



Working for the Community in Rotherfield, Mark Cross, Eridge Green, Boarshead and surrounding areas

Introduction

This policy is to control the management, operation, use and confidentiality of the CCTV system located on the wall of Rotherfield Village Institute facing Rotherfield Square. The aim of this policy is to ensure that the closed-circuit television system used within the Parish stands up to scrutiny and is accountable to the people it aims to protect.

The policy was prepared after taking due account of the Code of Practice published by the Data Protection Commissioner (revised 2015) and the General Data Protection Regulations 2018. This policy will be subject to periodic review by the Parish Council to ensure that it continues to reflect the public interest and that it and the system meets all legislative requirements. The policy for the Parish of Rotherfield closed circuit television system (CCTV) operated by Rotherfield Parish Council is underpinned by the operator's code of conduct and the manufacturer's instructions. The management in all respects, of the CCTV system is vested in Rotherfield Parish Council.

This policy is binding on all officers, employees and contractors of Rotherfield Parish Council.

The CCTV Scheme is registered with the Information Commissioner under the Terms of the Data Protection Act 1998. Registration Reference: Z3029709.

Rotherfield Parish Council accepts the eight data protection principles based on the Data Protection Act 1998 as follows. Data must be:

- a) fairly and lawfully processed;
- b) processed for limited purposes and not in any manner incompatible with those purposes;
- c) adequate, relevant and not excessive;
- d) accurate;
- e) not kept for longer than is necessary;
- f) processed in accordance with individuals' rights;
- g) secure;
- h) not transferred to a country or territory outside the European Economic Area unless and adequate level of protection for the rights and freedoms of data subjects is ensured.

Statement of Purpose:

To provide 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.

The scheme will be used for the following purposes:

- to reduce the fear of crime;
- to reduce the vandalism of property and to prevent, deter and detect crime and disorder;
- to assist the police, the Parish 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 deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display in areas being monitored;
- to assist all "emergency services" to carry out their lawful duties.
- to gather evidence by a fair and accountable method.

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- To assist with health and safety.

Responsibilities of the Owner of the Scheme:

The CCTV system is operated by Rotherfield Parish Council whose personnel are employed to report directly to the Full Council. The CCTV system, all recorded material and copyright are owned by Rotherfield Parish Council.

Management of the System:

The following principles will govern the operation of the CCTV System:

- The CCTV system will be operated fairly and lawfully in accordance with published Home Office Guidance and only for the purposes authorised by Rotherfield Parish Council.
- The CCTV system will be operated with due regard to the privacy of individuals.
- Any changes to the purposes for which the CCTV system is operated will require the approval of the Parish Council and will be published in advanced.

Day to day operational responsibility rests with the Clerk to the Council and Cllr Adrian Martin. Breaches of this policy will be investigated by the Clerk to the Council and reported to a meeting of the Full Council.

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.

Control and Operation of the Cameras, Monitors and Systems:

The following points must be understood and strictly observed by operators:

- a) Trained operators must act with integrity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual.
- b) The position of cameras and monitors have been agreed following consultation with the Full Council.
- c) Operators should regularly check the accuracy of the date/time displayed.
- d) 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 a maximum of 90 days.
- e) Any damage to equipment or malfunction discovered by an operator should be reported immediately to the Clerk to the Council and the Chairman of the Council and recorded in the log. When a repair has been made, this should also be logged showing the date and time of completion.

Access Information

The General Data Protection Regulations 2018, The Freedom of Information Act 2000 and the Data Protection Act 1998 will be adhered to. Any request for the disclosure of information must be made in writing to the Clerk of the Council (who will promptly inform the Council).

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Requests for information by the Police and other authorities must be accompanied by the relevant Data Protection form duly signed by the appropriate authority and must be made to the Clerk as the Proper Officer of the Council (who will promptly inform the Council).

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 Parish Council by the police and the outcome of its use.

Access to the monitoring and recording facilities (physical and digital) will be prohibited except for lawful, proper and sufficient reasons and only then with the permission of the Clerk and Chair or Vice-Chair of the Council. Any such visits will be conducted and recorded in accordance with the agreed procedures.

Regardless of their status, all visitors to the recording facility will be required to sign the visitor's book and place, on file, a declaration of confidentiality. A logbook will be maintained with the system.

Any other personnel admitted to the recording facility, such as maintenance staff or engineers effecting repairs must be authorised by the Clerk as the Proper Officer or the Chair/Vice-Chair of the Council.

Images will not normally be supplied to the media, except on the advice of the police if it is deemed to be in the public interest. The Clerk to the Council would inform the Chairman of the Parish Council of any such emergency.

Access requests:

Primary Requests to view data:

Primary requests (i.e. those from law enforcement agencies) to view data generated by the CCTV system are likely to be made for any one or more of the following purposes:

- a) Providing evidence in criminal proceedings (Police and Criminal Evidence Act 1984, Criminal Procedures and Investigations Act 1996).
- b) Providing evidence for civil proceedings or tribunals.
- c) Providing evidence of activities of the public whilst in the location.
- d) The investigation and detection of crime.
- e) The identification of witnesses.

Third-Party Requests to view data:

Third parties which should be required to show adequate grounds for disclosure of data may include but are not limited to:

- a) Statutory authorities with powers to prosecute
- b) Solicitors
- c) Plaintiffs in civil proceedings
- d) Accused persons or defendants in criminal proceedings

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Upon receipt of a bona fide request to verify the existence of relevant data the Clerk will ensure:

- No undue obstruction of any third-party investigation to verify existence of data
- The retention of data which may be relevant to a request

The Clerk shall consult the Chair or Vice Chair on any bona fide request if it is felt necessary applications and appeals can be brought before the Full Council for resolution. The full council decision shall be final unless so directed by an appropriate authority.

Subject Access Requests:

Any request by an individual member of the public for access to their own recorded image must be made on an Access Request Form. Forms are available by contacting the Clerk to the Council and will be submitted to the next meeting of the Parish Council for consideration and reply, normally within one calendar month. There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee of £5.00.

Accountability

Copies of the CCTV Policy are available in accordance with the Freedom of Information Act, as with any reports that are submitted to the Parish Council providing it does not breach security needs.

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

Any use of the CCTV system or materials produced which is outside of this policy and is inconsistent with the objectives of the system will be considered gross misconduct.

Misuse of the system will not be tolerated; continuing public support is vital. Any person found operating outside of this policy without good and reasonable cause will be dealt with accordingly. If any breach constitutes an offence under criminal or civil law, then court proceedings may be taken.

Any complaint concerning misuse of the system will be treated seriously and investigated by the Parish Council under its complaint policy.

Major Incidents:

In the event of a major incident arising, such as serious public disorder, bomb threats/explosions or serious fires, the police will be given authority to supervise the CCTV system. Such authority will be given by the Clerk or the Chairman of the Council, verbally and in writing.

Changes to the Purpose or Policy:

The CCTV Policy may be discussed at meetings of the Recreation and Burial Committee. However, any major change that would have a significant impact on either the purpose or this policy of operation of the CCTV scheme will take place only after discussion and resolution at a Full Parish Council meeting.

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Status

Revised – July 2019

This policy was adopted by Rotherfield Parish Council at a meeting of the council on **25th July 2019**

THIS POLICY MUST BE COMPLIED WITH AT ALL TIMES.