

# Topcliffe Parish Council

## **Surveillance/CCTV POLICY AND CODE OF PRACTICE**

### **Introduction**

Topcliffe has a growing problem of HGV vehicles using the roads through the village in breach of the heavy goods restrictions. The council proposes to use a team of volunteers with cameras and possibly CCTV to provide evidence to the authorities of individual vehicles breaking the laws.

The use of surveillance/CCTV falls within the scope of the Data Protection Act 1998 ("the 1998 Act"). This code of practice follows the recommendations issued by the Data Protection Commissioner in accordance with powers under Section 51 (3)(b) of the 1998 Act.

In order to comply with the requirements of the 1998 Act, data must be:

- Fairly and lawfully processed
- Processed for limited purposes and not in any manner incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in accordance with individuals' rights
- Secure

### **Data Protection statement**

1. Topcliffe Parish Council are the Data Controllers under Section 4(4) of the Act.
2. Surveillance teams/CCTV are for the purpose of collecting evidence of HGV vehicles illegally using the roads in the village.
3. Access to stored images will be controlled on a restricted basis within the council.
4. Use of images, including the provision of images to a third party, will be in accordance with the Data Protection registration Act.
5. Signage will be displayed at the entrances to the village stating the use of surveillance and CCTV.

### **RETENTION OF IMAGES**

Images from cameras are recorded on *videotape/disc/computer system* ("the recordings") will be held in secure storage, and access controlled.

The system does not have an automatic power backup facility which may operate in the event of a main supply power failure.

## **ACCESS TO IMAGES**

It is important that access to, and disclosure of, images recorded by CCTV and similar surveillance equipment is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes.

## **REMOVAL OF IMAGES FOR USE IN LEGAL PROCEEDINGS**

In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The reason for removal
- Specific authorisation of removal and provision to a third party
- Any crime incident number to which the images may be relevant
- The place to which the recordings will be taken
- The signature of the collecting police officer, where appropriate
- The date and time of replacement into secure storage of the recordings

## **ACCESS TO IMAGES BY THIRD PARTIES**

Requests for access to images will be made to Topcliffe Parish Council Clerk.

The Topcliffe Parish Clerk (the data controller) will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Prosecution agencies
- Relevant legal representatives
- The press/media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

## **DISCLOSURE OF IMAGES TO THE MEDIA**

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

## **ACCESS BY DATA SUBJECTS**

This is a right of access, which is provided by section 7 of the 1998 Act. Requests for access to images will be made to the Topcliffe Parish Clerk.

## **PROCEDURES FOR DEALING WITH AN ACCESS REQUEST**

All requests for access by Data Subjects will be dealt with by the Parish Clerk.

The Parish Clerk will locate the images requested and then will determine whether disclosure to the data subject would entail disclosing images of third parties.

The Parish Clerk will provide a written response to the data subject within 21 days of receiving the request setting out the data controllers' decision on the request.

A copy of the request and response should be retained.

## **COMPLAINTS**

Complaints must be in writing, and addressed to the Parish Council. All complaints will be acknowledged within 7 days, and a written response issued within 21 days.

Signed:

Position:

Date:

Review Date