



Borough Council of King's Lynn & West Norfolk

Code of Practice

for the operation of

Closed Circuit Television

Borough Council of King's Lynn & West Norfolk
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Section 1

Introduction and Objectives

I. Introduction

A Closed Circuit Television (CCTV) System is operated in Kings Lynn & West Norfolk. The System, which is known as the 'Kings Lynn & West Norfolk CCTV System' (or KL&WN CCTV System), comprises a number of cameras installed at strategic locations and the use of Body Worn Video (BWV) for mobile Enforcement Officers. Some of the cameras are fully operational with pan, tilt and zoom facilities. Others are fixed cameras, images from which are presented in the same room. All images KL&WN CCTV System are continuously recorded 24 hours a day. Secondary monitoring, control and recording facilities may be located at other locations. The mobile CCTV unit comprises of cameras which are fully operational with pan, tilt and zoom facilities. All images for the mobile CCTV unit are continuously recorded for the period of the deployment. BWV images are captured at the time the unit is switched on by the operative until such time as they stop the recording.

For the purposes of this document, the 'owner' of the KL&WN CCTV System is Borough Council of Kings Lynn & West Norfolk. The KL&WN CCTV System has been notified to the office of the Information Commissioner (ICO), formerly the Data Protection Commissioner and the Office of Surveillance Commissioners (OSC) with the Borough Council of King's Lynn & West Norfolk.

Details of key personnel, their responsibilities and contact points are shown at appendix A to this code.

The primary legislation governing the management and operation of this scheme is the Data Protection Legislation, The Human Rights Act 1998, Regulation of Investigatory Powers Act 2000, Protection of Freedoms Act 2012, Surveillance Camera Code of Practice, UK GDPR and the Freedom of Information Act.

An electronic copy of this document can be found on the Councils web site www.west-norfolk.gov.uk.

II. Statement in respect of The Human Rights Act 1998, Criminal Justice and Public Order Act 1994 sect 163 and the Protection of Freedoms Act 2012 sect 30

The Council recognises that public authorities and those organisations carrying of the functions of a public service nature are required to observe the obligations imposed by the Human Rights Act 1998. It considers that the use of CCTV in Kings Lynn and West Norfolk is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and 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. It is also considered a necessary initiative by the Borough Council of Kings Lynn towards their duty under the Crime and Disorder Act 1998.

It is recognised that operation of the KL&WN CCTV System may be considered to infringe on the privacy of individuals. The Council recognises that it is 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 national security, public safety, the economic well-being 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.

The legislation concerning CCTV has produced a CCTV Code of Practice from the new Surveillance Camera Commissioner that has been approved by Parliament and as a relevant authority it must pay due regard to the new code.

Borough Council of Kings Lynn & West Norfolk in managing its CCTV control room operations under this Code of practice will endorse and comply with all 12 guiding principles of the new Surveillance Camera Code of Practice Nov 2021 (see Appendix E).

The Codes of Practice and observance of the Operational Procedures contained in the Procedural Manual shall ensure that evidence is secured, retained, and made available as required to ensure there is absolute respect for everyone's right to a free trial.

The KL&WN CCTV System shall be operated 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 other status.

III. Objectives of the KL&WN CCTV System

The partnership state the objectives of the CCTV System as being.

- *To help reduce the fear of crime.*
- *To help deter crime and detect crime.*
- *To deter offences against the person, property and good order.*
- *To help maintain of public order and anti social activities*
- *To provide evidence to assist in the apprehension and prosecution of offenders.*
- *To help the safety and wellbeing of the public in Kings Lynn town centre, Industrial Estate Associations, Housing Estates etc.*
- *To assist in the overall management of Kings Lynn town centre, Industrial Estate Associations, Housing Estates etc.*
- *To enhance community safety, boost the economy and encourage greater use of the town centre, Industrial Estates, Housing Estates etc.*
- *To assist the Local Authority in its enforcement and regulatory functions within the town centre, Car Parks, Industrial/Trading Estate Associations and Housing Estates.*
- *To assist with traffic management, parking operations and on and off-street parking.*
- *To assist in supporting civil proceedings help detect crime.*
- *To provide quality evidence sufficient to assist the Police or other enforcing bodies in the investigation of a possible criminal offence including on-going surveillance where the criteria are met as authorised by the Nominated Officer following discussions with the Police or other enforcing bodies, under The Regulation of Investigatory Powers Act 2000.*
- *To provide evidence from the CCTV System and its operators to enable the Police and/or other enforcing bodies to take civil and criminal action in Court where necessary.*
- *To assist with the effective management of the car parks.*
- *To assist in Civil Emergencies and to assist the fire, ambulance and civil emergency services with the efficient deployment of their resources to deal with emergencies.*
- *To provide security to dignitaries*
- *To demonstrate the system to visitors*

IV. Procedural Manual

This Code of Practice (hereafter referred to as 'the Code') is supplemented by a separate 'Procedural Manual' which offers instructions on all aspects of the day to day operation of the system. To ensure the purpose and principles (see Section 2) of the CCTV system are realised, the procedural manual is based and expands upon the contents of this Code of Practice.

Section 2

Statement of Purpose and Principles

I Purpose

The purpose of this document is to state the intention of both the owner and the manager, on behalf of The Council as a whole and as far as is reasonably practicable, to support the objectives of the Borough Council of Kings Lynn & West Norfolk CCTV System, (hereafter referred to as 'The KL&WN CCTV System' or 'The System') and to outline how it is intended to do so.

The 'Purpose' of the KL&WN CCTV System, and the process adopted in determining the 'Reasons' for implementing the KL&WN CCTV System are as previously defined to achieve the objectives detailed within Section 1.

II General Principles

- a) The system will be operated in accordance with all the requirements and principles of the Human Rights Act 1998.
- b) The operation of the 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 and the police force or other enforcing body policy.
- c) The system will be operated in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 at all times and comply with the Protection of Freedoms Act 2012 CCTV Code of Practice.
- d) The system will be operated fairly, within the law, and only for the purposes for which it was established and are identified within this Code, or which are subsequently agreed in accordance with this Code of Practice.
- e) The 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 their home.
- f) The public interest in the operation of the system will be recognised by ensuring the security and integrity of operational procedures.
- g) Throughout this Code of Practice, it is intended, as far as reasonably possible, to balance the objectives of the KL&WN CCTV System with the need to safeguard the individual's rights. Every effort has been made throughout the Code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be identified that the system is not only accountable, but is seen to be accountable.
- h) Participation in the 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 of Practice.

III Copyright

Copyright and ownership of all material recorded by virtue of the KL&WN CCTV system will remain with the data controller.

IV Cameras and Area Coverage

- a) The areas covered by CCTV to which this Code of Practice refers are public areas within and around the Borough Council of King's Lynn & West Norfolk.
- b) From time to time enforcement & surveillance equipment may be temporarily sited within the Borough. The use of such cameras, and the data produced by virtue of their use, will always accord with the objectives of the KL&WN CCTV System and is governed by these Codes and

Procedures. Where necessary guidelines regarding the use of these will be held by the relevant departments.

- c) Some of the cameras offer full colour, pan tilt and zoom (PTZ) capability, High Definition (HD) recording, or may automatically switch to monochrome in low light conditions.
- d) None of the cameras forming part of the system will be installed in a covert manner. Some cameras may be enclosed in 'all weather domes' for aesthetic or operational reasons but the presence of all cameras will be identified by appropriate signs.
- e) A list showing the location of all street cameras is now displayed on the council's website.
- f) BWV is worn overtly and officer where possible during an incident the officer will notify public that video and audio recordings are taking place.
- g) Any areas/sites managed on behalf of others by BCKLWN will be subject to these COP and the management of these cameras documented in separate Service level Agreements with the customer.

V Monitoring and Recording Facilities

- a) A staffed monitoring centre is located at Kings Court, Chapel Street, Kings Lynn, Norfolk; PE30 1EX. The CCTV equipment has the capability of recording all cameras simultaneously throughout every 24-hour period.
- b) CCTV through network connections can monitor CCTV systems on behalf of customers; these can be located throughout Norfolk but are not restricted to Norfolk. Primary recording can be done on the customer's premises. However, no equipment, other than that housed within the main CCTV monitoring room or its agreed customer's sites shall be capable of recording images or being accessed without permission and approved audit processes and only for approved DPA purposes.
- c) CCTV operators can record images from selected cameras, produce hard copies of recorded images, replay or copy any pre-recorded data at their discretion and in accordance with the Code of Practice. All viewing and recording equipment shall only be operated by trained, security cleared and authorised users to the standard set by the CCTV Manager and or legislation such as the Private Security Industry Act licence requirements for staff.
- d) Norfolk Constabulary can monitor images from the monitoring room relayed through a link that allows them to respond and deal with situations as they arise.
- e) BWV users will record video and audio from the time the BWV is switched on. These recordings are encrypted at source, uploaded to the CCTV network by docking of the device in set docking stations. Access to viewing and recordings from BWV is restricted to authorised users.

VI Human Resources

- a) Unauthorised persons will not have access without an authorised member of staff being present.
- b) The monitoring room shall be staffed by specially selected, licenced and trained operators in accordance with Security Industry Authority License Regulations. All staff will be required to hold maintain Private Security Industry Act CCTV(PSS) Licences, be approved to BS7858 and NPPV2 Norfolk Constabulary screening standards
- c) All operators shall receive training relevant to their role in the requirements of the Human Rights Act 1998, Data Protection Act, Regulation of Investigatory Powers Act 2000 and the Codes of Practice and Procedures. Progressive and continuation and formal refresher training will be provided as necessary and at least annually to the standard required by the CCTV Manager and SIA CCTV Sector licence requirements.
- d) BWV users shall receive training relevant to their role, NVQ or equivalent in Civil Parking Enforcement and on the correct use of BWV.

VII Processing and Handling of Recorded Material

All recorded material, whether recorded digitally, or as a hard copy print, will be processed and handled strictly in accordance with this Code of Practice and the Procedural Manual.

VIII Operators Instructions

Technical instructions on the use of equipment housed within the monitoring room and within designated offices are contained in a separate procedure manual.

IX Changes to the Code or the Procedural Manual

- a) Any major changes to either the code or the procedural manual will take place only after consultation with and upon the agreement of the CCTV Management within the Authority in the operation of the system.
- b) A minor change may be agreed between the CCTV Manager and notified to those responsible for the management of the system.

Notes

- *The installation of a CCTV camera is considered to **be overt** unless it is installed in a manner whereby its presence is deliberately intended to be concealed from the view of any person likely to be within the field of view of that camera.*
- *Cameras which may be placed in domes or covered to reduce the likelihood of assessing their field of view, or to protect them from weather or damage, would not be regarded as covert provided that appropriate signs indicating the use of such cameras are displayed in the vicinity.*
- *The use of 'dummy' cameras as part of a CCTV System is NOT PERMITTED*

Section 3

Privacy and Data Protection

I Public Concern

- a) Although the majority of the public at large may have become accustomed to 'being watched', those who do express concern do so mainly over matters pertaining to the processing of the information, (or data) i.e. what happens to the material that is obtained.

NB: 'Processing' means **obtaining, recording or holding** the information or data or **carrying out any operation or set of operations** on the information or data, including.

- organisation, adaptation or alteration of the information or data.
 - retrieval, consultation or use of the information or data.
 - disclosure of the information or data by transmission, dissemination or otherwise making available, or
 - alignment, combination, blocking, erasure or destruction of the information or data.
- b) All personal data obtained by virtue of the KL&WN 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 System. In processing personal data, there will be total respect for everyone's right to respect for his or her private and family life and their home.
- c) Personal Data will be limited in the majority of data collected and recorded by this system and is defined as that reaching "recognition level" of an individual based upon the research and guidance taken from the Home Office Scientific Development Branch where the individuals details of head and torso are recorded at 50% of screen height or greater. Below this resolution level, it is not deemed personal data.
- d) The storage and security of the data will be strictly in accordance with the requirements of the GDPR and Data Protection Act 2018, other statutory legislation and additional locally agreed procedures.
- e) As well as statutory legislation, the Council will only process your data in line with its Data Protection Policy and Privacy Policy, copies of which can be found at <https://www.west-norfolk.gov.uk/>

II Data Protection Legislation

- a) The KL&WN CCTV System is registered with the office of the Information Commissioner at ico.org.uk in accordance with current Data Protection legislation and listed under registration number Z602708X

Data Controller: BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

Address:
CENTRAL SERVICES
KING'S COURT
CHAPEL STREET
KING'S LYNN
NORFOLK
PE30 1EX

- b) The 'data controller' for KL&WN CCTV System is the Borough Council of Kings Lynn & West Norfolk and day to day responsibility for the data will be devolved to CCTV Manager.

- c) All data will be processed in accordance with the principles of GDPR and the Data Protection Act 2018 which, in summarised form, includes, but is not limited to:
- All personal data will be obtained and processed fairly and lawfully.
 - Personal data will be held only for the purposes specified.
 - Personal data will be used only for the purposes, and disclosed only to the people, shown within these codes of practice.
 - Only personal data will be held which are adequate, relevant and not excessive in relation to the purpose for which the data are held.
 - Steps will be taken to ensure that personal data are accurate and where necessary, kept up to date.
 - Personal data will be held for no longer than is necessary.
 - Individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it.
 - Procedures will be implemented to put in place security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of, information.

- d) DPA compliant signage for the CCTV system



CCTV images are being monitored and recorded for the purpose of Public Safety, Traffic Management (Vehicle and/or Pedestrian) and the prevention and detection of crime and disorder

.....
 Monitored by Borough Council of King's Lynn & West Norfolk

Tel: 01553 616200

System owner: BCKLWN



III Request for information (subject access)

- a) Any request from an individual for the disclosure of personal data which he / she believe is recorded by virtue of the system will be directed to the CCTV Manager who is the data controller.

- b) The principles of Chapter 3 of the GDPR (Rights of Data Subjects and Others) shall be followed in respect of every request; those sections are reproduced as Appendix B to these codes.
- c) If the request cannot be complied with without identifying another individual, permission from all parties must be considered (in the context of the degree of privacy they could reasonably anticipate from being in that location at that time) in accordance with the requirements of the legislation.
- d) Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located. The appropriate link to the 'Subject Access' request form is included in Appendix C.
- e) It is the intention of the Borough Council of Kings Lynn & West Norfolk to protect the privacy of third parties whenever possible and, to this end, will not release data where a third party would be recognisable and be capable of identification. The Borough Council of Kings Lynn & West Norfolk has the right to "blur" the features of any third-party images and make a charge for this. Notwithstanding the advice in the previous paragraph, whilst the Data Protection Act does NOT require the withholding of data to protect third parties it is generally considered good practice to protect third party privacy.

IV Exemptions to the Provision of Information

In considering a request made under the provisions of Chapter 3 of the GDPR, reference may also be made to Section 15 of the Data Protection Act 2018 which includes, but is not limited to, the following statement:

Personal data processed for any of the following purposes -

- the prevention or detection of crime
- the apprehension or prosecution of offenders

Are exempt from the subject access provisions in any case 'to the extent to which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection'.

NB Each and every application will be assessed on its own merits and general 'blanket exemptions' will not be applied.

V Criminal Procedures and Investigations Act, 1996

The Criminal Procedures and Investigations Act, 1996 came into effect in April, 1997 and introduced a statutory framework for the disclosure to defendants of material which the prosecution would not intend to use in the presentation of its own case, (known as unused material). An explanatory summary of the provisions of the Act is contained within the procedural manual, but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the DP data controller by Chapter 3 of the GDPR, (such as subject access).

Section 4

Accountability and Public Information

I The Public

- a) For reasons of security and confidentiality, access to the CCTV monitoring room is restricted in accordance with this Code of Practice. However, in the interest of openness and accountability, anyone wishing to visit the room may be permitted to do so, subject to the approval of, and after making prior arrangements with, the Manager of the system.
- b) Cameras will not be used to investigate private residential property. Where the equipment permits it 'Privacy zones' will be programmed into the system as required in order to ensure that the cameras do not survey the interior of any private residential property within range of the system. If such 'zones' cannot be programmed the operators will be trained to and will comply with this relating to safeguarding the privacy of the public and respecting private and family life. BWV is used in accordance with operational procedures.
- c) A member of the public wishing to register a complaint about any aspect of the KL&WN CCTV System may do so by contacting CCTV Operations Manager. The Borough Council also operates a formal complaints procedure details can be found at https://www.west-norfolk.gov.uk/info/20190/have_your_say/426/complaints_comments_and_compliments Any such complaint will be dealt with in accordance with existing discipline rules and regulations to which all members of staff of The Borough Council of Kings Lynn & West Norfolk.
- d) All CCTV & BWV & Enforcement Officers are contractually subject to regulations governing confidentiality and discipline.

II Borough Council of Kings Lynn & West Norfolk

- a) The CCTV Operations Manager named at appendix A, being the nominated representative/s of the system owners, will have unrestricted personal access to the CCTV monitoring room and will be responsible for providing regular and frequent management, operational, emergency and performance reports.
- b) Formal consultation will take place between the owners and the managers of the System about all aspects, including this Code of Practice and the procedural manual.

III CCTV Operations Manager

- a) The nominated manager named at Appendix A will have day-to-day responsibility for the System as a whole.
- b) The system will be audited by the Borough Council of King's Lynn & West Norfolk's audit body (or nominated deputy whose organisational level of responsibility is at least equal to that of the CCTV Operations Manager, but not the CCTV Operations Manager).
- c) The system may also have independent external DPA audits of the operation and compliance with all aspects of DPA and any issues or breaches found will be reported to senior management and processes addressed as required.
- d) The CCTV Operations Manager will ensure that every complaint is reported through to the council's complaints process and will follow the Councils complaint process.
- e) Statistical and other relevant information, including any complaints made, will be made publicly available on the Councils website.

IV Public Information

- a) Code of Practice: A copy of this Code of Practice will be published on the Borough Council of King's Lynn & West Norfolk's website and a copy made available to anyone on request.
- b) System Performance Information: System performance will be closely monitored and recorded and compiled into annualised year on year data that shall be made publically available on the Council's website and to anyone requesting it in accordance with the POF Act 2012 transparency requirements.
- c) Signs: Signs (as example) will be placed in the locality of the cameras advertising the presence and operation of CCTV cameras & BWV. The signs will be prominently displayed at key points and at main entrance points to the relevant areas.
- d) The signs will indicate:
 - The presence of CCTV monitoring,
 - The 'ownership' of the system
 - Contact telephone number of the data controller of the System.

Section 5

Assessment of the System and Code of Practice

I. Evaluation

- a) The system will undergo annual inspectorate audits to maintain its accreditations for CCTV Management and Operation. Results of the audits will be used to review and develop improvements to processes and maintain accredited service delivery standards.
- b) In addition annual reviews of the performance of the system will be collated and reviewed in accordance with the POF Act 2012 and any recommended changes or alterations to the specified purpose and objectives of the scheme as well as the functioning, management, camera coverage and operation of the system to be published on the councils website.
- c) It is intended that performance evaluations of the system should take place at least annually.

II. Monitoring

- a) The CCTV Operations Manager will accept day to day responsibility for the monitoring, operation and evaluation of the system and the implementation of this Code of Practice.
- b) The CCTV Operations Manager shall also be responsible for maintaining full management information as to the incidents dealt with by the monitoring room, for use in the management of the system and in future evaluations.

III. Audit

The Borough Council of Kings Lynn & West Norfolk auditor or his/her nominated deputy, who is not the CCTV Manager, will be responsible for regularly auditing the operation of the System and the compliance with this Code of Practice. Audits, (which may be in the form of irregular spot checks) will include examination of the monitoring room records, media histories and the content of recorded material.

Section 6

Human Resources

I Staffing of the monitoring room and those responsible for the operation of the system

- a) The CCTV monitoring room will be staffed and operated in accordance with the procedure manual. Only personnel who are fully trained or under supervised training in the use of the equipment, associated with the system will be permitted to undertake duties within the monitoring room.
- b) Every person involved with the KL&WN CCTV system will have access to a copy of both the codes of practice and the procedural manual. They will be required to sign a confirmation that they fully understand the obligations adherence to these documents places upon them and that any breach will be considered as a disciplinary offence. They will be fully conversant with the contents of both documents, which may be updated from time to time, and which he / she will be expected to comply with as far as is reasonably practicable at all times.
- c) All staff employed in the CCTV monitoring room will have been recruited following the UK and European laws, and local policies governing the Borough Council of Kings Lynn & West Norfolk. They will be selected using the criteria of the standard job description and person specification. Staff will be required to have qualities of personal integrity commensurate with the nature of their duties and the principles set out in this document. All such personnel will also be subject to security screening to BS 7858 standards. They will also require to be screened to level NPPV2 by Norfolk Constabulary.
- d) Arrangement may be made for a police officer to be present in the monitoring room at certain times, subject to locally agreed protocols or The Regulation of Investigatory Powers Act 2000. Any such person must also be conversant with these Codes of Practice and associated procedural manual.
- e) All personnel involved with the KL&WN CCTV system shall receive training from time to time in respect of all legislation appropriate to their role.

II. Discipline

- a) Every individual with any responsibility under the terms of this Code of Practice and who has any involvement with the KL&WN CCTV system to which they refer, will be subject to the Borough Council of Kings Lynn & West Norfolk discipline code. Any breach of these Codes of Practice or of any aspect of confidentiality will be dealt with in accordance with those discipline rules.
- b) The CCTV Operations Manager will accept primary responsibility for ensuring there is no breach of security and that the Code of Practice is complied with. He / She have day to day responsibility for the management of the room and for enforcing the discipline rules. Non-compliance with this Code of Practice by any person will be considered a severe breach of discipline and dealt with accordingly including, if appropriate, the instigation of criminal proceedings.

III. Declaration of Confidentiality

Every individual with any responsibility under the terms of this Code of Practice and who has any involvement with the KL&WN CCTV system to which they refer, will be required to sign a declaration of confidentiality. (See example at Appendix D, see also Section 8 concerning access to the monitoring room).

Section 7

Control and Operation of Cameras

I Guiding Principles

- a) Any person operating the cameras will always act with utmost probity and within the law.
- b) Every use of the cameras will accord with the purposes and key objectives of the system and shall follow this Code of Practice.
- c) Cameras will not be used to look into private residential property. 'Privacy zones' may be programmed into the System (whenever practically possible) to ensure that the interior of any private residential property within range of the system is not surveyed by the cameras. All operators will be trained to and will comply with this Code relating to safeguarding the privacy of the public and respecting private and family life.
- d) Camera operators will be mindful of exercising prejudices, which may lead to complaints of the 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 individual, group of individuals or property at any time by virtue of the audit of the system or by the CCTV Operations Manager.
- e) The cameras, control equipment, recording and reviewing equipment shall at all times only be operated by persons who have been formally trained in their use or under their direct supervision if under training, and the legislative implications of their use to the standard directed and required by the CCTV Operations Manager.

II Primary Control

Only those authorised members of staff with responsibility for using the CCTV equipment will have access to the operating controls and shall hold a current SIA (Security Industry Authority) Public Space Surveillance operator's licence.

II Operation of the System by the Police

- a) Under extreme circumstances, the Police may make a request to assume direction of the KL&WN CCTV system to which this Code of Practice applies. Only requests made on the written authority of a police officer not below the rank of Superintendent will be considered or authorised by The Regulation of Investigatory Powers Act 2000. Any such request will only be accommodated if approved and authorised by the representative of the systems owners, the CCTV Operations Manager or designated deputy of equal standing.
- b) Any agreed future capability of the KL&WN CCTV system to provide secure remote access to images for live streaming and or bulk data transfer to the police or other agencies will be subject to future agreement and security of data and audit processes approved by the CCTV Operations Manager.

V Maintenance of the system

- a) To ensure compliance with the Information Commissioners Code of Practice and that images recorded continue to be of appropriate evidential quality the KL&WN CCTV system shall be maintained in accordance with the requirements of the Procedural Manual under a maintenance agreement.

- b) The maintenance agreement will make provision for regular/periodic service checks on the equipment which 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 and recording quality.
- c) The maintenance will also include regular periodic overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life.
- d) The maintenance agreement will also provide for 'emergency' attendance by a specialist CCTV or associated engineer on site to rectify any loss or severe degradation of image or camera control.
- e) It is the responsibility of the CCTV Operations Manager to ensure appropriate records are maintained in respect of the functioning of the cameras.

Section 8

Access to, and Security of, Monitoring Room and Associated Equipment

I Authorised Access

Only trained and authorised personnel will operate any of the equipment located within the CCTV monitoring room.

II Public access

Public access to the monitoring and recording facility will be prohibited except for lawful, proper and sufficient reasons and only then with the personal authority of the CCTV Operations Manager. Any such visits will be conducted and recorded in accordance with the Procedure Manual.

III Authorised Visitors

- a) Visits by CCTV equipment engineers or maintenance officers do not fall into the scope of the above paragraph and may take place without prior warning.
- b) Visits by inspectors or auditors do not fall into the scope of the above paragraph and may take place at any time, without prior warning. No more than two inspectors or auditors will visit at any one time. Inspectors or Auditors will not influence the operation of any part of the system during their visit. The visit will be suspended in the event of it being operationally inconvenient. Any such visit should be recorded in the same way as that described above.

IV Declaration of Confidentiality

Regardless of their status, all visitors to the CCTV monitoring room, including inspectors and auditors, will be required to sign the visitors log and in doing so accept the declaration of confidentiality.

IV Security

- a) Authorised personnel will always normally be present when the equipment is in use. If the monitoring facility is to be left unattended for any reason, it will be secured. In the event of the monitoring room having to be evacuated for safety or security reasons, the provisions of the Procedural Manual will be complied with.
- b) The monitoring room will always be secured by locks requiring a proximity card and/or a numeric code. A fixed view camera located external to the monitoring room to enable the operator to view visitors before granting entry.

Section 9

Management of Recorded Material

I Guiding Principles

- a) For the purposes of this Code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the CCTV system but specifically includes images recorded digitally or by way of copying, including media prints.
- b) Every digital recording obtained by using the CCTV system has the potential of containing material that must be admitted in evidence at some point during its life span. It is a requirement that all cameras operated by this system are recorded 24/7 if their operational requirement and purpose is crime detection and prevention or public safety.
- c) Members of the community must have total confidence that information recorded about their ordinary everyday activities by virtue of the system, will be treated with due regard to their individual right to respect for their private and family life. There is an expectation that the public expect the system to be recording 24/7 and to a quality standard able to be provided and admitted in evidence if required.
- d) It is therefore of the utmost importance that irrespective of the means or format (e.g. paper copy, CD, DVD, hard drive or any form of electronic processing and storage) of the images obtained from the system, they are treated strictly in accordance with this Code of Practice and the Procedural Manual from the moment they are received by the monitoring room until final destruction. Every movement and usage will be meticulously logged as must the regular daily inspection of cameras and all faults notified according to procedures.
- e) Access to, and the use of, recorded material will be strictly for the purposes defined in this Code of Practice.
- f) Recorded material will not be copied, sold, otherwise released, or used for commercial purposes or for the provision of entertainment.
- g) BWV devices are encrypted and can only be downloaded through the CCTV system via designated docking stations, once docked recordings will come under the same management and control of all recorded material.

II National standard for the release of data to a third party

- a) Every request for the release of personal data generated by this CCTV system will be channelled through the CCTV Operations Manager. The CCTV Operations Manager will ensure the principles contained within Appendix C to this Code of Practice are followed at all times.
- b) In complying with the national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:
 - Recorded material shall be processed lawfully and fairly and used only for the purposes defined in this Code of Practice.
 - Access to recorded material will only take place in accordance with the standards outlined in appendix C and this Code of Practice.
 - The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

- c) Members of the police service or other agency having a statutory authority to investigate and / or prosecute offences may, subject to compliance with Appendix C, release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses. Under such circumstances, full details will be recorded in accordance with the Procedural Manual.

- d) If material is to be shown to witnesses, including police officers, for the purpose of obtaining identification evidence, it must be shown in accordance with Appendix C and the Procedural Manual.

- e) It may be beneficial to make use of 'real' footage for the training and education of those involved in the operation and management of CCTV systems, and for those involved in the investigation, prevention, and detection of crime. Any material recorded by virtue of this CCTV system will only be used for such bona fide training and education purposes. Recorded material will not be released for commercial or entertainment purposes.

III Recording Media - Provision & Quality

To ensure the quality of the media, and that recorded information will meet the criteria outlined by current Home Office guidelines, a networked digital recording system and specification has been used which conforms to best practice guidance.

IV Media Retention

- a) Recorded data will be retained for a minimum period of 28 days.

- b) The digital networked recording system automatically overwrites any unused or unsaved material, which conforms to the DPA principal dealing with the requirement for unnecessary storage and retention of data.

- c) Media will be always be used and stored in accordance with the Procedural Manual and produced according to PACE (Police and Criminal Evidence Act) standards. All cameras with an operational requirement of crime prevention and detection or public safety must record 24/7 at varying frame rates according to need but if street CCTV retained for 28 days, and to a quality standard to meet Data Protection requirements.

V Media Register

The digital recording system has, in addition to any paper records and retains a unique audit record of all recordings produced from the system. The system records & identifies every use, and person who has viewed, produced evidence, or had access to the media to comply with the security of data principal requirement of the DPA Act. However, the handover of evidence document is the main process for evidence review, download and evidence handling and copies of these are scanned and retained.

VI Media Recording Policy

Subject to the equipment functioning correctly, images from every camera will be recorded throughout every 24-hour period at various frame rates according to need, onto digital hard disk drive network servers.

VII Evidential Media

In the event of a media being required for evidential purposes the procedures outlined in the Procedural Manual will be strictly complied with.

Section 10

Still Image Prints

Guiding Principles

- a) A still image print is a copy of an image or images which already exist on hard drive. Such prints are equally within the definitions of 'data' and recorded material.
- b) Prints will not be taken as a matter of routine. Each time a print is made it must be capable of justification by the originator who will be responsible for recording the full circumstances under which the print is taken in accordance with the Procedural Manual.
- c) Prints contain data and will therefore only be released under the terms of Appendix C to this Code of Practice, 'Release of data to third parties. If prints are released to the media, (in compliance with Appendix C), to identify alleged offenders or potential witnesses, full details will be recorded in accordance with the Procedural Manual.
- d) A record will be maintained of all print productions in accordance with the Procedural Manual. The recorded details will include; a sequential number; the date, time and location of the incident, date and time of the production of the print and the identity of the person requesting the print, (if relevant) and the purpose for which the print was taken.
- e) The records of the media prints taken will be subject to audit in common with all other records in the system.

Appendix A

Key Personnel and Responsibilities

(I) System Owners

Borough Council of Kings Lynn & West Norfolk
Kings Court, Chapel Street, Kings Lynn, Norfolk, PE30 1EX
Tel: 01553 616200

a) Responsibilities:

The Borough Council of Kings Lynn & West Norfolk is the 'owner' of the System. The Chief Executive - the Councils nominated officer, will be the single point of reference on behalf of the owners. His / Her role will include a responsibility to.

- Ensure the provision and maintenance of all equipment forming part of the KL&WN CCTV system in accordance with contractual arrangements, which the owners may from time to time enter.
- Ensure the interests of the owner and other organisations or clients in the scheme are upheld in accordance with the terms of this Code of Practice.
- Agree to any proposed alterations and additions to the system, or this Code of Practice through the Council Management structure.
- In the absence of The Chief Executive, Executive Director Environment & Planning, or Assistant Director Commercial Services will undertake these duties.

II System Management

Executive Director Environment & Planning	01553 616648
Assistant Director Commercial Services	01553 616650
Business Operations Manager	01553 616739
CCTV Operations Manager	01553 616674

Responsibilities:

The CCTV Operations Manager, the nominee will be the single point of reference on behalf of the managers. Their role will include a responsibility to.

- i) Maintain direct liaison with the owners of the System
- ii) Manage and supervise the KL&WN CCTV System on behalf of the local authority and other partnerships/stakeholders/customers.
- iii) Accept overall responsibility for the System and for ensuring that this Code of Practice is complied with

Appendix B

Extracts from the General Data Protection Regulations 2016

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
 1. the purposes of the processing.
 2. the categories of personal data concerned.
 3. the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisation.
 4. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period.
 5. the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing.
 6. the right to lodge a complaint with a supervisory authority.
 7. where the personal data are not collected from the data subject, any available information as to their source.
 8. the existence of automated decision-making, including profiling, referred to in [Article 22](#) (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to [Article 46](#) relating to the transfer.
3. ¹The controller shall provide a copy of the personal data undergoing processing. ²For any further copies requested by the data subject; the controller may charge a reasonable fee based on administrative costs. ³Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Appendix C

National Standard for the release of data to third parties

1. Introduction

KLWNBC System is committed to the belief that everyone has the right to respect for his or her private and family life and their home. Although the use of CCTV cameras has become widely accepted in the UK as an effective security tool, those people who do express concern tend to do so over the handling of the information (data) that the System gathers.

2. General Policy

All requests for the release of data shall be processed in accordance with the Procedure Manual. All such requests shall be channelled through the data controller.

Note: The data controller is the person who (either alone or jointly with others) determines the purpose for which and the manner in which any personal data are or are to be processed. (In most cases the data controller is likely to be the System owners or for a 'partnership' the partners share responsibility) Day to day responsibility may be devolved, usually to the CCTV Operations Manager.

3. Primary Request To View Data

a) Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes

- i) Providing evidence in criminal proceedings (e.g. Police and Criminal Evidence Act 1984, Criminal Procedures & Investigations Act 1996, etc.);
- ii) Providing evidence in civil proceedings or tribunals
- iii) The prevention of crime
- iv) The investigation and detection of crime (may include identification of offenders)
- v) Identification of witnesses

b) Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- i) Police
- ii) Statutory authorities with powers to prosecute, (e.g. Customs and Excise; Trading Standards, etc.)
- iii) Solicitors
- iv) Plaintiffs in civil proceedings
- v) Accused persons or defendants in criminal proceedings (3)
- vi) Other agencies, (which should be specified in the Code of Practice) according to purpose and legal status.

c) Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:

- i) Not unduly obstruct a third party investigation to verify the existence of relevant data.
- ii) Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.

d) In circumstances outlined at note (3) below, (requests by plaintiffs, accused persons or defendants) the data controller, or nominated representative, should:

- i) Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation.
- ii) Treat all such enquiries with strict confidentiality.

Notes

(1) The release of data to the police is not be restricted to the civil police but could include, (for example) British Transport Police, Ministry of Defence Police, Military Police, etc. (It may be appropriate to put in place special arrangements in response to local requirements).

(2) Aside from criminal investigations, data may be of evidential value in respect of civil proceedings or tribunals. In such cases a solicitor, or authorised representative of the tribunal, is required to give relevant information in writing prior to a search being granted. In the event of a search resulting in a

requirement being made for the release of data, such release will only be facilitated on the instructions of a court order or subpoena. A charge may be made for this service to cover costs incurred. In all circumstances data will only be released for lawful and proper purposes.

(3) There may be occasions when an enquiry by a plaintiff, an accused person, a defendant or a defence solicitor falls outside the terms of disclosure or subject access legislation. An example could be the investigation of an alibi. Such an enquiry may not form part of a prosecution investigation. Defence enquiries could also arise in a case where there appeared to be no recorded evidence in a prosecution investigation.

(4) The data controller shall decide which (if any) "other agencies" might be permitted access to data. Having identified those 'other agencies', such access to data will only be permitted in compliance with this Standard.

(5) The data controller can refuse an individual request to view if insufficient or inaccurate information is provided. A search request should specify reasonable accuracy (could be specified to the nearest ½ hour)

A further exemption under s29 of the DPA is that if the disclosure of information is likely to prejudice the prevention or detection of crime or the apprehension or prosecution of an offender than that item of data need not be disclosed.

4 Secondary Request To View Data

a) A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the data controller shall ensure that:

- i) The request does not contravene, and that compliance with the request would not breach, current relevant legislation, (e.g. Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc.);
- ii) Any legislative requirements have been complied with, (e.g. the requirements of the Data Protection Act 1998);
- iii) Due regard has been taken of any known case law (current or past) which may be relevant, (e.g. R v Brentwood BC ex p. Peck) and
- iv) The request would pass a test of 'disclosure in the public interest'

b) If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:

- i) In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice.
- ii) If the material is to be released under the auspices of 'public well being, health or safety', written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.

c) Recorded material may be used for bona fide training purposes such as police or staff training.

Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes.

Note:

(1) 'Disclosure in the public interest' could include the disclosure of personal data that:

- i) provides specific information which would be of value or of interest to the public well being
- ii) identifies a public health or safety issue
- iii) leads to the prevention of crime

(2) The disclosure of personal data that is the subject of a 'live' criminal investigation would always come under the terms of a primary request, (see III above).

5. Individual Subject Access under Data Protection legislation

Link to access to CCTV - [Access to CCTV | Access to CCTV | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](#)

a) Under the terms of Data Protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:

- i) The request is made in writing;
- ii) A specified fee where applicable is paid for each individual search;
- iii) The data controller is supplied with sufficient information to satisfy him or her self as to the identity of the person making the request;
- iv) The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller to locate the information, which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement);
- v) The person making the request is only shown information relevant to that particular search and which contains personal data of her or him self only, unless all other individuals who may be identified from the same information have consented to the disclosure;

b) In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under these circumstances an additional fee may be payable.

c) The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures and each request should be treated on its own merit.

d) In addition to the principles contained within the Data Protection legislation, the data controller should be satisfied that the data is:

- i) Not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation;
- ii) Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings;
- iii) Not the subject of a complaint or dispute that has not been actioned;
- iv) The original data and that the audit trail has been maintained;
- v) Not removed or copied without proper authority;
- v) For individual disclosure only (i.e. to be disclosed to a named subject)

6. Process of Disclosure:

a) Verify the accuracy of the request.

b) Replay the data to the requester only, (or responsible person acting on behalf of the person making the request).

c) The viewing should take place in a separate room and not in the control or monitoring area. Only data that is specific to the search request shall be shown.

d) It must not be possible to identify any other individual from the information being shown, (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).

e) If a copy of the material is requested and there is no on-site means of editing out other personal data, then the material shall be sent to an editing house for processing prior to being sent to the requester.

Note:

The Information Commissioners Code of Practice for CCTV makes specific requirements for the precautions to be taken when images are sent to an editing house for processing.

7. Media disclosure

a) In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted:

- i) The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use.
- ii) The release form shall state that the receiver must process the data in a manner prescribed by the data controller, e.g. specific identities/data that must not be revealed.
- iii) It may require that proof of any editing must be passed back to the data controller, either for approval or final consent, prior to its intended use by the media (protecting the position of the data controller who would be responsible for any infringement of Data Protection legislation and the System's Code of Practice).
- iv) The release form shall be considered a contract and signed by both parties(1).

Note:

In the well publicised case of R v Brentwood Borough Council, ex parte Geoffrey Dennis Peck, (QBD November 1997), the judge concluded that by releasing the video footage, the Council had not acted unlawfully. A verbal assurance that the broadcasters would mask the identity of the individual had been obtained. Despite further attempts by the Council to ensure the identity would not be revealed, the television company did in fact broadcast footage during which the identity of Peck was not concealed. The judge concluded that tighter guidelines should be considered to avoid future accidental broadcasts.

8. Principles

In adopting this national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- a) Recorded material shall be processed lawfully and fairly and used only for the purposes defined in the Code of Practice for the CCTV System; as defined in section 1.3 of this document.
- b) Access to recorded material shall only take place in accordance with this Standard and the Code of Practice;
- c) The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

Appendix D

Declaration of Confidentiality

The Kings Lynn & West Norfolk CCTV System

I, (.....) am retained by the Borough Council of Kings Lynn & West Norfolk to perform the duty of CCTV Operator / Manager (or other authorised role as appropriate). I have received a copy of the Code of Practice in respect of the operation and management of that CCTV System.

I hereby declare that:

I am fully conversant with the content of that Code of Practice and understand that all duties which I undertake in connection with the KL&WN CCTV system must not contravene any part of the current Code of Practice, or any future amendments of which I am made aware. If now, or in the future, I am or become unclear of any aspect of the operation of the System or the content of The Code of Practice, I undertake to seek clarification of any such uncertainties.

I understand that it is a condition of my employment that I do not disclose or divulge to any individual, firm, company, authority, agency or other organisation, any information which I may have acquired in the course of, or for the purposes of, my position in connection with the KL&WN CCTV System, verbally, in writing or by any other media, now or in the future, (including such time as I may no longer be retained in connection with the CCTV System).

In appending my signature to this declaration, I agree to abide by the Code of Practice at all times. I also understand and agree to maintain confidentiality in respect of all information gained during the course of my duties, whether received verbally, in writing or any other media format - now or in the future.

Signed: Print Name:

Witness: Position:

Dated the day of

Appendix E

Guiding Principles (Extract from Camera Surveillance Code of Practice Nov 2021)

System operators should adopt the following 12 guiding principles:

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 user 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.