



**WHALLEY
PARISH COUNCIL**

**This Policy sets out the Parish Council's
CCTV Policy & Procedures**

Version Control

Version	Date	Description of Change
V.1	18.05.2023	

1. Purpose

The purpose of this document is to outline the policies and procedures to regulate the management, operation, and use of the CCTV system within The Parish of Whalley. The CCTV surveillance is intended for the purposes of:

- Deterrence, detection and investigation of anti-social behaviour and criminal activities.
- Reducing the fear of crime and anti-social behaviour.
- Supporting the police to prevent and detect crime.
- Vandalism and graffiti.
- Improving the safety and security of residents and visitors of Whalley.
- Assisting in identifying, apprehending, and prosecuting offenders.
- Traffic Enforcement under the legislation: The Road Traffic Act 1988 and The Traffic Management Act 2004.

The CCTV system is owned and operated by Whalley Parish Council and any introduction of changes to the CCTV monitoring will be subject to consultation with members of Whalley Parish Council and appropriate stakeholders.

The Parish Council's CCTV is registered with the Information Commissioner's Office (ICO) under the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016/679.

All authorised operators with access to footage are aware of the procedures that need to be followed when accessing the recorded images. All operators are trained and made aware of their responsibilities in following the CCTV Code of Practice. All operators are aware of the restrictions in relation to access to, and disclosure of recorded images.

The Protection of Freedoms Act 2012 introduced legislation governing the use of CCTV systems that monitor public space. The Surveillance Camera Code of Practice (2013) was developed from the Act and it is the role of The Surveillance Camera Commissioner to encourage compliance, review operations and provide advice about the code.

The Surveillance Camera Code sets out 12 principles for the operation of CCTV, which Whalley Parish Council has incorporated into their policy and procedures. These include:

- Have a defined purpose and legitimate aim.

- Not impinge on an individual's privacy of human rights.
- Be operated transparently so people know they are being monitored.
- Be operated with good governance.
- Have clear policies, rules and procedures in place.
- Store no more images than strictly required.
- Have safeguards in place in relation to who can view data.
- Meet relevant and approved standards.
- Ensure images/data are stored securely.
- Review system regularly (at least annually).
- Be effective in supporting law enforcement.
- Databases used for matching purposes should be accurate and up to date.

2. Scope

The policies and procedures relate directly to the location and use of CCTV and the monitoring, recording and subsequent use of recorded material. Whalley Parish Council complies with the ICO CCTV Code of Practice to ensure it is used responsibly and safeguards both trust and confidence in its use. There are no guarantees that the CCTV system will detect every single incident that takes place.

Whalley Parish Council will ensure transparency in the use of CCTV. Signs will be clearly placed within the controlled area including a published contact point. The planning and design of the CCTV have endeavoured to ensure that the system will give maximum effectiveness and efficiency.

CCTV monitoring of public areas within the parish of Whalley is limited to uses that do not violate the individual's reasonable expectation to privacy. All CCTV systems and any associated equipment will be required to be compliant with this policy and procedures following its adoption by Whalley Parish Council. Recognisable images captured by CCTV systems are 'personal data' and they are therefore subject to the provisions of Data Protection and GDPR.

3. Location of Camera's

The cameras are sited so that they only capture images relevant to the purposes for which they have been installed and care will be taken to ensure that reasonable privacy expectations are not violated. Whalley Parish Council will ensure that the location of equipment is carefully considered with consultation of appropriate stakeholders to ensure that the images captured comply with the legislation.

4. Storage and Retention of CCTV Images

Recorded data will not be retained by Whalley Parish Council for longer than 31 days except where the image identifies criminal activities or anti-social behaviour and is retained specifically in the context of an investigation and/or prosecution of the activities. GDPR policies do not prescribe retention periods that apply to CCTV footage; therefore, any retention will reflect Whalley Parish Council's purposes for recording information. Whalley Parish Council will always store data securely.

5. Access to CCTV footage

Access to recorded footage will be restricted to authorised personnel to view, supervision of the access including maintenance of the CCTV system is the responsibility of Whalley Parish Council. When CCTV footage is being viewed by authorised personnel access will be limited to authorised individuals only and will be considered in the context of the purpose. Access to footage will be limited to the following authorities:

- Law enforcement agencies where footage recorded would assist in a criminal enquiry and for the prevention of disorder.
- Relevant legal representatives.
- People whose images have been recorded and retained, unless disclosure would prejudice criminal enquiries or proceedings.
- Emergency services in connection with the investigation of an accident.

6. Subject Access Requests (SARS)

Individuals have the right to request CCTV footage relating to themselves, If the footage or image shows a recognisable person it is classed as personal data, all personal data is covered under the Data Protection Act and GDPR. Anyone who believes that they have been filmed using Whalley Parish Council CCTV is entitled to ask to view it. All requests by applicants should be made in writing to clerk@whalleyparishcouncil.org.uk

Individuals submitting requests for access will be asked to provide sufficient information to enable footage relating to them to be identified, for example: time, date, and location. Whalley Parish Council does not have a facility to provide copies of CCTV footage but instead individuals may view the CCTV footage if available.

Whalley Parish Council will respond to requests within one calendar month of receiving the request. The Data Protection Act gives Whalley Parish Council the right to refuse access to CCTV footage particularly where the access would prejudice the legal rights of other individuals or jeopardise an on-going investigation with the police. If a decision is made that a SAR is refused the reasons will be fully documented and the individual informed in writing stating the reasons.

7. Access and disclosure of footage to third parties

There will be no disclosure of footage to third parties other than authorised authorities. If an order by a court for disclosure of CCTV footage, then Whalley Parish Council would comply with the request. Any concerns to disclosure, Whalley Parish Council will seek expert advice from the ICO or Data Protection Officers.

8. Responsibilities

Whalley Parish Council retains overall responsibility and will:

- Ensure that the use of CCTV system is implemented in accordance with these policy and procedures.
- Oversee and co-ordinate the use of the CCTV monitoring and evaluate compliance within this policy and procedures.
- Review camera locations and be responsible for the release of any footage stored ensuring it is in compliance with this policy and procedures
- Maintain a record of SAR's and keep a log of CCTV access.

- Ensure that the view of the cameras is non-intrusive and not in breach of anyone's privacy rights by ensuring the position comply with the principle of "Reasonable Expectation of Privacy" in public areas.
- Ensure the footage recorded is held by authorised personnel for a period no longer than 31 days and are then erased unless required as part of a criminal investigation or court proceedings.
- Ensure that the camera control is solely to monitor suspicious behaviour, criminal damage or activities and will not monitor individual characteristics.

9. Data Protection Impact Assessment

Whalley Parish Council along with appropriate stakeholders will perform a Data Privacy Impact Assessment (DPIA) when installing or moving CCTV cameras. The DPIA is a process that will consider privacy issues, address the purposes of installation, highlight and mitigate risks therefore ensuring the use of the CCTV is necessary and proportionate.

10. Policy and Procedures Review

Whalley Parish Council is accountable for monitoring and reviewing these policies and procedures. In addition, changes to legislation, national guidance by ICO or other government bodies may trigger amendments to these policies and procedures.

11. Complaints

Any complaint should be addressed in the first instance to Whalley Parish Clerk using the following email address: clerk@whalleyparishcouncil.org.uk