

ABERDEENSHIRE COUNCIL

CODE OF PRACTICE: CLOSED CIRCUIT TELEVISION.

PURPOSE.

This Code of Practice is intended to provide an overview on the *usage of Aberdeenshire Council CCTV devices.*

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1 Introduction

This code of practice describes why Aberdeenshire Council uses closed circuit television cameras (CCTV) and what use it makes of the images recorded. It has been prepared in terms of the Council's obligations as a "data controller" under the Data Protection Act 1998. This code of practice is designed to ensure that personal data consisting of the images of people picked up by CCTV systems ("data subjects") are processed fairly by ensuring that the data subjects have made readily available to them the following information:-

- the identity of the data controller;
- the purpose or purposes for which the data are processed; and
- any further information the data subjects should be given in the interests of fairness.

1.1 Scope

This Code of Practice is intended for use by all staff. It is especially recommended for staff such as those employed in an Educational Establishment.

1.2 Review

This Code of Practice will be reviewed on an annual basis and at appropriate intervals in between as appropriate to ensure that it remains an accurate and useful guide to the use of ICT facilities.

The Information Security Management Group (ISMG) is responsible for the review and the approval of changes to this Code of Practice. The next such review is due in July 2006.

The most up-to-date copy of this document will be found in Arcadia.

1.3 Legal Precedence

For the avoidance of doubt and in the event of an apparent contradiction occurring between legislation, policy or best practice guidelines, legislation will take priority. This also applies to any future legislation that may be enacted.

1.4 Referenced Documents and Glossary

Unless otherwise stated, all documents are held within Arcadia where a useful Glossary of terms can also be found.

1.5 Help with This Code of Practice

If you require help to apply this Code of Practice first discuss the matter with your line manager. If required please then log a call with the ICT Helpdesk on 01224 664000.

2 Purposes of CCTV

Aberdeenshire Council operates CCTV systems for a number of reasons. Principally they are installed for purposes of the prevention, investigation and detection of crime (particularly, but not restricted to, vandalism or the theft of Council property) and the apprehension and prosecution of offenders. They are also used to enhance the safety of staff and the public. Whilst not its principal function, CCTV footage may in appropriate circumstances be used in connection with staff discipline. Footage may also be used:-

- To monitor the conduct of tenancies
- in civil proceedings such as eviction actions for anti-social behaviour.
- to detect and assist in taking civil enforcement proceedings against the keepers of illegally parked vehicles.

The Council may occasionally utilise covert CCTV monitoring. A separate Aberdeenshire Council Code of Practice regulates this. The images so recorded are however subject to the same or stricter procedures than those laid down in this Code of Practice.

All Council CCTV systems are controlled by Aberdeenshire Council which is the data controller of the images recorded for purposes of the Data Protection Act 1998.

3 Scope of Council CCTV Systems

All areas covered by cameras must have visible and legible signs advising people entering the areas covered that CCTV is in operation. The corporate style of sign is attached as Annex 2. The telephone number on the signs is that of the Aberdeenshire Council Information Security Line (01224 628444) which can provide additional information (including copies of this Code of Practice) to anyone making enquiries.

Council services installing additional CCTV systems must ensure that the appropriate signage is displayed and that the Data Protection Officer is informed as to the location, local controller and field of view of any new systems.

4 Management and Retention of Images

All images will be retained for 28 days unless a different retention period has been approved in writing by the Council's Data Protection Officer. After this period the images are permanently deleted unless required for an ongoing issue which has been identified (e.g. if a crime has been observed and recorded or if the images have been retained while another subject access request is being processed). In such cases images will be retained for as long as necessary (e.g. until the conclusion of any criminal proceedings arising from the incident).

Until deleted all storage media are held securely in terms of the Council's operational procedures and this Code of Practice. It must be noted that some cameras do not record images and as such are not covered by the Data Protection Act.

5 Access to and Disclosure of Images

Real time access to monitoring screens is restricted to designated staff who have been informed as to the contents of this Code of Practice. Monitoring screens should be located so as to prevent members of the public and other members of staff from seeing the images.

Once images have been recorded access to them is only permitted as follows:

- If an incident has been spotted by an officer or is subsequently brought to the Council's attention the storage media may be reviewed by a supervisor to verify the incident and decide what further action is necessary (if any).
- Any incidents revealed will be brought to the attention of Council staff responsible for the service/premises in question. This may involve making a copy of the storage media or a screen print, which may be used as evidence in any subsequent civil/criminal court proceedings or in the course of other regulatory proceedings or disciplinary hearings.
- In cases of suspected criminal activity the storage media will normally be passed to the Police and/or Procurator Fiscal for investigation and possible prosecution. Disclosure may also be made to other law enforcement agencies (e.g. Customs and Excise) and other public bodies with regulatory functions (which includes other services within the Council.)
- The Police and other law enforcement agencies may, on showing good cause, request copies of storage media or access to monitoring screens. In general such requests will be complied with.

It should be noted that individual operators are not themselves entitled to access stored images except in cases of genuine emergency. All access to stored images or monitoring screens, making copies of storage media or screen prints must be fully logged in accordance with the Council's operational procedures.

No employee of the Council is authorised to disclose recorded images other than for the above purposes. Anyone attempting to procure images from the Council or any of its employees other than as permitted by this Code of Practice may be committing a criminal offence. Employees who knowingly or recklessly disclose details in breach of this Code of Practice and the operational guidelines may also commit an offence and/or be subject to disciplinary proceedings including dismissal.

6 Access by Data Subjects

Under the Data Protection Act, "data subjects" have the right to see the data held on them. For CCTV this means anyone whose identifiable image is recorded can request access to the recorded images.

Any request must be made in writing but a pro forma application form will be sent out in response to telephone queries. In order for the Council to respond to a request it must be provided with sufficient details to allow it to locate the information, together with the applicable fee and must also be satisfied as to the applicant's identity and the authority of anyone acting on their behalf. The standard application form is designed to facilitate this process. As permitted by the relevant Regulations, the Council currently charges a fee of £10.00 for CCTV subject access requests but this fee is subject to review. This fee is not refundable.

In general anyone making a subject access request will be asked if they simply wish to view the storage media or if they would like a copy on appropriate medium.

Viewing of storage media must be done at Council premises where appropriate private viewing facilities are available. In order to avoid disclosing personal data relating to other individuals the images of other people will be unrecognisable. The process of blurring the images may be carried out by third parties acting on behalf of the Council or by the Council's Video Production Unit. In this event the disclosure of the storage media to the third party would be in terms of a written contract to ensure compliance with applicable Data Protection laws.

Any request to view images will be met within 40 days of receipt by the Council of all necessary information plus the fee, as laid down by law. If no images can be located from the information received the applicant will be told this. This would also apply if the images have been erased before an application is received.

It should be noted that the Council retains full copyright of all images recorded by its CCTV systems. Accordingly any further use or publication of the images provided to and applicant is prohibited unless specifically authorised in writing by the Council.

The Council is entitled to refuse subject access requests in certain limited circumstances. The main circumstance is where disclosure would prejudice the prevention or detection of crime or the prosecution of offenders. In any case where a storage media has been passed to the Police or Procurator Fiscal, any subject access request will be denied until such time as the Council has been officially notified that no proceedings are to be instituted or those proceedings have been concluded. Anyone seeking access to storage media in such circumstances should approach the Procurator Fiscal.