



HILLINGDON
LONDON

London Borough of Hillingdon

CCTV Code of Practice 2021

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VERSION NUMBER	DATE	KEY CONTACT
1	04.01.2021	Daniel Kennedy, Director (Planning, Environment, Education and Community Services).

1. Introduction

1.1 Purpose of this Code

The aim of the CCTV Code of Practice is to regulate the operation of Closed-Circuit Television Systems (CCTV) within the London Borough of Hillingdon. It sets out the rules to be followed by the Council, its Members, employees, agency staff, contractors, the Police and any other organisation involved in the management or operation of CCTV systems in Hillingdon.

The Code of Practice is supported by a CCTV Procedure Manual which is aimed at staff operating CCTV systems. The CCTV Procedure Manual is not a public document.

1.2 CCTV in Hillingdon

The London Borough of Hillingdon, working with the Metropolitan Police, have assessed that the use of CCTV systems in Hillingdon is a necessary and proportionate tool to help reduce crime, reduce the fear of crime, and improve public safety.

The Criminal Justice and Public Order Act 1994 gives local authorities the power to provide CCTV of any land within their area for the purposes of crime prevention or victim welfare.

1.3 Ownership of CCTV systems

CCTV systems in Hillingdon are owned by the London Borough of Hillingdon. The Council has overall responsibility for the purpose and control of the use or processing of images or other information obtained through CCTV and monitoring. The system is managed by the Director of Housing, Environment, Education, Performance, Health and Wellbeing and their telephone number is 01895 250111.

1.4 Contributors to the Code of Practice

This Code has been developed by the London Borough of Hillingdon in consultation with Metropolitan Police. The London Borough of Hillingdon has overall responsibility for the formulation and implementation of the Code of Practice.

1.5 Future revisions to the Code of Practice

The Code of Practice will be subject to democratic approval through the Council's Cabinet structure and will be reviewed annually by the Council's Hillingdon Information Assurance Group following consultation with Police and any other relevant parties.

1.6 Management structure

The CCTV control room is staffed by trained operatives and supervisors under the management of a CCTV Programme Manager.

2. Aims and objectives of CCTV systems

The overarching aim of the London Borough of Hillingdon CCTV system is to support public safety and assist in the prevention and detection of crime.

The objectives of CCTV systems in Hillingdon are to:

- Improve the safety and security of residents, businesses and visitors;
- Promote public confidence by developing a safe and secure community;
- Help deter crime and reduce the fear of crime and anti-social behaviour;
- Provide evidence for use in court;
- Assist with town centre and traffic management;
- Assist the Council in exercising its enforcement and regulatory functions.

3. CCTV equipment

A number of community safety CCTV systems operate in the London Borough of Hillingdon. These include:

- Public Space Camera Systems that are installed at strategic locations across the borough;
- Automatic Number Plate Reader cameras (ANPR);
- Stand Alone Systems such as those sited at Public Libraries;
- Mobile CCTV camera systems.

There are over 900 cameras, which live stream back to the CCTV Control room.

Where CCTV is in use, there are signs telling residents and visitors that they are entering an area covered by CCTV. The signs indicate:

- The presence of the CCTV cameras;
- The ownership of the system;
- A contact telephone number for the owner of the system.

3.1 Fixed CCTV

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

There are no cameras in the CCTV system installed in a covert manner.

3.2 Mobile CCTV

Mobile cameras may be used temporarily. Mobile CCTV deployments are subject to regular review and use is authorised by the Cabinet Lead for Community Safety who takes into account requests for the deployment of CCTV based upon prevailing priorities.

In all cases it is necessary to show the necessity for deployment of mobile cameras and to document the decision and the rationale for their use.

3.3 ANPR

Automatic Number Plate Reader (ANPR) cameras are installed in key locations in the Borough for the detection and prevention of crime. They identify and record registrations that have been logged on the system, such as stolen vehicle registrations.

4. Control room management and operation

A CCTV control room is located in a secure location in the Civic Centre, Uxbridge. Images are collected, viewed, disclosed, retained and disposed of in accordance with this Code of Practice.

The CCTV control room is staffed at all times and in accordance with the CCTV Procedure Manual. Equipment associated with the CCTV System will only be operated by authorised personnel who will have been properly trained in its use and all monitoring room procedures.

All CCTV Operatives and supervisors hold a valid Public Space Surveillance (CCTV) Licence issued by the Security Industry Authority or equivalent.

4.1 Control of Cameras

CCTV Operatives can record images from selected cameras in real-time, produce hard copies of recorded images, replay, or copy any pre-recorded data at their discretion and in accordance with the Code of Practice. Authorisation to use CCTV can only be provided by the CCTV Programme Manager, a Head of Service or a Director employed by the London Borough of Hillingdon.

Camera operatives must not use the CCTV System for purposes other than those for which it is intended. A Declaration of Confidentiality is completed by Camera operatives and is attached in Appendix E.

CCTV operatives 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 CCTV System or by the CCTV Programme Manager.

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

4.2 Use of CCTV systems by Police and enforcement agencies

In urgent cases such as a major incident, the Police may take control of the cameras. This will require permission from the Duty CCTV Supervisor or CCTV Programme Manager.

Police surveillance and other enforcement operations may on occasion be carried out using the CCTV control room. This use will be subject to relevant legislation including the Regulation of Investigatory Powers Act 2000 which is attached in Appendix B.

The CCTV Programme Manager or Duty CCTV Supervisor must be satisfied that direct use of CCTV systems by Police and other agencies is necessary and lawful. Unless the request is urgent, applications must be made in writing by a Police Officer of Superintendent rank or above.

If use of the cameras relates to a specific identified individual or premises, then the Police are required to obtain the relevant Directed Surveillance Authority (DSA) in accordance with the Regulation of Investigatory Powers Act 2000. A Superintendent or above is the usual authorising officer. In urgent cases this can be authorised by an Inspector but is only valid for 72 hours.

The CCTV Programme Manager or CCTV Duty Supervisor is responsible for inspection of the surveillance authority and retaining a copy of the authority within the CCTV control room.

All instances when the police have taken control of the cameras will be recorded by the CCTV control room centre in the Daily Occurrence Book.

5. Operating principles

In accordance with the Surveillance Camera Commissioner's Code of Practice 2013 and the Protection of Freedoms Act 2012, the following 12 operating principles have been adopted by London Borough of Hillingdon:

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 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.

In addition:

- Any person operating the cameras will act with utmost probity at all times.
- Cameras, control equipment, recording and reviewing equipment shall only be operated by CCTV Operatives who have been trained in their use and the legal implications of their use.
- Cameras will not be used to look into private residential property.
- CCTV operatives may be required to justify their interest in, or recording of, any particular individual, group or property at any time.

The operation of the CCTV System has been registered with the Information Commissioner's Office in accordance with current Data Protection legislation. The London Borough of Hillingdon's registration number is **Z6213115**.

6. Data Protection

The London Borough of Hillingdon operates CCTV systems in accordance with the principles set out in the Data Protection Act 2018 and GDPR.

The London Borough of Hillingdon as Data Controller is responsible for compliance with these principles:

- Personal data will be obtained and processed fairly, lawfully and in a transparent manner;
- Personal data will be collected only for the purpose(s) specified;
- Personal data will be used only for the purposes specified, and disclosed only to the parties identified in this Code of Practice,
- Only personal data will be held that is adequate, relevant and not excessive in relation to the purpose for which the data is held;
- Steps will be taken to ensure that personal data is accurate;
- Personal data will not be held longer than is necessary;
- Individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it;
- Procedures will be used to prevent unauthorised or unlawful processing and against accidental loss, destruction or damage of personal data.

6.1 Data Protection Impact Assessments

Completion of a Data Protection Impact Assessment is mandatory under section 64 of Data Protection Act 2018 where the type of processing is likely to result in a high risk to the rights and freedoms of individuals.

A Data Protection Impact Assessment (DPIA) ensures the appropriateness of CCTV use and placement and minimises the risk of unnecessary impacts on privacy.

A DPIA must be done when:

- cameras are added or removed from CCTV systems;
- cameras are moved to a new location;
- whole or parts of systems are upgraded;
- new systems are installed;
- where systems that include biometrics capabilities such as automatic facial recognition are in use.

A template DPIA can be found at London Borough of Hillingdon's website at <https://www.hillingdon.gov.uk/dppolicies>.

The approval and signature of the Statutory Data Protection Officer is required on a DPIA, prior to the processing of personal data taking place for CCTV systems.

7. Disclosure

For the purposes of this Code of Practice, CCTV images and information means any material recorded by technical equipment using the London Borough of Hillingdon's CCTV system. It includes images recorded digitally, on videotape or by way of video copying, including prints although this is not an exhaustive list.

The CCTV Programme Manager must ensure that access to and disclosure of CCTV images and information is restricted and carefully controlled. The London Borough of Hillingdon will limit access and disclosure to the following:

- a. law enforcement agencies, such as the Police, where the images recorded would assist in a specific criminal investigation;
- b. prosecution agencies;
- c. legal representatives;
- d. insurance companies;
- e. individuals (called data subjects) (unless disclosure to the individual would prejudice a criminal investigation or another exemption applies preventing disclosure under Data Protection Act 2018).

All requests for access to CCTV images and information must be made in accordance with the process set out in Appendix C.

Requests from Metropolitan Police and other Police forces can be made using a 'Police request for CCTV images and information' form. This form is available on request to Police forces.

All requests for access to CCTV images and information must be documented in writing and must include the rationale for releasing or refusing the release of such information.

7.1 Subject Access Requests

Requests from members of the public for their own CCTV images and information held on the CCTV system will be considered under the Data Protection Act 2018 and in accordance with Appendix C.

Requests should be made by email to cctvroom@hillingdon.gov.uk or in writing to the Statutory Data Protection Officer, Legal Services, Civic Centre, Uxbridge, UB8 1UW, together with proof of identity and address. Further information can be found in the Council's 'Right of Subject Access Policy' on our website.

If the CCTV images or information contains third party information, the subject access request can be declined under Data Protection Act 2018.

8. Management of CCTV images and Information

'CCTV images and Information' means any material recorded by technical equipment using the London Borough of Hillingdon's CCTV system. It includes images recorded digitally, on CD/DVD/USB, hard drive or in the Cloud, including prints.

- All CCTV images and information (regardless of format) are treated in accordance with this Code of Practice from the moment they are received by the monitoring room, to their final destruction.
- All CCTV images and information produced from the Council's CCTV systems remain the property of the Council and are protected by copyright.
- CCTV images and information are held for a maximum of 31 days, unless retained for evidential or LBH training purposes.
- CCTV images and information shall only be used for the purposes defined in this Code of Practice and access is restricted to authorised officers.
- The release of recorded information to the public will only be allowed in accordance with the law.

8.1 Evidential Packages

A Management log will be maintained giving the exact date and time of the production of each evidential package, the name of the person requesting the evidence and the reason for the request.

Evidential packages will be signed over to an Authorised Body, with no Master Copies retained by London Borough of Hillingdon.

Evidential packages not collected by the requesting officer within six weeks will be destroyed.

Before any copies are removed from the CCTV control room or other location, a log of the transaction will be recorded and signed by a duly authorised officer and the relevant authority.

By signing for the CCTV images and information, the relevant authority accepts responsibility for the use, retention, redaction, secure storage and destruction of the evidential copies.

An evidential statement will be provided detailing the circumstances of the download. An additional statement will be completed covering the handing over procedure to the relevant party. The DVD/CD will be exhibited by the person completing the download and sealed in an evidence bag.

8.2 Cloud based storage

The London Borough of Hillingdon also uses cloud-based storage for CCTV imagery. Requests may be made through a web link for authorised organisations.

9. Complaints

Any complaints relating to the operation or management of the CCTV system should be directed to the CCTV Programme Manager.

All complaints will be dealt with under the London Borough of Hillingdon's complaints procedure which can be found at <https://hillingdon.gov.uk/complaints>

A copy of this Code of Practice shall be published on the London Borough of Hillingdon and is available on request. Additional copies will be lodged at Public Libraries and Police Stations.

Appendix A Declaration of Confidentiality

I,, am retained by Hillingdon Borough Council to perform the duty of CCTV Control Room Operator/Senior Operator/Supervisor/Manager. I have received a copy of the Code of Practice in respect of the operation and management of that CCTV System.

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 Hillingdon CCTV System 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 System 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 System, 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 System).

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 Hillingdon Borough 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 this.....day of (month) 20.....

Appendix B REGULATION OF INVESTIGATORY POWERS ACT

Advice and guidance for CCTV control room staff and police Inspectors in respect of CCTV and Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 (RIPA) relates to surveillance by the police and other agencies and deals in part with the use of directed covert surveillance. Section 26 of the 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 is **covert but not intrusive** and is undertaken –*

- a. for the purposes of a specific investigation or a specific operation;*
- b. in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and*
- c. otherwise that 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 by a higher ranking officer and is also governed by legislation within this Act. Appropriate guidelines already exist for intrusive surveillance.

The impact for staff in police control rooms and CCTV monitoring rooms 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 subsection c) above i.e. it will be an immediate response to events or circumstances. In this case, it would not require authorisation unless it were to continue for some time. The code says some hours rather than minutes.

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.

Normal applications are authorised by a police 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, contributions 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 verbally and then in writing by way of the forms. Any authority given should be recorded appropriately for later reference. This should include the name of the officer authorising as well as the period of the authorisation. Named individuals or premises should be recorded if known.

Appendix C REQUESTS TO VIEW CCTV IMAGES AND INFORMATION

The purposes for disclosure of CCTV images and information are set out below:

- (a) Providing evidence in criminal proceedings (e.g. Police and Criminal Evidence Act 1984, Criminal Procedures & Investigations Act 1996, etc);
- (b) Providing evidence in civil proceedings or tribunals;
- (c) The prevention of crime;
- (d) The investigation and detection of crime (which may include identification of offenders);
- (e) Identification of witnesses:

Access will be limited by London Borough of Hillingdon to the following parties, who are required to show adequate grounds for disclosure of CCTV images and information within the above criteria, and may include (but are not limited to):

- a. Police
- b. Statutory authorities with powers to prosecute (e.g. Customs and Excise, Trading Standards etc.)
- c. Solicitors
- d. Claimants in civil proceedings
- e. Defendants (individuals accused of a crime) in criminal proceedings
- f. Other agencies (which should be dealt with at the discretion of the CCTV Programme Manager according to the purpose and in accordance with the relevant legislation).

Upon receipt from a bona fide request from the parties above, the London Borough of Hillingdon as Data Controller shall:

- Not unduly obstruct a criminal investigation to verify the existence of relevant data
- Ensure the retention of CCTV images and information which may be relevant to a request, but which may still be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention by the CCTV programme manager, which will be notified at the time of the request.

Factors to take into account prior to disclosure of CCTV images and information:

Before complying with request, the London Borough of Hillingdon as Data Controller shall ensure that:

- The request does not contravene, and that compliance with the request would not breach, current relevant legislation, (e.g. Data Protection Act 2018, GDPR 2018, 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 2018);
- Due regard has been taken of any known case law which may be relevant (e.g. R v Brentwood BC ex p. Peck) and
- The request would pass a test of ‘disclosure in the public interest’.

If, in compliance with a request, a decision is taken to disclose CCTV images and information to a third party, the following safeguards shall be put in place before it is provided:

- (a) In respect of CCTV images and information disclosed under ‘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 Code of Practice.
- (b) In respect of CCTV images and information disclosed under ‘public well being, health or safety’, written agreement to the release of the material should be obtained from the CCTV Programme manager or another senior officer within London borough of Hillingdon. The officer should have reviewed the CCTV images and information, record the potential benefit of disclosing the material; and an understanding of the CCTV Code of Practice.

Recorded CCTV images and information may be used for bona fide training purpose such as police or staff training. Under no circumstances, will recorded material be released for commercial sale of material for training or entertainment purposes.

Subject Access Request under Data Protection legislation

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

1. The request is made in writing, and
2. The London Borough of Hillingdon as Data Controller is supplied with sufficient information to satisfy themselves as to the identity of the person making the request. This will include requesting one evidence of identity with a photograph e.g. photo card driving licence or passport and
3. They provide sufficient and accurate information about the time, date, and place to enable the London Borough of Hillingdon to locate the information sought. It is recognised the precise time may be unknown but a window of one hour of accuracy will be a reasonable requirement, and
4. The personal data sought is of her or himself only;
5. They seek written consent of other individuals they believe will be identified in the CCTV images and information sought. All parties must provide one valid evidence of their identity such as a passport or photocard driving licence. It will be for London Borough of Hillingdon as Data Controller to be satisfied as to whether disclosure can take place.

In circumstances where the London Borough of Hillingdon are able to provide the information sought, they should ensure that only a copy of the CCTV images or information is provided which relates to the individual.

Subject to availability of the necessary technology, all other personal data which may facilitate the identification of any other person, should be concealed or redacted, where they have not provided their written consent and valid evidence of identity.

The London Borough of Hillingdon as Data Controller is entitled to decline to provide the information sought under a subject access request for the following reasons (which are not an exhaustive list):

- if insufficient or inaccurate information is provided;
- The disclosure may prejudice a criminal investigation or criminal proceedings;

Media disclosure

In circumstances that a request from the media is made for access to CCTV image or information, the authorisation of the CCTV Programme Manager and a Head of Service should be sought. A signed release document must be obtained from the media organisation clearly stating what the data will be used for and the limitations on the use.

The release form should state that the recipient must process the data in a manner prescribed by the data controller e.g. specific identities/data that must not be revealed and in compliance with Data Protection legislation. The Data Controller must approve the editing prior to its intended use by the media. This is necessary to protect the position of London Borough of Hillingdon, the Data Controller, who would be

responsible for any infringement of Data Protection legislation and the CCTV Code of Practice. The release form shall be considered a contract and signed by both parties.

The release of CCTV images and information for commercial or entertainment purposes is specifically prohibited.

Record keeping

All requests for disclosure of CCTV images and information will be recorded by the CCTV Programme Manager or operatives in a spreadsheet. The information recorded must include the following:

- The date, time, name and contact details of the request made in writing;
- The reason(s) for the request;
- Confirmation that satisfactory evidence of identity has been provided under a subject access request;
- Confirmation that a signed form of authority has been provided by insurance companies and legal representatives acting for a party;
- Confirmation that a request by law enforcement agencies and prosecution agencies have been reviewed in line with this Code of Practice and Data Protection Act 2018;
- date, time, camera number and location of the incident;
- the signature of the CCTV Programme Manager authorising or declining the request for disclosure together with reasons for their decision;
- the date and time that the request was provided together with the name and contact details of the recipient of the CCTV images and information.