

<b>ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL</b>	
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#### **AMENDMENT RECORD SHEET**

Remove and destroy old pages. Insert new pages as indicated.

<b>Revision Number</b>	<b>Page Number</b>	<b>Date Revised</b>	<b>Description of Revision</b>

# SURVEILLANCE CAMERA SYSTEMS POLICY

## 1. Introduction

The purpose of this policy is to set out the appropriate high level actions and procedures which must be followed to comply with the Data Protection Legislation

- (i) Data Protection Act 1998 unless and until the General Data Protection Regulations (EU) 2016/679 (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then
- (ii) Any successor legislation to GDPR and the data protection Act 1998, in the UK the Regulation of Investigatory Powers Act 2000 and other relevant legislation in respect of the use of surveillance camera systems (SCS) operated and managed by Armagh City, Banbridge and Craigavon Borough Council facilities.

“Surveillance camera systems” (SCS) has the meaning given by Section 29(6) of the Protection of Freedoms Act 2012 and is taken to include: (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b); (d) any other systems associated with, or otherwise connected with (a), (b) or (c)

## 2. Aim/Purpose

This document sets out the appropriate actions and procedures which must be followed to comply with the DPA in respect of the use of surveillance camera systems operated and managed by Armagh City, Banbridge and Craigavon Borough Council.

While the focus is on the data protection implications of using SCS it is designed to help Council, who use such systems to collect personal data, to stay within the law.

In drawing up this policy, due account has been taken of the following:

- Data Protection Act Legislation
- Freedom of Information Act 2000;
- In the picture: A data protection code of practice for surveillance cameras and personal information produced by the Information Commissioners Office (Version 1.1: 21/05/2015); [Click Here](#)
- The Human Rights Act 1998;
- The Regulation of Investigatory Powers Act 2000;
- The Protection of Freedoms Act 2012.
- The Surveillance Camera Code.
- The Home Office guidance on Safeguarding Body Worn Video Data

The basic legal requirement is to comply with the Data Protection Legislation. The guidance listed above are sources of advice on issues such as operations requirements, technical standards and the effectiveness of the system and help us comply with legal obligations.

### 3. Scope

This policy will apply to all employees, and persons acting as Agents of the Council, individuals or Bodies Corporate acting as providers of services on behalf of the Council, tenants occupying Council managed facilities and all other persons and visitors whose image may be captured by the systems operated and managed by the Council and who can be clearly identified from that image.

The Policy has the dual purpose of assisting operators of surveillance camera systems to understand their legal obligations as Data Controllers and also reassures the public about the safeguards that Council have in place.

It permits those whose image has been captured by a surveillance camera system, to request access to those images.

Any alleged breach of this policy will be investigated initially by the Senior Records Manager, in order for them to recommend to the relevant Strategic Director whether a formal investigation is required. Staff and management should report any suspected breaches of this policy to the Senior Records Manager.

Any serious breach of this policy will be investigated immediately. Investigation may result in disciplinary action being taken.

### 4. Justification

SCS key purposes:

- to help protect Armagh City, Banbridge and Craigavon Borough Council, its staff and assets;
- to increase personal safety and help reduce the fear of crime;
- to support the Police in the prevention and detection of crime;
- to assist authorised officers of the Council in the detection of offences that fall within the legal remit of the Council;
- to help protect members of the public and their property;
- to assist in the health and safety management of Council facilities and employees.

The purposes above identify the main reasons that the Council operates a SCS at its facilities. Any use of a SCS, or any proposed use of images captured by a SCS, for a purpose or purposes other than those set out above must be discussed and agreed with the relevant Strategic Director and comply with all relevant legislation.

Prior to the use of surveillance camera systems checks must be undertaken to insure the installation complies with this policy, - the Senior Records Manager should be consulted - the Data Protection Act legislation and all other relevant legislation this extends to add-on or upgrade of existing systems or to reposition existing cameras.

### 5. General Principles of Operation

- The SCS is registered with the Information Commissioner under the terms of the Data Protection Legislation to comply with the requirements of both the Data Protection legislation and relevant codes of practice.

- Armagh City, Banbridge and Craigavon Borough Council will treat the system and all information, documents and recordings obtained and used as data, in accordance with the Data Protection Legislation.
- After due consideration of a new surveillance system, then consideration must be given to privacy impact assessments and a privacy by design approach to justify its use and show that its introduction is proportionate and necessary. The Senior Records Manager must be consulted in this process.
- Cameras will be used to monitor activities within the relevant sites, car parks and other public areas to identify criminal activity actually occurring, anticipated or perceived and for the purposes of assisting with the management of the health, safety and well-being of the customers, visitors and staff of all relevant sites.
- Staff are instructed that cameras are not to focus on private homes, gardens and other areas of private property.
- Unless suspicious behaviour is actually apparent or an immediate response to events is required, staff will not direct cameras at an individual, their property or a specific group of individuals, without authorisation being obtained as required under the Regulation of Investigatory Powers Act 2000.
- Materials or knowledge secured as a result of surveillance camera systems will not be used for any commercial purpose nor for the purposes of entertainment. Surveillance material will only be released to the media for use in the investigation of a specific crime at the request of and with the written authorisation of the Police.
- The Council will endeavour to ensure that the scheme will give maximum effectiveness and efficiency, but it is not possible to guarantee that the cameras will cover all areas of the relevant sites or detect every single incident taking place in the areas of coverage.
- Warning signs on the operation of surveillance cameras must be placed at those sites covered by SCS, as required by the Information Commissioner's Code of Practice. Users of body worn cameras must inform subjects that they are being recorded.
- All images captured by Council operated surveillance camera systems will be retained for the requisite period identified in the Council's Retention and Disposal Schedule.
- Access to and security of the images is controlled in accordance with the requirements of the Data Protection Legislation.

## 6. Processing of Images /Data

Images, which are not required for the purpose(s) for which the equipment is being used, should not be retained for longer than is necessary.

While images are being retained, it is essential that their integrity be maintained, whether it is to ensure their evidential value or to protect the rights of individuals whose image may have been recorded.

Personal data is exempt from the non-disclosure provisions where the disclosure of the data is necessary (permissive exemption):

- for or in connection with any legal proceedings (including prospective legal proceedings);
- for obtaining legal advice; or
- for establishing, exercising or defending legal rights.

Where the images are required for evidential purposes in legal or potential Council disciplinary proceedings, a digital recording of these will be made by designated Manager/Supervisor acting at the direction of the responsible Head of Department/Strategic Director. These recordings will be viewed to ensure that the correct images are captured and should be retained in a secure environment until completion of the investigation. Only persons trained in the use of the surveillance camera equipment and who have appropriate authorisation should access any captured data.

#### 7. Access to and Disclosure of Images to Third Parties

It is critical that access to and disclosure of the images recorded, by surveillance camera systems and similar monitoring equipment is restricted and carefully controlled. This will ensure that the rights of individuals are protected and preserved, but also ensure that the continuity of the evidence trail remains intact should images be required for evidential purposes e.g. A Police enquiry or HSE investigation

Access to the medium on which the images are displayed and recorded is restricted to designated Council staff. Accessing images for any other purpose not listed at section 4 is not permitted.

Access and disclosure of images is permitted only if it supports the purpose of this policy and is in line with the provisions of the Data Protection Act 1998 or another piece of relevant legislation, some of which are listed at section 2. Applications made by a person (s) suspected of committing an offence e.g. littering is permitted in line with departmental procedures

Applications made by the Police Service of Northern Ireland (PSNI) or other body charged with investigating any infringement of law, for access to surveillance camera images, must be submitted to, and approved by, the designated Manager prior to disclosure to the requesting body. As with any agency, the Police or other regulatory body are required to provide justification to the Council before access to surveillance camera images will be provided, and then, only relevant images will be furnished once a request has been approved. No person or authority has the automatic right to unfettered access to images stored on a surveillance camera system. Any request should be sent to the Senior Records Manager so that it can be logged.

#### 8. Access to Images by Individuals (Subject Access Requests)

Applicants requesting access to their recorded image from a Council surveillance camera system, have the right to do so under section 7 of the Data Protection Act 1998. Reference should be made to the Council Data Protection Policy. All requests for access to personal information held on a surveillance camera system will be transferred to and processed by the relevant manager. Once applications have been

processed and permission granted, the relevant manager will be tasked with retrieving the electronic data and copying this on to removable media such as a CD for transfer by the Council to the requestor.

All requests for access to personal information must be received in writing. The procedures for dealing with such requests are laid out at Appendix 1. Further advice may be sought through the Senior Records Manager.

Requests will be considered and processed in line with subject access requirements under the Data Protection Legislation. The Council will provide the requestor with the information within the requisite period. If a request for access is refused, then a written response detailing the reasons why the request has been refused will be sent to the requestor, again, no later than one calendar month from receipt of the request.

**Note:** Once an application has been approved by the Senior Records Manager and images have been released to an applicant, the Council is no longer responsible for any further purpose that those images may be used for. All third party data, in this case, images of other persons captured by the surveillance camera equipment, will be irreversibly removed from the copy released to the subject where it is technically feasible and reasonable to do so. Not to do so may be in breach of the third parties rights as afforded by one or more of those pieces of legislation and codes of practice listed at section 2.

#### 9. SCS and Facility Tenants

Where the Council operates SCS at its facilities for one or more of the purposes listed at section 3 to the benefit of both Council staff and tenants located within these facilities. Where a legitimate need arises for a tenant to access images captured by one or more of these SCS systems, the Council designated Manager will, in consultation with the Senior Records Manager facilitate access to any relevant images to their equivalent within the tenant organisation. It should be noted that as Data Controller, the Council needs to be assured by the requesting organisation or agency, that the request is legitimate and complies with all relevant legislation, policies and procedures operating within the Council.

#### 10. Covert Monitoring

Covert use of SCS can only take place with the written permission of the Chief Executive or his/her nominee, following the procedures outlined in The Regulation of Investigatory Powers Act 2000. For these circumstances to occur, there must be reasonable cause to suspect that unauthorised or illegal activity is taking place, or is about to take place, or that a breach of Council rules is taking or is about to take place (e.g. breach of health and safety legislation). Covert monitoring will be undertaken only for a limited and reasonable period of time consistent with the documented objectives and council must take legal advice before considering covert surveillance. Any authorisation by council will be subject to judicial approval. All decisions relating to the use of covert surveillance will be fully recorded.

#### 11. Roles and Responsibilities

Responsibility for managing the SCS network within particular facilities and in public open spaces lies with the responsible Strategic Director. The day to day management of the system will be the responsibility of the relevant facility manager, in conjunction with the relevant Head of Department.

- Only appropriately trained and authorised staff and/or council appointed contractor(s) will operate the system.
- Access to the SCS system will be strictly limited to the Executive Management Team, designated and authorised staff and/or council appointed contractor(s). Access may be given to the PSNI, Health and Safety Executive and Council retained legal services in the event of any investigation.
- The relevant Manager or designated Officer will check and confirm the efficiency of their site's system regularly and in particular ensure that the equipment is recording properly and that cameras are functional. The equipment providers should be used to service and repair equipment as required.
- Only authorised staff and/or council appointed contractor(s) will be permitted access to the SCS monitors or footage. Records must be completed at each occasion to ensure the necessary audit trail is maintained.
- The relevant Manager or designated Officer will be responsible for all other administrative functions including maintaining CDs and hard disk space, filing and maintaining occurrence and system maintenance logs. All recordable disks remain the property of Armagh City, Banbridge and Craigavon Borough Council and cannot be removed from site, except by the PSNI who must submit a Personal Data Request form (Form 81)

## 12. Complaints

Any complaints about the operation of the Council's surveillance camera system should be addressed in the first instance to the Manager of the relevant facility in conjunction with the relevant Head of Department.

Complaints will be investigated in accordance with the Council's corporate complaints procedure.

## 13. Publication of Policy

This policy will be published on the Council's website and will be available on request from the 3 main council offices; The Palace Demesne Friary Road (Armagh), Civic Building Downshire Road Banbridge and Craigavon Civic Centre Lakeview Road Craigavon.

This policy will be subject to review every two years, or earlier in the light of new guidance or legislation.

<Insert logo>

**Subject access request**

Sample Council letter including subject access request application form

ADDRESS

Dear Sir / Madam

Thank you for your request for information. The Data Protection Legislation, gives everyone the right to seek access to their own personal information.

To request access to records held by the Council, please complete the attached 'application form' (2 pages). A letter of application is also acceptable (e.g. from a Solicitors office) but it should provide us with all necessary information to allow us to search for any relevant records.

Please include as much detail as possible about the records you are seeking e.g. type, location or any reference number you may have received from the Council during previous correspondence.

The completed Application Form or letter of application should be returned along with;

- a) A valid form of identification (e.g. driving licence, birth certificate, ID card, passport. – originals will be returned)
- b) If the application is from someone other than the subject of the information, signed consent from the data subject
- c) The relevant fee as applicable

I am required to inform you that the requisite period, allowed under Data Protection Legislation to process your request will not commence until we receive any applicable fee and all necessary documentation as indicated above.

If you have any queries about completing this Application Form, or about our procedures for processing such requests, please do not hesitate to contact me at the address provided.

**Yours Sincerely**

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**Subject Access Request – Application Form**

**PART A**

Your details (person to whom the information relates)

Surname:

Forenames:

Date of Birth:

Other identifying Information:

Address:

Tel / Contact Number:

If the details provided above are different from those that we may hold about you, please provide us with the following information:

Previous Surname: (1) \_\_\_\_\_ (2) \_\_\_\_\_

Previous Address: (1) \_\_\_\_\_ (2) \_\_\_\_\_

Applicable dates: \_\_\_\_\_

**To help us identify the records you are seeking, please indicate what type of record you believe we may hold** (e.g. Complaints records, Human Resources records).

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**PART B**

**I require access to the records in the following format:**

(Please tick)

I only wish to view my records

Facilitated free of charge if the request is deemed appropriate

Printout or copy of records held

Fee as appropriate

**Part C**

Applicant's details (if not the person to whom the data relates).

If you are applying to see records that are not your own, please provide details:

What is your relationship to the person to which the information relates?

Your Surname:

Your Forenames:

Your Address:

Your Tel / Contact Number:

**This is the address to which a reply or other correspondence will be sent, unless otherwise stated.**

**Please indicate below by ticking relevant box or deleting as appropriate**

I have been asked to act on behalf of the person whose information is being sought and their written permission is included (Part E below)

I am acting in parental capacity as the person whose information is being sought is under 16 years of age and: is incapable of understanding the request\* OR has consented to my making this request\* (\*delete as appropriate)

The person is over the age of 16, however is incapable of understanding the request and I therefore act as his/her personal representative

The person is deceased and I am the next of kin

The person is deceased and I am his/her personal representative and attach legal documents confirming my position

**PART D**

To be completed by the person requesting access to records

I declare that the information given by me is correct to the best of my knowledge and that I am entitled to request access to the records detailed above.

\_\_\_\_\_ /\_\_\_\_\_/\_\_\_\_\_  
Print Name (capitals) Signed Date

**PART E**

To be completed by the person to whom the information relates to authorise release of records to the individual named at **PART C**

I hereby authorise the Council to release the records detailed on this form to

\_\_\_\_\_ (representative named at **PART C**)

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Person to whom information relates)

***The relevant fee and a valid form of identification should accompany all requests.***

## Policy Screening Form

### Policy Title

Surveillance Camera Systems Policy

### Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

This is a new policy. The purpose of the policy is to set out the appropriate actions and procedures which must be followed to comply with the Data Protection Legislation, the Regulation of Investigatory Powers Act 2000 and other relevant legislation in respect of the use of surveillance camera systems (SCS) operated and managed by Armagh City, Banbridge and Craigavon Borough Council facilities.

### Intended aims/outcomes. What is the policy trying to achieve?

This document sets out the appropriate actions and procedures which must be followed to comply with the Data Protection Legislation in respect of the use of surveillance camera systems operated and managed by Armagh City, Banbridge and Craigavon Borough Council.

### Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

In drawing up the policy due account has been taken of the following;

- Data Protection Act Legislation
- Freedom of Information Act 2000
- In the picture: A data protection code of practice for surveillance cameras and personal information produced by the Information Commissioners Office (Version 1.1:21/05/2015)
- The Human Rights Act 1998;
- The Regulation of Investigatory Powers Act 2000
- The Protection of Freedoms Act 2012
- The surveillance Camera Code
- The Home Office guidance on Safeguarding Body Worn Video Data.

**Are any Section 75 categories which might be expected to benefit from the policy? If so, please outline.**

It has no impact on any section 75 category.

**Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?**

<b>Who initiated or wrote policy?</b>	<b>Who is responsible for implementation?</b>
Joan Farley, Senior Records Manager	The Council is responsible for implementation

**Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?**

None identified

**Main stakeholders in relation to the policy**

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Staff  
Customers

**Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.**

Data Protection Policy  
Retention and Disposal Schedule

### Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

<b>Section 75 category</b>	<b>Evidence</b>
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None
Men and women generally	None
Disability	None
Dependants	None

### Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

<b>Section 75 category</b>	<b>Needs, experiences and priorities</b>
Religious belief	Not applicable
Political opinion	Not applicable
Racial group	Not applicable
Age	Not applicable
Marital status	Not applicable
Sexual orientation	Not applicable
Men and women generally	Not applicable
Disability	Not applicable
Dependants	Not applicable

## Screening Questions

<b>1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?</b>		
Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

<b>2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?</b>		
Category	If yes, provide details	If no, provide reasons
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Men and women generally		No
Disability		No
Dependents		No

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?**

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	N/a	N/a
Political opinion	N/a	N/a
Racial group	N/a	N/a

**4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Category	If yes, provide details	If no, provide reasons
Religious belief	N/a	N/a
Political opinion	N/a	N/a
Racial group	N/a	N/a

Additional Considerations

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

This is a technical policy written to ensure compliance with statutory requirements and good practice. It has no impact on any equality category.

**Disability Discrimination (NI) Order 2006**

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

Not applicable

Is there an opportunity for the policy to encourage participation by disabled people in public life?

Not applicable

### Screening Decision

#### **A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY**

Please identify reasons for this below

This is a technical policy written to ensure compliance with statutory requirements and good practice. It has no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

#### **B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED**

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.



**C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED**

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

**Timetabling and Prioritising**

**If the policy has been screened in for equality impact assessment**, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

<b>Priority criterion</b>	<b>Rating (1-3)</b>
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

## Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring [www.equalityni.org](http://www.equalityni.org)

Identify how the impact of the policy is to be monitored

The policy will be amended should legislation or best practice guidelines change.

## Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Joan Farley	Policy & Diversity Officer	09.08.17
Approved by	Position/Job Title	Date
Eamonn Kelly	Head of Governance and Democratic Services	09.08.17

**Please forward a copy of the completed form with policy attached to [mary.hanna@armaghbanbridgecraigavon.gov.uk](mailto:mary.hanna@armaghbanbridgecraigavon.gov.uk) who will ensure that screening forms and policies are available on the Council website.**

**This officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.**

