

Gravesham Borough Council

Surveillance Camera Local Authority Code of Practice (LA Code)

1. Introduction

- 1.1. Gravesham Borough Council uses a range of surveillance camera systems for a variety of purposes. These are managed directly by the council or, in a couple of instances, through another party.
- 1.2. To ensure that the use of any surveillance camera system considers the effect on individuals and their privacy, they must be operated in a manner which meets the council's statutory responsibilities and complies with the Surveillance Camera Commissioner's (SCC's) Code of Practice. The Code of Practice applies to the use of surveillance camera systems that operate in public places throughout England and Wales.

2. Aim

- 2.1. The aim of this Local Authority Code of Practice (LA Code) is to set out the council's commitment and approach to meeting its legal obligations when using surveillance camera systems. This currently includes:
 - 2.1.1.1. Data Protection Act 2018
 - 2.1.1.2. UK General Data Protection Regulation
 - 2.1.1.3. Protection of Freedoms Act 2012
 - 2.1.1.4. Regulation of Freedoms Act 2000
 - 2.2. This LA Code is part of the council's process for having in place effective review and audit mechanisms to ensure that legal requirements, policies and standards are complied with in practice and reported upon. Specifically, this policy helps the council to comply with the Surveillance Commissioner's Camera Code of Practice and the CCTV Code of Practice issued by the Information Commissioner's Office (ICO).
 - 2.3. This LA Code should be read alongside the council's Data Protection Policy, which is concerned with how the council processes personal data. This can be found at (*insert link to www.gravesham.gov.uk*).
3. For further information on the council's Surveillance Camera LA Code, please visit (*insert link to www.gravesham.gov.uk page when code agreed*).
- 3.1. This LA Code applies to all overt (open) use of surveillance camera systems by the council. A surveillance camera system, defined by the Protection of Freedoms Act 2012, means:
 - 3.1.1. Closed circuit television of automatic number plate recognition systems,
 - 3.1.2. Any other systems for recording or viewing visual images for surveillance purposes,
 - 3.1.3. Any systems for storing, receiving, transmitting, processing or checking images or information obtained by systems falling within the categories above, or
 - 3.1.4. Any other systems associated with, or otherwise connected with, systems falling within those listed above.

3.2. Within the council these systems could include:

- 3.2.1. Internal and external close-circuit television (CCTV)
- 3.2.2. Body Worn Video (BWV)
- 3.2.3. Vehicle Mounted Cameras
- 3.2.4. Dashboards mounted cameras ('dash-cams')
- 3.2.5. Mobile camera systems
- 3.2.6. Automatic number plate recognition (ANPR), including bus gate management
- 3.2.7. Unmanned aerial systems (UAS/Drones)

1.1. Use of covert (secret) surveillance camera systems is governed specifically by the Regulations of Investigatory Powers Act 2000 (RIPA). This LA Code does not apply to any use of such systems as those are set out in the council's RIPA Policy (*insert link*).

4. Adherence to the Surveillance Camera Commissioner's Code of Practice

- 4.1. The use of surveillance cameras by local authorities in a variety of public settings and circumstances has expanded considerably in recent years, ranging from public safety, personal safety, building security, enforcement and investigation.
- 4.2. Technology is advancing, leading to additional and more varied requests for use of cameras, such as body worn cameras, dash cams, drones, automatic number plate recognition (ANPR) and Automatic Facial Recognition (AFR) within a public space.
- 4.3. The Protection of Freedoms Act (2012) governs the use of such surveillance camera systems and introduced a Surveillance Camera Code of Practice (2013)¹ to ensure that the use of cameras in public places is regulated and only used in pursuit of a specified purpose. In so doing, this balances the need for cameras in public places with individuals' right to privacy.
- 4.4. The systems currently operated by the council are listed in Appendix 1. As a 'relevant authority' under the Protection of Freedoms Act 2012, the council is required to comply with the Surveillance Camera Code of Practice for their use, regardless of whether or not there is any live viewing, or recording of images or information or associated data.
- 4.5. To meet its obligations under the Protection of Freedoms Act (2012), the council is committed to adhering to the Surveillance Camera Commissioner's Code of Practice, including the 12 principles set out in the Code of Practice when it operates a surveillance camera system overtly in a public space.
- 4.6. Against those 12 principles, each system should:

1. Have a defined purpose and legitimate aim
2. Not impinge on an individual's privacy or human rights
3. Be operated transparently so people know they are being monitored
4. Be operated with good governance
5. Have clear policies, rules and procedures in place
6. Store no more images/data than strictly required

¹ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

7. Have safeguards in place in relation to who can view images/data
8. Meet relevant and approved standards
9. Ensure images/data are stored securely
10. Review systems regularly (at least annually)
11. Be effective in supporting law enforcement
12. Databases used for matching purposes should be accurate and up to date

4.7. A Self-Assessment Tool² has been prepared by the Surveillance Camera Commissioner to help relevant authorities to ensure their compliance with the Code of Practice. The council will make use of this tool when any changes are proposed to existing surveillance camera systems or the deployment of new systems are being considered.

4.8. This LA Code is part of the council's process for ensuring that effective review and audit mechanisms are in place to ensure that legal requirements, policies and standards are complied with in practice and reported upon.

4.9. In complying with the Surveillance Camera Commissioner's Code of Practice and in adherence with its guiding principles, the council will ensure that:

- 4.9.1. Each surveillance camera system will have its own set of specific objectives, for example covering areas and premises for which the council has responsibility for the purpose of deterring and detecting crime and anti-social behaviour.
- 4.9.2. The use of a surveillance camera system is in pursuit of a legitimate aim and its installation or deployment is a necessary and proportionate response in that circumstance.
- 4.9.3. The use of surveillance camera systems is subject to a Data Protection Impact Assessment (DPIA)³, to take into account its effect on individuals and their privacy, and these will be reviewed regularly.
- 4.9.4. Proportionate consultation and engagement with the public and partners will take place to assess the aim and need for a surveillance camera system.
- 4.9.5. Clear signage is in place to identify an area where a surveillance camera system is in place, its purpose, operational responsibility and point of contact for further information and response to concerns or complaints.
- 4.9.6. There are clear lines of responsibility and accountability for all surveillance camera system activities, including access to images and recordings collected, held and used; and memorandums of understanding are in place for externally operated systems.

² <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

³ <https://www.gov.uk/government/publications/data-protection-impact-assessments-for-surveillance-cameras>

- 4.9.7. That a single point of contact is identified within the council's governance arrangements and those details are available via the council's website.
- 4.9.8. That staff responsible for surveillance camera systems, including externally operated systems, are aware of their roles, obligations and lines of responsibility; and, are appropriately trained.
- 4.9.9. Clear and effective rules, policies and procedures are in place for each surveillance camera system and that they have been communicated to those that need to comply with them.
- 4.9.10. Images and information obtained from a surveillance camera system shall be subject to the council's information security policies and procedures.
- 4.9.11. Images and information obtained from a surveillance camera system shall not be kept for longer than is necessary to fulfil the purpose for which they were obtained.
- 4.9.12. Retention periods shall be agreed for each surveillance camera system and will be reviewed at appropriate intervals.
- 4.9.13. Access to images and recordings obtained from a surveillance camera system shall be restricted against clearly defined rules and requests for disclosure shall be documented and controlled to ensure consistency with the specified purpose of the system or for law enforcement.
- 4.9.14. Individuals are able to exercise their data protection rights in respect of images and recordings obtained from a surveillance camera system. Such requests will be considered in accordance with data protection legislation.
- 4.9.15. Approved operational, technical and competency standards relevant to the purpose of a surveillance camera system are met by operators⁴.

5. Roles & Responsibilities

- 5.1. The implementation of this LA Code is dependent on the council having in place the following roles and responsibilities for which named individuals are set out and updated within Appendix 2.

Senior Responsible Officer (SRO)

- 5.2. They have strategic responsibility for the integrity and effectiveness of the processes in place for the use of surveillance camera systems.

⁴ <https://www.gov.uk/guidance/recommended-standards-for-the-cctv-industry>

*Single Point of Contact (SPoC)*⁵

5.3. They have operational responsibility for matters relating to surveillance cameras and support the Responsible Officer (SRO) regarding compliance with the Protection of Freedom Act. They should:

- 5.3.1. carry out an audit of the local authority schemes – type, camera locations and responsible individuals;
- 5.3.2. act as the main contact point for anything related to surveillance camera systems, and can introduce consistent surveillance camera policies and procedures applied to all systems at an operational level;
- 5.3.3. ensure that operational staff are properly trained, developed and are up to date on changes to legislation;
- 5.3.4. help standardise signage, set out clear roles and responsibilities, improve competence across the organisation and set up a governance board to scrutinise the use of CCTV across the local authority;
- 5.3.5. advise on changes to schemes, including adding or removing cameras, and where they are best located.

Responsible Officer (RO)

5.4. They are appointed for each surveillance camera system and are responsible for the day-to-day management of the system, even where schemes may be managed externally to the council.

5.5. They will be asked by the Single Point of Contact to complete an annual questionnaire to identify any changes to the system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

5.6. They will ensure that a Code of Assessment Pack (CAP) is maintained for their scheme. This will demonstrate that each scheme continues to be operated in compliance with the LA Code and will evidence the annual desktop assessment undertaken by the SPOC. A list of what a CAP should include is set out in Appendix 3.

6. Local Authority Code of Practice Review

6.1. This LA Code will be reviewed annually and updated to reflect any other applicable law concerning the use of surveillance camera systems, processing of personal data and privacy.

⁵ <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>

Appendix 1

Overview of Surveillance Cameras Operated by Gravesham Borough Council

This is an overview of the surveillance camera systems currently operated by the council. This is developed further in the Code of Assessment Pack for each scheme.

Community Safety – Public Space CCTV Cameras

CCTV camera surveillance systems are operated in public spaces as a tracking and investigatory tool in respect of crime and anti-social behaviour and as a deterrent to protect the safety of the community.

Gravesham Borough Council's public space CCTV cameras are predominantly located in Gravesend Town Centre with others within public parks. Where cameras are used in a locality, these are identified by appropriate signage. The Council also has a limited number of rapid deployment cameras, including some units with Automatic Number Plate Recognition (ANPR) capacity. Requests are received to deploy these in consultation with Kent Police and for specific investigatory purposes.

The Council's public space CCTV surveillance cameras are the responsibility of the council's Community Safety Unit (CSU) and are operated by Kyndi under a Memorandum of Understanding jointly with Medway Council.

Housing Services – Estate Management

CCTV surveillance cameras are operated in specified internal and external spaces and locations within the council's housing estates. The system is used to deter and investigate crime and anti-social behaviour, thereby enhance security of those residential areas. Where cameras are used in a locality, these are identified by appropriate signage.

The council's Housing Services department are responsible for this system with policies and procedures in place following the transfer of their operation to Kyndi in 2021.

Parking Services – Civil Enforcement – Body-worn Cameras

Civil Enforcement Officers (CEOs) within Parking Services wear body-worn cameras when on parking enforcement patrols. These are used to deter physical and verbal abuse to these and to collate evidence should that arise.

Policies and operational procedures are in place for their use. They are clearly visible and are operated in an overt manner, with Civil Enforcement Officers communicating clearly and verbally when camera recording is taking place.

Environmental Enforcement – Body-worn Cameras

Street Scene Enforcement Officers (SSEOs) within the council's Environmental Enforcement team wear body-worn cameras when on investigation activity related to fly tipping and when approaching individuals whom they suspect have been littering or fly-tipping.

Policies and operational procedures are in place for their use. They are clearly visible and are operated in an overt manner, with Street Scene Enforcement Officers communicating clearly and verbally when camera recording is taking place.

Fleet Management – Freighter Vehicle Cameras and Van Dash Cams

CCTV systems have been installed to waste freighters and dash cameras to other fleet vehicles. These provide access to images for specified lawful purposes, including accident investigation, such as near miss reporting, investigation of insurance claims by third parties; investigation and identification of dangerous activities, breach of council policy and misconduct; assessing access issues to properties; investigating complaints; and for training purposes. The cameras are not used for covert surveillance.

Property Services – Civic Buildings CCTV

The council uses CCTV systems in and around its buildings at the Civic Centre, Brookvale and at Gravesend Borough Market. These protect areas used by staff and the public and are used to deter and detect crime and anti-social behaviour; to reduce/prevent violent or aggressive behaviour towards staff; to protect property and assets owned by the council and to assist in staff disciplinary, grievance, formal complaints and Health and Safety Investigations.

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Appendix 2

Operation of Surveillance Cameras - Nominated Officers

The Surveillance Camera Commissioner’s Code of Practice requires local authorities to nominate responsible officers for each scheme⁶. The Chief Executive appoints officers to these roles and from time to time these may be changed if personnel change or responsibilities.

They are as follows:

Senior Responsible Officer (SRO) - Sarah Parfitt, Director (Corporate Services)

Single Point of Contact (SPoC) – Simon Hookway, Assistant Director (Communities)

Responsible Officers (RO) for each scheme are as follows:

Public Space CCTV Cameras	Sean Steer, Community Safety Operations Manager
Housing Services Estate Management CCTV Cameras	Nicole Arthur, Service Manager (Housing Operations)
Parking Services Civil Enforcement Body-worn Cameras	Nick May, Parking & Environmental Enforcement Services Manager
Environmental Enforcement Body-worn Cameras	Tim Harris, Environmental Enforcement Manager
Fleet Management Freighter Vehicle Cameras and Van Dash Cams	Ronnie Helen, Waste & Transport Manager
Civic Buildings CCTV	Stuart Crowley, Building and Facilities Manager

These positions will be confirmed or updated as part of annual reviews of the council’s surveillance camera operations.

⁶ <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities>.

Appendix 3

Code of Assessment Pack (CAP)

1. Responsible Officers (ROs) are required to ensure that a Code of Assessment Pack (CAP) is maintained for individual surveillance camera schemes. This will demonstrate that each scheme continues to be operated in compliance with the LA Code and will evidence the annual desktop assessment undertaken by the SPOC.
2. A CAP should include:
 - evidence of compliance, i.e. completion of a Self Assessment Tool and Data Protection Impact Assessment, and documenting procedures, policies and privacy information
 - overview of scheme documents and details of review
 - declaration of compliance, supported by an asset list of surveillance camera equipment operated
 - record of individuals with authorised access to the scheme and the levels of access approved
 - record of training of operator on handling training on handling personal data and of authorised individuals, including signed confidentiality agreements
 - Data Protection Impact Assessments (DPIAs) completed and record of review
 - Annual review demonstrating a need to operate the scheme and the cameras connected to it, and that the scheme continues to be operated in compliance with relevant legislation and codes of practice. This can be covered by a response to an annual questionnaire, circulated by the Single Point of Contact, to confirm:
 - specified purpose of the scheme
 - annual review of every camera
 - maintenance checks undertaken
 - scope and any changes to this
 - DPIAs undertaken and reviewed
 - compliance with relevant legislation and codes of practice
 - annual report of any inspections, contracts associated with the scheme, number of compliments and complaints in relation to the scheme and details of the scheme's performance and priorities, etc.
 - self-assessment tool (SAT) annual review.
 - signage – details of the type of surveillance camera in use, the purpose of its use, who controls the scheme and contact details for further information. Image of the scheme's sign pasted into the CAP.
 - cyber considerations – confirmation of checks in place to protect data with appropriate security measures e.g. if networked systems then there should be up to date firmware, strong passwords and penetration tests should be carried out.

More detail can be found at: <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>