

Tunbridge Wells Borough Council  
Tonbridge and Malling Borough Council

# **Closed Circuit Television (CCTV) Management and Operation Code of Practice 2019**

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# Certificate of Agreement

The content of this CCTV Code of Practice is hereby approved in respect of Tunbridge Wells Borough Council and Tonbridge & Malling Borough Councils Closed Circuit Television System and, as far as is reasonably practicable, will be complied with by all who are involved in the management and operation of this system.

Signed for and on behalf of Tunbridge Wells Borough Council

**Name:** William Benson

**Position held:** Chief Executive

Dated the 20th day of August 2019

Signed for and on behalf of Tonbridge & Malling Borough Council

Signed for and on behalf of Kent Police

**Name:** Patrick Griffith

**Position held:** Area Inspector

Dated the 20th day of August 2019

# 1 Introduction

- 1.1. Tunbridge Wells and Tonbridge & Malling Borough Councils work in partnership together. They have introduced a Closed-Circuit Television (CCTV) system (hereafter called the System). The System comprises a number of cameras installed at strategic locations in the two boroughs. Some of the cameras are fully operational with pan, tilt and zoom facilities, whilst others are fixed cameras with on-site recording. There are no recording facilities at any location other than the CCTV Control Room situated in the basement of Tunbridge Wells Borough Council offices and a Review Suite at Tonbridge and Malling Borough Council's offices at Kings Hill.
- 1.2. CCTV schemes that process personal data are obliged to conform to certain legislation, most importantly the Data Protection Act 2018 (DPA), the Human Rights Act 1998 (HRA), the Freedom of Information Act 2000, the Protection of Freedoms Act 2012 and the Regulation of Investigatory Powers Act 2000. The British Standard 7958 is designed to supplement the legislation and aims to ensure fairness, purpose and responsibility.
- 1.3. Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV Systems have evolved to form a partnership between the Councils and Kent Police, who have all certified on the previous form their acceptance of the requirements of this Code of Practice (hereafter called the Code).
- 1.4. For the purposes of this document, the 'owners' of the System are Tunbridge Wells and Tonbridge & Malling Borough Councils.

For the purposes of the Data Protection Act the 'data controllers' are Tunbridge Wells Borough Council and Tonbridge & Malling Borough Councils.

The system is managed by Tunbridge Wells and Tonbridge & Malling Borough Councils.

The system has been notified to the Information Commissioner.

Details of the telephone numbers of the owners of the System, together with their respective responsibilities, are shown at Appendix A to this Code.

- 1.5. It is recognised that operation of the Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV System may be considered an infringement of the privacy of individuals. The Partnership recognises that it is their responsibility to ensure that the scheme should always comply with all relevant legislation in order to ensure its legality and legitimacy in a democratic society. The scheme will only be used as a proportional response to identified problems. It will only be used in the interests of national security, public safety, the economic well-being of the area, the prevention and detection of crime or disorder, the protection of health and morals, or for the protection of the rights and freedoms of others.

- 1.6. Observance of this Code and the accompanying Procedure Manual shall ensure that evidence is secured, retained and made available as required with due regard to the rights of the individual.
- 1.7. Tunbridge Wells and Tonbridge & Malling Borough Council's CCTV System shall be operated with respect for all individuals, recognising the individual right to be free from inhuman or degrading treatment and avoiding any form of discrimination on the basis of sex, race, age, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- 1.8. The government have attempted to address this perceived intrusion problem by introducing the Protection of Freedoms Act 2012, the 2013 Surveillance Camera Code of Practice and establishment of a Surveillance Camera Commissioner. The Home Office appointed a Surveillance Camera Commissioner.
- 1.9. Tunbridge Wells and Tonbridge & Malling Borough Councils public space CCTV system operates within the 2013 Surveillance Camera Code of Practice guidelines, the Protection of Freedoms Act 2012 and the British Standard CCTV Code of Practice BS7958 which gives recommendations for the operation and management of the CCTV within a controlled environment such as a CCTV control room. It applies where data that might be offered as evidence is received, stored, reviewed or analysed. It also applies to the monitoring of traffic regulations.
- 1.10. The BS7958 standard provides recommendations on best practice to assist users in obtaining reliable information that can be used as evidence. Compliance within the Data Protection Act is strongly recommended, particularly where schemes include an element of observation of the public  
  
The Surveillance Camera Commissioner (SCC) has promised to promote the principles of transparency and openness which are contained in the Protection of Freedoms Act 2012.
- 1.11. The 2013 Surveillance Camera Code of Practice, states that relevant authorities, as defined by the Protection of Freedoms Act, should adopt guiding principles contained within its pages. By adopting these principles owners and operators should make their systems more efficient and productive. Tunbridge Wells and Tonbridge & Malling Borough Councils actively supports and applies the principles given in this document.
- 1.12. Tunbridge Wells and Tonbridge & Malling Borough Councils are commitment to the principles and values, contained within the Home Office Surveillance Camera Code of Practice 2013. This demonstrates transparency as much as possible within the legislative guidelines.
- 1.13. This CCTV Code of Practice reflects the 12 Guiding Principles of the Code.
- 1.14. The Surveillance Camera Commissioner 12 Guiding Principles listed are as follows:
  1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined 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. 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.

## 2 Objectives of the System

2.1 The objectives of the Tunbridge Wells and Tonbridge & Malling Borough Council's CCTV System, which form the lawful basis for the processing of data are:

- to help reduce the fear of crime
- to help detect crime and provide evidential material for court proceedings
- to provide assistance in the overall management of public health and safety
- to enhance community safety, assist in developing the economic well-being of Tunbridge Wells and Tonbridge & Malling Borough Councils and to encourage greater use of the town centres, shopping areas, car parks and similar locations within the district.
- to assist the local authorities in their enforcement and regulatory functions within the area of Tunbridge Wells and Tonbridge & Malling Borough Councils.
- for public safety
- to assist in traffic management
- to safeguard vulnerable adults
- to safeguard children and young people
- to detect, prevent or provide assistance and evidence in cases of domestic abuse
- for the protection of the rights and freedoms of others.
- interests of national security
- to address anti-social behaviour
- to assist with public safety and emergency planning

2.2 This Code is supplemented by a separate Procedure Manual, which provides guidelines on all aspects of the day-to-day operation of the System. To ensure the purpose and principles of the CCTV system are realised, the Procedure Manual is based upon and expands the contents of this Code. Due to the operational sensitive nature of The Procedure Manual this document is not a public document.

# 3 Purpose and Principles

## Purpose

- 3.1 The purpose of this document is to state the intention of the owners and the managers, on behalf of the Partnership, to support the objectives of the Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV System and to outline how it is intended to do so.
- 3.2 The 'Purpose' of the System, and the process adopted in determining the reasons for implementing the system are as previously defined, in order to achieve the objectives detailed within Section 1.

## General Principles of Operation

- 3.3 The System will be operated in accordance with the principles and requirements of the Human Rights Act 1998.
- 3.4 The operation of the System will also recognise the need for formal authorisation of any covert 'directed surveillance' or crime-trend 'hotspot' surveillance, as required by the Regulation of Investigatory Powers Act 2000 and Police Policy. This includes, the Investigatory Powers (Technical Capability) Regulations updated in 2018.
- 3.5 The System will be operated in accordance with the Data Protection Act 2018.
- 3.6 The System will be operated in accordance with the General Data Protection Regulation (GDPR) which became law in May 2018.
- 3.7 The System will be operated fairly and within the law. It will only be used for the purposes for which it was established, and which are identified within the Code of Practice, or which may be subsequently agreed in accordance with the Code.
- 3.8 The System will be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and home.
- 3.9 The public interest in the operation of the System will be recognised by ensuring the security and integrity of operational procedures.
- 3.10 Throughout this Code it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the rights of the individual. The owners of the System operate complaints procedures that ensure that the System is not only accountable but is seen to be accountable.
- 3.11 All complaints should be directed to the appropriate Councils website. When the councils receives your complaint, an acknowledgement will be sent within 3 working days. Your complaint will be investigated by a senior manager who will reply to you within 15 working days after acknowledgement.

- 3.12 Participation in the System by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this Code and to be accountable under the Code.

## 4 Management of the CCTV System

### Copyright and data controller

- 4.1 Copyright and ownership of all material recorded by virtue of the System will remain with the Councils' respective Data Controllers. Once recorded data has been released to a partner or authorised other, such as the Police, legal teams and or authorised other, they then become the Data Controller for the data. It is then the responsibility of the Police or authorised other to comply with the Data Protection Act and all other legislation in relation to any further disclosures and security of that data.
- 4.2 All released data must be signed for to indicate and evidence responsibility as to the new Data Controller. The new Data Controller must understand their responsibility under the General Data Protection Regulations, the Humans Rights Act and any other relevant legislation.

### Cameras and area coverage

- 4.3 The areas covered by CCTV to which this Code refers are the public areas within the responsibility of the operating partners. These currently cover Tunbridge Wells, Knights Park, North Farm, Fountains Retail Park, Paddock Wood, Southborough, Rusthall, Cranbrook, Lamberhurst, Hawkhurst, Pembury, Tonbridge, West Malling, Snodland and car parks in Aylesford, West Malling and Blue Bell Hill.
- 4.4 Transportable or mobile cameras may be temporarily sited within the Boroughs. The use of such cameras, including automatic number plate recognition (ANPR), facial recognition and / or analytics may be used. The data produced by virtue of their usage, will always accord with the objectives of the system and is governed by this Code and the Procedure Manual.
- 4.5 Majority of the cameras offer full colour, pan tilt and zoom (PTZ) capability, which may automatically switch to monochrome in low light conditions.
- 4.6 None of the cameras forming part of the System will be installed in a covert manner. Some cameras may be enclosed within 'all weather domes', for aesthetic or operational reasons, the presence of all cameras will be identified by appropriate signs.

# 5 Monitoring and usage procedures

- 5.1 A staffed monitoring room called the CCTV Control Room is located in the Tunbridge Wells Town Hall. The CCTV equipment installed there has the capability of recording all cameras simultaneously throughout every 24-hour period. Secondary monitoring equipment may be located in police premises, property and the CCTV Review Suite.
- 5.2 Live data feeds to Kent Police Control Centre at Maidstone from Tunbridge Wells CCTV Control Room are available in police vehicles and various police stations.
- 5.3 Recorded images from any camera for evidential purposes shall be managed via the CCTV Control Room.
- 5.4 CCTV operators are able to record images from selected cameras in real-time, produce hard copies of recorded images, replay or copy any pre-recorded data at their discretion and in accordance with this Code. Only trained, licensed and authorised users shall operate viewing and recording equipment.
- 5.5 The intentions of this CCTV system has a clearly defined purpose or purposes in pursuit of a legitimate aim. The data held is appropriate for the objectives and the owner has a reasonable cause to hold the data.
- 5.6 The purpose is clearly documented in this Code of Practice against which the ongoing use of the system and any images or other data can be assessed.
- 5.7 The CCTV system captures processes, analyses and stores images and data at a quality which is appropriate for its defined purpose. The data or images will not be held for longer than necessary in accordance with the scheme's objectives.
- 5.8 Where the purpose of the CCTV scheme includes crime prevention, detection and investigation, it should be capable of delivering images and other data which are of evidential value to the criminal justice system. Effective safeguards should be put in place to ensure the integrity of recorded images and data are recorded reliably and any data compression does not compromise the data below the quality required to meet the defined purpose. A record should be kept as an audit trail of how images and data have been handled if they are likely to be used as exhibits for the purpose of criminal proceedings in court.

# 6 Transparency

- 6.1 CCTV signage, annual CCTV reports, CCTV Reviews, CCTV Assessments and this CCTV Code of Practice are made available to the public to demonstrate transparency indicating to the public that persons who are being monitored are made aware that such activity is taking place with the council's overt public space CCTV system. The undertaking of the activity and the purpose of the activity; this is an integral part of overt surveillance and is a legal obligation.

- 6.2 In the development or review of a CCTV scheme, consultation and engagement are an important part of assessing whether there is a pressing need and a CCTV system is a proportionate response; consultation should be undertaken with all relevant parties and partners.
- 6.3 Tunbridge Wells and Tonbridge & Malling Borough Councils carry out Privacy Impact Assessments (PIAs) on all the CCTV cameras every year. This is to assess if a CCTV camera is still doing the job it was installed to do.
- 6.4 PIAs will also be carried out prior to any new CCTV cameras being installed. A PIA assesses whether cameras unnecessarily impact on people's privacy. If they do then action must be taken either to mask images or locate the cameras in alternative positions.

Attention is drawn to Principle 3 of the Surveillance Camera Commissioner Guiding Principles.

- 6.5 The Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV Systems policies and procedures are based on approved standards. This may also apply to the design, installation, operation and maintenance of the CCTV system, but also where applicable to any additional standards which cover advanced capabilities such as ANPR, body-worn video, facial recognition and video analytics.

Attention is drawn to Principle 8 of the Surveillance Camera Commissioner Guiding Principles.

# 7 Annual CCTV audits report and reviews

- 7.1. An annual independent CCTV Audit or review will be undertaken. There should be effective reviews and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- 7.2. Regular reviews shall be carried out by the CCTV Manager, of the Control Room records and management system. The Council's Auditors will be given full access to all systems, when required.
- 7.3. An annual report, CCTV review and a CCTV Impact Assessment on each camera will be carried out to ensure the scheme still meets the specified purpose and to minimize the effects on individuals, their privacy and to ensure the need for the cameras is still justified.
- 7.4. If the objectives of the scheme and or cameras are no longer valid, then the cameras may be withdrawn.

Attention is drawn to Principles 2 and 10 of the Surveillance Camera Commissioner Guiding Principles.

# 8 Management and operational responsibilities

- 8.1. The owner of the CCTV Control Room is Tunbridge Wells and Tonbridge & Malling Borough Councils they both have responsibilities for the scheme.
- 8.2. Policies and procedures should be in place to meet requests from individuals about images of themselves under "Subject Access Request" to manage those images where third parties are included. In addition, there should be policies and procedures to deal with requests from public bodies for data information.
- 8.3. The owner should not disclose data without a record of the request and the Authorization, which should be retained for a minimum period of 2 years.
- 8.4. Recorded CCTV data is saved on hard drives for 31 days then automatically deleted.  
Attention is drawn to Principles 7 and 12 of the Surveillance Camera Code of Practice
- 8.5. The CCTV Manager is the "Single Point of Contract" (SPOC) this is the person with direct control of the CCTV scheme, the manager is responsible to the owner and will have the authority, control and competence for the day to day running of the control room.

- 8.6. The CCTV Manager will have the responsibility for the implementation of procedures to ensure that the CCTV system operates according to the objectives for which it was installed and in accordance with the objectives identified for the CCTV scheme.
- 8.7. The CCTV Manager is responsible for the liaison with all partners in, and users of, the CCTV scheme; this should include supervision of access to any data obtained by the CCTV scheme.
- 8.8. The CCTV Manager will have responsibility for the instigation of disciplinary procedures against operators in matters relating to non-compliance with the CCTV British Standard 7958, operational procedures and breaches of confidentiality or the unauthorized release of data.

Attention is drawn to the Surveillance Camera Code of Practice Principles 7

- 8.9. CCTV Operators will ensure that, at all times, the CCTV scheme is operated in accordance with its policy and all procedural instructions relating to the CCTV scheme, and should bring to the immediate attention of the manager any matter affecting the operation of the CCTV scheme, including any breach (or suspected breach) of the policy, procedural instructions, security of data or confidentiality.
- 8.10. CCTV operators should ensure that, at all times they carry out their duties in an efficient and responsible manner, in accordance with the objectives of the CCTV scheme. This should include regular checks and audit trails to ensure that the documentation or computer records, in the case of digital systems, are working effectively.
- 8.11. CCTV Operators should ensure that they carry out their duties in accordance with this Code of Practice, the CCTV Procedure Manual and all the Councils good practice procedures as well as the Councils health and safety policy requirements.
- 8.12. CCTV operators should work under the direction of the owner, manager or supervisor and in accordance with this Code of Practice and Procedural Policies.
- 8.13. CCTV Operators should be proficient in the control of cameras and operation of all equipment forming part of the CCTV scheme. They should acquire a good knowledge of the area covered by the camera and ensure that information recorded or obtained by the CCTV scheme is accurate, adequate, relevant and does not exceed that which is necessary to fulfil its objectives.
- 8.14. Operators will be regularly vetted for handling personal data and images.

Attention is drawn to Principles 2, 6, 7, 8, 9 and 11 of the Surveillance Camera Code of Practice.

## Management of recorded material

- 8.15. For the purpose of this code of practice “recorded material” means any images recorded by, or as a result of, technical equipment that forms part of Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV Control Room. This specifically includes images recorded and digital still prints. All images are constantly recorded 24/7 onto hard drives.
- 8.16. Images are received from cameras and transmitted to the CCTV Control Room via fibre optics, broadband connection or line of sight, and recorded digitally onto a hard drive system. Images are stored for a maximum of 31 days.
- 8.17. Images recorded in the Control Room will only be used by the Council, statutory agencies and others permitted by the Council and only in secure conditions for the following authorised purposes:
- a) Identification of persons suspected of criminal behaviour or anti-social behaviour
  - b) Production in a court of law by the police or other law enforcement agency for evidential purposes
  - c) Production by the council for lawful purposes in connection with the Council’s statutory duties
  - d) For the purpose of Health and Safety and National Security
  - e) For training and promotional purposes subject to the approval by the CCTV Manager and or Senior Management Team.
- 8.18. Under no circumstances will the data on recorded media in the control room be issued, given or sold to any third party without the prior approval of the CCTV Manager and or the Senior Management Team.
- 8.19. All released data / media will be recorded in the data release register for continuity of evidence and for auditing purposes.
- 8.20. Recorded data has a unique tracking record maintained in accordance with the Procedure Manual. The tracking record shall identify every use of the recorded data and every person who has had access to the images, to its erasure, seizure or removal. The tracking record will be retained for at least three years following destruction of the data.

## Provision & quality of digital images DVD/CD and duplication media

- 8.21. To ensure the quality of recorded information will meet the criteria outlined by current Home Office guidelines, only duplicating media which have been specifically provided in accordance with the Procedure Manual will be used in the System.

## 9 Human Resources

- 9.1. Unauthorised persons will not have access to the Control Room without an authorised member of staff being present. Special permission may be granted by senior officers.
- 9.2. Operators, who are specially selected and trained in accordance with the strategy contained within the Procedure Manual, shall staff the Control Room.
- 9.3. All CCTV personnel shall receive relevant training in the requirements of the Human Rights Act 1998, Data Protection Act 2018, General Data Protection Regulations May 2018, Regulation of Investigatory Powers Act 2000, this Code and the CCTV Procedure Manual. Further training will be identified and provided as necessary.
- 9.4. All CCTV staff and partnerships recognises that public authorities and those organisations carrying out the functions of a public service are required to observe the obligations imposed by the Human Rights Act 1998. The Partnership considers that the use of CCTV in Tunbridge Wells, Knights Park, North Farm, Fountains Retail Park, Paddock Wood, Southborough, Rusthall, Cranbrook, Lamberhurst, Hawkhurst, Pembury, Tonbridge, West Malling, Snodland and car parks in Aylesford, West Malling and Blue Bell Hill, are necessary, proportionate and a suitable tool to help reduce crime and the fear of crime and to improve public safety.
- 9.5. The Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV System shall be operated with respect for all individuals, recognising the individual right to be free from inhuman or degrading treatment and avoiding any form of discrimination on the basis of sex, race, age, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- 9.6. All persons involved with the System must be vetted by the Police, in accordance with Kent Police Force Policy. This applies to all CCTV personnel, irrespective of whether they are employed full-time, part-time, or on a permanent or casual basis.
- 9.7. The safety and welfare to staff, visitors and contractors to the CCTV Control Room is of the utmost importance. COVID-19 had seen the introduction of many additional safety measures. Hand sanitisers inside and outside the control room, social distances markers on the floor, mobile safety screens, office deep cleaning programme in place and controlled visits only.

- 9.8. All persons involved with the System shall receive training in respect of this Code of Practice, the CCTV Procedure Manual and legislation relevant to their role. Such training will be updated as and when necessary. All operators must be vetted and licensed by the Security Industry Authority (SIA) and trained in public space surveillance.
- 9.9. All CCTV staff training will be provided and supervised by persons qualified and experienced in all aspects of the management and operation of the CCTV system.
- 9.10. All new CCTV staff are required to complete a CCTV training course.
- 9.11. All CCTV staff have access to a training scheme with many related courses available to choose from. This is evaluated during one to one meetings and staff appraisals.
- 9.12. Discipline - Each individual having responsibility under the terms of this Code, who has any involvement with the System to which it refers, will be subject to the Authority's Code of Discipline and the Authority's Policies. Any breach of these, or of any aspect of confidentiality, will be dealt with in accordance with that Code of Discipline.
- 9.13. The CCTV Manager will have primary responsibility for ensuring that there is no breach of security and that this Code is complied with. The CCTV Manager and or the monitoring Contracts Manager will have day-to-day responsibility for the management of the CCTV Control Room and for enforcing the Code. Non-compliance with this Code by any person will be considered a severe breach of conduct and will be dealt with accordingly, including, if appropriate, by criminal proceedings.
- 9.14. Declaration of Confidentiality - Every CCTV Operator with responsibility under the terms of this Code, who has any involvement with the System to which it refers, will be required to read, understand and sign a declaration of confidentiality (See Appendix B).

## **10 CCTV Control Room and Operation of Cameras**

- 10.1. The CCTV Control Room is a dedicated room within the building. The CCTV control room is kept locked at all times with magnetic-locks operated by CCTV staff, Digi-locks requiring an alpha or numeric code for entrance, or other equally secure means. CCTV is also in operation for security reasons.
- 10.2. CCTV cameras are monitoring the room and at all times. This is to protect and safeguard the equipment and confidential data held within. This demonstrates the integrity of the system.
- 10.3. The CCTV control room has direct communication with emergency services, so that immediate contact can be made in times of emergency or during incidents.

- 10.4. All persons operating the cameras must act with the utmost probity and integrity at all times.
- 10.5. Only persons, who have been trained in their use and the legislative implications of such use, will operate the cameras and the control, recording and reviewing equipment.
- 10.6. Every use of cameras will accord with the purposes and key objectives of the System and shall be in compliance with this Code
- 10.7. Cameras will not be used to look into private residential property. 'Privacy Zones' shall be programmed into the System, whenever practically possible, in order to ensure that the interior of any private residential property is not surveyed by the cameras
- 10.8. Camera operators will be mindful of exercising prejudices, which may lead to complaints of the System being used for purposes other than those for which it is intended. The operators may be required to justify their interest in, or recording of, any particular individual or group of individuals or property.
- 10.9. All visitors to the Control room, regardless of their status, including inspectors and auditors, will be required to sign the visitors' book and acknowledge confidentiality rules at all times.
- 10.10. Technical instructions on the use of equipment housed within the Control Room are contained in a separate manual provided by the equipment suppliers.
- 10.11. All recorded data will be processed and handled strictly in accordance with this Code and the CCTV Procedure Manual.
- 10.12. A record of all incidents should be maintained by CCTV operators in the appropriate incident log. The information to be recorded should include anything of note that might be useful for investigative and evidential purposes or future system assessment and evaluation. This is to also to demonstrate continuity of evidence for legal matters.

## 11 Privacy

- 11.1. Cameras should not be used to infringe an individual's rights to privacy. Privacy zones are programmed into the CCTV system as required, in order to ensure the integrity of any private properties within the range of the CCTV scheme are not viewed.
- 11.2. All data obtained by virtue of the system shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the system. Personal data shall be processed with due consideration to a persons' right to respect for his or her private and family life and their home.

- 11.3. Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV system respects and support individuals' rights to privacy and this is a primary consideration in the operation of the systems.
- 11.4. Operators should be made aware that misuse of the cameras (i.e. the use of cameras for objectives other than those for which they are intended) might constitute a breach of the law and may result in disciplinary action and or dismissal.

## 12 Data Protection Legislation

- 12.1. The Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV operation of the system has been notified to the Information Commissioner in accordance with current Data Protection legislation.
- 12.2. The Data Controller for the system is Tunbridge Wells and Tonbridge & Malling Borough Councils; the day-to-day responsibility for the data will be devolved to the CCTV Manager
- 12.3. All data will be processed in accordance with the Data Protection Act 2018.
- 12.4. All personal data will be obtained and processed fairly and lawfully and within the purpose and objectives of this scheme.
- 12.5. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 12.6. Personal data shall be accurate and where necessary kept up to date.
- 12.7. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose.
- 12.8. Access to recorded material should only take place in accordance with the policy and procedures: [see Data Protection Act 2018](#)

## 13 Request to Disclose Data

- 13.1. A request to disclose data obtained from a CCTV scheme can be made by third parties for the purposes of:
  - a) providing evidence in criminal proceedings
  - b) providing evidence in civil proceedings
  - c) the prevention and reduction of crime and disorder
  - d) investigation and detection of crime (including the identifying of offenders)
  - e) identifying witnesses and offenders
  - f) for public interest and public safety

- g) in the interest of national security
- 13.2. Parties who are able to show adequate grounds for disclosure include the following:
- 1) law enforcement agencies
  - 2) statutory authorities with powers to prosecute
  - 3) solicitors
  - 4) other agencies and persons (including the media), according to purpose and status
  - 5) owners of the system for the purpose of this code.
- 13.3. Tunbridge Wells and Tonbridge & Malling Borough Councils will not obstruct a bona fide third-party investigation to verify the existence of relevant data.
- 13.4. The owner should not destroy data that are relevant to a previous or pending search request, which could become the subject of a subpoena, within an agreed timeline.

Attention is drawn to Principle 7 of the Surveillance Camera Code of Practice.

## 14 Subject Access

- 14.1. Subject access is also referred to as Right of Access.
- 14.2. Any request from an individual for the disclosure of personal data, which he or she believes is recorded by virtue of the System, will be directed in the first instance to the CCTV Manager. If the request cannot be complied without identifying another individual, permission from all parties must be obtained (in the context of the degree of privacy they could reasonably anticipate from being in that location at that time) in accordance with the requirements of the legislation.
- 14.3. If permission cannot be obtained from identifiable other parties, then digital pixilation may be considered subject to reasonable cost. All additional cost will be payable by the requester.
- 14.4. Any person making a request must be able to prove their identity and provide sufficient information to enable the data to be located.
- 14.5. Personal data held for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders is exempt from the subject access provisions.
- 14.6. The Criminal Procedures and Investigations Act 1996 introduced a statutory framework for the disclosure to defendants of material that the prosecution would not intend to use in the presentation of its own case. This material is known as 'unused material'.

# 15 Regulation of Investigatory Powers Act 2000

15.1. The Regulation of Investigatory Powers Act 2000 relates to surveillance by the Police and other agencies and deals in part with the use of directed covert surveillance. Section 26 of this act sets out what is Directed Surveillance. It defines this type of surveillance as:

Subject to subsection (6), surveillance is directed for the purposes of this Part if it is covert but not intrusive and is undertaken:

- a) for the purposes of a specific investigation or a specific operation
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation)
- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance.

15.2. CCTV being used intrusively will be authorised other than by this section of the RIP Act. Appropriate guidelines already exist for intrusive surveillance.

15.3. The impact for staff in the Police control rooms and CCTV monitoring centres is that there might be cause to monitor for some time a person or premises using the cameras. In most cases, this will fall into sub section (c) above, i.e. it will be an immediate response to events or circumstances. In this case, it would not require authorisation unless it were to continue for some time. The Code says some hours rather than minutes.

15.4. In cases where a pre-planned incident or operation wishes to make use of CCTV for such monitoring, an authority will almost certainly be required. Slow time requests are authorised by a Police Inspector or above.

15.5. If an authority is required immediately, a Police Inspector may do so. The forms in both cases must indicate the reason and should fall within one of the following categories:

An authorisation is necessary on grounds falling within this subsection if it is necessary:

- a) in the interests of national security
- b) for the purpose of preventing or detecting crime or of preventing disorder
- c) in the interests of the economic well-being of the United Kingdom
- d) in the interests of public safety

- e) for the purpose of protecting public health
  - f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department
  - g) for any purpose (not falling within paragraph (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State
- 15.6. Forms will normally originate from the Police and are entitled “Application for Directed Surveillance Authority Part II RIPA 2000”. This is a restricted document, which has been reproduced within the procedure’s manual.
- 15.7. Local authorities are required to obtain judicial approval prior to using covert techniques. Local Authority authorisations and notices under RIPA (Regulations of Investigatory Powers Act 2000) will only be given effect once an order has been granted by a Justice of the Peace in England and Wales.
- 15.8. In addition, from that date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a six month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.
- 15.9. When “No Authorisation is Required” An example might be where officers chance upon local drug dealers sitting in the town centre and, in order not to divulge that observation is taking place, ask for CCTV to monitor them.
- 15.10. In response to an unplanned demonstration, where Public Order may be compromised.

## 16 Maintenance of the System

- 16.1. To ensure compliance with the Information Commissioner’s Code of Practice and to ensure that images recorded continue to be of appropriate evidential quality, the System shall be maintained in accordance with the requirements of the CCTV Procedural Manual under a maintenance agreement.
- 16.2. The Maintenance Contract will make provision for the appointed contractor to carry out regular or periodic service checks on the equipment. This will include cleaning of any all-weather domes or housings, checks on the functioning of the equipment, and any minor adjustments that need to be made to the equipment settings to maintain picture quality.
- 16.3. The maintenance will also include regular periodic review and overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life.

- 16.4. The maintenance agreement will also provide for 'emergency' attendance on site by a specialist CCTV engineer to rectify any loss or severe degradation of image or camera control.
- 16.5. The maintenance agreement will define the maximum periods of time permitted for attendance by the engineer and for rectification of the problem, depending upon the severity of the event, and the operational requirements of that element of the system.
- 16.6. It is the responsibility of the Tonbridge & Malling Borough Council CCTV Officer to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the contracted maintenance organisation.

## 17 Security

- 17.1. Authorised personnel will normally be present at all times when the equipment is in use. If the monitoring facility is to be left unattended for any reason it will be secured. In the event of the Control Room having to be evacuated for safety or security reasons, the provisions of the CCTV Procedure Manual will be complied with.
- 17.2. The CCTV Control Room will at all times be secured by 'Magnetic-Locks' operated by the CCTV operator, 'Digi-Locks' requiring an alpha numeric code for entrance, or other equally secure means. CCTV is also in operation for security reasons.
- 17.3. Visitors to the CCTV Control Room that have not been Police vetted should not be able to hear any police broadcasts. The Police radio should be turned off or down, or visitors asked to leave.
- 17.4. Under no circumstances should the Police Radio be removed from the CCTV room, unless authorised by Kent Police and the CCTV Manager.

# Appendix A Contact Details

Key Personnel and responsibilities for Tunbridge Wells Borough Council and Tonbridge & Malling Borough Council:

**System Owners:** Tunbridge Wells Borough Council

**Address:** Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent, TN1 1RS

**Telephone:** 01892 526121

**System Owners:** Tonbridge & Malling Borough Council

**Address:** Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

**Telephone:** 01732 844522

## System Maintenance Responsibilities

Designated Officer(s) from Tunbridge Wells Borough Council will be the single point of contact on behalf of the owners in relation to maintenance issues. The role will include a responsibility to:

- i. Ensure the provision and maintenance of all technical equipment forming part of the Council's CCTV System in accordance with contractual arrangements that the owners may from time to time enter into.
- ii. Maintain close liaison with the control room senior operator on duty and the CCTV Manager representing the Councils.
- iii. Maintain liaison with other designated officers, with the owners of the system and with operating partners.
- iv. Ensure the interests of the owners and other organisations are upheld in accordance with the terms of this Code.
- v. Agree to any proposed alterations and additions to the system, this Code and the Procedure Manual.

## System Management Responsibilities

Designated Officer(s) from the Councils will be the single point of reference on behalf of the owners in relation to operational issues. The role will include a responsibility to:

- i. Ensure the operational effectiveness and efficiency of the system in accordance with the terms of the operational contract.
- ii. Maintain close liaison with the operational contractor, the control room senior operator on duty and other operational staff.
- iii. Maintain liaison with the owners of the system, with other designated officers of the system and with operating partners
- iv. Ensure the interests of the owners and other organisations are upheld in accordance with this Code of Practice.

- v. Agree to any proposed alterations and additions to the system, this Code of Practice and the Procedure Manual.

### **Designated Officers**

Tunbridge Wells Borough Council  
Sharon Wright, CCTV Manager (SPOC),  
Telephone: 01892 554121

Tonbridge & Malling Borough Council  
CCTV Service Manager  
Telephone: 01732 227000

# Appendix B Operators Confidentiality Declaration

## Declaration of Confidentiality

The Tunbridge Wells and Tonbridge & Malling Borough Councils CCTV System

I confirm that I am retained as a CCTV operator.

I have received a copy of the Code of Practice dated 2019, in respect of the operation and management of the Tunbridge Wells and Tonbridge & Malling Borough Council's CCTV System.

I confirm that I am fully conversant with the content of that Code of Practice. I understand that all duties, which I undertake in connection with the Tunbridge Wells and Tonbridge & Malling Borough Council's CCTV System.

Tunbridge Wells and Tonbridge & Malling Borough Council's CCTV System must not contravene any part of that Code of Practice, or any future amendments to it, of which I am made aware. I undertake that if I am, or become unclear, of any aspect of the operation of the System or the content of the Code of Practice, I will seek clarification from my manager.

I understand that it is a condition of my employment that I do not disclose or divulge any information which I have acquired in the course of, or in connection with, my duties to any individual, company, authority, agency or other organisation. This includes information obtained verbally or in writing or by any other media, now or in the future. I understand that this prohibition remains binding after I have ceased to be retained in connection with the CCTV System.

In signing this declaration, I agree to abide by, and be bound by, the Code of Practice. I understand and agree to maintain confidentiality in respect of all information gained during the course of my duties, now, or in the future.

I further acknowledge that I have been informed and clearly understand that the communication, either verbally or in writing, to any unauthorised person(s) of any information acquired as a result of my employment with the Tunbridge Wells and Tonbridge & Malling Borough Councils.

It may be an offence against the Official Secrets Act of 1911, Section 2, as amended by the Official Secrets Act of 1989.

Signed: ..... Print Name.....

Position: .....

Dated this ..... (Day) of ..... (Month). 20.....

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