

## Burwell Parish Council

### CCTV Policy

#### Introduction

This Policy is to control the management, operation, use and confidentiality of the parish owned CCTV systems. There are 4 fixed cameras located at Mandeville Hall, Tan House Lane, Burwell CB25 0AR and 13 fixed cameras at the Recreation Ground, Weirs Drove, Burwell CB25 0BP. A further two static cameras are located at Pauline's Swamp, Reach Road, Burwell, CB25 0GH. Cameras are also located at the Gardiner Memorial Hall, High Street, Burwell, CB25 0HD. All cameras are in operation 24 hours per day; however, the Council can turn off the cameras at all locations if required. Mandeville Hall, the Gardiner Memorial Hall, and the Recreation Ground are owned and managed by Burwell Parish Council. Pauline's Swamp is owned by Burwell Parish Council and managed by the Pauline's Swamp Trustees.

The CCTV Scheme is registered with the Information Commissioner under the Terms of the Data Protection Act 1998. Registration Reference ZA166635.

This policy will be subject to annual review by the Parish Council to ensure that it continues to reflect the public interest and that it and the systems meet all legislative requirements.

The use of CCTV falls within the scope of the Data Protection Act 1998 and the General Data Protection Regulation and the Data Protection Act 2018. In order to comply with the requirements of the law, data must be:

- fairly and lawfully processed
- processed for limited purposes and not in any manner incompatible with those purposes
- adequate, relevant, proportionate and not excessive
- accurate
- not kept for longer than is necessary
- processed in accordance with individuals' rights
- secure

#### Data Protection Statement

1. Burwell Parish Council is the Data Controller under the Act.
2. CCTV is installed for the security of residents, visitors, premises and their users and staff, for crime prevention and personal safety.
3. Access to stored images will be controlled on a restricted basis within the Council and limited to authorised council personnel and the Police.
4. Use of images, including the provision of images to a third party, will be in accordance with any requirements that may be occasioned by the Council's Data Protection registration.
5. CCTV may be used to monitor the movement and activities of staff and visitors on the covered premises.
6. External and internal signage on the premise's states CCTV is in operation and indicates the name of the Data Controller and a contact number during office hours for enquiries.

#### Retention of Images

Images from the cameras are recorded on a secure hard drive ("the recordings"). Recordings are held until they are overwritten in secure storage and access controlled. Recordings which are not

required for the purposes of security of staff, and premises, will not be retained for longer than is necessary.

Only the Cameras at the Gardiner Memorial Hall have audio recording capability. Cameras at the other sites do not have audio recording capability.

#### Access to Images

It is important that access to and disclosure of images recorded by CCTV and similar surveillance equipment are restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes.

#### Access to Images by Council Staff – Mandeville Hall, The Gardiner Memorial Hall, and the Recreation Ground

Access to recorded images is restricted to Parish Council staff, agreed Parish Councillors and members of the Police Force. Approval for anyone else to access recorded images must be obtained from the Clerk of the Parish Council.

Viewing of images must be documented at follows:

- the name of the person accessing the recordings
- the date and time of accessing the recordings
- the name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- the reason for the viewing
- the outcome, if any of the viewing
- the date and time of replacement of the recordings

#### Access to Images recorded at Pauline's Swamp

Access to recorded images is restricted to Parish Council staff, agreed Parish Councillors, Pauline's Swamp Trustees and members of the Police Force. Approval for anyone else to access recorded images must be obtained from the Clerk of the Parish Council.

Viewing of images must be documented at follows:

- the name of the person accessing the recordings
- the date and time of accessing the recordings
- the name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- the reason for the viewing
- the outcome, if any of the viewing
- the date and time of replacement of the recordings

#### Removal/Copying of Images for Use in Legal Proceedings

In cases where recordings are removed/copied from secure storage for use in legal proceedings, the following must be documented:

- the name of the person removing/copying from secure storage, or otherwise accessing, the recordings
- the date and time of removal/copying of the recordings

- the reason for removal/copying
- specific authorisation of removal and provision to a third party
- any crime incident number to which the images may be relevant
- the place to which the recordings will be taken
- the signature of the collecting police officer, where appropriate
- the date and time of replacement into secure storage of the recordings

#### Access to Images by Third Parties

Requests for access to images will be made using the 'Application to access to CCTV images form'. The Data Controller will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- prosecution agencies
- relevant legal representatives
- the press/media, where it is decided that the public's assistance is needed in order to assist in the identification of a victim, witness or perpetrator in relation to a criminal incident; as part of that decision, the wishes of the victim of an incident should be taken into account
- people whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings).

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

#### Disclosure of Images to the Media

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the Data Controller must ensure that there is a contractual relationship between it and the editing company, and:

- that the editing company has given appropriate guarantees regarding the security measures it takes in relation to the images
- the written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the Data Controller
- the written contract makes the security guarantees provided by the editing company explicit.
- That the data held by the editing company must be securely destroyed after use.

#### Access by Data Subjects

This is a right of access under the 1998 Act, the GDPR and the DPA 2018. Requests for access to images will be made using the 'Application Data Access' form. The requesting party needs to provide enough information so that he/she can be identified in the footage, such as a specific

date and time, proof of identity and a description of the requesting party. Any footage provided may be edited to protect the identities of other people.

#### Procedures for Dealing with and Access Request

All requests for access by Data Subjects will be dealt with by the Clerk/Data Protection Officer. The Data Controller will locate the images requested. The Data Controller will determine whether Disclosure to the data subject would entail disclosing images of third parties.

The Data Controller will need to determine whether the images of third parties are held under a duty of confidence. The Council's indemnity insurers may be asked to advise on the desirability of releasing any information if appropriate

If third party images are to be disclosed, the Data Controller will arrange for the third-party Images to be disguised or blurred. If the CCTV system does not have the facilities to carry out this type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the Data Controller must ensure that there is a contractual relationship between it

and the editing company, and:

- that the editing company has given appropriate guarantees regarding the security measures it takes in relation to the images
- the written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the Data Controller
- the written contract makes the security guarantees provided by the editing company explicit.
- That the data held by the editing company is securely destroyed after use.

The Data Controller will provide a written response to the data subject within **30** days of receiving the request setting out the Data Controller's decision on the request. A copy of the request and response should be retained.

#### Complaints

Complaints must be in writing and addressed to the Clerk. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the data subject to engage in correspondence is required. All complaints will be acknowledged within seven days, and a written response issued within 21 days.

CCTV Policy approved on 11<sup>th</sup> February 2020

CCTV Policy revised 12<sup>th</sup> July 2022 (To include the addition of Gardiner Memorial Hall.)

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