

## **CCTV - MISTLEY PARISH COUNCIL CLOSED CIRCUIT TELEVISION (CCTV) POLICY**

Introduction - The following policy and procedure has been written by Mistley Parish Council as it has in place, and may further develop, a CCTV surveillance system within public open spaces. The system consists of three fixed cameras located at strategic points of open spaces and buildings at Shrubland Road, Furze Hill, Mistley. Images are recorded. This policy covers the use of CCTV equipment and the gathering, storage, use and disposal of visual data and is subject to the guidance given in the Code of Practice issued by the Information Commissioners Office; *'In the Picture: A Data Protection Code of Practice for Surveillance Cameras and Personal Information'*.

Policy - Objectives and Purpose of the System - The system has been adopted by Mistley Parish Council with the primary purposes of public safety, assisting in the detection and deterring of crime (including enviro crime), assisting in the detection and deterring of anti-social behaviour, the monitoring and protection of Parish Council property and assets. No camera will be hidden from view and will be prevented from directly focussing upon frontages or rear areas of private accommodation. The Council will ensure that every precaution has been made to restrict any coverage of private residences either via the angle of the camera's field of view or by blanking out the image so that recording of these areas is not physically possible. Although every effort has been made to ensure maximum effectiveness of the system, it is not possible to guarantee that the system will detect every incident taking place within the area of coverage. The system will not be used for any other purpose than those set out in this policy document without the prior permission of the Parish Clerk and the Chairman of the Council. Any non-routine use of the CCTV system will require the approval of both the Parish Clerk and the Chairman of the Council. CCTV cameras will not be used to monitor the progress of staff or other individuals during the normal course of their business activity, nor will line managers be permitted to use the cameras to observe staff working practices or time keeping in order to assist them in the day-to-day management of staff.

Covert Recording - Covert cameras may be used under the following circumstances, after legal advice has been taken and on the authorisation of both the Parish Clerk and the Chairman:

- when informing the individual(s) concerned that recording was taking place would seriously prejudice the objective of making the recording; and
- when there is reasonable cause to suspect that unauthorised or illegal activity is taking place or is about to take place.

Covert Recording will only be undertaken in accordance with the Code of Practice; *'In the Picture: A Data Protection Code of Practice for Surveillance Cameras and Personal Information.'*

Responsibility - The Parish Council has the overall responsibility for ensuring that the installed CCTV system (its three cameras and pole) is 'fit for purpose' and for authorising any further system development.

The Parish Clerk is responsible for day-to-day operational aspects of the system, for authorising users and for ensuring that only authorised users access the system, in conjunction with Mistley Village Hall Management Committee.

The Parish Clerk is responsible for ensuring that all authorised users are kept up to date on legislation and changes in the Parish Council's procedures. The Clerk will routinely review the Council's CCTV policy and will maintain on file, all necessary documents relating to the Council's CCTV system.

Authorised users are responsible for operating the system in accordance with the requirements set out in current legislation, this policy and any Parish Council approved procedure that may be in place.

*Viewing Images and the Provision of Evidence* - Viewings shall only be undertaken for a specific, legitimate purpose. Casual viewing of recorded images is not permitted. Viewings may be undertaken only by authorised users including authorised the Parish Clerk and enforcement agencies such as the police. Enforcement agencies such as the Police have a legal right to access and retain recordings (and other relevant evidence) when investigating crime, including anti-social behaviour. Other requests for CCTV recorded evidence may be made directly to the Parish Clerk by prosecution agencies, relevant legal representatives, insurance companies investigating claims and emergency services investigating accidents.

The disclosure or release of recorded material will be controlled by the Parish Clerk and only be made to third parties in strict accordance with the purposes of the system. The Parish Clerk is responsible for ensuring compliance with the Data Protection Act and for ensuring that recorded personal imaging and personal information not relevant to the disclosure request is obscured. Third party agencies requesting the disclosure or release of recorded material are responsible for all costs associated with the provision of such material including any required image blurring. The Parish Council may require payment of the associated costs prior to material being released.

In requesting the disclosure or release of recorded material from the Parish Council, the requesting agency accepts full responsibility for the security and management of such material and any liability issues arising from the use of such material. The Parish Council shall not be liable regarding any matter arising from the security, management or use of an authorised disclosure or release of recorded material to a third-party agency. All images shall remain the property and copyright of Mistley Parish Council.

*CCTV Recordings and Security* - All staff required to operate CCTV equipment are to receive training in the use of the equipment and shall comply with this Policy and any CCTV operating procedure adopted by the Council.

CCTV recorded images shall be routinely retained for a period of one month and thereafter deleted, with the exception of images subject to a notification by the police for retention or subject to a request for disclosure or release by a third-party agency. Recorded images subject to a notification by the Police or subject to a request by a third-party agency shall be retained for such a period as may be necessary to conclude an investigation or claim and then be deleted. CCTV recorded material retained by the Parish Council shall be kept secure to prevent damage and maintain the confidentiality of the subject matter. Recorded material will not be sold nor used for commercial purposes nor will it be used in conjunction with any form of social media. Recording equipment and recording media will be kept in a secure place and only authorised access to such equipment and media will be permitted.

#### Subject Access Requests (SARs)

[Your right of access | ICO](#)

- Individuals have the right to request access to CCTV footage relating to themselves under the Data Protection Act.
- All requests should be made in writing to the Parish Clerk. Individuals submitting requests for access will be asked to provide sufficient information to enable the footage relating to them to be identified. For example, date, time, and location.
- The Council will respond within 21 calendar days of receiving the written request and fee.
- A fee of £25 will be charged per request.
- The Council reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an ongoing investigation.

#### Access to the Disclosure of Images to Third Parties

- There will be no disclosure of recorded data to third parties other than to the Police.

Complaints – Complaints and enquiries about the operation of CCTV within the Council should be directed to the Parish Clerk in the first place.

Further Information – Further details on CCTV and its use are available from the following:

- CCTV Code of Practice (published by the ICO – Information Commissioners Office).
- Regulation of Investigatory Powers Act (RIPA) 2000.
- Data Protection Act 1998.

<b>Public Safety CCTV Request Form: DPA 2018, Schedule 2, Part 1, 5(3)</b>
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#### **Request for Access to Video Images**

All forms must be sent via email to the Parish Clerk at Mistley Parish Council regarding CCTV images for one calendar month, therefore please submit your request within 21 days of the incident to allow for your request to be processed in time.

<b>DPA 2018, Schedule 2, Part 1, 5 (3)</b>
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**The listed GDPR provisions do not apply to personal data where disclosure of the data:-**

- (a) is necessary for the purpose or, or in connection with, legal proceedings (including prospective legal proceedings),**
- (b) is necessary for the purpose of obtaining legal advice, or**
- (c) is otherwise necessary for the purposes of establishing, exercising, or defending legal rights,**  
**to the extent that the application of those provisions would prevent the controller from making disclosure.**

**Note: The Council must be satisfied that all requests are genuine and that persons making a request understand their legal obligations in relation to possessing and making use of images recorded on the Council's CCTV system.**

Person/s requesting should also be aware that copyright of all images remains with the Council and images may not be published or otherwise shown without the specific written permission of the Council.

<b>Name</b>	
<b>Address</b>	
<b>Email</b>	
<b>Telephone</b>	
<b>Company</b>	

Crime Reference / Court Reference / Claim Reference .....

<b>Public Safety CCTV Request Form: DPA 2018, Schedule 2, Part 1, 5(3)</b>
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Please provide details of the purpose for which you are requesting this information. Please enter 'yes' or 'no' against each category.

<b>(a)</b> is necessary for the purpose or, or in connection with, legal proceedings (including prospective legal proceedings).	
<b>(b)</b> is necessary for the purpose of obtaining legal advice.	
<b>(c)</b> is otherwise necessary for the purposes of establishing, exercising or defending legal rights.	

**PRINT**

**Name** ..... **Position** .....

**Signature of Applicant** ..... **Date** .....

**Policy Review** - This policy will be regularly reviewed to ensure that it is relevant to working practice.

***Review Body: Annual Parish Council. Review Period: Annually - May Annual Parish Council Meeting. Adopted 29/01/24. Last Reviewed 20.05.24. Next Review Date May 2025.***