve, criminal activity, a Police Officer duly authorised by the Police Controller at Twickenham Police station will be permitted to view and seize a copy of the tape if it is deemed relevant. Directions will be sought from the Development Manager, in relation to the data in accordance with Section 19(3) of PACE1984.

