

EPPING FOREST DISTRICT COUNCIL

Closed Circuit Television Code of Practice



**For the operation of public space CCTV systems in the
Epping Forest District, including re-deployable systems**

**Epping Forest District Council is a
Member of the National CCTV User Group.**

August 2009

Code of Practice

1. INTRODUCTION

This Code of Practice is to control the management, operation and use of all Closed Circuit Television (CCTV) systems under the control of Epping Forest District Council, and is used in conjunction with the Information Commissioner's Office CCTV Code of Practice revised edition of 2008.

Epping Forest District Council own and are responsible for a large number of public space CCTV Systems, which operate independently throughout the district.

The Council will retain ownership of all recorded material in various formats, including Videotape (SVHS), Compact Disc (CD), Digital Versatile Disc (DVD) and hard copy print, and retains absolute copyright of any recorded material. For the purpose of this document, any recorded material will be referred to as 'video imagery'. The Council will not release video imagery for commercial purposes or for the provision of entertainment. Video imagery will only be released for the purposes of evidence and training purposes.

The day-to-day operation of the Council's systems will be the responsibility of the Safer Communities Unit within the Environmental and Street Scene Directorate. The systems operate 24 hours a day, 365 days a year, except for cases of maintenance/upgrades etc, where it is necessary for a particular system to be powered down for a period of time.

The Safer Communities Unit will supervise the code and ensure its implementation.

It is a condition of acceptance as a partner that users of CCTV demonstrate commitment to operate in accordance with this code by signing the required Certificate of Agreement in this document. Each participant in the scheme is bound by this Code of Practice and any subsequent amendments thereto.

2. TERMS AND DEFINITIONS

For the purposes of British Standard 7958:2005 the terms and definitions given in BS 8418, BS-EN 50132/7, BS-EN 50132-5 and BS 8495:2007 apply, together with the following.

CCTV Scheme

Totality of arrangements for CCTV in a locality including, but not limited to, the technological system, staff and operational procedures.

Observation Mode

Mode of operation of a CCTV system, whereby monitoring is carried out live, the sole purpose of which is to observe the images in real time and not to record, store, or print the information viewed.

Retrieval System

A CCTV system having the capability, in any medium, of effectively capturing data that can later be retrieved, viewed or processed.

CCTV System

Surveillance items comprising of cameras and all associated equipment for monitoring, transmission and controlling purposes, for use in a defined area.

Distributed System

Sub system, any part of which may be linked temporarily or permanently for remote monitoring within the CCTV system.

Data

All information collected by the CCTV systems, including personal data.

Incident

An activity that has been identified as an offence that has been committed or an occurrence that has taken place that warrants further specific action from either the Police or from the Council. For the purposes of this scheme, an incident is defined as:

Any event or occurrence monitored by a controller in respect of which information needs to be passed to another source to generate a response.

OR

A request by an authorised person or body, to monitor specific events or activity, in accordance with the purposes and key objectives of the scheme.

The provisions of the Regulation of Investigatory Powers Act (RIPA) 2000 may be relevant to such requests.

Owner

Legal person or entity, agency or individual designated and trained as having direct responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme, as defined by the owner of the scheme.

Manager

The CCTV Operations Officer has direct responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme, as defined by the owner of the scheme.

Supervisor

Person specifically designated, trained and authorised by the owner of a scheme to ensure that at all times the system is operated in accordance with the Code of Practice and any procedural instruction issued by the owner or manager.

Operator

Person specifically designated and authorised by the owner of a CCTV scheme to carry out physical operation of controlling that system.

Recording Material (e.g. CD/DVD)

Any medium that has the capacity to store data, and from which data can later be recalled, irrespective of time.

Recorded Material

Any data that has been recorded on any medium that has the capacity to store data, and from which data can later be recalled, irrespective of time.

Hard Copy Print

Paper copy of a still image or images, which already exist on recorded material.

Privacy Masking

The common term covering the need to restrict what can be seen by means of CCTV. It applies equally to images displayed in real time for surveillance purposes and images recorded for later use.

Directed Covert Surveillance

This is defined under section 26 of the Regulation of Investigatory Powers Act (RIPA) 2000. It relates to covert surveillance for specific purposes where the gathering of private information is a likely outcome.

3. BACKGROUND

Epping Forest District Council has, and is continuing to install CCTV systems, some of which are capable of expansion. Cameras have been installed within specific target areas, which have been identified through the gathering of information, including the use of Crime Pattern Analysis and the Council's CCTV Decision Matrix tool.

Community Safety is defined as any intervention that deals with anti-social behaviour and fear of crime, which may affect the quality of life of individuals and the local community. The Crime and Disorder Act 1998 defines anti-social behaviour as behaviour which causes, or is likely to cause alarm, harassment or distress to one or more persons not of the same household.

4. AIMS OF EPPING FOREST DISTRICT COUNCIL'S CCTV

- Help secure safer areas and environments for those who visit, work in, trade in or enjoy leisure pursuits within the district.
- The Council's CCTV schemes will be operated fairly and lawfully and will only be used for the purposes for which they were established, or subsequently agreed in accordance with this code.
- The Council will regularly monitor, review and enhance its CCTV schemes in order to ensure and improve their effectiveness.

5. PURPOSES OF EPPING FOREST DISTRICT COUNCIL'S CCTV

Epping Forest District Council's CCTV schemes exist in order for us to record, view, and occasionally monitor activity within the intended area of coverage. Safeguards are used within the systems' capabilities to ensure cameras cannot be focused within private areas, such as windows, where there is no public access. Where it is unavoidable to have a camera focused on a home or other private area as part of a larger point of focus, privacy masking will be used to cover the private area from view.

6. COUNCIL CCTV OBJECTIVES

- The introduction of a central hub for all EFDC CCTV matters. (Based within the E&SS Directorate).
- Manage our CCTV responsibly by providing a compliant delivery of service through the implementation of robust CCTV processes and guidelines.
- Provide high quality evidence which may be used to further an investigation by the Council or other law enforcement agencies to prosecute offenders.
- Assist in the reduction and prevention of crime and increase public confidence.
- All schemes to be made 'fit for purpose' through preventative and reactive maintenance plans and regular operational requirement reviews.
- Effectively manage the public perception of CCTV including 'unrealistic expectations'.
- Monitor environmental conditions

Every effort is made in the planning and design of the Council's CCTV systems to provide maximum effectiveness within the current area of coverage, or such additional areas, which may subsequently form part of the system. It is not possible to guarantee the system will be able to see or provide evidence for every incident that may occur within the target area.

7. REVISION AND ALTERATIONS TO THE CODE OF PRACTICE

This Code of Practice will be regularly reviewed, and any required revisions and alterations will then be made.

8. PLANNING OF CCTV SYSTEMS

In planning the installation of CCTV systems, Epping Forest District Council refers to the Home Office Scientific Development Branch's latest Operational Requirements Manual as a guide to ensuring compliant and effective installations.

Locations of cameras (See appendix 1)

All locations where cameras are to be installed will be assessed using various relevant statistics and analysis gathered from various sources, including the Police, local communities and local businesses to ensure maximum effectiveness and productivity.

Signage (See appendix 2)

Corporate signs will be installed in and around the areas covered by the Council's CCTV systems. The placing of such signs is an important aspect of the principles of the Data Protection Act 1998. They will be of an appropriate size to the location and will contain the following information:

- a) The purpose of the scheme
- b) What the Council intends to do with the information gathered i.e. prosecute offenders
- c) Who owns the scheme
- d) Contact details
- e) Carry relevant Council logo/s and CCTV symbol

The signs will read:

*“CCTV cameras are in operation 24 hours a day.
Images are being recorded for the purpose of public safety, crime prevention and detection.
Evidence gathered may be used to prosecute offenders.
This scheme is controlled by Epping Forest District Council
Tel: 01992 564608”*

9. Dummy Cameras

In the past, Epping Forest District Council has used dummy cameras in some locations within the district. However, studies have shown that public confidence in CCTV is based upon effectively operating cameras, and therefore dummy cameras will no longer be used within any CCTV schemes operated by the Council.

10. Ownership/Copyright Issues

Epping Forest District Council's CCTV schemes are registered under the Data Protection Act 1998. The registration number is **Z5033101**. The Data Controller is Epping Forest District Council. All data will be processed in accordance with the stated purposes and in line with the agreement between the Data Controller and Essex Police, ensuring compliance with the Act.

CCTV - Primary request to view data

Primary requests to view data generated by a CCTV system are likely to be made by third parties for any one or more of the following purposes:

- Providing evidence in criminal proceedings
- Providing evidence in civil proceedings or tribunals
- The prevention of crime
- The investigation and detection of crime (may include identification of offenders)
- Identification of witnesses

Third parties, who are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- Police.
- Statutory authorities with powers to prosecute, (eg. Customs and Excise; Trading Standards, etc).
- Solicitors.
- Claimants in civil proceedings.
- Accused persons or defendants in criminal proceedings.
- Other agencies, (as agreed by the Data Controller and notified to the Information Commissioner) according to purpose and legal status.

Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:

- Not unduly obstruct a third party investigation to verify the existence of relevant data.
- Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.

Where requests fall outside the terms of disclosure and Subject Access legislation, the data controller, or nominated representative, shall:

- Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation.
- Treat all such enquiries with strict confidentiality

CCTV - Secondary request to view data

This could be for example where a member of the public requests CCTV images of their vehicle in a car park where there has been an incident of criminal damage.

Before complying with a secondary request, the data controller shall ensure that:

- The request does not contravene, and that compliance with the request would not breach, current relevant legislation, (eg. Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc);
- Any legislative requirements have been complied with, (e.g. the requirements of the Data Protection Act 1998);
- Due regard has been taken of any known case law (current or past) which may be relevant, (eg. R v Brentwood BC ex p. Peck);
- The request would pass a test of 'disclosure in the public interest'.

If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:

- In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice.
- If the material is to be released under the auspices of 'public well being, health or safety', written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.

Recorded material may be used for bona fide training purposes such as police or staff training. **Under no circumstances** will recorded material be released for commercial sale of material for training or entertainment purposes.

CCTV - Individual Subject Access under Data Protection Legislation

Under the terms of Data Protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:

- The request is made in writing;
- A specified fee is paid for each individual search;
- The data controller is supplied with sufficient information to satisfy him or her self as to the identity of the person making the request;
- The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller to locate the information which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under

those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement);

- The person making the request is only shown information relevant to that particular search and which contains personal data of her or himself only, unless all other individuals who may be identified from the same information have consented to the disclosure.

In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased).

The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures and each request should be treated on its own merit.

In addition to the principles contained within the Data Protection legislation, the data controller should be satisfied that the data is:

- Not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation;
- Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings;
- Not the subject of a complaint or dispute which has not been actioned;
- The original data and that the audit trail has been maintained;
- Not removed or copied without proper authority;
- For individual disclosure only (i.e. to be disclosed to a named subject).

CCTV - Procedure for the release of evidence

The Council is committed to the belief that everyone has the right to respect for his or her private and family life. Although the use of CCTV cameras has become widely accepted in the UK as an effective security tool, those people who do express concern tend to do so over the handling of the information (data) which the system gathers.

After considerable research and consultation, a nationally recommended standard has been adopted by the Council.

All requests for the release of data shall be channelled through the data controller or his nominated representative.

CCTV - Process of disclosure

Replay the data to the requestee only, (or responsible person acting on behalf of the person making the request).

The viewing should take place in a separate viewing booth/room and not in the control or monitoring area. Only data that is specific to the search request shall be shown.

It must not be possible to identify any other individual from the information being shown, (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).

If a copy of the material is requested and there is no on-site means of editing out other personal data, then the material shall be sent to an editing house for processing prior to being sent to the requestee.

For complaints about the use of the Council's CCTV scheme, refer to section 1.

11. CAPTURE, PROTECTION AND STORAGE OF DATA

(In accordance with the Home Office Scientific Development Branch Digital Image Procedures Publication number 58/07)

Because of differences in some of our CCTV systems, image retention periods on systems differ. All new systems and upgraded systems (2009 onwards) will retain images for 31 days as a maximum period available for download.

Whichever still or video camera or format of medium is chosen for the capture and initial storage of images, effective means are made available for transferring the images to the computer system where they are able to be used and possibly archived.

Images on reusable media should be copied from the original storage medium in the original file format onto a secure media. This secure media could be Write Once Read Many (WORM) or secure network storage. The term 'secure server' should be taken to mean an environment, including a security management system, which is accredited to a level of at least 'RESTRICTED' under the Government Protective Marking Scheme (GPMS), in accordance with the ACPO Community Documentation Set (ADS) and as approved by either the Local Force Information Security Officer and/or the National Accreditor for Police Information Systems. Once the images and associated data have been copied onto the secure media, they cannot be overwritten or altered.

The generation of the secure copy will be carried out as soon as possible after the capture to reduce the time and opportunity for the accidental or malicious alteration to images.

All imagery master or working copies will be appropriately identified in order to facilitate the storage, retrieval and eventual disposal of case material.

Any downloaded data exhibited in Court as evidence must be the Master Copy. There must be no editing or recording from other sources on to the master copy. However, while the master copy is in Police possession, the Police may take one working copy of the disc and a second copy of the disc to be used as disclosure material to the defence. Written statements will be required from the Police Officers as supporting evidence on copying and other handling of the transferred images onto the disc.

The software required for viewing proprietary formats will be made available to avoid images being inaccessible. Replay software will be provided with each recording to assist with the correct viewing of the files in their native format.

Working copies can be in many forms. The files will be copied onto any suitable medium or distributed electronically, using a secure system only, for circulation to the Investigating Officer or Crown Prosecution Service.

Those that are retained for evidential purposes must be retained in a secure place, to which access is controlled, such as a secure safe.

12. CATALOGUING OF DOWNLOADED DISCS

Data downloaded to any storage medium will be given a unique reference number and recorded in the CCTV data request register.

The data will then be stored securely at the Civic Offices in Epping until collected by the Investigating Officer or representative.

13. ERASURE OF RECORDED IMAGES

Any recording made on the Council's CCTV systems will be automatically overwritten by the recorder after a set period of time. This will be any time period between 8 and 31 days, depending on the individual system itself.

14. STORAGE/DESTRUCTION OF TRANSFERRED IMAGES

Transferred images will be stored securely to ensure that there is no unauthorised access or possibility of accidental or intentional damage. The storage space should be kept dust and moisture free and kept at a constant temperature, and always kept locked when not in use. Only authorised key holders will have access to the secure area. Images removed from the systems actual storage drive which is then deemed to be of no further use or the requestee has not collected the images will after advisement safeguards be destroyed after one further month and recorded in the CCTV destruction log.

15. USE OF AUDIO

None of Epping Forest District Council's CCTV systems are configured to record any audio activity in conjunction with the video recording.

16. POLICE USE OF RECORDED IMAGES (Including Point of Transfer)

When the Police have reasonable cause to believe that an incident has been recorded which involves, or may involve, criminal activity, a duly authorised Police Officer will be handed the downloaded data against signature and in accordance with the strict procedures in place.

A 'point of transfer' will be established in which the responsibility of data transfer handling to the Police. That point of transfer will depend on the nature of the images being transferred, the recording format and equipment used by Epping Forest District Council. At whatever stage this point of transfer occurs, the Police audit trail must start from that point. Continuity of data handling will be demonstrated throughout, ensuring that the Police audit trail links directly to the Council's audit trail.

The Police have speciality facilities for copying data.

Recorded images owned and managed outside Local Authority Control may require to be processed by copying or the production of still images.

The Information Commissioner has approved a process whereby Local Authorities may process data on behalf of a third party Data Controller for policing purposes.

The process will ensure that the third party Data Controller, the Data Processor (Local Authority) and the Police will be seen to have made every effort to comply with the seventh principle of data protection law.

At the conclusion of use of any Master or Copy recorded by Essex Police, it may be returned to the Council, unless the Court directs that it should be destroyed instead of being handed back to the owners. In the latter case, a certificate of instruction will be provided by the Police to finalise the audit trail relating to those data images.

17. PROVISION OF RECORDED STILLS

The photographic process should only be used to assist in the identification of incidents or in training or for demonstration purposes. Still photographs will not be taken as a matter of routine.

A Police Officer may request the owners to produce still frame images from recordings, also known as snapshots. All such stills will be given a unique reference number and be recorded in the CCTV data request register. A file copy may also be retained in the Civic Offices. All still photographs will remain the property of its owners.

Any still image provided by the Council to the Police will be kept secure and its handling logged in exactly the same way as recorded images. Any stills handed to the Police should be treated on the basis that they are required in Court. The still image is therefore to be placed in a sealed envelope with an exhibit label attached and a Witness Statement provided.

18. EPPING FOREST DISTRICT COUNCIL VIEWING OF RECORDED IMAGES

A Council staff member may request to view the recording of a specified incident which does not involve, or appear to involve criminal activity but which may involve the management services for which the officer is responsible (i.e. Housing, Parking) if the officer has been made aware of an incident through other means and has reason to believe the CCTV may assist them.

- Any private viewings must be first approved by the Data Protection Officer.
- A log will be kept of any such viewings.
- No other viewings by an unauthorised person will be permitted.

19. EVALUATION, MONITORING AND AUDIT OF SCHEME

The scheme owners should arrange for independent evaluation to establish whether the purposes as stated are receiving compliance and whether the objectives are being achieved.

The process should include:

- a) Assessment of the impact on crime the system has had
- b) Assessment and comparison of neighbouring areas without CCTV
- c) Views of the public
- d) Operation of the Code of Practice
- e) Whether the purposes and key objectives of the system remain valid
- f) Complaints received relating to the use of the scheme
- g) Data Protection and legal requirements
- h) Maintenance schedule and performance test of the systems

Evaluation should be provided for in annual budgetary considerations.

An Annual Report may be compiled and made available for public information by the Council, or their advisers. The topics covered within the report should include details of the following:

- a) A description of the scheme and the geographical areas of operation
- b) The scheme's policy statement

- c) The purpose and scope of the scheme
- d) Any changes to the operation or management of the CCTV scheme
- e) Any changes that have been made to the policy
- f) Any proposals to expand or reduce the operation of the scheme
- g) The aims and objectives for the next 12 months

Any Annual Report will also provide details of the schemes' achievements during the previous 12 months, which may be based on information already held by the scheme. The assessment of the schemes' performance should include:

- a) The number of incidents recorded by the scheme
- b) The number of incidents reported to the Police and, where appropriate, other bodies, e.g. the local authority
- c) An assessment of the CCTV scheme's impact on crime levels and types of crime in the area covered by the scheme.

APPENDIX 1

EPPING FOREST DISTRICT COUNCIL CCTV SCHEMES

The Council's current CCTV schemes are listed below:

- Bakers Lane Car Park, Epping – 10 cameras
- Moreton Road Former Landfill Site, Bobbingworth – 13 cameras
- Borders Lane Shopping Parade, Loughton – 9 Cameras
- Buckhurst Court, Albert Road, Buckhurst Hill – 1 Camera
- Burton Road, Loughton – 4 Cameras
- Chapel Road, Epping – 1 Camera
- Civic Offices, Epping – 16 Cameras
- Clifton Road, Loughton – 1 Camera
- Cottis Lane Car Park, Epping – 4 Cameras
- Debden Broadway, Loughton – 21 Cameras
- Frank Bretton House, Basons Way, Ongar – 1 Camera
- Hedgers Close, Loughton – 5 Cameras
- High Road, Loughton – 6 Cameras
- Hyde Mead House, Nazeing – 3 Cameras
- Jessop Court, Waltham Abbey – 1 Camera
- Jubilee Court, Waltham Abbey – 2 Cameras
- Langston Road Depot, Loughton – 5 Cameras
- Leonard Davis Court, North Weald - 2 Cameras
- Limes Farm Shopping Parade, Chigwell – 6 Cameras
- Limes Farm Yellow Block, Chigwell – 16 Cameras
- Longcroft Rise, Oakwood Hill Estate, Loughton – 9 Cameras
- Loughton Way Shopping Parade, Buckhurst Hill – 10 Cameras
- Queens Road (Lower) Car Park, Buckhurst Hill – 15 Cameras
- North Weald Airfield, North Weald – 4 Cameras
- Norway House, North Weald – 27 Cameras
- Parklands Shopping Parade, Coopersale, Epping – 6 Cameras
- Parsonage Court, Loughton – 1 Camera
- Pelly Court, Epping – 13 Cameras
- Pyrles Lane Parade, Loughton – 10 Cameras
- Queens Road, Buckhurst Hill – 8 Cameras
- Roundhills Shopping Parade, Waltham Abbey – 9 Cameras
- Upshire Shopping Parade, Waltham Abbey – 5 Cameras
- Vere Road, Loughton – 5 Cameras

APPENDIX 2

EPPING FOREST DISTRICT COUNCIL CCTV SIGN

**CCTV cameras are in
operation 24 hours a day**



**Images are being recorded for the purpose of
public safety, crime prevention and detection.**

Evidence gathered may be used to prosecute offenders



**This scheme is controlled by
Epping Forest District Council
Tel: 01992 564608**