

# CLOSED CIRCUIT TELEVISION POLICY

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## 1. Introduction

- 1.1 The following policy relates to surveillance camera equipment and the gathering, storage, use and disposal of Closed Circuit Television (CCTV) system recorded data. The Council uses surveillance camera devices for various purposes. These include CCTV systems within council premises and car parks as well as on the highway, body worn video camera equipment, and automatic number plate recognition. In this policy, such devices shall be referred to as 'CCTV systems'.
- 1.2 Use of cameras and other electronic recording devices in public places has escalated over recent years and the advance of technology has meant that the variety of devices available has expanded. Whilst these perform a useful role in preventing and detecting crime and keeping people and property safe, such use has led to much greater intrusion into the private lives of individuals going about their lawful business. This policy aims to set out standards relating to the use of such equipment that maximises effectiveness whilst at the same time minimises interference with the privacy of individuals whose images are captured by the devices.
- 1.3 This policy covers all overt CCTV systems used by the Council but does not cover Carmarthenshire schools.
- 1.4 Carmarthenshire County Council is referred to as 'the Council' throughout this policy.
- 1.5 This document should be read in conjunction with relevant codes of practice from both the Biometrics and Surveillance Camera Commissioner and the Information Commissioner.
- 1.6 Details of all CCTV systems, policy documents, legislation, procedures and templates will be made available on the council's intranet.
- 1.7 Officers undertaking covert surveillance with or without recording devices must comply with the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) and the Codes of Practice issued pursuant to that legislation. This policy does not apply to such activities.

## 2. Objectives

- 2.1 It is important that everyone and especially those charged with operating the CCTV systems on behalf of the Council understand exactly why each of the CCTV systems and each camera used as part of a CCTV system has been introduced and what the cameras should and should not be used for.
- 2.2 Each CCTV system will have its own site or task specific objectives. These could include some or all the following:
  - Protecting areas and premises used by council officers and the public.
  - Deterring and detecting crime and anti-social behaviour.
  - Assisting in the identification of and apprehension of offenders.

- Deterring violent or aggressive behaviour towards council officers.
- On-site traffic and car park management.
- Monitoring traffic movement.
- Identifying those who have contravened parking regulations. Assisting in traffic regulation enforcement.
- Protecting council property and assets.
- Assisting in grievances, formal complaints and investigations.

### 3. Legislation

#### 3.1 CCTV systems are subject to legislation under:

- The Data Protection Act 2018 (DPA)
- UK General Data Protection Regulation (UK GDPR)
- The Human Rights Act 1998 (HRA)
- The Freedom of Information Act 2000 (FOIA)
- The Protection of Freedoms Act 2012 (POFA)
- The Criminal Procedures and Investigations Act 1996
- The Regulation of Investigatory Powers Act 2000 (RIPA).

### 4. Responsibilities

#### **Senior Responsible Officer (SRO)**

- 4.1 The SRO ensures the delivery of a corporate approach to the Local Authority's responsibilities arising from POFA. The SRO has strategic responsibility for the integrity and efficacy of the processes in place within the Local Authority which ensure compliance with POFA and in respect of all surveillance cameras operated by the Local Authority.
- 4.2 The SRO will submit an annual report to CMT providing an update on CCTV, including detailing how effective, in the previous year, CCTV systems have proved to be, in meeting the objectives listed in Section 2.
- 4.3 The SRO will ensure the publication of all Self-Assessment Templates (SATs) and Data Protection Impact Assessments (DPIAs) on the website and that these are reviewed on an annual basis.
- 4.4 The SRO will lead on third-party certification to provide evidence of compliance with the Surveillance Camera Commissioner's Code of Practice.

#### **CCTV Single Point of Contact**

- 4.5 The CCTV SPOC is the operational lead for all matters relating to surveillance cameras. They are responsible for ensuring all those involved in the use of CCTV systems are aware of current

legislation and guidance relating to CCTV systems. This will be done through the Council's intranet.

### **The Responsible Officer**

- 4.6 The day-to-day operational responsibility for each CCTV system rests with the designated Responsible Officer for each system. A list of all CCTV systems and their Responsible Officer will be recorded and made available in a CCTV register on the Council's CCTV intranet page. Responsible Officers shall ensure the register is kept updated. This will also be the case when a third party under the direction or control of the Council operates the CCTV system.
- 4.7 The Responsible Officer shall ensure that council officers involved in the operation of the CCTV system are trained in the use of the equipment and are aware of this policy and the procedures in place to manage CCTV systems at the council.
- 4.8 The Responsible Officer should act as the first point of contact for all enquiries relevant to the CCTV system and should ensure that only authorised council officers are able to operate or view images.
- 4.9 The Responsible Officer shall investigate any reported misuse of a CCTV system and report it immediately to the CCTV SPOC.
- 4.10 The Responsible Officer shall ensure the CCTV system is operational and take steps to deal with any faults as appropriate.

### **Heads of Service**

- 4.11 The overall responsibility for CCTV systems rests with the relevant Head of Service. This includes ensuring all relevant staff are appropriately trained and all systems are used in accordance with this policy.
- 4.12 Heads of Service will nominate a designated lead officer for CCTV who will liaise with the Responsible Officers for the system.

### **Lead Officers**

- 4.13 Lead Officers will have oversight of all CCTV systems managed by the service and will be a central point of contact and advice in relation to queries from staff on CCTV. They will be responsible for ensuring that SATs are in place for all systems, that the corporate DPIAs cover all systems and that these documents are reviewed on an annual basis and available for publication.
- 4.14 Lead officers will ensure that the necessary steps are taken before installing a new system or making changes to existing ones, including the completion of the Passport to Compliance and consultation.

## 5. CCTV Operations

- 5.1 Council officers operating CCTV systems are responsible for operating the equipment in accordance with all requirements set out in current legislation, this policy document, relevant guidelines, codes of practice and local operational manuals.
- 5.2 Council officers operating CCTV systems must be familiar with the requirements of the UK GDPR and DPA and should complete the Council's eLearning course which provides an introduction to the legislation.
- 5.3 Council officers involved in the use of CCTV systems shall report any misuse to the Responsible Officer and shall cooperate with any investigation by the Responsible Officer. The Responsible Officer shall report it immediately to the CCTV SPOC and investigate any reported misuse of a CCTV system.
- 5.4 Council officers operating CCTV systems shall be responsible for bringing any equipment faults to the Responsible Officer's attention immediately.
- 5.5 A number of council owned CCTV systems are located in premises occupied by third parties. In these cases, it is important that there is a clear understanding between the Council and the organisation(s) concerned as to who is responsible for each aspect of the CCTV system. This should be recorded and signed by both parties. A copy of this document should be given to the council's CCTV SPOC.

## 6. Purchasing and Deployment of CCTV Cameras

- 6.1 Permission must be obtained prior to the procurement of any systems from the Senior Responsible Officer – Head of ICT and Corporate Policy.
- 6.2 Arrangements are being put in place for the procurement of all systems and the maintenance of those systems to be undertaken with the assistance of the Council's Procurement team.
- 6.3 Those responsible for introducing and operating CCTV systems must ensure that the use of cameras is proportionate to the intended objective and that individuals' right to privacy is respected at all times. The Passport to Compliance must be completed with a clear operational objective for the CCTV system and the relevant DPIA checked to ensure it covers the system.
- 6.4 Care must be taken to ensure that cameras do not capture images or sounds of private spaces such as private houses.
- 6.5 Covert cameras are not permitted to be deployed under the auspices of this policy. Such activities fall under the ambit of RIPA or shadow RIPA and authorisation must be obtained for such activity under the relevant RIPA procedures. CCTV systems should normally be clearly visible with unobstructed signage situated close to the device informing those in the vicinity that they are being monitored and/or recorded. The content of such a sign or notice may differ according to the nature of the device being used, the area it is being used in and the purpose of its use.

- 6.6 The Council does not deploy 'dummy' cameras as part of its CCTV systems as these can provide a false sense of security.
- 6.7 The Council does not generally operate cameras that can monitor conversation or be used to talk to individuals as this is seen as an unnecessary invasion of privacy. This does not apply to body worn camera devices.
- 6.8 Upon the introduction of a static CCTV system, a map showing the location of the camera should be sent to the CCTV SPOC for inclusion in the Council's central register of CCTV systems.
- 6.9 Use of CCTV systems should be considered as part of planning a building construction or refurbishment. Advice should be obtained from the Designing Out Crime Officer from Dyfed Powys Police by contacting 101. Authorisation for the deployment of CCTV systems should be shared at an early stage in building design with the Head of Service for whom the building is being constructed. This is so that this policy can be applied and either an alternative method adopted or an acceptable CCTV system built into the designs. Information about the CCTV system should be retained as part of the file relating to the completed building.

## 7. Monitoring

- 7.1 CCTV system monitors sited in reception areas are intended to provide live monitoring of reception areas by council officers. The ability to view the CCTV system monitors must be restricted to those authorised to see them. Monitors must not be visible to all entering the premises.
- 7.2 Monitoring of CCTV systems where required will only be carried out by persons authorised by the relevant Responsible Officer.
- 7.3 CCTV will only be subject to the UK GDPR Act if the footage captured "relates to living individuals who can be identified" from it.
- 7.4 If the GDPR Act does apply, the CCTV operator will be required to do a number of things:
  - Put up signs notifying people that CCTV is in use (see section 9)
  - Give any individual who requests it, copies of footage of themselves (Subject Access Request) in consultation with the Data Protection Officer (see 8.2)
  - Ensure that any footage stored is kept for no longer than necessary for the purposes for which it is obtained
  - Ensure that footage is not disclosed to anyone unless it is permitted under an exemption contained under the Data Protection Act 2018 and UK GDPR.
- 7.5 In addition to the obligations under the Data Protection Act 1998, the Human Rights Act requires any public authority using CCTV cameras to do so compatibly with Article 8 of the convention.

- 7.6 The Council uses body worn cameras in order to protect council officers dealing with members of public in situations where they are particularly vulnerable to abuse or where there is an ongoing need to capture images or speech for evidential purposes. Usage is in accordance with the Standard Operating Procedure.
- 7.7 Details of CCTV systems data collection are included in the Council's privacy notice for CCTV.

## 8. Viewing Images

- 8.1 The casual viewing or trawling of images or sounds captured by a CCTV system is strictly forbidden. Viewings must only be carried out for a specific, legitimate purpose.
- 8.2 Under Article 15 of the GDPR, data subjects have the right to access information held about them by the Council and to have a copy of that personal data. Individuals also have the right to access images of themselves recorded on CCTV systems controlled by the Council. Such requests must be made in writing to the Data Protection Officer, County Hall, Carmarthen, SA31 1JP [dataprotection@carmarthenshire.gov.uk](mailto:dataprotection@carmarthenshire.gov.uk). Please see our website for further details: <https://www.carmarthenshire.gov.wales/home/council-democracy/data-protection/>  
In the event of a request being received by another officer, that officer should contact the Data Protection Officer to discuss the request.
- 8.3 On occasion, council services may wish to access images and recordings captured on CCTV systems as part of a legitimate investigation into criminal activities, civil claims, potential disciplinary matters, complaints, grievances or health and safety issues. Viewings and images will only be released to a properly authorised investigating council officer upon the submission of a formal request to the Responsible Officer. The viewing request should include:
- The name of the authorising officer
  - The name and contact details of the person viewing images
  - The reason for viewing the images.

Viewing Requests should be made in a timely manner as the retention period for most CCTV systems in operation in the council is one month. Council officers who are subject to council disciplinary, complaints or grievance procedures have the right to see and retain footage of themselves and can request copies as a Subject Access request as outlined in 8.2.

- 8.4 On occasion, police officers may request to view images taken from CCTV systems during the investigation of criminal activity. This is generally permitted under an exemption found in the UK GDPR Act.
- 8.5 Occasionally insurance companies or solicitors will request footage, generally over disputes regarding damage to cars in car parks. As the footage may identify the individual drivers or vehicles involved it is classed as personal information. Copies of personal information can be requested making a Subject Access Request to the Information and Data Protection Officer – see 8.2 for details.



- 8.6 Any viewing or disclosure of images must be recorded on the 'Access and disclosure recording' form.
- 8.7 A record of all disclosures is kept by the Data Protection Officer for a period of five years after administrative use is concluded. Details of any disclosures will also be recorded on the template held relating to the system which records all occasions when images are viewed.

## 9. Signage

- 9.1 All areas where fixed site CCTV is in use should be clearly signed. Such signs warn people that they are about to enter an area covered by a CCTV system or to remind them that they are still in an area covered by a CCTV system. Signs will also act as an additional deterrent. CCTV system signs should not be displayed in areas that do not have CCTV cameras.
- 9.2 Where body worn cameras are in use, officers using them must wear the appropriate council uniform and display a clear notice that this is the case on their person or on the device to confirm that they are operating a body worn camera. Officers will always advise that an individual is being recorded as soon as the device is activated.
- 9.3 Signs should be an appropriate size depending on context. For example, whether they are viewed by pedestrians or car drivers.
- 9.4 Signs should be more prominent and frequent in areas where people are less likely to expect that they will be monitored by a CCTV system. This is particularly important when an ANPR system is being used that covers a large area.
- 9.5 Corporate signage will be made available which will:
- Be clearly visible and readable
  - Confirm that the system is operated by the Council and include contact details for the Contact Centre
  - Confirm if the system is recorded or monitored or both
  - State the purpose for having a surveillance system in place.

## 10. Storage and Retention

- 10.1 CCTV system images are stored generally for 30 days and then overwritten.
- 10.2 Access to CCTV footage will be kept secure.
- 10.3 All images will be stored securely.
- 10.4 All images remain the property and copyright of the Council.
- 10.5 Each new recording disc will have a unique reference number.

- 10.6 All images are time and date stamped.
- 10.7 Image resolution should be relevant to purpose.
- 10.8 All media will be confidentially disposed of when no longer needed.
- 10.9 Recorded material will not be sold or used for commercial purposes.

For further information, please see the Council's 'Handling Personal Information Policy and Procedure'

<https://www.carmarthenshire.gov.wales/media/1213588/handling-personal-information-policy-v30.pdf>

## 11. Inspections

11.1 CCTV systems at the council can be inspected at any time by:

- The CCTV SPOC.
- The CCTV SRO
- The relevant Responsible Officer
- The relevant Head of Service or their nominated representative
- A member of the relevant regulatory body.

## 12. Health and Safety

12.1 The relevant Responsible Officer should ensure that officers are made aware of and comply with all council policies on health and safety, in particular, working with electrical equipment, Visual Display Unit regulations and working with heights.

## 13. Complaints

13.1 Any complaints regarding CCTV systems at the Council will be dealt with in accordance with the Council's complaints procedure.