



Bath & North East
Somerset Council

Improving People's Lives

CCTV CODE OF PRACTICE

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1. Introduction

- 1.1 Bath and North East Somerset Council operates a Closed Circuit Television (CCTV) System incorporating of public space, building, traffic, vehicle, Automatic Number Plate Recognition (ANPR), and body worn cameras installed across the county.
- 1.2 For the purposes of this document, the 'owners' of the CCTV Systems are Bath and North East Somerset Council. For the purposes of the Data Protection Act the 'data controllers' are Bath and North East Somerset Council. The CCTV Systems are managed by Bath and North East Somerset Council. See Appendix A for Key Personnel.
- 1.3 The CCTV Systems that process personal data are obliged to confirm to certain legislation, including the Data Protection Act 2018 (DPA), the United Kingdom General Data Protection Regulation 2016, the Human Rights Act 1998 (HRA), the Freedom of Information Act 2000, the Protection of Freedoms Act 2012 (PoFA), the Equality Act 2010 (EA), and the Regulation of Investigatory Powers Act 2000 (RIPA). and good practice guidelines, such as those issued by the Information Commissioner's Office (ICO).
- 1.4 Bath and North East Somerset Council recognises that it is their responsibility to ensure that the CCTV System should always comply with all relevant legislation to ensure its legality and legitimacy.
- 1.5 The use of CCTV in Bath and North East Somerset is viewed as a necessary, proportionate and a suitable tool to help reduce crime and the fear of crime and to improve public safety.
- 1.6 Observance of this Code and the accompanying Operator Guide shall ensure that evidence is secured, retained, and made available as required with due regard to the rights of the individual
- 1.7 This Code is in line with the Council's overriding purpose to improve people's lives' and supports the Council's commitment to prepare for the future, deliver for residents, and focus on prevention, as set out in the Council's Corporate Strategy 2023-2027.

1.8 This CCTV Code of Practice reflects the Surveillance Camera Commissioner 12 Guiding Principles as follows:

- 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.
- 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.
- 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.
- There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held, and used.
- 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.
- 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.
- 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.
- 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.
- Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use
- 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.
- 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.
- 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

2. B&NES Core Values

- 2.1 The objectives set out in this document align with Bath & North East Somerset Council's core strategic principle - to Improve People's Lives. As part of the CCTV team, you help us achieve our purpose by working towards the objectives in the subsequent sections.

Relating to the B&NES core values, CCTV contributes through the following:



2.2 Delivering for Local Residents

This involves improving frontline services across our communities, whilst protecting the most vulnerable. CCTV contributes to this through:

- Real-Time Monitoring and Alert
- Evidence Collection
- Improved Emergency Response
- Peace of Mind

2.3 Focus on Prevention

Focusing on prevention relates to investing in prevention across all services to tackle inequalities and improve local areas. CCTV helps support the council's mission by providing key information for:

- Crime Deterrence
- Early Intervention
- Public Awareness
- Hotspot Monitoring
- Resource Allocation

2.4 Improving People's Lives

B&NES Council's overriding purpose is to Improve People's Lives and a fundamental part of this is keeping Bath and North East Somerset safe. CCTV help support this by:

- Enhanced Safety
- Quick Emergency Response
- Reduced Fear of Crime
- Support for Vulnerable Groups
- Improved Traffic Management
- Community Confidence

3. Objectives of the CCTV System

3.1 The objectives of the Bath and North East Somerset CCTV System, which form the lawful basis for the processing of data are:

- to enhance community safety
- to help detect, deter, and prevent crime and anti-social behaviour
- to help reduce the fear of crime and anti-social behaviour
- to provide evidential material for court proceedings which may assist in the detection of crime and the apprehension and prosecution of offenders
- to assist in the maintenance of public order
- to assist in the overall management of public health and safety
- to safeguard vulnerable adults, children, and young people
- for the protection of the rights and freedoms of others
- to increase employee safety
- to increase property and vehicle security
- to assist in developing the economic wellbeing of Bath and North East Somerset Council and to encourage greater use of the town centres, shopping areas, car parks and similar locations within the county
- to assist the local authority in their enforcement and regulatory functions
- to assist in traffic, air quality, and parking management
- to support the interests of national security
- to assist with emergency planning and events

3.2 This Code is supplemented by a separate Operator Guides, which provides guidelines on all aspects of the day-to-day operation of the CCTV Systems and is based upon and expands the contents of this Code. Due to the operationally sensitive nature of the Operator Guide it is not a public document.

3.3 This Code is also supported by the Bath & North East Somerset Council's CCTV Public Spaces Privacy Notice: <https://beta.bathnes.gov.uk/council-privacy-notices/cctv-public-spaces-privacy-notice>

4. Purpose and Principles

Purpose

- 4.1 The purpose of the Bath and North East Somerset CCTV System is to achieve the objectives previously defined within section two.
- 4.2 This Code of Practice details the management, administration, and operation of the CCTV System in Bath and North East Somerset and the associated control and monitoring facilities.

General Principles of Operation

- 4.3 The CCTV System will be operated in accordance with the principles and requirements of the Human Rights Act 1998.
- 4.4 The operation of the CCTV 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. This includes the Investigatory Powers (Technical Capability) Regulations 2018.
- 4.5 The CCTV System will be operated in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2018.
- 4.6 The 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 be subsequently agreed in accordance with the Code.
- 4.7 The CCTV System will be operated with due regard to the principle that everyone has the right of respect for their private and family life and home.
- 4.8 The public interest in the operation of the CCTV System will be recognised by ensuring the security and integrity of operational procedures. 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 CCTV System operate complaints procedures to ensure the CCTV System is accountable.
- 4.9 Complaints related to Privacy please email data_protection@bathnes.gov.uk. All other complaints should be directed to the Council's website <https://beta.bathnes.gov.uk/have-your-say> or by phoning 01225 394041.
- 4.10 Involvement in the CCTV 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.

5. Management of the CCTV System

Copyright and Data Controller

- 5.1 Copyright and ownership of all material recorded by virtue of the CCTV System will remain with the Council's Data Controllers, the Data Protection Team. Once recorded data has been released to a partner or authorised other, such as the Police, legal teams and or authorised other, they will become the Data Controller for the data. It is then the responsibility of the Police or authorised other to comply with the Data Protection Act and all other legislation in relation to any further disclosures and security of that data.
- 5.2 Once data is released the new Data Controller must understand their responsibility under the General Data Protection Regulations, the Humans Rights Act, and any other relevant legislation.

Public Space Cameras and Area Coverage

- 5.3 The areas covered by Bath and North East Somerset Council's CCTV, to which this Code refers to, are mainly public-space cameras within Bath City Centre, Keynsham, Radstock and Midsomer Norton. This also includes cameras within or on Council owned buildings, parks, and car parks.
- 5.4 The camera location map is published on the Council's website:
<https://beta.bathnes.gov.uk/closed-circuit-television-cctv>
- 5.5 The majority of the cameras offer full colour, pan, tilt, and zoom (PTZ) capability, which may automatically switch to monochrome in low light conditions.
- 5.6 The presence of our cameras is identified by appropriate signs.
- 5.7 None of the cameras forming part of the CCTV System have been, or will be, installed in a covert manner. Some cameras may be enclosed within 'all weather domes', for aesthetic or operational reasons.

Privacy

- 5.8 Cameras should not be used to infringe an individual's rights to privacy. Privacy zones are programmed into the CCTV System as required, in order to ensure the integrity of any private properties within the range of the CCTV scheme are not viewed.
- 5.9 All data obtained by virtue of the CCTV system shall be processed fairly and lawfully and, shall only be processed in the exercise of achieving the stated objectives of the CCTV system. Personal data shall be processed with due consideration to a persons' right to respect for their private and family life and their home.
- 5.10 Operators are made aware that misuse of the cameras might constitute a breach of the law and may result in disciplinary action and/or dismissal.

6. Monitoring and Usage Procedures

- 6.1 A staffed monitoring room called the Security Control Room is located in the Bath and North East Somerset Council's offices. The CCTV equipment installed there has the capability of recording all cameras simultaneously throughout every 24-hour period. Secondary monitoring equipment may be located in other Council offices.
- 6.2 The Security Control Room is kept locked at all times with entry through a minimum of two locked doors that only open via authorised Council ID badge. This is to protect and safeguard staff, equipment and confidential data. CCTV is also in operation on either side of the door, and at the external doors for enhanced security.
- 6.3 All visitors to the Security Control Room, regardless of their status, including inspectors and auditors, will be required to sign in and acknowledge confidentiality rules.
- 6.4 Only Security Control Room Operators who have been trained in their use and the legislative implications of such use, may control, replay, and produce record material from selected cameras in real-time. Security Control Room Operators may be required to justify their use of the camera, e.g. an interest in, or recording of, any individual or group of individuals or property.
- 6.5 All persons operating the cameras must always act with the utmost integrity and be mindful of exercising prejudices. The 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, age, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.
- 6.6 Cameras will not be used to look into private residential property. 'Privacy Zones' shall be programmed into the CCTV System, whenever practically possible, in order to ensure that the interior of any private residential property is not surveyed by the cameras.
- 6.7 A record of all incidents should be maintained by Security Control Room Operators in the incident log. The information recorded should include anything of note that might be useful for investigative and evidential purposes or future CCTV System assessment and evaluation. This is to also to demonstrate continuity of evidence for legal matters.

7. Maintenance of the CCTV System

- 7.1 The maintenance contract will make provision for the appointed contractor to carry out 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 adjustments that need to be made to the equipment settings to maintain picture quality.
- 7.2 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 and 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.
- 7.3 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 CCTV System.
- 7.4 It is the responsibility of the CCTV Manager to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the contracted maintenance organisation.

8. Annual CCTV Review

- 8.1 An annual CCTV Review will be undertaken. This audit mechanism is to ensure legal requirements, policies, and standards are complied with in practice. The Council's Auditors will be given full access to all systems, if required.
- 8.2 Regular CCTV System reviews shall be carried out by the CCTV Manager, of the Control Room records and management system.
- 8.3 An annual CCTV Data Protection Impact Assessment (DPIA) on each camera will be carried out to ensure the scheme still meets the specified purpose and to minimise the effects on individuals, their privacy and to ensure the need for the cameras is still justified.
- 8.4 If the objectives of the scheme and or cameras are no longer valid, then the cameras may be withdrawn.

9. Transparency

- 9.1 The Bath and North East Somerset Council's CCTV System has been notified to the Information Commissioner in accordance with current Data Protection legislation.
- 9.2 Bath and North East Somerset Council carry out Data Protection Impact Assessments on all the CCTV Systems every year, and prior to any new CCTV cameras being installed. This is to assess if a CCTV System still meets the specified purpose it was installed for, and whether cameras unnecessarily impact on people's privacy. If they do, then action must be taken either to mask images or locate the cameras in alternative positions.
- 9.3 CCTV signage, an Annual CCTV Report, the annual CCTV Data Protection Impact Assessment, and this CCTV Code of Practice are made available to the public to demonstrate transparency indicating to the public that persons who are being monitored are made aware that such activity is taking place with the Council's overt public space CCTV System. The undertaking of the activity and the purpose of the activity is an integral part of overt surveillance and is a legal obligation.
- 9.4 In the development or review of a CCTV System, consultation and engagement are an important part of assessing whether there is a pressing need, and a CCTV System is a proportionate response. Consultation should be undertaken with all relevant parties and partners.
- 9.5 The Bath and North East Somerset Council's CCTV Systems policies and procedures are based on approved standards. This may also apply to the design, installation, operation, and maintenance of the CCTV System, but also where applicable to any additional standards which cover advanced capabilities such as ANPR, body-worn video, and video analytics.
- 9.6 Any individual, or third party on their behalf, can request the disclosure of their personal data, which they believe is recorded by the CCTV System. To submit a Subject Access Request please contact:

B&NES Data Protection

data_protection@bathnes.gov.uk

<https://beta.bathnes.gov.uk/data-protection-and-freedom-information-foi>

Please note, 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.

10. Management and Human Resources

Management of recorded material

- 10.1 For the purpose of this code of practice “recorded material” means any images and footage recorded by, or as a result of, technical equipment that forms part of Bath and North East Somerset Council’s CCTV Control Room. This specifically includes images recorded and digital stills.
- 10.2 Images are received from cameras and transmitted to the CCTV Control Room via fibre optics, broadband connection, or wireless line of sight, and recorded digitally onto a hard drive system.
- 10.3 Recorded material is stored for a maximum of 31 days, then automatically deleted. Downloaded footage is stored for a maximum of 365 days, then manually deleted.
- 10.4 Recorded material in the CCTV Control Room will only be used by the Council and those permitted by the Council, and only in secure conditions in line with the CCTV System objectives as set out in section 2.
- 10.5 Under no circumstances will the data on recorded media in the control room be issued or given to any third party without the prior approval of the Data Protection team.
- 10.6 Downloaded data has a unique tracking record maintained in accordance with the Operator Guide. The tracking record shall identify the use of the recorded data, the operator who downloaded footage, and the request to view record of who requested the data and who it was shared with. The tracking record will be retained for at least three years following destruction of the data.

Management responsibilities

- 10.7 The Council’s Data Protection team manage all requests for images or footage. Policies and procedures are in place to meet requests from individuals about images of themselves under ‘Subject Access Request’, and there are policies and procedures for data requests from third party organisations.
- 10.8 The CCTV Manager is the “Single Point of Contract” (SPOC). This is the person with direct control of the CCTV System, the manager is responsible to the owner and will have the authority, control, and competence for the day to day running of the control room.
- 10.9 The CCTV Manager will have the responsibility for the implementation of procedures to ensure that the CCTV System operates according to the objectives for which it was installed and in accordance with the objectives identified for the CCTV System.

10.10 The CCTV Manager is responsible for the liaison with all partners, and users of, the CCTV System; this should include supervision of access to any data obtained by the CCTV System.

10.11 The CCTV Manager will have responsibility for the instigation of disciplinary procedures against operators in matters relating to non-compliance in operational procedures and breaches of confidentiality or the unauthorised release of data.

Operator responsibilities

10.12 Security Control Room Operators will ensure that the CCTV System is operated in accordance with this Code of Practice and the Operator Guide instructions and should bring any matter affecting the operation of the CCTV System, including any breach (or suspected breach) of the policy, procedural instructions, security of data or confidentiality, to the immediate attention of the manager.

10.13 Security Control Room Operators should ensure that they carry out their duties in an efficient and responsible manner, in accordance with the objectives of the CCTV scheme. This should include regular checks and audit trails to ensure that the documentation or computer records, are working effectively.

10.14 Security Control Room Operators should ensure that they carry out their duties in accordance with this Code of Practice, the CCTV Operator Guide, and all the Council's staff policies, procedures, terms and conditions, and guidelines.

10.15 Security Control Room Operators should be proficient in the control of cameras and operation of all equipment forming part of the CCTV System. They should acquire a good knowledge of the area covered by the camera and ensure that information recorded or obtained by the CCTV System is accurate, adequate, and relevant and does not exceed that which is necessary to fulfil its objectives.

Training

10.16 All Security Control Room Operators shall receive relevant training in the requirements of the Human Rights Act 1998, Data Protection Act 2018, General Data Protection Regulations May 2018, Regulation of Investigatory Powers Act 2000, this Code, and the CCTV Operator Guide. Further Council training will be identified and provided as necessary.

10.17 All Security Control Room Operators are licensed by the Security Industry Authority (SIA) and trained in public space surveillance.

10.18 All Security Control Room Operators involved with the CCTV System must be vetted by the Police, in accordance with Avon and Somerset Police policies.

10.19 All CCTV staff are required to complete the Council's induction programme and all CCTV staff have access to the Council's learning zone. This is evaluated during one-to-one meetings and staff appraisals.

11. Regulation of Investigatory Powers Act (2000)

- 11.1 The Regulation of Investigatory Powers Act 2000 (RIPA) 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:
- a) Subject to subsection (6), surveillance is directed for the purposes of this Part if it is covert but not intrusive and is undertaken
 - b) for the purposes of a specific investigation or a specific operation
 - c) 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)
 - d) 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.
- 11.2 There might be a cause to monitor a person or premises using the cameras for some time. 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 this case an authorisation should be obtained from Bath & North East Somerset Council's Legal Services or a Police Inspector or above.
- 11.3 In cases where a pre-planned incident or operation wishes to make use of CCTV for such monitoring, an authorisation will be required. These 'slow time' requests are authorised from Bath & North East Somerset Council's Legal Services or a Police Inspector or above.
- 11.4 If an authority is required immediately, Bath & North East Somerset Council's Legal Services or a Police Inspector or above may do so. The RIPA request form, in both cases, must indicate the reason and should fall within one of the following categories:
- 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

- 11.5 RIPA request Forms will normally originate from Bath & North East Somerset Council's Legal Services or the Police and are entitled "Application for Directed Surveillance Authority Part II RIPA 2000". This is a restricted document.
- 11.6 Local authorities are required to obtain judicial approval prior to using covert techniques. Local Authority authorisations and notices under RIPA 2000 will only be given effect once an order has been granted by a Justice of the Peace in England and Wales.
- 11.7 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.
- 11.8 When "No Authorisation is 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. Or, in response to an unplanned demonstration, where public Order could be compromised.

Appendix A - Key Contacts

CCTV System Owner

Bath and North East Somerset Council

Lewis House,

Manvers Street,

Bath.

BA1 1JG

01225 394041

council_connect@bathnes.gov.uk

CCTV Data Controller

Data Protection Team

Bath and North East Somerset Council

Lewis House,

Manvers Street,

Bath.

BA1 1JG

01225 394041

data_protection@bathnes.gov.uk

CCTV System Manager

CCTV Control Room Manager

Bath and North East Somerset Council

Lewis House,

Manvers Street,

Bath.

BA1 1JG

01225 394041

cctv@bathnes.gov.uk

Appendix B - Flow Of Data

