WHITEHILL
TOWN COUNCIL
Serving Whitehill & Bordon

WTC CCTV POLICY

Introduction

Under the **Protection of Freedoms Act 2012** the processing of personal data captured by CCTV systems (including images identifying individuals) is governed by the **Data Protection Act 2018**.

On 25th May 2018 the **General Data Protection Regulation (GDPR)** came into force across the EU and replaces all data protection legislation in EU member states (including the UK's Data Protection Act 1998).

This Policy explains how Whitehill Town Council operates the CCTV system that they own and is located at the Mill Chase Recreation Ground Pavilion and garage will comply with current legislation. It is prepared after taking due account of the **Code of Practice for Surveillance Cameras and Personal Information** published by the **Information Commissioner**.

1. Statement of Purpose

The Purpose of the CCTV system installed by the Council is:

- To monitor the security of the **pavilion, car park, the recreation ground, Jubilee Park and Conde Way Local Nature Reserve (LNR) Car park**
- To assist Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders of crime and anti -social behaviour in the vicinity of the (named buildings and outside area) by providing them with retrievable images provided by the system.
- To provide a safe and secure environment for users, visitors and to help loss or damage to the (named buildings and outside area), equipment and assets of Whitehill Town Council.
- To reduce the fear of crime, fly tipping and anti-social behaviour in (named buildings and outside area)
- To deter any potential offenders by publicly displaying the existence of CCTV and signs of its operation around the (named buildings and outside area).

2. Lawful basis for processing

Whitehill Town Council is a public authority and has certain powers and obligations. Most personal information collected by it is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers.

Whitehill Town Council may for the detection or prevention of crime in its area install and maintain any equipment, establish and maintain any scheme, or assist others to install and maintain any equipment or to establish and maintain any scheme.

Any personal information collected and used in connection with the CCTV system will be processed to provide for the general public's benefit a safe and secure environment, free from crime and antisocial behaviour, and damage to buildings and assets provided for community use and equipment.

3. Location and Maintenance

The installations consists of 7 network cameras at the pavilion and garage at Mill Chase Recreation Ground:

Camera 1- Front of Pavilion/Car Park
Camera 2- Side of pavilion/playing field
Camera 3- Rear of building/playing field
Camera 4- Side of building/recreation play area
Camera 5- Car park entrance
Camera 6- Garage door/recreation play area
Camera 7- Side of building/recreation play area
The recorder and screen are located in a secure and lockable cupboard inside the pavilion.

Conde Way LNR Car Park

Jubilee Park – two locations

Every effort has been made to ensure that the CCTV cameras are sited and image capture is restricted so far as not to view or record areas that are not intended to be the subject of surveillance, such as individuals' private property. The system at Mill Chase does not have sound recording capability however the cameras at Jubilee Park and Conde Way LNR park do have sound recording.

Maintenance

The CCTV system is maintained by Excel Security Systems.

4. Signage

In areas where the CCTV is installed the Town Council will ensure that there are prominently placed signs within the controlled areas. The signs will be clearly visible and readable and will confirm that Whitehill Town Council is operating the system and contact details.

5. Management of the System

Whitehill Town Council has responsibility for the control and decisions on how the CCTV is used and this is broken into two parts of specific obligations & responsibility.

Data Controller – Is a legal or natural person, an agency, a public authority, or any other body who, alone or when joined with others, determines the purposes of any personal data and the means of processing it. The Data Controllers are listed below:

- **Town Clerk**
- **Deputy Town Clerk**

Data Processor – Is a legal or a natural person, agency, public authority, or any other body who processes personal data on behalf of a data controller. Day-to-day operational responsibility rests with the Data controllers who are responsible are listed below:

Data Processors are listed below:

- **Councillor 1 (as nominated)**
- **Councillor 2 (as nominated)**
- **Councillor 3 (as nominated)**
- **Whitehill Town Council Head Groundsman**
- **Whitehill Town Grounds Assistant**

The Data Controllers are aware of the procedures that need to be followed when accessing recorded images and are trained in their responsibilities under the CCTV Code of Practice.

All access to the equipment on which the images are recorded is documented.

All Councillors are aware of the restrictions in relation to accessing, and disclosure of, recorded images.

The Town Council has notified the Information Commissioner's Office of both the name of the Town Council, as data controllers, and the purpose for which the images are used.

6. Restricted and Access- Image storage, viewing and retention

Recorded images will be stored in a way that ensures the security and integrity of the image and allows specific times and dates to be identified. Access to **live** images is restricted to the Data Controllers. Recorded images can only be viewed in a restricted area approved by Whitehill Town Council.

Periods of retention of images are intended to reflect the Town Council's purpose for recording the information. Normally, images will be deleted at **30 calendar days** intervals which will provide adequate time for any incidents of a criminal or anti-social nature to have come to light and to have been reported to Law Enforcement Agencies (usually the police). On occasion, however, personal information may need to be retained longer where, for example, an incident has been identified and a formal access request has been made (**must be within 30 calendar days),** or time is required to enable the police to collect the relevant images, or the police are investigating a crime and ask for images to be preserved to afford them the opportunity to view information as part of an active crime investigation. A record of this process will be written and obtained in the CCTV access log book.

Images retained for evidential purposes will be retained in a locked area accessible by the **Data Controllers** only. The Town &/or Deputy Clerk will ensure that the reason for retention is recorded, where the images are kept, any use made and when they are finally destroyed.

7. Disclosure of Images

Judgements regarding disclosure to third parties (such as system maintenance providers) can only be authorised by the **Data Controllers,** with the right to refuse any request for information unless there is an overriding legal obligation, such as a court order or information access rights.

Disclosure of information will be controlled and consistent with purpose(s) for which the system is established. It is intended that CCTV images produced on the system will be used by law.

Enforcement Agencies alone for the purposes of detecting, investigating and preventing criminal or anti-social behaviour. Once information is disclosed to the police or any other law enforcement body, they will become Data Controller for the copy they hold.

All requests for disclosure are recorded, if disclosure is denied, the reason is documented.

Individual's Access Requests

Individuals whose images are recorded have a right to be provided with a copy of the images caught by the request that constitute their personal data, unless they agree otherwise, such as by viewing the footage. Requests for access should be made by e-mail or in writing to the Town/& or Deputy Clerk (**must be within 30 calendar days).**

Those who request access must provide the Town Council with details that allow us to identify them as the subject information and also to locate the information on the system: date/time/location and where the footage was captured or the vehicle registration.

If a request is received within the timeframe the Town Clerk will comply with it within one month of receiving the request and a **fee of £10** must be obtained before the footage is released (this is the statutory maximum set by Parliament) and should be paid to Whitehill Town Council who will produce an invoice for the fee and this must be paid prior to giving the footage to the data subject.

The Town Council will provide the data subject with a copy of all information caught by the requests that constitute their personal data, unless an exemption applies. This information will be provided in a permanent form, on a USB drive or you may be invited to a viewing.

All formal requests for access are recorded. If disclosure is denied, the reason is documented and the individual will be informed by letter within at least one month of request. Details will be provided for them to contact a statutory authority.

8. Other Individuals Rights

Unless subject to exemption, the law gives individuals additional rights to control what personal information the Town Council uses and how.

8.10 Right to erasure

An individual can ask for their personal information to be deleted where it is no longer necessary, was unlawfully processed, they withdraw their consent or object to the processing, or they need to comply with a legal obligation.

8.11 Right to restrict use of personal information and Right to Object

Where there is a dispute in relation to the accuracy or processing of personal information, or it is needed regarding a legal claim, the individual has the right to request a restriction is placed on further processing.

Individuals have the right to formally object to the processing of their personal information

8.12 Right to Complain

Individuals have the right to lodge a complaint with the Information Commissioners Office https://ico.org.uk Whitehill Town Council will consider any request made to the Town Clerk.

9. Enquiries about the Operation of the CCTV

Requests can be made to a public authority for information under the Freedom of Information Act 2000 relating to surveillance systems, such as the operation of the system, the cost of using and maintaining it. If such a request is received by the Town Council, it will consider whether disclosure is appropriate and/or whether an exemption under the Act applies.

Requests under the Freedom of Information Act must be in writing and will receive written response within 20 working days from the Town Clerk. This CCTV policy can be obtained from the WTC website:

Policies & Procedures – Whitehill Town Council

Monitoring, Compliance, Evaluation and Review

The Council is committed to the recommendations of the Code of Practice for Surveillance Cameras and Personal Information published by the Information Commissioner.

To exercise any rights, queries or complaints, in the first instance contact the Town Clerk at Whitehill Town Council at: lorraine.jeffs@whitehilltowncouncil.gov.uk or telephone: 01420 473123

For independent advice, data protection compliance concerns or to lodge a formal complaint, contact the Information Commissioner's Office (ICO) on 0303 123 1113 or at https://ico.org.uk/global/contact-us/email or

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Any major change that would have a significant impact on either the purpose(s) or this policy will take place after discussion by the Council and resolution at a Full Council meeting. All agendas are posted on the Council notice board and website at least 3 clear days excluding weekends before Council meetings.

If the Council decides to change the way in which it uses the CCTV, it will provide members of the public with information of the new purpose(s) prior to commencing the processing and setting out the relevant purposes and processing conditions and will inform the Information Commissioner within 28 days.