



**Tunbridge Wells Borough Council  
And  
Tonbridge & Malling Borough  
Council**

**CCTV  
Code  
of  
Practice  
2013**

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# Certificate of Agreement

The content of this Code of Practice is hereby approved in respect of Tunbridge Wells and Tonbridge & Malling Borough Councils Closed Circuit Television System and, as far as is reasonably practicable, will be complied with by all who are involved in the management and operation of this system.

## Signed for and on behalf of Tonbridge & Malling Borough Council

Signature: *J. Beilby*

Name: *J. BEILBY* Position held: Chief Executive

Dated the *15* day of *July* 2013

## Signed for and on behalf of Tunbridge Wells Borough Council

Signature: *William Benson*

Name: *WILLIAM BENSON* Position held: Chief Executive

Dated the *16* day of *SEPTEMBER* 2013

## Signed for and on behalf of Kent Police

Signature: *D. Pate*

Name: *D. PATE* Position held: Area Commander

Dated the *6th* day of *September* 2013

## Section 1

## Introduction and Objectives

### 1.1 Introduction

Tunbridge Wells and Tonbridge & Malling Borough Councils have introduced a Closed Circuit Television (CCTV) system (hereafter called the System). The System comprises a number of cameras installed at strategic locations in the two boroughs. Some of the cameras are fully operational with pan, tilt and zoom facilities, whilst others are fixed cameras with on-site recording. There are recording facilities at the CCTV Control Room situated in the basement of Tunbridge Wells Borough Council offices and a Review Suite at Tonbridge and Malling Borough Council's offices at Kings Hill.

The Tunbridge Wells and Tonbridge & Malling CCTV System has evolved from the formation of a partnership between the Councils and Kent Police, who have all certified on the previous form their acceptance of the requirements of this Code of Practice (hereafter called the Code).

For the purposes of this document, the 'owners' of the System are Tunbridge Wells Borough Council and Tonbridge & Malling Borough Council.

For the purposes of the Data Protection Act the 'data controllers' are Tunbridge Wells Borough Council and Tonbridge & Malling Borough Council.

The system is jointly managed by the two Councils.

The system has been notified to the Information Commissioner.

Details of the telephone and fax numbers of the owners of the System, together with their respective responsibilities, are shown at Appendix A to this Code.

### 1.2 Partnership statement in respect of The Human Rights Act 1998

- 1.2.1 The Partnership recognises that public authorities and those organisations carrying out the functions of a public service are required to observe the obligations imposed by the Human Rights Act 1998. The Partnership considers that the use of CCTV in the boroughs of Tunbridge Wells and Tonbridge & Malling is a necessary, proportionate and suitable tool to help reduce crime and the fear of crime and to improve public safety.
- 1.2.2 Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare. Closed circuit television is also considered a necessary initiative by the Partners towards their duty under the Crime and Disorder Act 1998.
- 1.2.3 It is recognised that operation of the Tunbridge Wells and Tonbridge & Malling CCTV System may be considered an infringement of the privacy of individuals. The Partnership recognises that it is their responsibility to ensure that the scheme should always comply with all relevant legislation in order to ensure its legality and legitimacy in a democratic society. The scheme will only be used as a proportional response to identified problems. It will only be used in the interests of national security, public safety, the economic well-being of the area, the prevention and detection of crime or disorder, the protection of health and morals, or for the protection of the rights and freedoms of others.

- 1.2.4 Observance of this Code and the accompanying Procedure Manual shall ensure that evidence is secured, retained and made available as required with due regard to the rights of the individual.
- 1.2.5 The Tunbridge Wells and Tonbridge & Malling CCTV System shall be operated with respect for all individuals, recognising the individual right to be free from inhuman or degrading treatment and avoiding any form of discrimination on the basis of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

### **1.3 Objectives of the System**

- 1.3.1 The objectives of the Tunbridge Wells and Tonbridge & Malling CCTV System, which form the lawful basis for the processing of data, are:
- to help reduce the fear of crime
  - to help deter crime
  - to help detect crime and provide evidential material for court proceedings
  - to provide assistance in the overall management of public health and safety
  - to enhance community safety, assist in developing the economic well being of Tunbridge Wells and Tonbridge & Malling boroughs and to encourage greater use of the town centres, shopping areas, car parks and similar locations within the two boroughs
  - to assist the local authorities in their enforcement and regulatory functions within the boroughs of Tunbridge Wells and Tonbridge & Malling
  - to assist in traffic management
- 1.3.2 Within this broad outline, the appropriate Divisional Commanders of West Kent Police and Maidstone and Malling Police, in partnership with the Chief Executives of each Borough Council, will periodically publish and review specific key objectives based on local concerns.

### **1.4 Procedure Manual**

This Code is supplemented by a separate Procedure Manual, which provides guidelines on all aspects of the day to day operation of the System. To ensure the purpose and principles of the CCTV system are realised, the Procedure Manual is based upon and expands the contents of this Code.

## Section 2 Statement of Purpose and Principles

### 2.1 Purpose

The purpose of this document is to state the intention of the owners and the managers, on behalf of the Partnership, to support the objectives of the Tunbridge Wells and Tonbridge & Malling CCTV System and to outline how it is intended to do so.

- 2.1.1 The 'Purpose' of the System, and the process adopted in determining the 'Reasons' for implementing the System are as previously defined, in order to achieve the objectives detailed within Section 1.

### 2.2 General Principles of Operation

- 2.2.1 The System will be operated in accordance with the principles and requirements of the Human Rights Act 1998.
- 2.2.2 The operation of the System will also recognise the need for formal authorisation of any covert 'directed surveillance' or crime-trend 'hotspot' surveillance, as required by the Regulation of Investigatory Powers Act 2000 and Police Policy.
- 2.2.3 The System will be operated in accordance with the Data Protection Act.
- 2.2.4 The System will be operated fairly and within the law. It will only be used for the purposes for which it was established and which are identified within the Code, or which may be subsequently agreed in accordance with the Code.
- 2.2.5 The System will be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and home.
- 2.2.6 The public interest in the operation of the System will be recognised by ensuring the security and integrity of operational procedures.
- 2.2.7 Throughout this Code it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the rights of the individual. The owners of the System operate complaints procedures that ensure that the System is not only accountable, but is seen to be accountable.
- 2.2.8 Participation in the System by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this Code and to be accountable under the Code.

### 2.3 Copyright

Copyright and ownership of all material recorded by virtue of the System will remain with the Councils' respective data controllers. Once recorded data has been disclosed to a partner or authorised other, such as the Police, they then become the Data Controller for the copy of that data. It is then the responsibility of the Police or authorised other to comply with the Data Protection Act in relation to any further disclosures.

### 2.4 Cameras and Area Coverage

- 2.4.1 The areas covered by CCTV to which this Code refers are the public areas within the responsibility of the operating partners. These currently cover: Tunbridge Wells, Knights Park, North Farm, Paddock Wood, Southborough, Rusthall, Cranbrook, Lamberhurst, Hawkhurst, Pembury, Tonbridge, West Malling, Snodland and car parks in Aylesford, West Malling and Blue Bell Hill.
- 2.4.2 Transportable or mobile cameras may be temporarily sited within the two boroughs. The use of such cameras, and the data produced by virtue of their use, will always accord with the objectives of the System and is governed by this Code and the Procedure Manual.
- 2.4.3 Most of the cameras offer full colour, pan tilt and zoom (PTZ) capability, which may automatically switch to monochrome in low light conditions.
- 2.4.4 None of the cameras forming part of the System will be installed in a covert manner. Some cameras may be enclosed within 'all weather domes', for aesthetic or operational reasons, but the presence of all cameras will be identified by appropriate signs.

## **2.5 Monitoring and Recording Facilities**

- 2.5.1 A staffed monitoring room, called the Control Room, is located in the basement of Tunbridge Wells Borough Council Offices. The CCTV equipment installed there has the capability of recording all cameras simultaneously throughout every 24-hour period.
- 2.5.2 Secondary monitoring equipment may be located in Tonbridge & Malling Council premises, police premises, property and the CCTV Review Suite in the Control Room.
- 2.5.3 Live data feeds from Kent Police Control Centre at Maidstone from Tunbridge Wells Borough CCTV Control Room are available in police vehicles and various police stations.
- 2.5.4 Primary monitoring and recording of CCTV cameras located in Aylesford and West Malling car parks is available in the Review Suite situated in Tonbridge & Malling Borough Council offices. Designated officers from Tonbridge and Malling are the data controllers and operational managers for this equipment and will be responsible for ensuring compliance with this Code in relation to that aspect of the System. Secondary monitoring of this equipment is available to operators in the Control Room at Tunbridge Wells via a broadband connection.
- 2.5.5 CCTV operators are able to 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. Only trained and authorised users shall operate viewing and recording equipment.

## **2.6 Human Resources**

- 2.6.1 Unauthorised persons will not have access to the Control Room without an authorised member of staff being present.

- 2.6.2 Operators, who are specially selected and trained in accordance with the strategy contained within the Procedure Manual, shall staff the Control Room.
- 2.6.3 All operators shall receive relevant training in the requirements of the Human Rights Act 1998, Data Protection Act 1998, Regulation of Investigatory Powers Act 2000, this Code and the Procedure Manual. Further training will be identified and provided as necessary.

## **2.7 Processing and Handling of Recorded Material**

- 2.7.1 All recorded material, whether recorded in analogue or digital format, or as a hard copy data video print, will be processed and handled strictly in accordance with this Code and the Procedure Manual.

## **2.8 Operators' Instructions**

- 2.8.1 Technical instructions on the use of equipment housed within the Control Room are contained in a separate manual provided by the equipment suppliers.

## **2.9 Changes to the Code or the Procedure Manual**

- 2.9.1 Any major changes to this Code or the Procedure Manual, ie changes that have a significant impact upon the Code or upon the operation of the System, will require consultation with and the agreement of all organisations with a participatory role in the operation of the System.
- 2.9.2 Minor changes, such as may be required for clarification and which will not have a significant impact, may be agreed between the owners of the System.

## Section 3                      Privacy and Data Protection

### 3.1      Public Concern

3.1.1 Although members of the public have become accustomed to being observed, when concern is expressed, it is mainly over matters pertaining to the processing of the information, or data, ie what happens to material that is obtained?

**Note:** '**Processing**' means **obtaining, recording or holding** the information or data or **carrying out any operation or set of operations** on the information or data, including:

- i)      organising, adapting or altering the information or data
- ii)     retrieving, consulting about or using the information or data
- iii)    disclosing the information or data by transmission, dissemination or otherwise making available, or
- iv)    aligning, combining, blocking, erasing or destroying the information or data

3.1.2 All personal data obtained by virtue of the System shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the System. When processing personal data, the individual right to privacy in his or her private and family life and home will be respected.

3.1.3 Data will be stored securely in accordance with the requirements of the Data Protection Act 1998 and additional, locally agreed procedures.

### 3.2      Data Protection Legislation

3.2.1 The operation of the System has been notified to the Office of the Information Commissioner in accordance with Data Protection legislation.

3.2.2 For the purposes of the Data Protection Act the 'data controllers' are the Borough Councils of Tunbridge Wells and Tonbridge & Malling.

3.2.3 All data will be processed in accordance with the principles of the Data Protection Act 1998, which include in summary, but are not limited to, the following:

- i)      all personal data will be obtained and processed fairly and lawfully
- ii)     personal data will be held only for the purposes specified
- iii)    personal data will be used only for the purposes, and disclosed only to the people, shown within this Code of Practice
- iv)    only personal data which is adequate, relevant and not excessive in relation to the purpose for which the data is held, will be held
- v)     steps will be taken to ensure that personal data is accurate and where necessary, kept up to date
- vi)    personal data will be held for no longer than is necessary

- vii) individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it
- viii) procedures will be implemented to put into place security measures to prevent unauthorised or accidental access to, alteration or disclosure of, or loss and destruction of information

### **3.3 Request for information (Subject Access)**

- 3.3.1 Any request from an individual for the disclosure of personal data, which he or she believes is recorded by virtue of the System, will be directed in the first instance to the relevant designated officer or data controller.
- 3.3.2 The principles of Sections 7 and 8 of the Data Protection Act 1998 (Rights of Data Subjects and others) shall be followed in respect of every request. Those Sections are reproduced at Appendix B.
- 3.3.3 If the request cannot be complied with without identifying another individual, permission from all parties must be obtained (in the context of the degree of privacy they could reasonably anticipate from being in that location at that time) in accordance with the requirements of the legislation.
- 3.3.4 Any person making a request must be able to prove their identity and provide sufficient information to enable the data to be located. Information appertaining to 'Subject Access' is included at Appendix C.

### **3.4 Exemptions to the Provision of Information**

- 3.4.1 In considering a request made under the provisions of Section 7 of the Data Protection Act 1998, reference may also be made to Section 29 of the Act, which includes, but is not limited to, the following statement:

Personal data held for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders is exempt from the subject access provisions in any case 'to the extent to which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection'.

### **3.5 Criminal Procedures and Investigations Act 1996**

The Criminal Procedures and Investigations Act 1996 introduced a statutory framework for the disclosure to defendants of material that the prosecution would not intend to use in the presentation of its own case. This material is known as 'unused material'. A summary of the provisions of the Act is contained within the Procedure Manual, but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the data controller by Section 7 of the Data Protection Act 1998, known as subject access.

## Section 4 Accountability and Public Information

### 4.1 The Public

4.1.1 Public access to the Control Room will be prohibited except for lawful, proper and sufficient reasons. Visits to the viewing area outside the Control Room will take place from time to time after authorisation by the senior CCTV operator on duty. Visitors will always be accompanied by one of the Designated Officers. Although a visit will only take place in the presence of an authorised operator, he or she will not be expected to take responsibility for such visit but will record the visit as follows:

- date, time and duration of visit
- authorised person accompanying the visitor or visitors
- names and status of visitors
- purpose of visit

All visitors must sign the Visitors' Log, which incorporates a Declaration of Confidentiality.

Any occurrence, which leads to comment during the course of the visit, will also be the subject of record. No visits will take place or continue whilst a live incident is running.

4.1.2 Cameras will not be used to look into private residential property. Where the equipment permits it 'privacy zones' may be programmed into the System. These 'zones' will ensure that the cameras do not survey the interior of any private residence. If such 'zones' are not programmed, the operators will be specifically trained in privacy issues.

4.1.3 A member of the public wishing to register a complaint about any aspect of the System may do so by contacting the respective Borough Council. All complaints shall be dealt with in accordance with the Borough Council's procedure, a copy of which may be obtained from the offices of the respective Borough Council or downloaded from their websites. Any disciplinary issue identified will be considered under the organisations' disciplinary procedures to which all members of Tunbridge Wells and Tonbridge & Malling Borough Councils, and contracted CCTV personnel are subject.

4.1.4 All contracted CCTV staff are contractually bound by regulations governing confidentiality and discipline.

### 4.2 System Owner

4.2.1 Designated Officers of each Council, being the nominated representatives of the System Owners, will have unrestricted access to the Control Room.

4.2.2 The management of the operational contractor will be responsible for providing regular monthly reports detailing agreed performance indicators to the Designated Officers of the System Owners.

4.2.3 Consultation will normally take place between the owners and the managers of the System with regard to any of its aspects, including this Code of Practice and the Procedure Manual.

### **4.3 Designated Officers**

- 4.3.1 The Designated Officers will have day-to-day responsibility for the System as a whole. Current Designated Officers are shown at Appendix G.
- 4.3.2 The System will be subject to an annual audit by an independent auditor.
- 4.3.3 The relevant Designated Officer will ensure that every complaint is acknowledged in writing as soon as possible. Our target is to provide either a full response or a progress report within ten working days of receiving a complaint. A formal report will be forwarded to the System owners, named in Appendix A, giving detail of all complaints and their outcomes.
- 4.3.4 Statistical and other relevant information, including any complaints made, will be included in CCTV Reports of Tunbridge Wells and Tonbridge & Malling Borough Councils. These periodic CCTV Reports will be made available to the public.
- 4.3.5 Designated officers will be responsible for obtaining approval of the CCTV Reports through their own appropriate procedures, prior to making it available to the public.

### **4.4 Public Information**

#### **4.4.1 Code of Practice**

A copy of this Code shall be published on the Borough Councils' websites and will be made available to anyone on request.

#### **4.4.2 CCTV Report**

A copy of the CCTV Report, when approved, will be made available to anyone requesting it. Additional copies will be published on the Borough Councils' websites.

#### **4.4.3 Signs**

Signs will be placed in the locality of the cameras and at main entrance points to the relevant areas, eg railway and bus stations. The signs will indicate:

- the presence of CCTV monitoring
- the 'owners' of the System
- the contact telephone number

## Section 5 Assessment of the System and Code of Practice

### 5.1 Evaluation

5.1.1 The System will be evaluated periodically to establish whether the purposes of the System are being met and whether objectives are being achieved. The evaluation will normally include the following:

- an assessment of the impact upon crime
- an assessment of the incidents monitored by the System
- a review of the Code of Practice and Procedure Manual
- a review of the continuing relevancy of the purposes of the System
- any other factors which have been identified

5.1.2 The results of any evaluation will be published and will be used to review, develop and make any alterations to the specified purpose and objectives of the scheme as well as the functioning, management and operation of the System.

### 5.2 Monitoring

5.2.1 The Designated Officers will be responsible for the monitoring, operation and evaluation of the System and the implementation of this Code.

5.2.2 The Designated Officers shall be responsible for maintaining full management information of incidents dealt with by the Control Room, for use in managing the System and in future evaluations.

### 5.3 Audit

5.3.1 The Borough Council's Audit Managers, or nominated deputies, who are not Designated Officers, will be given full access to all systems, when requested.

## Section 6

## Human Resources

### **6.1 Staffing of the Control Room and those responsible for the operation of the System**

- 6.1.1 The Control Room will be staffed in accordance with the Procedure Manual. Only authorised personnel who have been properly trained to use the System's equipment and in Control Room procedures will operate the System.
- 6.1.2 Every person involved in the management and operation of the System will be personally issued with a copy of both the Code and the Procedure Manual. He or she will be required to sign to confirm understanding of and adherence to the obligations that these documents place upon him or her and that any breach will be considered a disciplinary offence. He or she will be fully conversant with the contents of both documents, which may be updated from time to time. He or she will be expected to comply with both documents as far as is reasonably practicable.
- 6.1.3 Arrangement may be made for a police liaison officer to be present in the Control Room. Any such person must be conversant with this Code and the associated Procedure Manual.
- 6.1.4 All persons involved with the System shall receive training in respect of the Code and the Procedure Manual and legislation relevant to their role. Such training will be updated as and when necessary, all operators working in the Control Room must be licensed.

### **6.2 Discipline**

- 6.2.1 Each individual having responsibility under the terms of this Code, who has any involvement with the System to which it refers, will be subject to the employing authority's Code of Discipline. Any breach of this Code, or of any aspect of confidentiality, will be dealt with in accordance with that Code of Discipline.
- 6.2.2 The Designated Officers will have primary responsibility for ensuring that there is no breach of security and that this Code is complied with. The Designated Officers will have day to day responsibility for the management of the Control Room and for enforcing the Code. Non-compliance with this Code by any person will be considered a severe breach of conduct and will be dealt with accordingly, including, if appropriate, by criminal proceedings.

### **6.3 Declaration of Confidentiality**

- 6.3.1 Every individual with responsibility under the terms of this Code, who has any involvement with the System to which it refers, will be required to sign a declaration of confidentiality. (See Appendix D. See also Section 8 regarding access to the Control Room by others).

## Section 7

# Control and Operation of Cameras

### 7.1 Guiding Principles

- 7.1.1 All persons operating the cameras must act with the utmost probity at all times.
- 7.1.2 Only persons, who have been trained in their use and the legislative implications of such use, will operate the cameras and the control, recording and reviewing equipment.
- 7.1.3 Every use of the cameras will accord with the purposes and key objectives of the System and shall be in compliance with this Code.
- 7.1.4 Cameras will not be used to look into private residential property. 'Privacy zones' shall be programmed into the System, whenever practically possible, in order to ensure that the interior of any private residential property is not surveyed by the cameras.
- 7.1.5 Camera operators will be mindful of exercising prejudices, which may lead to complaints of the System being used for purposes other than those for which it is intended. The operators may be required to justify their interest in, or recording of, any particular individual or group of individuals or property.

### 7.2 Control

- 7.2.1 Only staff who are trained and authorised to use the CCTV equipment will have access to the operating controls. Those operators will have primacy of control at all times.

### 7.3 Secondary Control/Monitoring

- 7.3.1 Secondary monitoring facilities are provided at the Kent Police Control Centre at Maidstone, dedicated Kent Police Stations, Police Mobile units, the Tonbridge Hub and Tonbridge & Malling Council Offices.
- 7.3.2 The use of secondary monitoring facilities will be administered and recorded in accordance with this Code and the Procedure Manual. Persons using these facilities must comply with all current legislative requirements.
- 7.3.3 Subject to permission being granted by the CCTV Manager, if available, or a senior operator, secondary control rooms may take control of the operation of the cameras. The use of secondary control and monitoring facilities will be administered and recorded in full accordance with this Code and the Procedure Manual. Persons using these facilities must comply with all current legislative requirements.

**Note:** There is currently no facility to carry out any kind of secondary control.

## **7.4 Operation of the System by the Police**

- 7.4.1 Under some circumstances the Police may make a request to assume direction of the System to which this Code applies. Any requests must be made in writing by a police officer not below the rank of Superintendent. Any such request will only be allowed on the written authority of the most senior representative of the System owners, or designated deputy of equal standing.
- 7.4.2 In the event of such a request being allowed, the Control Room will continue to be staffed and operated by those personnel who are authorised to do so and who fall within the terms of Sections 6 and 7 of this Code. They will then operate under the direction of the police officer designated in the written authority.
- 7.4.3 In extreme circumstances a request may be made by the Police to take total control of the System, including the staffing of the Control Room and control of all associated equipment, to the exclusion of all representatives of the System owners. Any such request must be made to the Designated Officers in the first instance, who will consult personally with the most senior officer of the System owners or designated deputy of equal standing. A request for total exclusive control must be made in writing by a police officer not below the rank of Assistant Chief Constable or person of equal standing.

## **7.5 Maintenance of the System**

- 7.5.1 To ensure compliance with the Information Commissioner's Code of Practice and to ensure that images recorded continue to be of appropriate evidential quality, the System shall be maintained in accordance with the requirements of the Procedural Manual under a maintenance agreement.
- 7.5.2 The maintenance agreement will make provision for regular or periodic service checks on the equipment. This will include cleaning of any all weather domes or housings, checks on the functioning of the equipment, and any minor adjustments that need to be made to the equipment settings to maintain picture quality.
- 7.5.3 The maintenance will also include regular periodic review and overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life.
- 7.5.4 The maintenance agreement will also provide for 'emergency' attendance on site by a specialist CCTV engineer to rectify any loss or severe degradation of image or camera control.
- 7.5.5 The maintenance agreement will define the maximum periods of time permitted for attendance by the engineer and for rectification of the problem, depending upon the severity of the event, and the operational requirements of that element of the System.
- 7.5.6 It is the responsibility of the Designated Officers to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the contracted maintenance organisation.

## **Section 8      Access to, and Security of, Monitoring Room and Associated Equipment**

### **8.1      Authorised Access**

8.1.1 Only trained and authorised personnel will operate the equipment located within the Control Room or equipment associated with the System.

### **8.2      Public access**

8.2.1 Public access to the monitoring and recording facility will be prohibited except for lawful, proper and sufficient reasons, and only then with the personal authority of the Designated Officers. Any such visits will be conducted and recorded in accordance with the Procedure Manual.

### **8.3      Authorised Visits**

8.3.1 Visits by inspectors or auditors do not fall within the scope of the above paragraph and may take place at any time, without prior warning. No more than two inspectors or auditors may visit at any one time. Inspectors or auditors will not influence the operation of any part of the System during their visit. The visit will be suspended in the event of it being operationally inconvenient. Any such visit should be recorded in the same way as that described above.

### **8.4      Declaration of Confidentiality**

8.4.1 Regardless of their status, all visitors to the Control Room, including inspectors and auditors, will be required to sign the visitors' book and a declaration of confidentiality.

### **8.5      Security**

8.5.1 Authorised personnel will normally be present at all times when the equipment is in use. If the monitoring facility is to be left unattended for any reason it will be secured. In the event of the Control Room having to be evacuated for safety or security reasons, the provisions of the Procedure Manual will be complied with.

8.5.2 The CCTV Control Room will at all times be secured by 'Magnetic-Locks' operated by the CCTV operator, 'digi-Locks' requiring an alpha numeric code for entrance, or other equally secure means.

8.5.3 Visitors to the CCTV Control Room, that have not been Police vetted should not be able to hear any police broadcasts. The Airwave radio should be turned off or down, or visitors asked to leave.

8.5.4 Under no circumstances should the Airwave Police Radio be removed from the CCTV room, unless authorised by Kent Police and the CCTV Manager.

## Section 9

# Airwave Equipment.

### 9.1 Airwaves Radio

It is essential that security requirements are adopted in order to protect the confidentiality, integrity and availability of the Airwaves service. Radio terminals must be accounted for at all times, and should be stored securely. Strict radio discipline must be maintained at all times. Tunbridge Wells Borough Council uses the current Cabinet Office Code of Practice as a baseline to ensure that appropriate standards are maintained. All CCTV Operators are required to read Sections 2 and 3 of the Cabinet Office Code of Practice, which is appended to the procedures manual. Training will be given to all Operators and there is also a requirement for all Operators to sign a statement to confirm that they understand their responsibilities in relation to the protection of the Airwaves Service. As each CCTV Operator signs on for duty, acceptance of responsibility for the integrity of the Airwaves Service is given. Failure to maintain the required standards may result in disciplinary action being taken.

The Duty Operators Log will be periodically checked at random, and on at least one occasion per month, to ensure that these standards are being maintained.

The radio terminal will be accounted for on a daily basis by the CCTV Operators on duty, and this will be audited every 12 months.

Kent Police will monitor voice traffic during all transmissions.

### 9.2 Roles and Responsibilities

#### 9.2.1 The Council's Chief Executive – William Benson

The ultimate responsibility for the security of the Airwave Service lies with the Chief Executive of Tunbridge Wells Borough Council. This responsibility cannot be passed to a Managed Terminal Service Provider, or other third party, to own on the Chief Executive's behalf.

The CEO or equivalent is responsible for the following:

Clearly defining, documenting and delegating the roles and responsibilities for the security of the radio terminals within the organisation.

#### 9.2.2 Terminal Custodian - CCTV Manager – Sharon Wright

Delegated by the Chief Executive of Tunbridge Wells Borough Council the Radio Terminal Custodian liaises with service ensuring the Airwave Accreditation Secretariat is notified of any changes to the radio terminal providers, radio terminal manufacturers, **CINRAS** (Comsec Incident Notification, Reporting and Alerting System) and the accreditation authority (through the Airwave Accreditation Secretariat) on behalf of the organisation.

The Radio Terminal Custodian is responsible for the following:

- a) Custodian contact details;
- b) Ensuring the organisations procedures and documentation reflect the requirements in the latest version of the Cabinet Office Code of Practice;
- c) Ensuring adequate physical security of all centrally stored Airwave Service radio terminals;
- d) Maintaining a register to account for the issue and status of all radio terminals and any item of ancillary equipment;
- e) Conducting an audit of all radio terminals on a regular basis;
- f) Implementing a continual audit trail for all radio terminals where there may be multiple users (i.e. where pool cars are fitted with mobile radio terminals);
- g) Ensuring all users are trained in the CCTV Code of Practice;
- h) Ensuring all authorised radio users sign to accept that they have read and fully understand their responsibilities with regard to this, or the local, Code of Practice;
- i) If applicable, ensuring divisional or departmental Radio Terminal Custodians are meeting their responsibilities;
- j) Implementing the appropriate lines of responsibility and conditions of use regarding terminals on loan;
- k) Implementing robust procedures to ensure a lost, missing or damaged radio terminal is reported and disabled;
- l) Investigating incidents where *tamper seals* on radio terminals have been broken;
- m) Reporting lost, missing or damaged radio terminals to CINRAS;
- n) Nominating and training temporary Radio Terminal Custodians, for extraordinary operations (e.g. where terminals are taken abroad);
- o) Training acting Radio Terminal Custodians (covering annual leave etc) in their duties; and
- p) Ensuring secure arrangements are in place for the repair and disposal of radio terminals.

The Radio Terminal Custodian at divisional or departmental level is responsible for a sub-set of the above as delegated.

### 9.2.3 Supervisors, site leader, CCTV Operators or Line Managers

The supervisor, site leader, CCTV operators or line manager is responsible for the following:

- a) Ensuring staff are trained in this Code of Practice;
- b) Reporting the loss of radio terminals, as directed by the Radio Terminal Custodian in local procedures;
- c) Reporting damage to radio terminals (including damaged tamper seals), as directed by the Radio Terminal Custodian in local procedures; and
- d) Ensuring Airwave Service radio terminal use complies with local policies.

#### 9.2.4 **Authorised Radio Users – all CCTV Operators**

The authorised radio user is directly responsible for the following:

- a) Understanding and following the procedures laid out in this Code of Practice;
- b) Ensuring the security of any Airwave Service equipment issued to them;
- c) Reporting the loss of radio terminals, as directed by the Radio Terminal Custodian in local procedures;
- d) Reporting damage to radio terminals (including damaged tamper seals), as directed by the Radio Terminal Custodian in local procedures; and
- e) Complying with local policies regarding the use of radio terminals.

## Section 10 Management of Recorded Material

### 10.1 Guiding Principles

- 10.1.2 For the purposes of this Code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the System. This specifically includes images recorded digitally, or DVD's, CD's, or by way of video copying, including data video prints.
- 10.1.3 Every video or digital recording obtained using the System has the potential of containing material that has to be admitted in evidence at some point during its life span.
- 10.1.4 Members of the community must have total confidence that information about their ordinary, everyday activities recorded by virtue of the System, will be treated with due regard to their individual right to respect for their private and family life.
- 10.1.5 It is of the utmost importance that, irrespective of the means or format of the images obtained from the System, eg paper copy, digital, CD, DVD or any form of electronic processing and storage, they are treated strictly in accordance with this Code and the Procedure Manual. This applies from the moment they are received in the Control Room until their final destruction. Every movement and usage will be meticulously recorded.
- 10.1.6 Access to recorded material and its use will be strictly for the purposes defined in this Code.
- 10.1.7 Recorded material will not be copied, sold, otherwise released or used for commercial purposes of any kind or for the provision of entertainment.

### 10.2 National Standard for the Release of Data to a Third Party

- 10.2.1 Every request for the release of personal data generated by the System will be channelled through the Designated Officers. The Designated Officers will ensure that the principles contained within Appendix C to this Code are followed at all times.
- 10.2.2 In complying with the national standard for the release of data to third parties, it is intended, as far as is reasonably practicable, to safeguard the rights of the individual to privacy and to give effect to the following principles:
- recorded material shall be processed lawfully and fairly, and used only for the purposes defined in this Code
  - access to recorded material will only take place in accordance with the standards outlined in Appendix C and this Code
  - the release or disclosure of data for commercial or entertainment purposes is specifically prohibited
- 10.2.3 Members of the Police Service or other agency having a statutory authority to investigate and/or prosecute offences may, subject to compliance with Appendix C, release details of recorded information to the media in an effort to identify alleged offenders or potential witnesses. Under such circumstances, full details will be recorded in accordance with the Procedure Manual.

**Note:** The Police and Criminal Evidence Act 1984, covers release to the media of recorded information, in any format, which may be part of a current investigation. Any such disclosure should only be made after due consideration of the likely impact on a criminal trial. Full details of any media coverage must be recorded and brought to the attention of both the prosecutor and the defence.

10.2.4 If material is to be shown to witnesses, including police officers, for the purpose of obtaining identification evidence, it must be shown in accordance with Appendix C and the Procedure Manual.

10.2.5 It may be beneficial to make use of 'real time' video footage for the training and education of those involved in the operation and management of CCTV systems, and for those involved in the investigation, prevention and detection of crime. Any material recorded by virtue of the System may be used for such bona fide training and education purposes. Recorded material will not be released for commercial or entertainment purposes.

### **10.3 Provision & Quality of Digital Images DVD/CD and Duplicating Media**

10.3.1 To ensure the quality of media used, and that recorded information will meet the criteria outlined by current Home Office guidelines, only media which have been specifically provided in accordance with the Procedure Manual will be used in the System.

### **10.4 Recorded Images – Retention**

10.4.1 Recorded images will be retained for a period of 31 days. Before re-use or destruction.

10.4.2 Recorded data will always be used and stored in accordance with the Procedure Manual.

### **10.5 Data Register**

10.5.1 Recorded data has a unique tracking record maintained in accordance with the Procedure Manual. The tracking record shall identify every use of the recorded data and every person who has had access to the images, to its erasure, seizure or removal. The tracking record will be retained for at least three years following destruction of the data.

### **10.6. Recording Policy**

10.6.1 Subject to the equipment functioning correctly, images from every camera will be recorded throughout every 24-hour period, through a digital system onto computer disk or hard drives.

## **10.7 Evidential Data**

10.7.1 In the event of a disc or recorded data being required for evidential purposes the procedures outlined in the Procedure Manual will be strictly complied with.

## **10.8 Future Digital Recording Devices**

10.8.1 The principles established in this section will reflect in the operation of any future digital system.

## Section 11 Data / Video Prints

### 11.1 Guiding Principles

- 11.1.2 A data print are also refereed to as video prints, they are a copy of an image or images which already exist on a computer disc or hard drive. Such prints are within the definitions of 'data' and 'recorded material'.
- 11.1.3 Data prints will not be taken as a matter of routine. When a print is made, it must be capable of justification by the originator, who will be responsible for recording the full circumstances under which the print is taken, in accordance with the Procedure Manual.
- 11.1.4 Data prints contain information and will therefore only be released under the terms of Appendix C to this Code, 'Release of data to third parties'. If prints are released to the media, in compliance with Appendix C, in an effort to identify alleged offenders or potential witnesses, full details will be recorded in accordance with the Procedure Manual.
- 11.1.5 A record will be maintained of all data print productions, in accordance with the Procedure Manual. The recorded details will include a sequential number, the date, time and location of the incident, the date and time of the production of the print, the identity of the person requesting the print, (if relevant) and the purpose for which the print was taken.
- 11.1.6 The records of the data prints taken will be subject to audit in common with all other records in the System.

## Section 12      Regulation of Investigatory Powers Act

### Guiding Principles

Tunbridge Wells and Tonbridge & Malling Borough Councils have adopted the Home Office document "Covert surveillance and Property interference" and this publication is reproduced at appendix E.

Tunbridge Wells and Tonbridge & Malling Borough Councils also have a joint working protocol in place with Kent Police, which has been signed off by each Chief Executive and a Senior Officer within Kent Police.

Advice and Guidance for Control Room Staff and Police Inspectors in respect of CCTV and the Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 relates to surveillance by the Police and other agencies and deals in part with the use of directed covert surveillance. Section 26 of this 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 it 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)
  
- (c) otherwise than 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 other than by this section of the RIP Act. Appropriate guidelines already exist for intrusive surveillance.

The impact for staff in the Police control rooms and CCTV monitoring centres 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 sub section (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.

Slow time requests are authorised by a Police Inspector or above.

If an authority is required immediately, a Police 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, contribution or charge payable to a government department
- (g) for any purpose (not falling within paragraph (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State

Forms will normally originate from the Police, and are entitled "Application for Directed Surveillance Authority Part II RIPA 2000". This is a restricted document, which has been reproduced within the procedures manual.

As from 1<sup>st</sup> November 2012 local authorities are required to obtain judicial approval prior to using covert techniques. Local Authority authorisations and notices under RIPA (Regulations of Investigatory Powers Act 2000) will only be given effect once an order has been granted by a Justice of the Peace in England and Wales.

In addition, from that date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a six month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

### **No Authorisation Required**

An example might be where officers chance upon local drug dealers sitting in the town centre and, in order not to divulge that observation is taking place, ask for CCTV to monitor them.

In response to an unplanned demonstration, where public Order could be compromised.

**Key Personnel and Responsibilities****1. System Owners**

Tonbridge & Malling B C  
 Gibson Building  
 Gibson Drive  
 Kings Hill  
 West Malling  
 Kent ME19 4LZ

Tunbridge Wells B C  
 Town Hall  
 Royal Tunbridge Wells  
 Kent  
 TN1 1RS

Tel: 01732 876391  
 Fax: 01732 876317

Tel: 01892 526 121  
 Fax: 01892 619 659

**2. System Maintenance Responsibilities**

Designated Officer(s) from Tonbridge & Malling Borough Council will be the single point of reference on behalf of the owners in relation to maintenance issues. The role will include a responsibility to:

- i) ensure the provision and maintenance of all technical equipment forming part of the Tunbridge Wells and Tonbridge & Malling CCTV System in accordance with contractual arrangements that the owners may from time to time enter into
- ii) maintain close liaison with the contractor's Control Room Team Leader and the CCTV Manager representing Tunbridge Wells Borough Council
- iii) maintain liaison with other Designated Officers, with the owners of the System and with operating partners
- iv) ensure the interests of the joint owners and other organisations are upheld in accordance with the terms of this Code
- v) agree to any proposed alterations and additions to the System, this Code and the Procedure Manual

### 3. System Management Responsibilities

Designated Officer(s) from Tunbridge Wells Borough Council will be the single point of reference on behalf of the owners in relation to operational issues. The role will include a responsibility to:

- i) ensure the operational effectiveness and efficiency of the System in accordance with the terms of the operational contract
- ii) maintain close liaison with the Operational Contractor, the contractor's Control Room Team Leader and other operational staff
- iii) maintain liaison with the owners of the System, with other Designated Officers of the System and with operating partners
- iv) ensure the interests of the joint owners and other organisations are upheld in accordance with this Code of Practice
- v) agree to any proposed alterations and additions to the System, this Code of Practice and the Procedure Manual

**Extracts from Data Protection Act 1998****Section 7**

- (1) Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled:
  - (a) to be informed by any data controller whether personal data of which that individual is the data subject is being processed by or on behalf of that data controller
  - (b) if that is the case, to be given by the data controller a description of:
    - (i) the personal data of which that individual is the data subject
    - (ii) the purpose for which it is being or is to be processed
    - (iii) the recipients or classes of recipients to whom it will or may be disclosed
  - (c) to have communicated to him or her in an intelligible form:
    - (i) the information constituting any personal data of which that individual is the data subject
    - (ii) any information available to the data controller as the source of that data
  - (d) to be informed by the data controller of the logic involved in decision-taking, where the automatic processing of personal data of which that individual is the subject, has constituted, or is likely to constitute, the sole basis for any decision significantly affecting him or her. Examples would include his or her performance at work, creditworthiness, reliability or conduct
- (2) A data controller is not obliged to supply any information under subsection (1) unless he has received:
  - (a) a request in writing, and, except in prescribed cases,
  - (b) such a fee (not exceeding the prescribed maximum) as he may require
- (3) A data controller is not obliged to comply with a request under this section unless he is supplied with such information as may be reasonably required to satisfy himself as to the identity of the person making the request and to locate the information which that person seeks.
- (4) Where a data controller cannot comply with the request without disclosing information relating to another individual, who can be identified from that information, he is not obliged to comply with the request unless:
  - (a) the other individual has consented to the disclosure of the information to the person making the request, or
  - (b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual

- (5) In subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request. That subsection is not to be construed as excusing the data controller from communicating so much of the information sought by the request as can be communicated without disclosing the identity of the other individual concerned, whether by omission of names or other identifying particulars or otherwise.
- (6) In determining for the purposes of subsection (4)(b) whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to:
- (a) any duty of confidentiality owed to the other individual
  - (b) any steps taken by the data controller with a view to seeking the consent of the other individual
  - (c) whether the other individual is capable of giving consent, and
  - (d) any express refusal of consent by the other individual
- (7) An individual making a request under this section may, in such cases as may be prescribed, specify that his or her request is limited to personal data of any prescribed description.
- (8) Subject to subsection (4), a data controller shall comply with a request under this section promptly and in any event before the end of the prescribed period beginning with the relevant day.
- (9) If, on the application of any person who has made a request under the foregoing provisions of this section, a court is satisfied that the data controller in question has failed to comply with the request in contravention of those provisions, the court may order him to comply with the request.
- (10) **In this section:**
- 'Prescribed'** means prescribed by the Secretary of State by regulations;
- 'The prescribed maximum'** means such amount as may be prescribed;
- 'The prescribed period'** means 40 days or such other period as may be prescribed;
- 'The relevant day'**, in relation to a request under this section, means the day on which the data controller receives the request or, if later, the first day on which the data controller has both the required fee and the information referred to in subsection (3).
- (11) Different amounts or periods may be prescribed under this section in relation to different cases.

## Section 8

- (1) The Secretary of State may by regulations provide that, in such cases as may be prescribed, a request for information under any provision of subsection (1) of section 7 is to be treated as extending also to information under other provisions of that subsection.
- (2) The obligation imposed by section 7(1)(c)(i) must be complied with by supplying the data subject with a copy of the information in permanent form unless:
  - (a) the supply of such a copy is not possible or would involve disproportionate effort, or
  - (b) the data subject agrees otherwise
  - (c) where any of the information referred to in section 7(1)(c)(i) is expressed in terms, which are not intelligible without explanation; the copy must be accompanied by an explanation of those terms
- (3) Where a data controller has previously complied with a request made under section 7 by an individual, the data controller is not obliged to comply with a subsequent identical or similar request under that section by that individual unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.
- (4) In determining for the purposes of subsection (3) whether requests under section 7 are made at reasonable intervals, regard shall be had to the nature of the data, the purpose for which the data is processed and the frequency with which the data is altered.
- (5) Section 7(1)(d) is not to be regarded as requiring the provision of information as to the logic involved in decision-taking if, and to the extent that, the information constitutes a trade secret.
- (6) The information to be supplied pursuant to a request under section 7 must be supplied by reference to the data in question at the time when the request is received. However, It may take account of any amendment or deletion made between that time and the time when the information is supplied, being an amendment or deletion that would have been made regardless of the receipt of the request.
- (7) For the purposes of section 7(4) and (5) another individual can be identified from the information being disclosed if he can be identified from that information. Or he can be identified from that and any other information, which, in the reasonable belief of the data controller, is likely to be in, or to come into, the possession of the data subject making the request.

**National Standard for the Release of Data to Third Parties****1. Introduction**

CCTV is arguably one of the most powerful tools to be developed during recent years to assist with efforts to combat crime and disorder, whilst enhancing community safety. Equally, it may be regarded by some as the most potent infringement of people's liberty. If users, owners and managers of such systems are to command the respect and support of the general public, CCTV systems must be used with the utmost probity at all times. They must also use them in a manner which stands up to scrutiny by the people they are aiming to protect.

Tunbridge Wells Borough Council, Tonbridge & Malling Borough Council and Kent Police believe that everyone has the right to respect for his or her private and family life and home. Although the use of CCTV cameras has become widely accepted in the UK as an effective security tool, those people who do express concern tend to do so over the handling of the information (data) which the System gathers.

After considerable research and consultation, the nationally recommended standard of The CCTV User Group has been adopted by the System owners.

**2. General Policy**

All requests for the release of data shall be processed in accordance with the Procedure Manual. All such requests shall be channelled through the data controller.

**3. Primary Request to View Data**

- a) Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:
  - i) providing evidence in criminal proceedings (eg Police and Criminal Evidence Act 1984, Criminal Procedures & Investigations Act 1996, etc)
  - ii) providing evidence in civil proceedings or tribunals
  - iii) the prevention of crime
  - iv) the investigation and detection of crime (may include identification of offenders)
  - v) identification of witnesses
- b) Third parties, who are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:
  - i) police
  - ii) statutory authorities with powers to prosecute, (eg Customs and Excise, Trading Standards, etc)
  - iii) solicitors

- iv) plaintiffs in civil proceedings
  - v) accused persons or defendants in criminal proceedings
  - vi) other agencies, (which should be specified in the Code of Practice) according to purpose and legal status
- c) Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:
- i) not unduly obstruct a third party investigation to verify the existence of relevant data
  - ii) ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request
- d) In circumstances outlined at note (3) below, (requests by plaintiffs, accused persons or defendants) the data controller, or nominated representative, shall:
- i) be satisfied that there is no connection with any existing data held by the police in connection with the same investigation
  - ii) treat all such enquiries with strict confidentiality

**Notes:**

- (1) The release of data to the police is not to be restricted to the civil police but could include, for example, British Transport Police, Ministry of Defence Police, or Military Police. (It may be appropriate to put in place special arrangements in response to local requirements).
- (2) Aside from criminal investigations, data may be of evidential value in respect of civil proceedings or tribunals. In such cases a solicitor, or authorised representative of the tribunal, is required to give relevant information in writing prior to a search being granted. In the event of a search resulting in a requirement being made for the release of data, such release will only be facilitated on the instructions of a court order or subpoena. A charge may be made for this service to cover costs incurred. In all circumstances data will only be released for lawful and proper purposes.
- (3) There may be occasions when an enquiry by a plaintiff, an accused person, a defendant or a defence solicitor, falls outside the terms of disclosure or subject access legislation. An example could be the investigation of an alibi. Such an enquiry may not form part of a prosecution investigation. Defence enquiries could also arise in a case where there appeared to be no recorded evidence in a prosecution investigation.
- (4) The data controller shall decide which (if any) 'other agencies' might be permitted access to data. Having identified those 'other agencies', such access to data will only be permitted in compliance with this Standard.
- (5) The data controller can refuse an individual request to view if insufficient or inaccurate information is provided. A search request should be reasonably specific, for example, specified to the nearest half-hour.

#### 4. Secondary Request to View Data

- a) A 'secondary' request for access to data may be defined as, 'any request being made, which does not fall into the category of a primary request'. Before complying with a secondary request, the data controller shall ensure that:
- i) the request does not contravene, and that compliance with the request would not breach, current relevant legislation, (eg Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc)
  - ii) any legislative requirements have been complied with, (eg the requirements of the Data Protection Act 1998)
  - iii) due regard has been taken of any known case law (current or past) which may be relevant, (eg R v Brentwood BC ex p. Peck) and
  - iv) the request would pass a test of 'disclosure in the public interest'
- b) If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:
- i) in respect of material to be released under the auspices of '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 this Code
  - ii) if the material is to be released under the heading of 'public well being, health or safety', written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of this Code
- c) Recorded material may be used for bona fide training purposes such as for police or staff training. Under no circumstances will recorded material be released for commercial sale or entertainment purposes.

#### Notes:

- (1) 'Disclosure in the public interest' could include the disclosure of personal data that:
- i) provides specific information which would be of value or interest to the public well being
  - ii) identifies a public health or safety issue
  - iii) assists in the prevention of crime
- (2) The disclosure of personal data which is the subject of a 'live' criminal investigation would always come under the terms of a primary request, (see III above).

## 5. Individual Subject Access under Data Protection legislation

- a) Under the terms of Data Protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:
  - i) the request is made in writing
  - ii) a specified fee is paid for each individual search
  - iii) the data controller is supplied with sufficient information to satisfy him as to the identity of the person making the request
  - iv) sufficient and accurate information is provided about the time, date and place to enable the data controller to locate the information that the person seeks. It is recognised that a person making a request is unlikely to know the precise time. In such circumstances it is suggested that accuracy to within one hour would be a reasonable requirement
  - v) unless all the individuals who may be identified from the information sought have consented to the disclosure, the person making the request can only be shown information relevant to the particular search, which contains personal data of him alone
- b) In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied. All other personal data, which may facilitate the identification of any other person, should be concealed or erased. Under these circumstances an additional fee may be payable.
- c) The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided. However, every effort should be made to comply with subject access procedures and each request should be considered on its own merits.
- d) In addition to the principles contained within the Data Protection legislation, the data controller should be satisfied that the data is:
  - i) not currently and, so far as can be reasonably ascertained, not likely to become part of a 'live' criminal investigation
  - ii) not currently and, so far as can be reasonably ascertained, not likely to become relevant to civil proceedings
  - iii) not the subject of a complaint or dispute which has not been actioned
  - iv) the original data and that the audit trail has been maintained
  - v) not removed or copied without proper authority
  - vi) for individual disclosure only (ie to be disclosed to a named subject)

## 6. Process of Disclosure

- a) Verify the accuracy of the request.
- b) Replay the data to the requestee only, or responsible person acting on behalf of the person making the request.
- c) The viewing should take place in a separate room and not in the control or monitoring area. Only data that is specific to the search request shall be shown.
- d) It must not be possible to identify any other individual from the information being shown, (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).
- e) If a copy of the material is requested and there is no on-site means of editing out other personal data, the material shall be sent to an editing house for processing prior to being sent to the requestee.

## 7. Media Disclosure

Set procedures for release of data to a third party must be followed. If the means of editing out other personal data does not exist on-site, measures should include the following:

- a) In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted:
  - i) the release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use
  - ii) the release document shall state that the receiver must process the data in a manner prescribed by the data controller, eg specific identities or data that must not be revealed
  - iii) the release document shall require that following editing and prior to its use by the media, the data must be passed back to the data controller, either for final approval or consent to its use. This protects the position of the data controller who would be responsible for any infringement of Data Protection legislation and the System's Code
  - iv) the release document shall be considered a contract and signed by both parties as such. The signatories must have the requisite standing to sign in that capacity on behalf of their respective organisations

## **8. Principles**

In adopting this national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- a) recorded material shall be processed lawfully and fairly and used only for the purposes defined in the Code for the CCTV scheme
- b) access to recorded material shall only take place in accordance with this Standard and the Code
- c) the release or disclosure of data for commercial or entertainment purposes is specifically prohibited

**Declaration of Confidentiality****The Tunbridge Wells and Tonbridge & Malling CCTV System**

I confirm that I am retained as a CCTV operator.

I have received a copy of the Code of Practice in respect of the operation and management of the Tunbridge Wells and Tonbridge & Malling CCTV System.

I confirm that I am fully conversant with the content of that Code of Practice. I understand that all duties, which I undertake in connection with the Tunbridge Wells and Tonbridge & Malling CCTV System, must not contravene any part of that Code of Practice, or any future amendments to it, of which I am made aware. I undertake that if I am, or become unclear, of any aspect of the operation of the System or the content of the Code of Practice, I will seek clarification from my manager.

I understand that it is a condition of my employment that I do not disclose or divulge any information which I have acquired in the course of, or in connection with, my duties to any individual, company, authority, agency or other organisation. This includes information obtained verbally or in writing or by any other media, now or in the future. I understand that this prohibition remains binding after I have ceased to be retained in connection with the CCTV System.

In signing this declaration, I agree to abide by, and be bound by, the Code of Practice. I understand and agree to maintain confidentiality in respect of all information gained during the course of my duties, 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 Tunbridge Wells or Tonbridge & Malling 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 E

# Home Office Code of Practice “Covert Surveillance and Property Interference”

### Advice and Guidance for Control Room Staff and Police Inspectors in respect of CCTV and the Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 relates to surveillance by the Police and other agencies and deals in part with the use of directed covert surveillance. Section 26 of this 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 it is **covert** but **not intrusive** and is undertaken:

- (d) for the purposes of a specific investigation or a specific operation
- (e) 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
- (f) otherwise than 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 other than by this section of the RIP Act. Appropriate guidelines already exist for intrusive surveillance.

The impact for staff in the Police control rooms and CCTV monitoring centres 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 sub section (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.

Slow time requests are authorised by a Police Superintendent or above.

If an authority is required immediately, a Police 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:

- (h) in the interests of national security

- (i) for the purpose of preventing or detecting crime or of preventing disorder
- (j) in the interests of the economic well-being of the United Kingdom
- (k) in the interests of public safety
- (l) for the purpose of protecting public health
- (m) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department  
or
- (n) for any purpose (not falling within paragraph (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, followed by written confirmation using the forms. Any authority given should be recorded appropriately for later reference. This should include the name of the officer authorising.

Forms should be available at each CCTV monitoring centre and are included in the Procedure Manual and available from the CCTV User Group Website.

Examples:

#### **Inspector's Authorisation**

An example of a request requiring an Inspector's authorisation might be where a car is found in a car park late at night and is known to belong to drug dealers. The officers might task CCTV to watch the vehicle over a period of time to note who goes to and from the vehicle.

#### **Superintendent's Authorisation**

An example here might be where it is suspected that shop premises are being utilised for dealing in stolen goods and crime squad officers wish to use CCTV to monitor the premises from the outside for a period of days.

#### **No Authorisation Required**

An example might be where officers chance upon local drug dealers sitting in the town centre and, in order not to divulge that observation is taking place, ask for CCTV to monitor them.

Appendix F

Operators Airwave Declaration



I, .....(CCTV Operators name),  
confirm that I have read the Cabinet Office Code of Practice  
Issue v3.0 November 2007 (Secure Handling and Use of  
Airwave Service Radio Terminals), and that I understand my  
responsibilities that are contained therein.

Signed.....

Dated.....

**Appendix G****CONTACT DETAILS**

<b>Borough Council</b>	<b>Name of Officer</b>	<b>Contact Details</b>
Tonbridge & Malling	Mike O'Brien Andy Edwards Andrew Young	01732 876391
Tunbridge Wells	Sharon Wright Frances Taylor	01892 526121