

Waste enforcement CCTV Policy

This policy is to control the management, operation, use and confidentiality of the mobile CCTV cameras used for combating Environmental Crime.

Legislation

The legislation relating to CCTV use is detailed in the CCTV Code of Practice issued by the Secretary of State under section 30 of the Protections of Freedoms Act 2012. Wandsworth and Richmond Councils will have due regard to the General Data Protection Regulation (GDPR) and any subsequent data protection legislation, and to the Freedom of Information Act 2000, the Protection of Freedoms Act 2012 and the Human Rights Act 1998 and will also have due regard to the Surveillance Camera Code of Practice, issued under the Protection of Freedoms Act 2012 (POFA code), and in particular the 12 guiding principles contained therein.

The Code sets out 12 principles for the operation of surveillance camera systems. Each system should: -

- Have a defined purpose and legitimate aim.
- Not impinge on an individual's privacy or human rights.
- Be operated transparently so people know they are being monitored.
- Be operated with good governance.
- Have clear policies, rules and procedures in place.
- Store no more images/data than strictly required.
- Have safeguards in place in relation to who can view images/data.
- Meet relevant and approved standards.
- Ensure images/data are stored securely.
- Review systems regularly (at least annually).
- Be effective in supporting law enforcement.
- Databases used for matching purposes should be accurate and up to date.

The Information Commissioner's Office CCTV Code of Practice Version 1.2 20170609 aims to ensure that good practice standards are adopted by those who operate CCTV.

The provisions as set out within the Code remain within the current legislation as well as promoting public confidence by demonstrating that the Council's take their responsibility seriously.

The CCTV Scheme is registered with the Information Commissioner under the terms of the Data Protection Act 2018 and also complies with the General Data Protection Regulations.

Due regard will be given to the data protection principles contained within Article 5 of the GDPR which provide that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date;
- e) kept in a form which permits identification of the data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

This policy outlines the Council's use of CCTV and how it complies with the Act. 2.5 All authorised operators and employees with access to images are aware of the procedures that must be followed when accessing the recorded images. All employees are aware of the restrictions in relation to access to, and disclosure of, recorded images.

Statement of Purpose

The defined purpose of the CCTV system is to provide a safe and secure environment for the benefit of residents and visitors to the area.

The pressing need which has been identified is to maintain surveillance fly tipping hot spot areas the purpose of reducing or discouraging and detection of anti-social or criminal behaviour.

The CCTV system use and effectiveness will be reviewed by the Council on an annual basis.

The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law.

Cameras which are facing the direction of private dwellings will be electronically masked in both live and recorded images to prevent privacy being compromised. Cameras will be sited so they only capture images relevant to the purposes for which they are installed, and care will be taken to ensure that reasonable privacy expectations are not violated.

The Council will ensure that the location of equipment is carefully considered to ensure that images captured comply with the Data Protection legislation.

Cameras used will not be capable of recording sound.

The CCTV system will be used for the following purposes:

- • to reduce the fear of crime
- to assist the police, the Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of bye-laws to reduce the vandalism of property and to prevent, deter and detect crime and disorder
- It is not the intention of the Council to continuously monitor the CCTV images.

The CCTV system will NOT be used to provide information used to support a surveillance camera system which compares data against a reference database for matching purposes such as facial recognition.

The Council complies with Information Commissioner's Office (ICO) CCTV Code of Practice to ensure it is used responsibly and safeguards both trust and confidence in its continued use. The Code of Practice is published at: <https://ico.org.uk/media/1542/cctv-codeof-practice.pdf>

It is not possible to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

Responsibilities

Wandsworth and Richmond Councils retain ownership and overall responsibility for the CCTV system.

Day to day operational responsibility rests with the Head of Inspection and Enforcement or the Inspection and Enforcement Manager.

To demonstrate the transparency the Councils will operate the CCTV system, a contact point for access to information and for complaints will be published.

Information covering the CCTV system including the complaints procedure will be published on the Council website.

Digital records should be securely stored to comply with the Data Protection Act. Only the CCTV Operator or in their absence their manager, will have access to the secure hard drives containing the video images.

The CCTV Operator is to keep a record of when the video storage system is accessed and at whose request.

Access to the stored images will only be made for law enforcement purposes or as part of a Subject Access Request (SAR). Details of how to make a SAR are on the Council's website.

Storage of the digital images will be kept available for no more than 30 days. While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded. It is expected that any images required by law enforcement agencies will have been provided before the erasure of the images from the system.

The CCTV Operator shall on a regular basis check the accuracy of the date/time displayed on the images and ensure correctly timed erasure of images.

Individuals have the right to request access to CCTV footage relating to themselves under Data Protection Law. Any request from a member of the public to view their own recorded images must be made in writing as a Subject Access Request, the CCTV Operator will confirm the identity of the applicant by means of a valid passport, driving licence or similar government produced identity document. A standard fee for retrieving the images is payable. The images will normally be provided within 31 days of making the request.

The council will use appropriate image editing software to protect the identity of those persons shown in the image but not covered within the Subject Access Request themselves.

The Council will respond to requests within 31 calendar days of receiving the written request and correct ID.

The Council reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an on-going investigation.

Access to the information/images stored by the Councils is restricted to the CCTV Operator (or a nominated member of staff) and members of law enforcement agencies.

Approval for access to the monitors for any specific "project" will be subject to the permission of the full Council.

The Police are permitted access if they have reason to believe that such access is necessary to investigate, detect or prevent crime. The Police can visit the individual premises to review and confirm the Council's operation of CCTV arrangements. Any visit by the Police to view images will be logged by the operator. A receipt for Date and Time and Camera identified video images will be required by the Manager to ensure an audit trail of any images provided to authorised external agencies.

Breaches of this policy should be reported to the Council in writing and will be investigated by the Head of Inspection and Enforcement.

All retained data will be stored securely.

As records may be required as evidence at Court, each person handling a digital record may be required to make a statement to a police officer and sign an exhibit label.

Any images that are handed to a police officer should be signed for by the police officer and information logged to identify the recording and showing the officer's name and police station. The log should also show when such information is returned to the Council by the police and the outcome of its use.