

**Blaenau Gwent County Borough Council**

# **Public Space CCTV System**

## **Code of Practice**

**<2023/24 Working Draft>**

To be considered for review: April 2025

# **Section 1 Introduction & Objectives**

## **1.1 Introduction**

Blaenau Gwent County Borough Council operates a Public Space Closed Circuit Television System (hereafter called the PS CCTV System). The CCTV System comprises of a number of cameras installed at strategic locations within the County Borough.

All the cameras are fixed cameras with no facility to pan, zoom or tilt. The system is currently 'record-only' with no 'live' monitoring taking place, unless specifically requested by Gwent police for a serious, ongoing incident, or a pre-planned policing operation. The CCTV footage is accessed via the CCTV Control Room within Caerphilly County Borough Council.

Blaenau Gwent County Borough Council (Data Controller) has recently entered into a Service Level Agreement (hereafter SLA) with Caerphilly County Borough Council for them to act as CCTV Data Processor on behalf of Blaenau Gwent's overt public space CCTV operations.

For the purposes of this document, the PS CCTV System is owned and managed by Blaenau Gwent County Borough Council. The responsibility for the overall ownership/management of the PS CCTV System lies with Blaenau Gwent Council's Nominated Chief Officer (SIRO). Caerphilly County Borough Council's Control Room Manager oversees the effective day-to-day management of the Control Room and Blaenau Gwent's PS CCTV System.

For the purposes of the General Data Protection Regulation (GDPR) 2016 and the Data Protection Act 2018 the 'Data Controller' is Blaenau Gwent County Borough Council.

Blaenau Gwent County Borough Council is registered with the Information Commissioner's Office (ICO) under registration reference Z6623658.

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

### **Statement in respect of The Human Rights Act 1998**

The Council 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 Council considers that the use of CCTV in Blaenau Gwent is a necessary, proportionate, and appropriate measure to help reduce crime, deter anti-social behaviour and to improve public safety.

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 Council under their duty to the Crime and Disorder Act 1998.

It is recognised that the operation of the Blaenau Gwent County Borough Council PS CCTV System may infringe on the privacy of individuals. The Council recognises that it

is their responsibility to ensure that the PS CCTV System should always comply with all relevant legislation, to ensure its legality and legitimacy.

The PS CCTV System will only be used as a proportionate response to identified problems and be used only insofar as it is necessary in a democratic society, in the interests of national security, public safety, the economic wellbeing of the area, for the prevention and detection of crime or disorder, for the protection of health and morals, or for the protection of the rights and freedoms of others.

Observance of this Code shall ensure that evidence is secured, retained, and made available as required with due regard to the rights of the individual.

The Blaenau Gwent County Borough Council PS 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 age, disability, gender, race, religion or belief, sexual orientation, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

### **Objectives of the System**

The objectives of the Blaenau Gwent County Borough Council PS CCTV System, which form the lawful basis for the processing of data, are:

- Assisting in the detection and prevention of crime.
- Provide evidential material to assist Police investigations.
- Deter those having criminal intent.
- Reduce the fear of crime and give confidence to the public that they are in a secure environment.
- Provide safer communities.
- Reduce acts of vandalism
- Assist in the prevention and detection of anti-social behaviour.
- Assist with traffic management in our towns.

### **Public Space CCTV Procedure Manual**

This Code of Practice will be supplemented by separate CCTV Procedures (operated by Caerphilly County Borough Council via the SLA), which will provide guidelines on all aspects of the day-to-day operation of the PS CCTV System (not public documents).

## **Section 2 Statement of Purpose and Principles**

### **Purpose**

The purpose of this document is to state the intention of the PS CCTV System owners and managers, as far as is reasonably practicable to support the objectives of the Blaenau-Gwent County Borough Council PS CCTV System and to outline how it intends to do so.

### **The General Principles of Operation**

The PS CCTV System will be operated in accordance with the principles and requirements of the Human Rights Act 1998.

The operation of the PS CCTV System will also recognise the need for formal authorisation of any covert 'directed surveillance', as required by the Regulation of Investigatory Powers Act (RIPA) 2000.

The PS CCTV System will be operated with due regard to the relevant definitions, rules and procedures in the Home Office Code of Practice "Covert Surveillance and Property Interference" including updates published from time to time.

Covert surveillance conducted by the Council is outside the scope of this Code and is dealt with by a separate policy statement.

The PS CCTV System will be operated in accordance with General Data Protection Regulation (GDPR) 2016, the Data Protection Act 2018, and the Protection of Freedoms Act 2012. (POFA).

The PS CCTV 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 of Practice, or which may subsequently be agreed in accordance with the Code of Practice

The PS CCTV 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.

The public interest in the operation of the PS CCTV System will be recognised by ensuring the security and integrity of operational procedures.

Throughout this Code of Practice, it is intended, as far as reasonably possible, to balance the objectives of the PS CCTV System with the need to safeguard the rights of the individual. The owners of the PS CCTV System operate a corporate complaint procedure and have in place the appropriate checks and balances with clear lines of accountability for the PS CCTV System.

Involvement with the PS CCTV System by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this Code of Practice and to be accountable under the Code of Practice.

## **The Surveillance Camera Commissioner's Code of Practice**

As per Section 30 (1) (a) of the Protection of Freedoms Act 2012, the PS CCTV System owners and operators must follow a duty to have regard to the Surveillance Camera Commissioner's Code of Practice and the 12 guiding principles contained within:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

## **Copyright and Data Controller**

Copyright and ownership of all material recorded by virtue of the PS CCTV System will remain with the Data Controller – Blaenau Gwent County Borough Council.

The PS CCTV System owner (the Council) is the data controller for the purposes of the Data Protection Legislation. Once recorded data has been disclosed to another party, such as the Police, they may then become a 'controller in common' for the processing of that data independently of the CCTV System owner. Both parties should exercise all due diligence in ensuring compliance with the Data Protection legislation.

## **Cameras and Area Coverage**

The areas covered by PS CCTV to which this Code of Practice refers are the public areas within Blaenau Gwent County Borough. The System is currently divided into six distinct town centre zones - Ebbw Vale, Tredegar, Brynmawr, Abertillery, Blaina, and Cwm. The System may be expanded to cover any area within the boundaries of Blaenau Gwent County Borough Council.

Deployable or mobile cameras may be temporarily sited within Blaenau Gwent. 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 PS CCTV System Code of Practice.

All of the PS CCTV System cameras offer a full colour and fixed view capability, using a variety of 'bullet' cameras, 180° Panoramic, Turret and 4G cameras some of which may automatically switch to monochrome in low light conditions.

None of the cameras forming part of the PS CCTV System will be installed in a covert manner. Some cameras may be enclosed within 'all weather domes', for aesthetic or operational reasons, with appropriate signage present for cameras.

The locations of all cameras within the PS CCTV System will be published on the Blaenau Gwent Council website at [www.blaenau-gwent.gov.uk](http://www.blaenau-gwent.gov.uk).

## **Monitoring and Recording Facilities**

The CCTV footage can be directly accessed by authorised personnel, such as police officers for a legitimate/lawful purpose via the Caerphilly CCTV Control Room. CCTV requests from Gwent Police can be sent via NICE Investigate (Police licensed digital data transfer system) to the Caerphilly Control Room and CCTV data sent back to the police, remotely, via authorised/fully trained control room staff, via a digital evidence locker and accessed/opened from a police issued laptop or computer. It can also be accessed remotely in other extenuating circumstances or for technical and maintenance purposes.

The PS CCTV System equipment has the capability of recording all cameras simultaneously throughout every 24-hour period.

PS CCTV System operators are able to record images from selected cameras, produce hard copies and digital copies of recorded images, replay or copy any pre-recorded data at their discretion and in accordance with the Caerphilly's CCTV Code of Practice. Only trained and authorised users shall operate viewing, recording equipment and handle any downloaded data.

## **CCTV Control Room**

CCTV is monitored and controlled from a dedicated CCTV Control Room which complies with the constructional requirements of **BS 7958** and is so constructed so that it can be secured from outside if necessary in case of emergency.

The Control Room has direct radio and telephone communications with police, in order that immediate contact can be made in emergency situations or to assist with incident management.

Access to the CCTV Control Room is strictly controlled to persons with identified need to enter in the course of their duties. All other visitors and contractors accessing the Control Room should obtain consent from the Scheme Manager at Caerphilly Council and will sign an Access Control Log book, which in turn constituted an undertaking of confidentiality.

In the normal course of events Police Officers are granted the right to enter the CCTV Control Room at any time whilst on duty, after signature of the Access Control Log book, for liaison and security purposes. This right of access is agreed by a Memorandum of Understanding between the relevant partners. This agreement is subject to annual verification during the annual review.

Ergonomics and the Health & Safety of all staff employed within the Control Room environment are subject to constant review. Health & Safety surveys and risk assessments are conducted bi-annually and copies of the most recent surveys are retained within the Control Room. All Operators are afforded the opportunity to take regular breaks away from their workstations.

All staff employed in the CCTV environment will be subject to the Caerphilly County Borough Council relevant Code of Conduct for Employee's and the Policies and Procedures. All staff have, access to the required Policies and Procedures via Human Resources Department or the CCBC internal network. The relevant manager will review the Health & Safety Policy on an annual basis, with advice from the Caerphilly County Borough Council Health & Safety Directorate.

## **Human Resources**

All Designated PS CCTV System Operators shall receive relevant training and should have requisite knowledge in the requirements of the:

- Human Rights Act 1998,
- General Data Protection Regulation (GDPR) 2016,
- Data Protection Act 2018,
- Regulation of Investigatory Powers Act (RIPA) 2000,
- Surveillance Camera Commissioner's Code of Practice, and this
- Code of Practice

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

All recorded material will be recorded in digital format and will be processed and handled strictly in accordance with the Caerphilly County Borough Council's operating practices.

**CCTV Operators' Instructions**

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

**Changes to the Code of Practice or the Procedure Manual**

Any major changes to this Code of Practice or the PS CCTV System Procedure Manual, i.e. changes that have a significant impact upon the Code of Practice or upon the operation of the PS CCTV System, will be considered and authorised by a review process.

Minor changes, may be required for clarification and which will not have a significant impact, will be included in this Code of Practice requiring higher authorisation.



## **Section 3 Privacy and Data Protection**

### **Public Concern**

Although members of the public have become accustomed to being observed, those who do express concern do so mainly over matters relating to the processing of the information, or data, i.e. what happens to information that is obtained?

Note: 'Processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of the information or data.

All personal data obtained by virtue of the PS CCTV System shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the PS CCTV System. When processing personal data, the individual right to privacy in their private and family life and home will be respected. Blaenau Gwent County Borough Council's lawful basis for processing data is for the performance of a task carried out in the public interest.

Data will be stored securely in accordance with the requirements of the General Data Protection Regulation (GDPR) 2016 and the Data Protection Act 2018.

Data Protection Impact Assessments will be completed for the respective PS CCTV zones, and will be reviewed annually to ensure that privacy and data protection concerns are appropriately addressed.

Cameras will not be used to look into private residential property. 'Privacy zones' are programmed into the PS CCTV System which prevent the cameras from looking in private residence. In addition, all operators will be specifically trained on issues in relation to privacy.

A member of the public wishing to register a complaint about any aspect of the PS CCTV System may do so by contacting Blaenau Gwent County Borough Council. All complaints shall be dealt with in accordance with the Council's Corporate Complaints Procedure. Any disciplinary issue identified will be considered under the Council's disciplinary procedures.

All contracted or directly employed PS CCTV System staff are contractually bound by regulations governing confidentiality and discipline.

### **Data Protection Legislation**

For the purposes of the Data Protection Act 2018 the 'Data Controller' is the Blaenau Gwent County Borough Council.

All personal data will be processed in accordance with the six principles of the General Data Protection Regulation (GDPR) 2016, which must be:

- 1) All personal data will be obtained and processed fairly and lawfully.
- 2) Personal data will be held only for purposes specified.

- 3) Personal data held will be adequate, relevant and not excessive in relation to the purpose for which the data is processed.
- 4) Steps will be taken to ensure that personal data is accurate and where necessary, kept up to date.
- 5) Personal data will be held for no longer than is necessary.
- 6) Personal data will be processed in accordance with the rights of the individual data subject.

In addition – appropriate measures will be taken to ensure against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.

Personal data will not be transferred to countries outside the European Economic Area unless there is an adequate level of protection for the rights and freedom of data subjects in place in the intended destination.

### **Disclosing personal information – exemptions under the Data Protection legislation**

Certain exemptions allow for the disclosure of personal data in situations where there would otherwise be a breach of the Data Protection legislation or allow information to be withheld from Data Protection legislation or allow information to be withheld from data subjects in circumstances in which it would otherwise need to be disclosed.

The more commonly deployed exemptions are:

- 1) the disclosure is necessary for the purposes of preventing or detecting crime and the apprehension or prosecution of offenders.
- 2) the disclosure is necessary for the purposes of maintaining effective immigration control, or the investigation or detection of activities that would undermine the maintenance of effective immigration control.
- 3) the disclosure is required by an enactment, rule of law or court/tribunal order;
- 4) the disclosure is necessary for the purposes of actual or prospective legal proceedings, or obtaining of legal advice or establishing, exercising or defending of legal rights.

Processing personal data is exempt from the subject access provisions to the extent to which the application of those provisions to the data would be likely to prejudice any of the purposes referred to above.

### **Disclosure to the Police**

The disclosure of recorded data will be on the authority of the Nominated Chief Officer and dealt with in accordance with appropriate procedures, the terms of the SLA between Blaenau Gwent and Caerphilly Council's, and our joint memorandum of understanding between both local authorities and Gwent Police.

Disclosure will be in accordance with existing arrangements with Gwent Police, and will cite a specified, explicit, and legitimate purpose for the disclosure/sharing of data. This means that the reason(s) for each instance of a disclosure (including viewing)/sharing of data must be set out clearly by the Police, including their reliance on any Data Protection legislation exemptions and justification for reliance on the exemptions.

Once an image or images has been disclosed to a partner agency such as the Police, then they become the Data Controller for the copy of that image(s). It is then the responsibility of that partner to comply with General Data Protection Regulation (GDPR) 2016 and the Data Protection Act 2018 in relation to any further disclosures.

## **Information Sharing**

Section 115 of the Crime and Disorder Act 1998 gives the power to share information, where it is necessary or expedient for the purposes of any provision of the Act, to relevant authorities. Relevant authorities for the purposes of the Act include:

- The Chief Officer of Police
- A Local Authority

The relevant authorities are signatories to the Gwent Partnership Information Sharing Agreement made under Section 115 of the Crime and Disorder Act.

## **Storage and Request for Images**

Images recorded by PS CCTV cameras are retained for a period of 31 days in digital format.

Images may be requested by Gwent Police Officers in pursuance of the registered purposes, the scheme objectives, or any other provision under the 1998 Act.

Images required will be stored in the 'Digital Evidence Locker' following request. Images will be retained in this location until a NICE (Digital evidence management system) request is received and images will be uploaded digitally as required. Requests for large amounts of footage may still be supplied via DVD-R/ hard drive which is produced in a format suitable for court purposes or ongoing investigation.

Preservation of footage to the point of release to a Gwent Police Officer will be secured by CCTV Control Room Operators. Control Room Operators providing or producing footage to Gwent Police Officers will evidence the secure systems and procedures used to provide that evidence.

Images within the 'Digital Evidence Locker' will be retained for a finite period. Where possible, the requesting Police Officer will be contacted prior to destruction. However, in accordance with data protection principles, retained footage will be periodically cleared down. No images will be retained in the Digital Evidence Locker for longer than 6 months from date of request.

## **Reviewing and Securing Images**

Images may be reviewed by Gwent Police Officers to determine the evidential value of information retained within the Control Room systems. CCTV Control Room Operators will afford any possible assistance to Gwent Police Officers in achieving this task, including the production of NICE digital upload / DVD-R/hard drive format evidence when requested.

A review suite exists at the CCTV Control Room to assist Gwent Police Officers if required.

## **Access to Images**

The CCTV Control Room operates on a 24/7 basis. The shift system in operation defines that the greatest resource in terms of staffing is in the afternoons, evenings and at weekends. If Gwent Police Officers need to attend the control room in person, they should if possible, ring in advance using the dedicated police line to make arrangements.

### **Real time requests for response/access by Gwent Police**

Gwent Police may contact the Caerphilly CCTV Control room 24/7 via a dedicated Police line. Officers may request operators to monitor specific areas/cameras in response to live events. Operators can also submit live footage one camera at a time to Gwent Police HQ via a dedicated line.

### **Directed Surveillance**

The PS CCTV systems may be used for directed surveillance under the Regulation of Investigatory Powers Act 2000.

Requests for use of the system for directed surveillance must be accompanied by an appropriate Authorisation made under the 2000 Act (redacted as necessary to prevent disclosure of sensitive information) and to ensure CCTV equipment is used in accordance with the authorisation. Contact details for the Authorising Officer and Police RIPA Bureau should also be provided. Authorisations will be retained by the CCTV Control Room in order to satisfy inspections by the relevant Commissioner. Additional summary documents may also be provided for use by the CCTV operatives.

### **Urgent Oral Applications**

The CCTV system may also be used in response to urgent oral authorisations from Gwent Police. In such incidences the Authority should be provided with details (including contact information) of the Authorising Officer, the start and expiry date and time and a written summary of what has been authorised.

Any pre planned operations requiring the use of the CCTV systems which would constitute directed surveillance must be covered by an appropriate authorisation under the 2000 Act.

Once an image or images has been disclosed to a partner agency such as the Police, then they become the Data Controller for the copy of that image(s). It is then the responsibility of that partner to comply with General Data Protection Regulation (GDPR) 2016 and the Data Protection Act 2018 in relation to any further disclosures.

### **Criminal Procedures and Investigations Act 1996 (CPIA)**

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.

### **Disclosure to Insurance Companies**

The disclosure of recorded data will be on the authority of the PS CCTV Supervisor and dealt with in accordance with the PS CCTV Procedure Manual.

A request can be made by emailing [cctv@blaenau-gwent.gov.uk](mailto:cctv@blaenau-gwent.gov.uk). The relevant form will be forwarded, and the request will be dealt with. All information regarding the footage will be logged in the PS CCTV Control Room Data log.

### **Disclosure to the Media**

The Data Protection legislation exemption (Schedule 2, part 5, para 26(3) of the Data Protection Act 2018) applies to journalism but this should not be construed as an automatic blanket exemption from the Data Protection legislation -the media must still ensure they give consideration to the data protection rights of individuals.

The CCTV System Owner must be satisfied that the disclosure is lawful, sufficiently justified in the public interest and would be fair and meet the 'legitimate interests' condition. If the information in question is sensitive personal data (someone's health, sex life or allegations of criminal activity), there is a specific Data Protection legislation condition to allow a public interest disclosure to journalists if it is related to wrongdoing or incompetence, but otherwise, the CCTV System Owner will need to be satisfied that one of the conditions for processing sensitive data applies. The key is proportionality. It is a balancing act – if there is a serious privacy intrusion or risk of harm, the media will need to demonstrate/establish a significant public interest to justify the disclosure.

The Data Protection legislation does not oblige the CCTV System Owner to disclose information to the media, if it disagrees with the media's view of the public interest, or if the CCTV System Owner has other overriding legal, professional or reputational reasons to refuse to disclose the information.

*Before disclosing information to the media, the CCTV System Owner must ensure that the request cites an appropriate public interest justification.*

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

Personal data includes CCTV images of an individual, or images, which gives away information about an individual, such as their car number plate.

An individual is only entitled to their own data, and not to information relating to other people, (unless the information is also about them, or they are acting on behalf of someone). Therefore, it is important that the PS CCTV System owner establishes whether the information requested falls within the definition of personal data. For further information about the definition of personal data please see the ICO Right of Access Guidance on what is personal data.

The Data Protection legislation does not prevent an individual making a subject access request via a third party such as a solicitor. In these cases, the PS CCTV System owner will need to satisfy itself that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request, or it might be a more general power of attorney.

A child can also request access to information held and shared. Even if a child is too young to understand the implications of subject access rights, it still has the right rather than anyone else such as parent or guardian. So, it is the child who has a right of access to the information held about them, even though in the case of young children, these rights are likely to be exercised by those with parental responsibility for them.

Responding to a subject access request may involve providing information that relates both to the individual making the request and to another individual (perhaps a perpetrator).

The PS CCTV System owner can refuse to comply with the request if it would mean disclosing information about another individual who can be identified from that information, except if:

a) the other individual has consented to the disclosure, or

b) it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information, the PS CCTV System owner must consider all the relevant circumstances including:

- the type of information that it would disclose.
- any duty of confidentiality owed to the other individual.
- any steps taken to seek consent from the other individual.
- whether the other individual is capable of giving consent and
- any express refusal of consent by the other individual.

This means that although the PS CCTV System owner may sometimes be able to disclose information relating to a third party, it needs to decide whether it is appropriate to do so in each case. The decision will involve balancing the data subject's rights of access against the other individual's rights. If the other person consents to the disclosure of information about them, then it would be unreasonable not to do so. However, if there is no such consent, the PS CCTV System owner must decide whether to disclose the information anyway.

Under Data Protection legislation, it is an offence to make any amendment with the intention of preventing its disclosure.

Any personal access request from an individual for the disclosure of their personal data, which they believe is recorded by virtue of the PS CCTV System, will be directed in the first instance to the Nominated Chief Officer and dealt with by an appropriate Designated CCTV Officer, in accordance with the Data Protection legislation.

In supplying the footage, care must be taken not to disclose any personal data of another individual. This may involve 'blurring' or 'pixilating' parts of the footage such as figures or licence plates.

The information will be provided free of charge. However, a reasonable fee based on the administrative cost of providing the information may be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive. A reasonable fee may also be charged to comply with requests for further copies of the same information.

Any person making a subject access request must be able to prove their identity and provide sufficient information to enable the data to be located.

When responding to a subject access request, the Council cannot apply a policy of blanket non-disclosure. There must be a selected and targeted approach to non-disclosure based on the circumstances of the particular case.

The rights of data subjects are qualified rights and are not absolute. The Data Protection legislation recognises that in some circumstances, the Council might have a legitimate reason for not complying with a subject access request, so it provides a number of exemptions & restrictions from the duty to do so.

The most commonly deployed exemptions are:

- Where the information is subject to legal or litigation privilege.
- Where the information contains the personal data of a third party;

- Where the information is of the type, which would be likely to prejudice the prevention or detection of crime, or the apprehension or prosecution of offenders if disclosed.

Where an exemption or restriction applies to the facts of a particular request, the Council may refuse to provide all or some of the information requested, depending on the circumstances. The application of exemptions/restrictions must be undertaken in consultation with Legal Services.

Requests by third parties for disclosure of personal data third may include, but are not limited to:

- Police (civil police, British Transport Police, Ministry of Defence Police, or Military Police)
- Statutory authorities/bodies with powers to prosecute, (e.g. H.M Customs and Excise, Trading Standards etc.)
- Solicitors
- Insurance agencies

Requests by third parties are dealt with in accordance with Section 9 and Appendix C of this Code.

### **Requests by Council employees and members of the public – alleged incidences on PS CCTV System Owner’s premises**

Requests may be made by the PS CCTV System Owner’s employees and members of the public for CCTV footage of activity in/on the PS CCTV System Owner’s premises e.g. car parks where criminal damage to vehicles is being alleged.

The ICO advises that consideration should be given to whether the request is genuine and whether there is any risk to the safety of the other people involved.

The Council is in no position to accurately assess the risk posed to individuals when PS CCTV footage is requested by a private person or group. Routinely the council will only disclose to approved and authorised third parties such as Police and Insurance Companies and will only consider requests by other parties in rare circumstances where it is clear there is no risk to others. This has no effect on the policy in regard to Data Subject Access Requests.

Vehicle crime should be reported by the individual to Gwent Police and/or to their insurance agency.

Any request from an individual for confirmation as to whether or not personal data concerning them is being processed and, where that is the case, access to the personal data will be directed in the first instance to the Data Protection Officer. Each request will be assessed on its own merits.

The principles of Sections 45 of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016 Article 15 (Rights of Data Subjects and others) shall be followed in respect of every request.

Any person making a request must be able to prove his identity and provide sufficient information to enable the data to be located. For further information on Subject Access Requests please see [here](#).

## **Section 4 Accountability and Public Information**

### **The Public**

Public access to the PS CCTV Control Room will be prohibited.

### **Public Space CCTV System Owner**

The CCTV System owner is Blaenau Gwent County Borough Council.

### **The Senior Information Risk Officer (SIRO)**

The Senior Information Risk Officer (SIRO) will perform the role of Senior Responsible Officer (SRO).

The SIRO is responsible for authorising overt surveillance utilising the PS CCTV System. They are also responsible for authorising any changes to the PS CCTV System affecting the views or scope of the PS CCTV System via the submission of a Data Protection Impact Assessment.

The SIRO is responsible for agreeing any significant changes to this Code of Practice.

### **Data Controller**

The Data Controller means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be processed.

Blaenau Gwent County Borough Council is registered with the Information Commissioner's Office (ICO) as a Data Controller.

### **Nominated Chief Officer (CCTV)**

The Nominated Chief Officer is the nominated representative on behalf of the Owner whose role will include responsibility to:

- receive reports at agreed periods.
- Liaise with the SIRO to consult regarding changes to any of its aspects of the CCTV System, including this Code of Practice.
- Ensure that statistical and other relevant information, including any complaints made, will be included in the Annual Report of Blaenau Gwent County Borough Council, and will be made available to the public, Elected Members and other relevant stakeholders.

### **CCTV System Manager**

The Nominated Chief Officer will identify a CCTV System Manager. The System Manager will have delegated authority for data control on behalf of the Data Controller, who will:

- Maintain day to day management of the system.
- Accept overall responsibility for the system and for ensuring that the Code is complied with.
- Ensure that every complaint is dealt with in-line with the Corporate Complaints Policy.



**Designated CCTV Officers**

The designated CCTV Officers will have day-to-day access to the PS CCTV System. They will consist of suitably trained staff as identified by the Nominated Chief Officer.

**Public Information**

This Code of Practice - A copy shall be published on the Council's website and will be made available to anyone on request.

Annual Report - A copy of the Annual Report shall be published on the Council's website and will be made available to anyone requesting it.

Signs – Bilingual (Welsh and English) signs will be placed in the locality of the cameras and at main entrance points to the relevant areas, e.g. pedestrian precincts. The signs will indicate:

- The presence of CCTV recording.
- The 'owners' of the CCTV System.
- The contact telephone number.
- The purpose of the CCTV System.

## **Section 5: Assessment of the Public Space CCTV System and Code of Practice**

### **Evaluation**

The PS CCTV System will be evaluated periodically to establish whether the objectives of the PS CCTV System are being met. The evaluation will normally include, but not be limited to the following:

- An assessment of the impact upon crime and Anti-Social Behaviour.
- An assessment of the incidents recorded by the system, to include where possible an assessment of the value of evidence provided, and the outcomes of investigations.
- An assessment of the impact on town centre businesses.
- An assessment of neighbouring areas without PS CCTV.
- A review of the Code of Practice.
- A review of the continuing relevancy of the objectives of the PS CCTV System; and
- Any other factors - such as PS CCTV System security checks.

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

### **Monitoring**

The Nominated Chief Officer will be responsible for the operation and evaluation of the PS CCTV System, and the implementation of this Code of Practice.

The Designated Officers shall be responsible for maintaining full management information of incidents dealt with by the PS CCTV Control Room, for use in managing the PS CCTV System and in future evaluations. These and any other issues with the PS CCTV System will be logged and reported to the Senior Information Risk Owner (SIRO).

### **Audit**

Blaenau Gwent Council's Audit Managers, or nominated deputies, who are not Designated Officers, will be given full access to the system when requested.

## **Section 6: Human Resources**

### **The Public Space CCTV Control Room and those responsible for the operation of the System**

Only authorised personnel who have been trained to use the PS CCTV System's equipment and in the PS CCTV Control Room procedures will operate the PS CCTV System.

Every person involved in the management and operation of the PS CCTV System will be personally issued with a copy of both the Code of Practice. They will be required to sign to confirm understanding of and adherence to the obligations that these documents place upon them and that any breach will be considered a disciplinary offence contrary to the Code of Conduct. He or she will be fully conversant with the contents of both documents, which may be updated from time to time. They will comply with both documents as far as is reasonably practicable.

All persons involved with the PS CCTV System shall receive training in respect of the PS CCTV Code of Practice, and legislation relevant to their role. Such training will be updated as and when necessary.

All control room CCTV operatives responsible for viewing/downloading Blaenau Gwent PS CCTV data/images have successfully passed the SIA (Security Industry Authority) level 2 CCTV operator's course.

The Processors Public Open Space CCTV policy manual details the technical and organisational data security measures physical and system controls on data protection and confidentiality and can be found at

<https://www.caerphilly.gov.uk/Services/Emergencies-and-crime-prevention/CCTV/CCTV-Policy-summary>

The Processors CCTV Control room is accredited by NSI (Silver Guarding Award) and the Surveillance Camera Commissioner. The service is audited by each organisation annually for :

(1) Management and operation of a Closed CCTV System

(2) Step 2 certification of Surveillance Camera Commissioners Code of Practice

#### **Discipline**

Each individual having responsibility under the terms of the Code of Practice, who has any involvement with the PS CCTV System to which it refers, will be subject to the Authority's Disciplinary Code. Any breach of the Code of Practice, or of any aspect of confidentiality, will be dealt with in accordance with that Authority's Disciplinary Code.

The Designated Officers will have primary responsibility for ensuring that there is no breach of security and that the Code of Practice is complied with. The Designated Officers will have day-to-day responsibility for the PS CCTV Control Room and for adhering to the Code of Practice. Non-compliance with the Code of Practice by any

person will be considered a breach of conduct and will be dealt with accordingly, including, if appropriate, by criminal proceedings.

CCTV Operators are made aware through training, that misuse of the cameras for purposes other than those for which they are intended will bring the Scheme into disrepute and could result in disciplinary, if not criminal proceedings

CCTV Operators are aware that stored data is subject to routine and regular audit in order to confirm that any data captured has been captured in accordance with the Scheme objectives and is lawfully held. Any Operator may be called upon at any time to justify their decision to capture and store data specific to any individual or incident.

Each recording medium will have a unique reference number and tracking record appropriate to the nature of the recording medium, which will be retained for at least seven years after the destruction of that recording medium.

### **System access controls**

The Public Sector Broadband Aggregation (PSBA) network is an all-Wales Wide Area Network (WAN) used by public Service bodies across Wales. PSBA provides a mixture of secured private connections and public services shared connections across the WAN. Security is ensured using a combination of (Virtual Routing and Forwarding (VRF)), access lists and firewall technologies.

The system is located in a secure Control room with controlled access to the control room. Synetics operating system is also password controlled. Operators have no facility to remove any CCTV footage from the system.

Data access controls. It is of paramount importance that every recording medium and recorded image is treated strictly in accordance with the Processors CCTV Scheme Policy and Procedural Manual from the moment it is delivered to the monitoring room until its final destruction. Therefore, every movement and usage will be meticulously recorded. Access to, and the use of, recorded material will be strictly for the purposes defined in this Code of Practice. Recorded material will not be copied, sold, otherwise released or used for commercial purposes or for the provision of entertainment.

Hard copy prints will be regarded with the same level of security as any other stored data. Copies will not be routinely made or distributed. The same criteria for release will apply as to other forms of data and both the maker and recipient of a hard copy print will be accountable for its existence, use and ultimate destruction.

Data segregation. Each recording medium will have a unique reference number and tracking record appropriate to the nature of the recording medium, which will be retained for at least seven years after the destruction of that recording medium. Subject to the equipment functioning correctly, images from every camera will be recorded directly onto a secure hard drive. Images from all cameras will be recorded in real time.

**Declaration of Confidentiality**

Every individual with responsibility under the terms of this Code of Practice, who has any involvement with the PS CCTV System to which it refers, will be required to sign a separate declaration of confidentiality.

Police Officers visiting the PS CCTV Control Room for operational purposes must agree to the declaration of confidentiality by completing and signing the Visitor Logbook.

## **Section 7: Control and Operation of Public Space CCTV System**

### **Guiding Principles**

- (1) All persons operating the PS CCTV System must always act with the utmost probity and integrity.
- (2) Only persons, who have been trained in their use and the legislative implications of such use, will operate the cameras and the recording and reviewing equipment.
- (3) Every use of the cameras will accord with the purposes and key objectives of the PS CCTV System and shall be in compliance with this Code of Practice.
- (4) Cameras will not be used to look into private residential properties. 'Privacy zones' have been programmed into the PS CCTV System, whenever practically possible, in order to ensure that any interior of any private residential property is not surveyed by the cameras.
- (5) The PS CCTV System has been set up on a 'record only' basis with no 'live-monitoring' taking place, however the PS CCTV System has the facility to 'live-monitor' all cameras, but this function will only be used in the event of a serious ongoing police incident, or in exceptional and emergency circumstances.
- (6) Temporary 'Live- monitoring' may take place and be unavoidable when conducting essential maintenance or testing of the PS CCTV System.
- (7) In the event of any 'live monitoring' having to taking place camera operators will have no ability to pan, zoom or tilt any cameras on the System. All cameras have a fixed view which cannot be moved by the operator.
- (8) Camera operators must always be mindful of exercising prejudices, which may lead to complaints of the PS CCTV 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.

### **Operation of the Public Space CCTV System by the Police**

Under some circumstances the Police may make a request to assume direction of the PS CCTV System to which this Code of Practice 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 Chief Officer, or the Senior Information Risk Owner (SIRO).

In the event of such a request being allowed, the PS CCTV Control Room will be operated by those personnel who are authorised to do so and who fall within the terms of Sections 6 and 7 of this Code of Practice. They will then operate under the direction of the Police Officer designated in the written authority.

In extreme circumstances a request may be made by the Police to take total control of the PS CCTV System, including the staffing of the PS CCTV Control Room and control of all associated equipment, to the exclusion of all representatives of the PS CCTV System owners. Any such request must be made to the Designated Officers in the first instance, who will consult personally with the Nominated Chief Officer and SIRO. A request for total exclusive control must be made in writing by a Police Officer not below the rank of Superintendent or person of equal standing. A member of the PS CCTV team will be present at all times during the takeover of the facility.

## **Maintenance of the PS CCTV System**

To ensure compliance with the Surveillance Camera Commissioner's Code of Practice and to ensure that images recorded continue to be of an appropriate evidential quality, the PS CCTV System shall be maintained in accordance with the requirements under a maintenance contract.

The maintenance contract 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.

The maintenance contract will also include provision for regular periodic review and overhaul of all the equipment and replacement of equipment, which is reaching the end of its serviceable life.

The maintenance contract 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.

As part of the PS CCTV SLA between Blaenau Gwent County Borough Council (Customer) and Caerphilly County Borough Council (Processor) via the Caerphilly CCTV control room staff will carry out Pro-active remote maintenance checks across the Customer's CCTV Zones for identifying faults and issues and reporting accordingly (through established points of contact) for investigation, maintenance and action by Blaenau Gwent (Customers) CCTV maintenance Contractor.

The maintenance contract will define the appropriate 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 PS CCTV System.

It is the responsibility of the Nominated Chief Officer to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the contracted maintenance organisation.

## **Section 8: Management of Recorded Material**

### **Guiding Principles**

For the purposes of this Code of Practice 'recorded material' means any material recorded by, or as the result of, technical equipment, which forms part of the PS CCTV System. This specifically includes images recorded digitally or by way of data copying, including still prints.

Every video or digital recording obtained using the PS CCTV System has the potential of containing material that can be admitted in evidence in proceedings in the Criminal Justice System.

Members of the community must have complete confidence that information about their ordinary, everyday activities recorded on the PS CCTV System, will be treated with due regard to their individual right to respect for their private and family life.

It is of the utmost importance that, irrespective of the means or format of the images obtained from the PS CCTV System, e.g. Paper Copy, Hard Copy Disc Drive, DVD, CD or any form of electronic/digital processing and storage is treated strictly in accordance with the PS CCTV Code of Practice and the PS CCTV Procedure Manual. This applies from the moment they are recorded until their final destruction. Every movement and usage will be recorded.

Recorded material will not be copied, sold, otherwise released, or used for commercial purposes of any kind other than for legitimate third party/insurance requests.

### **Disclosure of Data to a Third Party**

Every request for the release of personal data generated by the PS CCTV System will be channelled through the CCTV System Manager.

The disclosure of personal data for commercial or entertainment purposes is specifically prohibited.

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 be used only for the purposes defined in this Code of Practice.
- Access to recorded material will only take place in accordance with the outlined standards: and
- The release or disclosure of Personal Data for commercial or entertainment purposes is specifically prohibited.

Members of the Police Service or other Law Enforcement Agency having a statutory authority to investigate and/or prosecute offences may, 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 appropriate procedures.



**Note:** The Police and Criminal Evidence Act (PACE) 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.

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 PS CCTV systems, and for those involved in the investigation, prevention, and detection of crime. Any material recorded by virtue of the PS CCTV System may be used for such bona fide training and education purposes.

### **Digital System- Provision & Quality**

To ensure the quality of footage, and that recorded information meets the criteria outlined by current Home Office guidelines, only media of good quality are used on the PS CCTV System.

### **Information – Retention**

Recorded media which has been preserved after a lawful request will be retained for a maximum period of 6 months for collection, or to establish if "non-evidential" or similar. Deletion or destruction will take place in accordance with the manufacturer's requirements and full details of all material deleted or destroyed will be logged.

### **Recording Policy**

Subject to the equipment functioning correctly, images from most cameras will be recorded throughout every 24-hour period for a period of 31 days after which the data is automatically overwritten unless requested and preserved for a lawful purpose.

### **Evidence Provision**

In the event of images being required for evidential purposes the procedures outlined in the PS CCTV Procedure Manual will be strictly complied with.

## **Section 10: Regulation of Investigatory Powers Act 2000 (RIPA)**

### **Guiding Principles**

The Public Space CCTV System Owner has adopted a Policy Statement in relation to the Regulation of Investigatory Powers Act 2000. This Policy Statement complies with the Home Office Covert Surveillance Codes of Practice and is periodically audited by the IPCO (Investigatory Powers Commissioner). An annual report on the use of RIPA is submitted by the Council to the IPCO.

The PS CCTV System Owner does not currently have a joint working protocol in place with Gwent Police with regard to the use of the Public Space CCTV Systems for surveillance authorised by the Regulation of Investigatory Powers Act 2000 (RIPA).

## **Appendix A**

### **System Owner**

Blaenau Gwent County Borough Council is the 'System Owner' of the Public Space CCTV system.

Blaenau Gwent County Borough Council,  
General offices, Steelworks Road,  
Ebbw Vale,  
NP23 8UW.

Telephone: 01495 311556

### **Nominated Chief Officer**

The Nominated Chief Officer is the nominated representative on behalf of the 'System Owner'; this role is performed by the Head of Governance and Partnerships.

The nominated chief officer role will include responsibility to

- 1) Ensure the provision and maintenance of all equipment forming part of the PS CCTV System in accordance with contractual arrangements, which the owners may from time to time, enter.
- 2) Maintain close liaison with the CCTV System Manager.
- 3) Ensure the interests of the 'System Owners' and other organisations are upheld in accordance with the terms of this Code of Practice.
- 4) Agree to any proposed alterations and additions to the system, this Code of Practice and/or the Public Space CCTV Procedural Manual.

### **Senior Responsible Officer (SRO) - Senior Information Risk Officer (SIRO)**

The role of (SIRO) is performed by the Chief Officer Resources.

The Senior Information Risk Officer (SIRO) will perform the role of Senior Responsible Officer (SRO), and will be responsible to:

- 1) Complete the Surveillance Camera Commissioner's Self-Assessment Toolkit. Through the questionnaire they should identify any changes to the system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.
- 2) Authorise overt surveillance utilising the PS CCTV System.
- 3) Authorise any changes to the PS CCTV System
- 4) Agree any significant changes to this Code of Practice.

### **CCTV System Manager**

The CCTV System Manager is the Service Manager: Policy and Partnerships of the Blaenau Gwent County Borough Council PS CCTV System. They have delegated authority for data control on behalf of the 'data controller'.

The CCTV System Manager is responsible for the integrity, security, procedural efficiency and methods of operation of the System, including the gathering, retention and release of CCTV data. Their role also includes responsibility to:

- 1) Accept overall responsibility for the system and for ensuring that this Code of Practice;
- 2) Provide supervision and training to relevant officers authorised to assist in the operation of the system; and
- 3) To maintain direct liaison with partners.

**Designated CCTV Operators**

The Nominated Chief Officer and SIRO will identify Designated CCTV Operators to support the CCTV System Manager. The relevant officers will be appropriately trained and will be responsible for the integrity, security, procedural efficiency and methods of operation of the System.