

Draft Wimborne Minster Town Council CCTV Policy

Author: Louise Harrison, Town Clerk to Wimborne Minster Town Council 22 February 2024.

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1. Introduction

- 1.1 Wimborne Minster Town Council (the Town Council) owns and manages a closed-circuit television (CCTV) surveillance system. This Policy details the purpose, use and management of the Town Council's CCTV system and details the procedures to be followed in order for the Town Council to comply with relevant legislation and codes of practice wherever necessary.
- 1.2 This Policy takes account of all applicable legislation and guidance including General Data Protection Regulations (GDPR) 2018, Data Protection Act 2018, CCTV Code of Practice, section 30 (1) (a) of the Protection of Freedoms Act 2012), and the Human Rights Act 1998.
- 1.3 The Town Council will comply with the Information Commissioner's Office CCTV Code of Practice (see appendix 1) to ensure the CCTV system is used responsibly and safeguard both trust and confidence in its use.

2. Purpose

- 2.1 This Policy is in place to control the management, operation, use and confidentiality of fixed cameras at:
 - Pye Corner
 - corner of Redcotts Lane and West Street
 - the Town Square
 - corner of Deans Court Lane and King Street
 - High Street opposite the Minster
 - junction of East Street, Park Lane and Leigh Road
 - roundabout Leigh Road
 - Town Hall on West Borough
 - Redcotts Recreation Ground
 - Church Street
 - the Cornmarket
 - King Street Car Park (Upper)
 - King Street Car Park (Lower)
 - Westfield Close Car Park
 - Allenview Car Park
 - Allenview Car Park West
 - Poole Road Car Park
 - Crown Mead Car Park
 - Leigh Park Playing Fields
 - Co-op entrance Crown Mead
- 2.2 The Town Council's CCTV system will be used to :

- assist in providing a safe and secure environment for the benefit of those who might visit, work or live in the area - the system will not be used to invade the privacy of any individual except when carried out in accordance with the law
 - prevent, deter, reduce and detect crime, disorder and anti-social behaviour
 - assist the Police, other law enforcement agencies and the Town Council with identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of bye-laws
 - assist in the management of areas
 - deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display
 - assist all emergency services to carry out their lawful duties
- 2.3 The CCTV system is operational and capable of being monitored for 24 hours a day 365 days of the year and does not have sound recording capability.
- 2.4 The Town Council is the system operator and data controller for the images produced by the CCTV system.
- 2.5 All Town Council staff, councillors, volunteers and contractors involved in the operation of the CCTV system must be made aware of and will follow this Policy and supporting legislation and regulations (see point 1.5. above). All authorised access to the CCTV system and associated images is covered by the Data Protection Act 1988 and all staff, authorised contractors and volunteers will only be able to use the CCTV system in a way that is consistent with the purposes and procedures contained within this Policy.
- 2.6 The Council accepts the principles of the Human Rights Act 1998 Act based on the Data Protection Principles:
- data must be fairly and lawfully processed
 - processed for limited purposes and not in any manner incompatible with the purpose of these principles
 - adequate, relevant and not excessive
 - accurate
 - not kept for longer than is necessary
 - processed in accordance with individuals' rights
 - secure
 - not transferred to countries with inadequate protection
 - subject to guidance on good practice
- 2.7 In areas where the CCTV is used the Town Council will display appropriate signage at that location.
- 2.8 It is not possible to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

- 2.6 The siting of cameras will be placed in locations relevant to the purpose for which they have been installed and care will be taken to ensure that reasonable privacy expectations are not violated. The Town Council will ensure that the location of equipment is carefully considered to ensure that images captured comply with the Data Protection Act.

3. Management of the CCTV System

- 3.1 Day to day operational responsibility rests with the Town Council.
- 3.2 Breaches of this Policy will be investigated by the Deputy Town Clerk and reported to the Town Council.
- 3.3 A CCTV system prevents crime largely by increasing the risk of detection and prosecution of an offender. Any relevant tape or digital evidence must be in an acceptable format for use at Court hearings. This Policy must be read and understood by all persons involved in this scheme and individual copies of this Policy will therefore be issued for retention. A copy will also be available for reference in the secure recording areas (currently managed by volunteers at Wimborne Police Station).
- 3.4 The Town Council's CCTV system abides by the Information Commissioner's Office checklist for limited CCTV systems (see appendix 2).

4. Control and operation of the CCTV System

- 4.1 Trained operators must act with integrity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual.
- 4.2 No public access will be allowed to the CCTV monitors except for lawful, proper and sufficient reason, with prior approval of the Deputy Clerk or other authorised member of staff, Police or CCTV operative. The Police have access to tapes and prints if they have reason to believe that such access is necessary to investigate, detect or prevent crime. Any visit to the CCTV monitor area will be logged by the Police / volunteers and access to images will be restricted to those staff and authorised contractors to view them in secure rooms at the above venues.
- 4.3 Any event that requires checking of recorded data should be clearly detailed in the log book of incidents, including a crime reference if available.
- 4.4 All requests should be made in writing to the Deputy Clerk detailing sufficient information to enable images relating to them to be identified. The Town Council's office will respond to requests within 28 days.
- 4.5 Any request by an individual member of the public for access to their own recorded image must be made on an 'Access Request Form' (see appendix 3) and if authorised a fee of £25 may be charged per request (to cover the cost of administering the request, visiting the site and accessing the system). Sight of the individuals driving license or passport will be required as proof of identity. Requests will be submitted to the Town Council offices for consideration and reply, normally within one calendar month in line with the Council's privacy statement and the General Data Protection Regulations and the Data Protection Act 2018.
- 4.6 Storage and retention of images

Digital records should be securely stored to comply with data protection and should only be handled by the essentially minimum number of persons. Digital images will be erased after a period of 28 days.

- 4.7 The Town Council reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an ongoing police investigation.
- 4.8 Operators should check the accuracy of the date/time displayed on a monthly basis.
- 4.9 As records may be required as evidence at Court, each person handling a digital record may be required to make a statement to the Police and sign an exhibit label. Any images that are handed to the Police 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 Town Council by the Police and the outcome of its use.
- 4.10 Any damage to equipment or malfunction discovered by an operator should be reported immediately to the Deputy Town Clerk. When a repair has been made this should be logged showing the date and time of completion.
- 4.11 The Police will be informed of the installation and provided with a copy of this Policy.
- 4.12 Any written concerns, complaints or compliments regarding the use of the system should be directed to the Deputy Town Clerk and will be considered by the Town Council, in line with the existing Complaints Policy.
- 4.13 The CCTV system may be used within the Town Council's discipline and grievance procedures as required and will be subject to the usual confidential requirements of those procedures.
- 4.14 Further information on CCTV and its use is available from:
 - CCTV Code of Practice - <https://ico.org.uk/>
 - Regulation of investigatory Powers Act 2000 (RIPA) - <https://www.legislation.gov.uk/ukpga/2000/23/contents>
 - Data Protection Act and GDPR 2018 - <https://www.gov.uk/data-protection>

5. Monitor and review

- 5.1 This Policy will be reviewed annual or as required and may be discussed at meetings of the Recreation Leisure and Buildings Committee. Any major change that would have a significant impact on either the purpose of this Policy or operation of the CCTV scheme will take place only after discussion and resolution at a Full Council meeting.

6. Responsible person contact details

Kevin Brooks, Deputy Town Clerk to Wimborne Minster Town Council, 37 West Borough, Wimborne Minster BH21 1LT. Telephone 01202 881655. Email kevin.brooks@wimbortne.gov.uk

7. Accountability

- 7.1 Copies of this Policy are available in accordance with the Freedom of Information Act. Any reports relevant to the CCTV system will be reported to the Town Council provided they do not breach security needs.

7.2 The Police will be informed of the installation and provided with a copy of this Policy.

Appendix 1 –Surveillance Camera Code of Practice 2013 and amended 2021

<https://www.gov.uk/government/publications/update-to-surveillance-camera-code/amended-surveillance-camera-code-of-practice-accessible-version>

System operators should adopt the following 12 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 user 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 rules 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.

Appendix 2 – ICO checklist for limited CCTV systems (small businesses)

This CCTV system and the images produced by it are controlled by Wimborne Minster Town Council who is responsible for how the system is used under the UK GDPR and Data Protection Act 2018.

We (Wimborne Minster Town Council) have considered the need for using CCTV and have decided it is necessary for the prevention and detection of crime and for protecting the safety of individuals, or the security of premises. We will not use the system for any incompatible purposes and we conduct regular reviews of our use of CCTV to ensure that it is still necessary and proportionate.

	Checked (date)	By (name)	Date of next review
If our system is processing footage of identifiable individuals and is processing personal data, we have registered as a controller and submitted a relevant data protection fee to the ICO. We have also recorded the next renewal date.			
There is a named individual who is responsible for the operation of the system.			
Prior to processing we have clearly defined the problem we are trying to address. We regularly review our decision to use a surveillance system.			
We have identified and documented an appropriate lawful basis for using the system, taking into consideration Article(s) 6, 9 and 10 of the UK GDPR and relevant Schedules of the DPA 2018.			
Our system produces clear images which we can easily disclose to authorised third parties. For example when law enforcement bodies (usually the police) require access to investigate a crime.			

We have positioned cameras in a way to avoid any unintentional capture of private land or individuals not visiting the premises. There are visible signs showing that CCTV is in operation. Contact details are displayed on the sign(s) if it is not obvious who is responsible for the system.

We securely store images from this system for a defined period and only a limited number of authorised individuals may have access to them.

Our organisation knows how to respond to individuals making requests for copies of their own images, or for images to be erased or restricted. If unsure the controller knows to seek advice and guidance from the ICO as soon as a request is made.

Appendix 3 - Access Request Form

CCTV Data Subject Access Request

Under the Data Protection Act 2023 schedule 2 part 1 and 5 (3), listed GDPR provisions do not apply to personal data where disclosure of the data:

(a) is necessary for the purpose or, or in connection with, legal proceedings (including prospective legal proceedings),

(b) is necessary for the purpose of obtaining legal advice, or

(c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights, to the extent that the application of those provisions would prevent the controller from making disclosure.

Please refer to Wimborne Minster Town Council's CCTV Policy for further information (www.wimborne.gov.uk/your-council/strtegic-documents/).

Full name		Mr	Mrs	Miss	Ms	Dr	Other
Address							
Email							
Telephone							
Company details							
Crime reference / court reference / insurance claim reference:							
<p>Data required</p> <p>Please explain in as much detail as possible what it is that you require from our CCTV system. Please use additional sheets if required. Note - if you are unable to supply this information we will be UNABLE to proceed with this request as it is not possible to watch all footage on the system recorders (this would be an example of an unreasonable request). Additionally the CCTV system operated by Wimborne Minster Town Council deletes CCTV data older than 31 days old - if we do not receive a validated request within this time we will be UNABLE to continue this Subject Data Access Request as the data will no longer exist. Please supply the place of the incident you are enquiring about as without this we will not be able to process this request - the more accurate you are in supplying the location better chance there is of helping you (address including street / street number / Post Code, National Grid Coordinates, a screen print from an online map service with a suitably positioned and identified marker / a map showing the location / 'What3Words').</p>							
<p>Reason for requesting data:</p> <p>Please refer to the guidance notes on page 5 regarding data you can request</p>							
<p>Date, time (from / to) and location of incident:</p>							

Subject data description:

Please indicate your gender, height and clothing as this will assist in identifying you on the CCTV footage

Vehicle identification of applicable (registration mark, model, colour):

Description of incident:

Note - There are reasons that you CANNOT request CCTV Data and under these circumstances your request will be denied. If we deny your request for CCTV Data we will tell you this in writing. Some examples when we will deny your request are:

- *you have been assaulted and want evidence of this. You cannot request this data to conduct your own investigation. In this instance you must contact the police who are authorised to request CCTV Data for the prosecution of crime. It would be possible to supply the footage BUT we will need to redact the identifiable images of the 3rd persons in the footage to comply with the GDPR.*
- *You want to see if your employee was at work on time. You have no rights to see other people's CCTV Data as defined by the GDPR.*
- *My car was damaged whilst parked and I want to see who did it. The person who damaged your car also has rights under the GDPR and therefore we cannot supply that CCTV Data.*
- *Disclosure of the CCTV Data may be prejudicial to an ongoing police investigation and disclosure of the CCTV Data may interfere with that investigation.*

Each Data Subject Access Request will be dealt with on a case by-case basis.

Please provide details of the purpose for which you are requesting this information. Please enter 'yes' or 'no' against each category.

(a) I am the subject of the data request	
(b) I am acting on behalf of the data subject	
(c) The request is necessary for the purpose or, or in connection with, legal proceedings (including prospective legal proceedings)	
(b) The request is necessary for the purpose of obtaining legal advice	
(c) The request is otherwise necessary for the purposes of establishing, exercising or defending legal right	

Proof of identity

In order to prove the data subject's identity, we need to see copies of two pieces of identification, one from list A and one from list B below. Please indicate which ones you are supplying. Please do not send originals.

In addition, if you are acting on the data subject's behalf, we also need to see evidence of your identity. Please send us two pieces of identification, one from list A and one from list B. Please do not send originals.

If your Photo ID does not reflect your current appearance please supply a recent full face photograph to assist in identifying you in the CCTV footage. (If we are unable to identify you we will be unable to complete your request)

Note - we are UNABLE to process this request without confirming your identity as we would be in breach of General Data Protection Regulations. Please DO NOT send original documents although you may bring them to the Town Hall if you wish.

List A	List B
Passport/Travel Document	Utility bill showing current home address
Photo Driving Licence	Bank Statement or Building Society Book
National Identity Card	A letter sent to you by Wimborne Minster
Bus card	Town Council or Dorset Council

Declaration:

The information which I have supplied in this application is correct, and I am the person to whom it relates or a representative acting on his/her behalf. I understand that Wimborne Minster Town Council may need to obtain further information from me/my representative in order to comply with this request. I acknowledge that a person who impersonates or attempts to impersonate another may be guilty of an offence.

I have provided the following

Name of data subject:

Signature:

Name of applicant if not the data subject:

Signature:

Date:

Note - by completing this form you agree to your data being processed for the purpose of complying with the General Data Protection Regulations (2018). You further agree that you have read, understand and agree with our Privacy Policy. You also understand that once your CCTV Data has been supplied to you its use, security and safe disposal are your responsibility.

Please send completed form to: Wimborne Minster Town Council, the Town Hall, 37 West Borough, Wimborne Minster BH21 1LT, with your identity documents.

Town Council officer name:

Town Council officer signature:

Date received:

Date actioned: