

North Devon Council  
CCTV Scheme  
Code of Practice

# CONTENTS

1. INTRODUCTION AND OBJECTIVES
2. STATEMENT OF PURPOSE AND PRINCIPLES
3. PRINCIPLES OF OPERATION
4. PRIVACY AND DATA PROTECTION
5. ACCOUNTABILITY AND PUBLIC INFORMATION
6. ASSESSMENT OF THE SCHEME AND CODE OF PRACTICE
7. HUMAN RESOURCES
8. CONTROL AND OPERATION OF CAMERAS
9. ACCESS TO, AND SECURITY OF, CONTROL ROOM AND ASSOCIATED EQUIPMENT
10. MANAGEMENT OF RECORDED MATERIAL
11. VIDEO PRINTS

## Appendixes

Appendix A Key Personnel

Appendix B Towns and other locations monitored by CCTV within this Scheme

Appendix C Declaration of Confidentiality

Appendix D Subject Access Request Forms

Appendix E Certificate of Agreement

# 1. INTRODUCTION AND OBJECTIVES

## 1.1. Introduction

This Code of Practice shall apply to the closed-circuit television public space surveillance system known as the North Devon Council CCTV Scheme, or hereinafter “the scheme”. The scheme initially comprises of cameras installed at strategic locations within Barnstaple town centre as well as other locations such as towns and parishes within North Devon. All of the cameras are fully operational with pan, tilt and zoom facilities with control, monitoring and recording facilities at a dedicated location.

This code was first produced to ensure that North Devon Council operates and manages the scheme in full compliance with the regulatory framework governing the use of surveillance camera schemes. In particular the code aims to satisfy the public that:

- The Council’s CCTV surveillance schemes are being operated in full compliance with the law and for the purpose which they were established;
- all data captured by the cameras is managed in full compliance with legislation;
- All staff who operate or access the Council's surveillance camera schemes have been suitably trained and that there are accurate up to date procedures which cover all functions.

The legal, practical and technological developments that have occurred since the CCTV cameras were first installed have introduced changes that have brought about this updated Code of Practice. In particular the move from an analogue CCTV system to a fully digital Internet Protocol (IP), High Definition (HD) CCTV system that will also enable the main CCTV scheme in Barnstaple Town Centre to become a “Hub” to connect CCTV schemes from neighbouring towns and parishes across North Devon.

The North Devon CCTV system has evolved from the formation of a partnership between North Devon Council and Devon and Cornwall Constabulary who have certified their acceptance of the requirements of this code in appendix F.

For the purposes of this document, the ‘owner’ of the scheme is North Devon Council.

For the purposes of the Data Protection Act the ‘data controller’ is North Devon Council.

The North Devon Council CCTV scheme has been notified to the Information Commissioner.

Details of key personnel, their responsibilities and contact points are shown at appendix A to this Code.

## **1.2. Objectives of the scheme**

The objectives of the North Devon CCTV scheme which form the lawful basis for the processing of data are:

- To help reduce the fear of crime
- To help deter crime
- To help detect crime and provide evidential material for court proceedings
- To enhance community safety, assist in developing the economic well-being of the towns and Parishes of the scheme.
- To assist the other Local Authority departments in their enforcement and regulatory functions within the Barnstaple.
- To assist in traffic management
- To assist in supporting civil proceedings which will help detect crime

## **1.3. Scope of the Code**

This code of practice details the guiding principles for the operation of public space surveillance camera schemes required to meet both the Information Commissioner's CCTV Code of Practice and the Surveillance Camera Commissioner's Code of Practice.

## **1.4. Procedural Manual**

This code of practice (hereafter referred to as 'the code') is supplemented by a separate 'Procedural Manual' which offers instructions on all aspects of the day to day operation of the scheme. To ensure the purpose and principles (see section 2) of the scheme are realized, the procedural manual is based on and expands upon the contents of this Code of Practice and is a restricted document for use of CCTV staff only.

## **1.5. Access to the Code**

Copies of this Code of Practice are publicly available in accordance with the Local Government (Access to Information) Act 1985.

## **1.6. Monitoring and Review of Code**

This Code will be reviewed annually Details of the review will be recorded in the annual Surveillance Camera Report.

### **1.7. Changes to the Code**

Any major changes to either the code of practice, (i.e. such as will have a significant impact upon the code of practice or upon the operation of the scheme) will take place only after consultation with the relevant management from North Devon Council.

A minor change, (i.e. such as may be required for clarification and will not have such a significant impact) may be effected by the scheme manager.

## 2 STATEMENT OF PURPOSE AND PRINCIPLES

### **Purpose**

The purpose of this document is to state the intention of the owners and the managers, as far as is reasonably practicable, to support the objectives of the North Devon Council CCTV Scheme and to outline how it is intended to do so.

The 'purpose' of the scheme, and the process adopted in determining the 'reasons' for implementing 'the scheme are as previously defined in order to achieve the objectives detailed within section

### **2.1 General Principles of Operation**

The Council uses public space CCTV as an effective tool to support the reduction of crime and anti- social behaviour, to reduce the fear of crime and improve public safety. Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide CCTV coverage of any land within their area for the purposes of crime prevention or victim welfare.

In establishing and operating CCTV systems and cameras, the Council is required to ensure that it complies with all relevant legislation and codes of practice. It must ensure that it has systems and procedures in place that detail its responsibility for all aspects of relevant legislation and codes of practice pertaining to public space CCTV.

The legal basis for using data in this way is as a public task. Processing is necessary to perform a task in the public interest or for official functions and the task or function has a clear basis in law.

Throughout this code of practice it is intended, as far as reasonably possible, to balance the objectives of the CCTV scheme with the need to safeguard the individual's rights. Every effort has been made in the code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be identified that the scheme is not only accountable, but is seen to be accountable.

Participation in the scheme 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 of practice.

### **2.2 Legislation and Codes of Practice**

In operating CCTV systems the Council must pay due regard to the following legislation and Codes of Practices:

### **2.2.1 [The Data Protection Act 2018](#);**

There are currently six principles in the Data Protection Act to which the North Devon Council CCTV scheme is required to adhere to:

The first data protection principle is that the processing of personal data for any of the law enforcement purposes must be lawful and fair. The processing of personal data for any of the law enforcement purposes is lawful only if and to the extent that it is based on law and either— the data subject has given consent to the processing for that purpose, or the processing is necessary for the performance of a task carried out for that purpose by a competent authority. In addition, where the processing for any of the law enforcement purposes is sensitive processing, the processing is permitted only in the two cases set out in subsections (4) and (5) of the Act.

The second data protection principle is that the law enforcement purpose for which personal data is collected on any occasion must be specified, explicit and legitimate, and personal data so collected must not be processed in a manner that is incompatible with the purpose for which it was collected.

The third data protection principle is that personal data processed for any of the law enforcement purposes must be adequate, relevant and not excessive in relation to the purpose for which it is processed.

The fourth data protection principle is that personal data processed for any of the law enforcement purposes must be accurate and, where necessary, kept up to date, and every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the law enforcement purpose for which it is processed, is erased or rectified without delay.

The fifth data protection principle is that personal data processed for any of the law enforcement purposes must be kept for no longer than is necessary for the purpose for which it is processed.

The sixth data protection principle is that personal data processed for any of the law enforcement purposes must be so processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, “appropriate security” includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

### **2.2.2 [The Human Rights Act 1998](#);**

The Council is required to ensure that obligations of the Human Rights Act 1998 are considered when establishing and operating all CCTV cameras and monitoring systems, and in particular that each and every deployment is necessary and proportionate to the issue that it is being deployed to address.

It is recognised that the operation of public space CCTV may be considered to infringe on the privacy of individuals, and the council recognises that it is its

responsibility to ensure that management of CCTV cameras should always comply with all relevant legislation, to ensure its legality and legitimacy.

### 2.2.3 The Regulation of Investigatory Powers Act 2000;

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-*

*for the purposes of a specific investigation or a specific operation;*

*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); and*

*(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*

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

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 was to continue for some time. The code says some hours rather than minutes.

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 Superintendent or above. If an authority is required immediately, an 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; or*

*(g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.*

In cases where there is doubt as to whether an authorisation is required or not, it may be prudent to obtain the necessary authority in writing by way of the forms. Any authority given should be recorded appropriately for later reference.

#### **2.2.4 [The Protection of Freedoms Act 2012;](#)**

The Protection of Freedoms Act (PoFA) 2012 has 12 guiding principles that are required to be adhered to:

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. 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.

#### **2.2.5 The Information Commissioner's Codes of Practice;**

The Information Commissioner's Officer (ICO) issued its first code of practice under the Data Protection Act 2018 covering the use of CCTV in 2000. It was developed to explain the legal requirements operators of surveillance cameras were required to meet under the Act and promote best practice.

All Council public space surveillance schemes are required to comply with the ICO's CCTV Code of Practice, based on the principles of the DPA, and cover the full life cycle of and operation of CCTV surveillance systems. The code applies to the operation of all public space CCTV equipment that it operates. This means that any camera related surveillance equipment such as body worn cameras, standalone CCTV cameras, ANPR cameras, security building cameras etc. that captures information of identifiable individuals or information relating to individuals is covered by the ICO code of practice.

#### **2.2.6 The Surveillance Camera Commissioner's Codes of Practice;**

The Surveillance Camera Commissioners (SCC) code of practice is issued by the Secretary of State under Section 30 of the 2012 Act. It provides guidance on the appropriate and effective use of all public space surveillance camera systems. The code sets out 12 guiding principles that should be applied to all surveillance camera systems in public spaces to ensure that there is proportionality and transparency in the operation of the systems and that they are capable of providing good quality images fit for purpose. The principles required to be adopted are:

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. 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.

### 2.2.7 General Data Protection Regulations (GDPR)

Article 5 of the GDPR sets out seven key principles which lie at the heart of the general data protection regime.

Article 5(1) requires that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability')."

### **2.3 Copyright**

Copyright and ownership of all material recorded by virtue of the scheme will remain with the data controller.

### **2.4 Operators Instructions**

Technical instructions on the use of equipment housed within the control room are contained in separate manuals provided by the equipment suppliers.

## 3 PRINCIPLES OF OPERATION

### 3.1 General Principles

All Council schemes will be operated in accordance with all of the requirements and the principles of the legislation and Codes of Practice governing the operation of public space CCTV as detailed above.

All schemes will be operated fairly, within the law, and only for the purposes for which they were established and have been registered with the Information Commissioner's Office, and declared within their Surveillance Camera Code of Practice Self- Assessment.

All schemes 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 their home.

Each scheme will establish and maintain a Procedures Manual listing duties, responsibilities and procedures to be followed by all staff that operate or access the scheme. This will be made available for inspection by the Council's auditors

Participation in any of the Council's schemes by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this code of practice and the terms and conditions of the partnership arrangements which will be set out in service level agreements (SLAs).

Copyright and ownership of all material recorded by virtue of the Council schemes will remain with the data controller.

### 3.2 Audit and review

The scheme manager will be responsible for undertaking regular audits of compliance with the Service Level Agreements, Protocols and Procedures which cover this Code of Practice and the regulatory framework that governs the use of public space surveillance camera equipment.

Annual inspections of the schemes will be undertaken to ensure that they are compliant with the Surveillance Camera Commissioner's Code of Practice and the Council's Policies and Procedures governing the use of surveillance camera equipment.

### **3.3 Staff**

Unauthorised persons will not have access to the control room or any associated equipment without an authorised member of staff being present.

The control room shall be staffed by specially selected and trained operators in accordance with the strategy contained within the procedural manual.

All operators shall receive training relevant to their role in the requirements of the Data Protection Act 2018, the General Data Protection Regulation (together '**Data Protection Legislation**') Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the codes of practice and procedures. Further training will be provided as necessary. In addition all operators will be trained to Security Industry Authority (SIA) standards and be required to hold a current SIA license

Where Council systems enable security access controls, all users of the schemes will be issued with a unique identification password by the scheme manager. The scheme managers will be responsible for ensuring that only the authorised personnel may operate equipment. Users **MUST** only use their personal username and password to access the system and **MUST** not allow anyone else to sign in using their details.

All users of Council schemes have a responsibility to comply with this Code of Practice and the individual scheme's Procedures Manual. They have a responsibility to respect the privacy of the individual and understand and comply with the objectives of the scheme.

All users, contractors and visitors will be required to sign a formal confidentiality declaration that they will treat all data as strictly confidential and that they undertake not to divulge it to any unauthorised person.

### **3.4 Equipment, Cameras and areas covered**

This code of practice covers public space CCTV operated by the Council. The areas covered by CCTV to which this code of practice refers are public spaces and cover various areas in and around the town of Barnstaple and the wider towns and parishes of North Devon as listed in appendix B.

The use of surveillance cameras will be identified by appropriate signage, detailing the owner of the camera, the purposes of the scheme and a contact telephone number.

From time to time transportable or mobile cameras may be temporarily sited within the area. The use of such cameras, and the data produced by virtue of their use, will always accord with the objectives of the CCTV scheme and be governed by these codes and procedures.

Some of the cameras offer full colour, pan tilt and zoom (PTZ) capability, some of which may automatically switch to monochrome in low light conditions.

None of the cameras forming part of the scheme will be installed in a covert manner. Some cameras may be enclosed within 'All weather domes' for aesthetic or operational reasons but the presence of all cameras will be identified by appropriate signs.

Maps showing the number and location of all cameras can be found on the NDC website at

<https://northdevon.gov.uk/media/377846/cctvlocations2.jpeg>

All CCTV equipment operated within a scheme needs to be of a recognised standard that is in keeping with the existing equipment and systems as well as of an appropriate standard to meet law enforcement and evidence requirements.

Scheme managers will establish privacy zones where appropriate to protect the privacy of individuals where a camera captures images from a private property or where their scheme has the technical ability to do so. Scheme managers will undertake regular checks of their equipment to ensure that the quality of the images obtained from the cameras continues to meet the purpose for which they were installed.

### **3.5 Monitoring and Recording Facilities**

A staffed control room is located in Barnstaple Town Centre. The CCTV equipment has the capability of recording all cameras simultaneously throughout every 24-hour period.

No equipment other than that housed within the main CCTV control room shall be capable of recording images from any of the cameras with the exception of the Ilfracombe Harbour cameras which for operational purposes require the Harbour Master to have access to recorded footage and as such have an additional separate video recording management system accessed only by the harbour master and authorised staff.

CCTV cameras record images in real-time and CCTV operators are able to produce hard copies of recorded images, replay or copy any pre-recorded data at their discretion and in accordance with the code of practice. All viewing and recording equipment shall only be operated by trained and authorised users.

Not all Council schemes are monitored live, and some schemes are only monitored for operational periods, however, all schemes record data 24 hours per day



In addition to the secondary monitoring facilities, some partners share live data feeds from Council systems. These partners are listed in appendix F. Any misuse of the Council's CCTV schemes and the resultant data will be investigated thoroughly and may constitute a breach in law under the DPA.

### **3.6 Data Privacy Impact Assessment**

A data privacy impact assessment (DPIA) review will be undertaken by the scheme manager or designated deputy when:

- Considering the installation of any new camera;
- Introducing a new surveillance camera system;
- Considering introducing new or additional technology that may affect privacy (e.g. ANPR, Body worn cameras, remotely operated vehicles (drones), dash cams (or other vehicle mounted camera), megapixel or multi sensor very high-resolution cameras);
- Changing the location or field of view of a camera or other such change that may engage privacy concerns;
- Conducting the annual review of the system to ensure that it is still justified;
- Considering the capture of an additional identifier such as vehicle registration mark to enable ANPR;
- Any activity or change will engage heightened privacy concerns such as voice recording and biometric recognition such as facial and gait recognition;
- The system involves any form of cross referencing to other collections of personal information;
- The system involves more than one company or agency undertaking activities either on the schemes behalf or in their own right;
- There is a change the way in which the recorded images and information is handled, used or disclosed;
- There is an increase the area captured by the surveillance camera system;
- There is a change or addition of the end user or recipient for the recorded information or information derived from it.

Regular DPIA reviews will be undertaken to ensure cameras and the camera system remain justified in order to comply with Principle 2 of the surveillance camera commissioner's code of practice.

Scheme managers will take into consideration their obligations under the Data Protection Act 2018 and follow the guidance provided in the Surveillance Camera Commissioners CCTV code of practice .

### **3.7 Time and Date**

The scheme's operating system is automatically attuned for time and date through a time syncing transmission which is managed through the National Physics Laboratory. Accuracy checks of time and date displays will be carried out at the commencement of each shift. All discrepancies are recorded in accordance with the principles of the DPA

### **3.8 Signs**

Each scheme will deploy appropriate signage in order to notify the public that surveillance cameras are in use. The signs will also notify the reason for the use of cameras, who operates the cameras and how to make contact with the scheme operating the cameras.

## 4 PRIVACY AND DATA PROTECTION

### 4.1 Public Concern

Although the majority of the public at large may have become accustomed to 'being watched' in public places those who do express concern do so mainly over matters pertaining to the processing of the information, (or data) i.e. what happens to the material that is obtained.

All personal data obtained by virtue of the scheme, shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the scheme. In processing personal data there will be total respect for everyone's right to respect for his or her private and family life and their home.

The storage and security of the data will be strictly in accordance with the requirements of the Data Protection Legislation and additional locally agreed procedures.

### 4.2 Data Protection Legislation

The operation of the scheme has been notified to the office of the Information commissioner in accordance with current Data Protection Legislation.

The 'data controller' for the scheme is North Devon Council and day to day responsibility for the data will be devolved to the CCTV Control Room Manager.

All data will be processed in accordance with the principles of the Data Protection Legislation which is listed in item 2.2.7 above

### 4.3 Request for Information (Subject Access)

Any request from an individual for the disclosure of personal data which he/she believes is recorded by virtue of the scheme will be directed in the first instance to the scheme manager or data controller.

Data subject access rights as contained in the Data Protection Legislation, including the right of access and right to erasure shall be followed in respect of every request and the Council's Data Protection Policy followed in this regard.

If the request cannot be complied without identifying another individual, permission from all parties must be considered (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.

Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located. The appropriate 'Subject Access' request form can be found on the North Devon Council website at

<https://northdevon.gov.uk/council/data-protection-and-freedom-of-information/privacy-and-data-protection/your-rights/request-access/>

#### **4.4 Exemptions to the Provision of Information**

In considering a request made under the provisions of paragraph 2 of Schedule 2 of the Data Protection Act 2018

Personal data processed for any of the following purposes –

- The prevention or detection of crime
- The apprehension or prosecution of offenders

Are exempt from the following provisions in the GDPR

- (a) Requirement to inform individuals of what will happen to their personal data when it is collected
- (b) Right of access (subject access requests) to personal data
- (c) Right to rectification of personal data
- (d) Right to erasure of personal data
- (e) Right to request restriction of processing of personal data
- (f) Right to data portability of personal data
- (g) Right to object to processing of personal data
- (h) The principles for the GDPR so far as these correspond to the rights and obligations above
- (i) To carry out fair and transparent processing of personal data
- (j) The principle that the use of personal data be limited to a specific purpose

To the extent that application of the above listed provisions would prejudice the prevention or detection of a crime and/or the apprehension or prosecution of offenders.

Note: Each and every application will be assessed on its own merits and general 'blanket exemptions' will not be applied. This includes being satisfied that the requesting organisation has an appropriate and identified legitimate purpose and lawful basis pursuant to which they will process the information and such processing is necessary pursuant to that legitimate purpose, having in mind the principle of data minimisation in particular.

#### **4.5 Criminal Procedures and Investigations Act 1996**

The Criminal procedures and Investigations Act 1996 came into effect in April 1997 and introduced a statutory framework for the disclosure to defendants of material which the prosecution would not intend to use in the presentation of its own case, (known as unused material). An exploratory summary of the provisions of the Act is contained within the procedural manual, but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the data controller via data subject rights in the Data Protection Legislation.

## 5 ACCOUNTABILITY AND PUBLIC INFORMATION

### 5.1 The Public

For reasons of security and confidentiality, access to the CCTV control room is restricted in accordance with this code of practice. However, in the interest of openness and accountability, persons wishing to visit the room may be permitted to do so, subject to the approval of, and after making prior arrangements with the room manager. In turning down a request to visit the control room from a member of the public the room manager will not be required to justify his reasons.

Cameras will not be used to look into private residential property. Where there is the possibility that cameras could inadvertently do this 'Privacy Zones' and/or Privacy screens will be programmed into the system as required in order to ensure that the interior of any private residential property within range of the system is not surveyed by the cameras.

A member of the public wishing to register a complaint with regard to any aspect of the scheme may do so by contacting the central switchboard of North Devon Council who will then refer the matter to the scheme manager. All complaints shall be dealt with in accordance with North Devon Council's complaints procedure, a copy of which may be obtained from Lynton House, Commercial Rd, Barnstaple EX31 1DG. Any performance issues identified will be considered under the organisations disciplinary procedures to which all members of North Devon Council, including CCTV personnel are subject.

All CCTV staff are contractually subject to regulations governing confidentiality and discipline.

### 5.2 Scheme Owner

The scheme manager will provide Strategy and Resources Committee with relevant reports at least annually.

### 5.3 Scheme Manager

The nominated manager named at Appendix A will have day-to-day responsibility for the Scheme as a whole.

The Scheme manager will ensure that every complaint is acknowledged in writing within five working days which will include advice to the complainant of the enquiry procedure to be undertaken.

Statistical and other relevant information, including any complaints made, will be included in the Annual Report to North Devon Council.

## **5.4 public Information**

### **5.4.1 Code of Practice**

A copy of this code of practice shall be published on North Devon Council's website, and a copy will be made available to anyone on request. Additional copies will be lodged at public libraries, Barnstaple and Ilfracombe Police Stations and North Devon Council offices in Lynton House, Commercial Road Barnstaple and the local area office, High Street, Ilfracombe.

### **5.4.2 Annual Report**

The annual report and that for subsequent years shall be published by the end of June in the year following the reporting year. A copy of the annual report will also be made available to anyone requesting it. Additional copies will also be made available at Barnstaple and Ilfracombe Police Stations and the offices of North Devon Council.

### **5.4.3 Signs**

Signs (As shown below) will be placed in the locality of the cameras and at main entrance points to the relevant areas. The signs will indicate:

- The presence of CCTV monitoring
- The 'ownership' of the scheme
- Contact telephone number of the 'data controller' of the scheme privacy notice ([www.northdevon.gov.uk/privacy](http://www.northdevon.gov.uk/privacy))

## 6 ASSESSMENT OF THE SCHEME AND CODE OF PRACTICE

### 6.1 Evaluation

The scheme will be periodically evaluated to establish whether the purposes of the scheme are being complied with and whether objectives are being achieved. The format of the evaluation shall comply with that laid down by the Home Office Statistics and Research Directorate in the Home Office Bidding Guidelines and be based on assessment of the inputs, the outputs, the process and the impact of the scheme.

- An assessment of the impact upon crime: This assessment shall include not only the immediate area covered by the cameras but the wider town area, the Police District and regional areas and national trends.
- An assessment of the incidents monitored by the scheme
- An assessment of the impact on town centre business
- An assessment of neighbouring areas without monitored CCTV
- The views and opinions of the public
- The operation of the code of practice
- Whether the purposes for which the scheme was established are still relevant

The results of the evaluation will be used to review and develop any alterations to the specified purpose and objectives of the scheme as well as the functioning, management and operation of the scheme.

It is intended that evaluations should take place annually.

### 6.2 Monitoring

The scheme manager will accept day to day responsibility for the monitoring, operation and evaluation of the scheme and the implementation of this code of practice.

The scheme manager shall also be responsible for maintaining full management information as to the incidents dealt with by the control room, for use in the management of the scheme and in future evaluations.

### 6.3 Audit

The North Devon Council Internal Audit Team will be responsible for annually auditing the operation of the scheme and compliance with this code of practice. Audits will include examination of the control room records.



## 7 HUMAN RESOURCES

### 7.1 Staffing of the Control Room and those Responsible for the Operation of the Scheme

The CCTV control room will be staffed in accordance with the procedural manual. Equipment associated with the scheme will only be operated by authorised personnel who will have been trained to SIA standards and hold an SIA license as well as being fully conversant in all the control room procedures.

Every person involved in the management and operation of the scheme will have access to a copy of both the code of practice and the procedural manual, will be required to sign a confirmation that they fully understand the obligations adherence to these documents places upon them and that any breach will be considered as a disciplinary offence. They will be fully conversant with the contents of both documents, which may be updated from time to time, and which he/she will be expected to comply with as far as is reasonably practicable at all times.

Arrangements may be made for a police liaison officer to be present in the control room at certain times, or indeed at all times, subject to locally agreed protocols. Any such person must also be conversant with this code of practice and associated procedural manual.

All personnel involved with the scheme shall receive training from time to time in respect of all legislation appropriate to their role.

### 7.2 Discipline

Every individual with any responsibility under the terms of this code of practice and who has any involvement with the scheme to which they refer, will be subject to the North Devon Council Discipline Code. Any breach of this code of practice or of any aspect of confidentiality will be dealt with in accordance with those discipline rules.

The Scheme manager will accept primary responsibility for ensuring there is no breach of security and that the code of practice is fully complied with. They will have the day to day responsibility for the management of the room and for enforcing the discipline rules. Non-compliance with this code of practice by any person will be considered a breach of discipline and dealt with accordingly including, if appropriate, the instigation of criminal proceedings.

### **7.3 Declaration of Confidentiality**

Every individual with any responsibility under the terms of this code of practice and who has any involvement with the scheme to which they refer, will be required to sign a declaration of confidentiality (see example at Appendix D).

## 8 CONTROL AND OPERATION OF CAMERAS

### 8.1 Guiding Principles

Any person operating the cameras will act with the utmost probity at all times.

The cameras, control equipment, recording and reviewing equipment shall, at all times only be operated by persons who have been trained in their use and the legislative implications of their use.

Every use of the cameras will accord with the purposes and key objectives of the scheme and shall be in compliance with this code of practice.

Cameras will not be used to look into private residential property. 'Privacy zones' may be programmed into the system (whenever practically possible) in order to ensure that the interior of any private residential property within range of the system is not surveyed by the cameras.

Camera operators will be mindful of exercising prejudices which may lead to complaints of the scheme 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, group of individuals or property at any time by virtue of the audit of the scheme or by the scheme manager.

### 8.2 Primary Control

Only those trained and authorised members of staff with responsibility for using the CCTV equipment will have access to the operating controls, those operators have primacy of control at all times.

### 8.3 Secondary Control

There is no secondary control

Subject to permission being granted by the primary control room operator, secondary control rooms may take control of the operation of the cameras. The use of secondary control and monitoring facilities will be administered and recorded in full accordance with this code of practice and the procedural manual and does not diminish in any way the obligations imposed on any of the persons involved to comply with all current legislative requirements.

### 8.4 Operation of the Scheme by the Police

Under extreme circumstances the Police may make a request to assume direction of the scheme to which this code of practice applies. Only requests

made on the written authority of a police officer not below the rank of Superintendent will be considered. Any such request will only be accommodated on the personal written authority of the most senior representative of the scheme owners, or designated deputy of equal standing.

In the event of such a request being permitted, the control room will continue to be staffed and equipment operated by, only those personnel who are authorised to do so, and who fall within the terms of sections 6 and 7 of this code, who will then operate under the direction of the police officer designated in the written authority.

In very extreme circumstances a request may be made for the Police to take total control of the scheme in its entirety, including the staffing of the control room and personal control of all associated equipment, to the exclusion of all representatives of the scheme owners. Any such request should be made to the scheme manager in the first instance, who will consult personally with the most senior officer of the scheme owners (or designated deputy of equal standing).

A request for total exclusive control must be made in writing by a police officer not below the rank of Assistant Chief Constable or person of equal standing.

## **8.5 Maintenance of the Scheme**

To ensure compliance with both the Surveillance Camera Commissioners code of practice that images recorded continue to be of appropriate evidential quality the scheme shall be maintained in accordance with the requirements of the procedural manual under a maintenance agreement.

The maintenance agreement will make provision for regular/periodic service checks on the equipment which 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.

The maintenance will also include regular periodic overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life.

The maintenance agreement will also provide for 'emergency' attendance by a specialist CCTV engineer on site to rectify any loss or severe degradation of image or camera control.

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 scheme.

It is the responsibility of the scheme manager to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the maintenance organisation.

## 9 ACCESS TO, AND SECURITY OF, CONTROL ROOM AND ASSOCIATED EQUIPMENT

### 9.1 Authorised Access

Only trained and authorised personnel will operate any of the equipment located within the CCTV control room, (or equipment associated with the CCTV scheme).

### 9.2 Public Access

Public access to the monitoring and recording facility will be prohibited except for lawful, proper and sufficient reasons and only then with the personal authority of the scheme manager. Any such visits will be conducted and recorded in accordance with the procedural manual.

### 9.3 Authorised Visits

Visits by auditors do not fall into the scope of the above paragraph and may take place at any time. No more than two auditors will visit at any one time. Auditors will not influence the operation of any part of the scheme during their visit. The visit will be suspended in the event of it being operationally inconvenient. Any such visit should be recorded in the same way as that described above.

### 9.4 Declaration of Confidentiality

Regardless of their status, all visitors to the CCTV control room, including auditors will be required to sign the visitor's book and in doing so are agreeing to a declaration of confidentiality, which is displayed alongside the visitor's book.

### 9.5 Security

Authorised personnel will normally be present at all times when the equipment is in use. If the monitoring 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 procedural manual will be complied with.

The control room will at all times be secured by 'Digi-locks' requiring a numeric code for entrance or other equally secure means.

## 10 MANAGEMENT OF RECORDED MATERIAL

### 10.1 Guiding Principles

For the purposes of this code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the scheme, but specifically includes images recorded digitally, or on videotape or by the way of video copying, including video prints.

Every video or digital recording obtained by using the scheme has the potential of containing material that has to be admitted in evidence at some point during its life span.

Members of the community must have total confidence that information recorded about their ordinary every day activities by virtue of the scheme will be treated with due regard to their individual right to respect for their private and family life.

It is therefore of the utmost importance that irrespective of the means or format (e.g. paper copy, video tape, digital tape, CD, or any form of electronic processing and storage) of the images obtained from the system they are treated strictly in accordance with this code of practice and the procedural manual from the moment they are received by the control room until final destruction. Every movement and usage will be meticulously recorded.

Access to and the use of recorded material will be strictly for the purposes defined in this code of practice only.

Recorded material will not be copied, sold, otherwise released or used for commercial purposes or for the provision of entertainment.

### 10.2 National Standard for the Release of Data to a Third Party

**10.2.1** Every request for the release of personal data generated by this CCTV scheme will be channelled through the Scheme Manager. The scheme manager will ensure the principles contained within this code of practice are followed at all times.

In complying with the data protection act 2018 and GDPR, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- Recorded material shall be processed lawfully and fairly, and used only for the purposes defined in this code of practice
- Access to recorded material will only take place in accordance with the standards outlined within this code of practice
- The release or disclosure of data for commercial or entertainment purposes is specifically prohibited

**10.2.2** Members of the police service or other agency having a statutory authority to investigate and/or prosecute offences may, subject to compliance with this code of practice, release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses. Under such circumstance, full details will be recorded in accordance with the procedural manual.

If material is to be shown to witnesses, including police officers, for the purpose of obtaining identification evidence, it must be shown in accordance with this code of practice and the procedural manual.

**10.2.3** It may be beneficial to make use of 'real' video footage for the training and education of those involved in the operation and management of the CCTV scheme, and for those involved in the investigation, prevention and detection of crime.

Any material recorded by virtue of this CCTV system will only be used for bona fide training and education purposes. Recorded material will not be released for commercial or entertainment purposes.

### **10.3 DVD – Provision and Quality**

To ensure the quality of the DVD's and that recorded information will meet the criteria outlined by the current Home Office guidelines, the only DVD's to be used with the scheme are those which have been specifically provided in accordance with the procedural manual.

### **10.4 DVD's – Retention**

Recorded DVD's will be retained for a period of one calendar month or until collected by the Police, whichever comes first.

DVD's will always be used and stored in accordance with the procedural manual. At the conclusion of their life within the CCTV scheme they will be destroyed and the destruction certified.

### **10.5 DVD/CD Register**

Each DVD/CD's will have a unique tracking record maintained in accordance with the procedural manual, which will be retained for at least two years, after the DVD/CD's have been destroyed. The tracking record shall identify every



use, and viewing or seizure of the DVD/CD's since their first use to the final destruction of the DVD/CD.

### **10.6 Recording Policy**

Subject to the equipment functioning correctly, images from every camera will be recorded throughout every 24-hour period in real time on the digital recording equipment.

### **10.7 Evidential footage**

In the event of any CCTV footage being required for investigation purposes or as required for evidence then this footage will be transferred to a digital evidence locker that is securely protected for a period of 90 days or until collected by the police or other authorised agency. The footage will be tagged and logged into the CCTV image audit trail including the purpose for placing it into the evidence locker including details of the person requesting the footage and their organisation.

## 11 VIDEO PRINTS

### 11.1 Guiding Principles

A video print is a copy of an image extracted from a recording. Such prints are equally within the definitions of 'data' and recorded material.

Video prints will not be taken as a matter of routine. Each time a print is made it must be capable of justification by the originator who will be responsible for recording the full circumstances under which the print is taken in accordance with the procedural manual.

Video prints contain data and will therefore only be released under the terms of this code of practice. If prints are released to the media, (in compliance with this code of practice, in an effort to identify alleged offenders or potential witnesses, full details will be recorded in accordance with the procedural manual).

A record will be maintained of all video print productions in accordance with the procedural manual. The recorded details will include: a sequential number, the date, time, and location of the incident, date and time of the production of the print and the identity of the person requesting the print, (if relevant) and the purpose for which the print was taken.

The records of the video prints taken will be subject to audit in common with all other records in the scheme.

## Appendix A Key Personnel

### 1. Scheme Owners

North Devon Council  
Lynton House,  
Commercial Rd,  
Barnstaple  
EX31 1DG  
Tel: 01271 327711

#### Responsibilities:

North Devon Council is the 'owner' of the scheme. Sarah Jane Mackenzie-Shapland is the Senior Responsible Officer (SRO) on behalf of the owners. Her role will include a responsibility to:

- Ensure the provision and maintenance of all equipment forming part of the scheme in accordance with contractual arrangements which the owners may from time to time enter into.
- Maintain close liaison with the control room manager.
- Ensure the interests of the owners and other organisations are upheld in accordance with the terms of this code of practice.
- Agree to any proposed alterations and additions to the scheme, this code of practice and/or the procedural manual.

#### Responsibilities:

Mrs Hannah Harrington (Hannah.harrington@northdevon.gov.uk) is the 'manager' of the North Devon Council CCTV scheme. She has delegated authority for data control on behalf of the 'data controller'.

Her role includes responsibility to:

- Maintain day to day management of the scheme and staff.
- Accept overall responsibility for the scheme and for ensuring that this code of practice is complied with.
- Maintain direct liaison with the scheme owner's nominated point of reference.
- Maintain direct liaison with operating partners.

Robert Collins [Robert.collins@northdevon.gov.uk](mailto:Robert.collins@northdevon.gov.uk) is the Single Point of Contact (SPOC) and Senior CCTV operator. His responsibilities are:

- To supervise the day to day running of the main CCTV Control Room.
- To liaise with police regarding operational matters and briefings
- To provide reports and reviews of all CCTV operations
- Ensure compliance with the code of practice and control room procedures and maintaining the local authority Code
- To maintain an audit of North Devon Council Schemes (e.g. CCTV, BWV, ANPR, UAVs and dash cams) including maintaining a central register of all public space surveillance cameras equipment that the local authority operates
- Acts as the main contact point for anything related to surveillance camera systems.

### **Scheme Management**

Each of the Council's CCTV schemes will have a scheme manager.

The current schemes and associated managers are:

Public Open Spaces	Hannah Harrington <a href="mailto:hannah.harrington@northdevon.gov.uk">hannah.harrington@northdevon.gov.uk</a>
Ilfracombe Harbour	Georgina Carlo-Paat <a href="mailto:georgina.Carlo-Paat@northdevon.gov.uk">georgina.Carlo-Paat@northdevon.gov.uk</a>
NDC property	Chay MacKenzie <a href="mailto:chay.Mckenzie@northdevon.gov.uk">chay.Mckenzie@northdevon.gov.uk</a>

## **Appendix B Towns and other locations monitored by CCTV within this Scheme**

- 1. Barnstaple Town Centre - 19 cameras all Pan Tilt and Zoom**
- 2. Rock Park – 2 cameras covering the area around the Children’s play park and the area around the skate park**
- 3. Ilfracombe High Street – 1 camera Pan Tilt and Zoom**
- 4. Ilfracombe Harbour – 17 Cameras 3 are Pan Tilt and Zoom the rest are fixed cameras**

## Appendix C Declaration of Confidentiality

### North Devon Council CCTV Scheme

I, \_\_\_\_\_, am retained by North Devon Council to perform the duty of CCTV Control Room Operator. I have access to a copy of the code of practice in respect of the operation and management of that CCTV scheme.

I hereby declare that:

I am fully conversant with the content of that code of practice and understand that all duties which I undertake in connection with the North Devon Council scheme must not contravene any part of the current code of practice, or any future amendments of which I am made aware. If now, or in the future, I am or become unclear of any aspect of the operation of the scheme or the content of the code of practice, I undertake to seek clarification of any such uncertainties.

I understand that it is a condition of my employment that I do not disclose or divulge to any individual, firm, company, authority, agency or other organisation, any information which I may have acquired in the course of, or for the purposes of, my position in connection with the CCTV scheme, verbally, in writing or by any other media, now or in the future, (including such time as I may no longer be retained in connection with the CCTV scheme).

In appending my signature to this declaration, I agree to abide by the code of practice at all times. I also understand and agree to maintain confidentiality in respect of all information gained during the course of my duties, whether received verbally, in writing or any other media format – 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 North Devon Council 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: \_\_\_\_\_

Witness: \_\_\_\_\_ Position: \_\_\_\_\_

Dated \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

**Appendix D**

**Certificate of Agreement**

The content of both this Code of Practice and the Procedural Manual are hereby approved in respect of the North Devon Council Closed Circuit Television Scheme and, as is reasonably practicable, will be complied with by all who are involved in the management and operation of the system.

Signed for and on behalf of North Devon District Council

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Position held: \_\_\_\_\_

Dated the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

Signed for and on behalf of Devon and Cornwall Constabulary

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Position held: \_\_\_\_\_

Dated the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

