



# Code of Practice

**For the operation of  
Walsall Council  
CCTV Surveillance Camera Systems**



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## **Section 1 – Introduction and legislation**

### **1.1 Introduction**

This Code of Conduct must be followed for any Closed Circuit Television (CCTV) system that exists within the control of Walsall Council or is intended to be deployed within the borough including but not limited any systems or cameras deployed from within the directorates or services of Walsall Council or by third parties as part of any contract or service delivery requirement. For the purpose of this document, the 'owner' of the system is Walsall Council. The 'system manager' is Walsall Council. For the purpose of the UK Data Protection Legislation the 'data controller' is Walsall Council unless otherwise specified within third party agreements or contracts.

### **1.2 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 nature are required to observe the obligations imposed by the Human Rights Act 1998, and consider that the use of CCTV is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and improve public safety.

The system managers recognises that their responsibility to ensure that the scheme should always comply with all relevant legislation, to ensure its legality and legitimacy. The scheme will only be used as a proportional response to identified problems and be used only in so far as it is necessary in a democratic society, in the interests of public safety, for the prevention and detection of crime or disorder, for the protection of health and morals, or for the protection of the rights and freedom of others.

CCTV Systems shall only be deployed and or operated in accordance with the Surveillance Camera Commissioners code of practice, relevant legislation such as the Regulation of Investigatory Powers Act, UK Data Protection legislation and with respect for all individuals, recognising the right to be free from inhuman or degrading treatment and avoiding discrimination on any ground such as sex, race, colour language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or any other status.



## **1.3 Legislation**

CCTV operations are subject to legislation under:

The Surveillance camera code of practice 2013

The UK General Data Protection Regulations

The Data Protection Act 2018 (DPA)

The Human Rights Act 1998 (HRA)

The Freedom of Information Act 2000 (FOIA)

The Regulation of Investigatory Powers Act 2000 (RIPA)

The Protection of Freedoms Act 2012

It is important that the operation of the CCTV system complies with these Codes, Obligations, Acts, Council policies, procedures and guidelines governing this Code of Practice. This is to ensure that the Council, its staff running the system, and the public are protected from abuses of the system.

## **Section 2 – Aim and Objectives**

### **2.1 Aim of Code Practice**

The aim of this Code of Practice is to ensure that any Council employee involved in the operation of CCTV systems including mobile and or covert cameras, understand the principles that govern the operation of such systems alongside their duties and responsibilities will operating or monitoring such systems.

The primary purpose of the CCTV systems is to improve security and provide additional protection to members of staff and members of the public using the facility.

This Code of Practice sets out the framework for the CCTV system and how it will be used.

The CCTV system will not be used for any other purpose other than as specified within the self-assessment tool (see appendix B) or as set out in this document without the prior approval of The (SRO) Senior Responsible Officer for CCTV and or the CCTV central administration or control team/service where appropriate.

The day-to-day management of the CCTV systems will be the responsibility of designated CCTV control persons, as appointed by the council as the responsible officer.

Each service area that has CCTV systems in operation will nominate designated responsible officers for ensuring the compliance of this code of practice.

## **2.2 Objectives of the system**

The objectives of any CCTV system are:-

- To help reduce the fear of crime
- To help prevent and deter crime
- To support and maintain health and safety for all staff
- To support the health and safety of all residents
- To support appropriate traffic management

## **Section 3 - Purpose Statement and principles**

It is important that staff and those charged with operating CCTV systems understand exactly why the system has been introduced and what it will and will not be used for. The key objectives of the CCTV systems are:

- To enhance premises security and reduce insurance premiums
- To protect any Council staff member or Council partners' staff, or members of the public using our services
- To prevent, deter and detect crime and anti – social behaviour
- To discourage aggressive or violent behaviour towards staff
- To reduce staff fear of crime or aggressive and violent behaviour
- To provide evidence in cases of suspected or alleged illegal activity
- To assist with the safe and efficient movement of people, vehicles and goods
- To assist staff in the safe operation of equipment, and where appropriate, assist in the Training of staff
- To help promote, support and investigate health & safety concerns or improvements

Walsall Council respects and supports individuals' entitlement to go about their lawful business, and this is a primary consideration in regard to the operation of the system.

Although there is inevitably some loss of privacy when CCTV systems are installed, cameras will not be used to monitor the progress of individuals in the ordinary course of lawful business in the areas under surveillance.

All cameras are sited so that they are clearly visible, and publicity is given to the fact that CCTV is in operation at the facility. This Code of Practice is available to be read on request.

### **3.1 General Principles of Operation**

In order to comply with our legal obligations the following principles must be adhered to when implementing and operating any CCTV system.

- CCTV systems will be operated in accordance with all the requirements and principles of the Human Rights Act 1998
  - CCTV systems will be operated in accordance with the UK Data Protection Legislation at all times.
  - CCTV systems will be operated in accordance with the Protection of Freedoms Act 2012
  - CCTV systems will be operated in accordance with 12 guiding principles as set out by the surveillance camera commissioner within the CCTV Code of Practice.
- 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.

This will ensure that all CCTV systems will be operated fairly, within the law, and only for the purposes for which it was established and are appropriate measures with regards to the rights of individuals while having regard for the CCTV Code of Practice as issued by the Secretary of State under Section 30 of the Protection of Freedoms Act 2012.

### **3.2 Monitoring and recording facilities**

CCTV systems within the council and or borough are monitored either internally through appropriate measures in line with this code, or externally via third parties operating under appropriate agreements, contracts and or conditions for the lawful and safe recording or monitoring of CCTV systems.

External third parties will follow the Information Governance and data Protection procedures for assessment on compliance of the legal obligations which may include Data Privacy Impact and Information Security Technical assessments.

This ensures that any system being implemented achieves adequate and appropriate security controls and complies with the obligations and duties imposed on those suppliers to lawfully monitor or record CCTV systems.

Any members of staff both external and or internal staff who operate, monitor or access CCTV images or recordings will have appropriate training and SIA CCTV monitoring certification in the use of the equipment and must conform to this code of practice at all times.

Only authorised CCTV operators are able to monitor CCTV systems and produce copies of recorded images in either hard copy or digital formats, replay or copy any pre-recorded data as lawfully requested and in accordance with this code of practice.

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

All recorded material will be processed and handled strictly in accordance with the Data Protection Legislation and Regulations alongside this Code of Practice in that only lawfully justified requests for copies or recordings of any CCTV system will be considered before disclosure is made.

All images remain the property and copyright of Walsall Council.

Legally justified requests include but are not limited to:

- Police disclosure requests made through the submission of an appropriate WA170 disclosure request.
- Legal requests for disclosure from insurance companies in the event they submit an appropriate request where the lawful basis for disclosure has been made clear.
- Court orders or other legally required disclosures that are accompanied by the proper and appropriate lawful basis for disclosure.

Requests from private individuals for copies of CCTV footage do not fall within the right to access, more commonly known as subject access requests. CCTV footage is not captured as part of an individual's records and does not contain personal data relating to that individual that is identifiable directly.

Therefore any requests for copies of CCTV footage should only be justified where there is the suspicion of a crime or event such as a road traffic accident where the individual requests copies of such footage through the police or their insurer.





In such cases the CCTV system can be reviewed to identify if any such relevant footage exists and such footage then held separately in readiness and preparation for a lawful request to disclose. This action ensures that any potentially required is available at the time of the request and not deleted in error or through systems settings.

Each use of images will be noted in the CCTV register, and media awaiting viewing or being retained for Council purposes, will be held securely.

All images transferred from the system hard drives will be retained for 28 days and then erased, subject to the following:

If the images are being used to investigate any of the situations covered in Section 3, they will be held until any investigation or process is complete, and then erased.

A record will be made in the CCTV register of the disclosure of any recorded images or footage to the police or other justified requester, who will be required to sign to accept responsibility for recorded images before they are disclosed or shared.

Confirmation of signature or receipt can be obtained via manual signature or email where the appropriateness and or identity of the recipient has been confirmed.

To ensure the timely response to lawfully justified disclosures, footage can be released via the councils one drive or secure network and made available to appropriate individuals via those methods.

## **Section 4 – Declaration of Confidentiality**

### **4.1 Confidentiality**

Every individual with any responsibility under the terms of this code of practice and who has any involvement with The Councils CCTV systems, will be required to have completed appropriate levels of training including the annual data protection mandatory training and uphold the highest levels of confidentiality at all times.



## Appendix A – Personnel and Responsibilities

### System Owners

Walsall Council including any service area that operates CCTV directly

### Responsibilities

Walsall Council is the 'owner' of the system. For the day to day operational management of the system, this duty is delegated to the authorised responsible officer of the council within that service area or directorate.

The role of responsible officer will includes the responsibility to:

1. Ensure the provision and timely maintenance of all CCTV equipment
2. Agree to ensure any proposed alterations and additions to the system, have completed the self-assessment test fully to an approved standard.
3. Ensure that all CCTV systems being monitored and or materials or footage accessed, copied or shared are only undertaken by approved and authorised personal.
4. Maintain day-to-day management of the system and the monitoring of compliance of this code.



## **Potential Disciplinary Matters and Security**

Tampering with cameras, unauthorised monitoring or recording equipment, images or recorded data, or otherwise interfering with the correct functioning of any part of the system by any member of staff may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or criminal prosecution.

Any breach of the legislation and or Code of Practice will be regarded as a serious matter, which could also lead to disciplinary action.

The responsibility for guaranteeing the security of the system will rest with the responsible officer, as the appointed person, who will, in the first instance, report and or investigate all breaches or allegations of breaches of security in accordance with the councils data breach management and investigation procedures.

Complaints about the operation of the system should be addressed to the Responsible Service Manager in the first instance who will acknowledge and respond to the complaint or escalate further accordingly.



## Appendix B – CCTV Self-Assessment Tool and Code of Practice

The CCTV Self-Assessment Tool is available from the CCTV operations responsible officers and or our Data Protection Officer. Here is an outline of the requirements and guidance from that tool:

### Self Assessment Tool

How well does your organisation comply with the 12 guiding principles of the Surveillance Camera Code of Practice? Complete this easy to use self assessment tool to find out if you do.

#### Using this tool

This self assessment tool has been prepared by the Surveillance Camera Commissioner (SCC) to help you and your organisation identify if you're complying with the [Surveillance Camera Code of Practice](#) (the Code). It should be completed in conjunction with the Code, and can help to show you how well you comply with each of its 12 guiding principles.

It is possible to be largely compliant with some principles and to fall short against others. As a result you will note that at the end of the questions against each principle there is a space to include an action plan. This is so you can put actions in place over the next year to improve your compliance to that principle. These boxes can also be used to make a note of what evidence you could produce if required to show your compliance to that principle.

The template contains a combination of open and closed questions. For the open questions, there is a limit on how much you can write within the template, so please feel free to include any additional notes as an annex to the document – there are additional blank pages at the end of the tool to help you to do so.

Remember that your organisation may operate more than one surveillance camera system, with a scope that extends across several purposes and many geographical locations. So, before you start clarify the scope of the system(s) you propose to self assess for compliance against the Code.

[Click here to access the tool directly](#)

The full CCTV Code of Practice is available on the below link

[Click here to access the CCTV Code of Practice](#)