



Basingstoke
and Deane

CCTV POLICY

Title	CCTV Policy
Owner	Safer Communities Manager
Version	1.0 New Policy 2.0 Amendment to Appendix 1 – Mobile (re-deployable) CCTV cameras- February 2017 3.0 Update to Purpose and Objectives 4.0 Review of Policy -February 2019 5.0 Review of Policy and addition of privacy notice- May 2023
Issue date	April 2016
Next revision due	May 2026

Contents

No'	Title	Page
1	MANAGING THE POLICY.....	3
2	INTRODUCTION.....	4
3	PURPOSE AND OBJECTIVES.....	4
4	ROLES AND RESPONSIBILITIES.....	5
6	USE OF CCTV IN THE BOROUGH.....	6
7	OPERATION.....	6
8	SUBJECT ACCESS REQUESTS.....	8
9	FREEDOM OF INFORMATION.....	8
10	REVIEW.....	8
11	SURVEILLANCE CAMERA CODE OF PRACTICE.....	9
12	APPENDIX A - TYPE OF CCTV.....	11
13	APPENDIX B- CCTV PRIVACY NOTICE.....	14

1 **MANAGING THE POLICY**

1.1 Ownership

This policy is owned by the Responsible Officer.

1.2 Governance

The implementation and success of this policy will be monitored by the Responsible Officer.

The following are accountable, responsible, consulted and informed in respect of this policy:

Responsible <i>Person(s) responsible for developing, implementing and reviewing the policy</i>	Safer Communities Manager
Accountable <i>Person who has ultimate accountability and authority for the policy</i>	Head of Environment and Community Services
Consulted <i>Person(s) or groups to be consulted prior to final policy implementation or amendment</i>	Information Governance Officer Officers who oversee or use CCTV as part of their roles Users of CCTV as part of their roles
Informed <i>Person(s) or groups to be informed after policy implementation or amendment</i>	CCTV Operators Officers who oversee or use CCTV as part of their roles

1.3 Review

Review will be undertaken by the Responsible Officer every 12 months and reissued in its entirety. However, it will be subject to adhoc revision to meet the needs of the council. The table of amendments below shows the history and issue status of this policy.

Issue	Date	Reason
1	April 2016	New Policy
2	February 2017	Amendment to Appendix 1 – Mobile (re-deployable) CCTV cameras
3		Update to Purpose and Objectives
4	February 2019	Review of Policy
5	May 2023	Review of Policy and addition of Privacy Notice

1.4 Compliance

All staff, members and contractors or others with access to council information must comply with this policy.

Anyone who is found to have breached this policy could be subject to Basingstoke and Deane Borough Council's [Disciplinary and Dismissal Policy & Procedure](#) and serious breaches of this policy could be regarded as gross misconduct.

If you do not understand the implications of this or how it may apply to you, seek advice from Human Resources.

1.5 Advice and Training

If you do not understand anything in this policy or feel you need specific training to comply with it you should bring this to the attention of your manager.

The Responsible Officer is able to provide further advice in respect of this policy.

1.6 Equality and Diversity

Every policy must consider equality and identify any potential barriers or discrimination faced by people protected by equality legislation.

This policy has undergone an Equality Impact Assessment (EIA), details of which can be found on the [EIA Process page on Sinbad](#).

1.7 Plain English

This document has been prepared to incorporate the main principles of plain English.

2 INTRODUCTION

2.1 This policy sets out how the council will operate and maintain CCTV across the Borough.

3 PURPOSE AND OBJECTIVES

3.1 The purpose of this policy is to ensure the management, operation and use of CCTV is regulated to ensure consistency and compliance with relevant legislation.

3.2 The Policy takes into account the:

- Surveillance Camera Code of Practice and associated guidance from the Biometrics and Surveillance Camera Commissioner

- CCTV Code of Practice issued by the Information Commissioner’s Office (ICO)
 - Following documents issued by the Home Office in October 2018:
 - Technical Guidance for Body Worn Video Devices
 - Safeguarding body Worn Video Data
 - Requirements for processing personal data as set out in the General Data Protection Regulation (GDPR) and Data Protection Act 2018
 - Right to privacy as set out in Article 8 of the Human Rights Act 1998
 - Regulation of Investigatory Powers Act 2000 (RIPA)
 - Crime and Disorder Act 1998
- 3.3 All associated information, documents and recordings obtained by CCTV must be held and used in accordance with data protection legislation, the ICO’s CCTV Code of Practice and the Surveillance Camera Code of Practice
- 3.4 Images obtained from CCTV recordings will not be used for any commercial purpose. Recordings will only be released to the media for use in an investigation of a crime provided the written consent of the Police has been given. Recordings will not be released to the media for entertainment purposes.
- 3.5 Archived CCTV images will not be kept for longer than is necessary for the purpose of Police or council evidence. Images no longer required will be securely disposed of and such disposal will be recorded on the council’s Disposal Log.

4 ROLES AND RESPONSIBILITIES

- 4.1 This section sets out the roles and responsibilities of staff in relation to the effective operation of CCTV.
- 4.2 The Safer Communities Manager is responsible for ensuring compliance with the policy in relation to all CCTV operated by or on behalf of the council.
- 4.3 The Data Protection Officer is responsible for ensuring compliance with the GDPR, Data Protection Act and Regulation of Investigatory Powers Act in relation to the processing of images and the use of any covert CCTV.
- 4.4 All staff, including temporary and contractors, and Members are responsible for complying with this policy.
- 4.5 The council is a Data Controller for the purposes of data protection legislation

5 USE OF CCTV IN THE BOROUGH

- 5.1 Predominantly the council will use CCTV for the purpose of reducing and detecting crime and anti-social behaviour as well as ensuring the health and safety of the public and its staff.
- 5.2 The use of CCTV in the Borough should always be for a specific purpose and clear signage indicating CCTV is in operation will be provided in a prominent place.
- 5.3 CCTV on the civic campus, including Wade Road and council depots, may be used for the purpose of staff training and in relation to disciplinary matters where necessary.

6 OPERATION

- 6.1 CCTV in the Top of the Town, the Malls and Leisure Park are all subject to live monitoring.
- 6.2 Images at the civic campus and depot and recycling sites and other council owned sites are recorded but are not monitored in real time.
- 6.3 Images are recorded and retained for up to 31 days unless they are required for an ongoing investigation. Where footage is required for an investigation a copy will be held for up to one year, or such other time period as may be necessary to progress the investigation.
- 6.4 Recorded information is held on digital recorders or in secure computer files with access restricted to nominated council staff or SIA certified contractors. Recorded images will only be viewed in secure monitoring centres or in offices with restricted access.
- 6.5 All requests to access or view recorded images from the town centre or top of town should be made direct to The Malls or Festival Place Control Room. Requests to access or view images from the Leisure Park CCTV should be made to the Leisure Park Control Room.
- 6.6 Requests to access or view recorded images from the council offices, recycling sites, depots or BWV should be made to:
- Community Safety Patrol Team Leaders for CSPO BWV
 - Parking Manager for Civic Enforcement Officer BWV
 - Environmental Health Team Leader for environmental enforcement cameras at recycling/bring sites
 - Specialist Services Manager, Play Area Manager or Operations Support Officer for Wade Road, the Beresford Centre and other remote council depots
 - Principle Surveyor, Investment Portfolio for Bear, Lion and Eagle Court

- Facilities Management for civic offices
- 6.7 All access to CCTV images will be logged on the appropriate form in the CCTV Compliance Management and Evidence Download Manual. A copy of this manual will be made available at each CCTV location.
- 6.8 All requests for access to recorded images must be logged. This applies to requests from members of staff or third parties, for example, the Police. Requests from individuals for a copy of their personal data, including recorded images, will be considered as a subject access request under the GDPR. Section 7, below, relates to such requests.
- 6.9 In order to ensure the preservation of images for evidential purposes, the following will apply:
- DVDs must be identified by a Name, Date, Time, Camera Location and Recording equipment used
 - The DVD must be signed by the person who downloaded the images, dated, witnessed and stored in a sealed envelope
 - An original copy of the image downloaded must be retained, date stamped and stored in a secure area.
 - The log must be completed detailing the release of the DVD to the Police, council department (or other agency if appropriate)
 - If a DVD is required as evidence, a copy may be released to the Police, who will become the Data Controller and, therefore, responsible for the images
 - The Police may require the council to retain stored DVDs for possible future evidence. Such DVDs will be indexed and securely stored for a period of 1 year, at which point they will be securely destroyed.
 - Applications received from external agencies (for example solicitors or insurance companies) to view recordings must in the first instance be made via the contact centre, to be passed to the officer in charge of the relevant system (as identified in paragraph 6.6 above). If appropriate and after liaison with the Data Protection Officer, images may be downloaded to DVD and released where satisfactory documentary evidence is produced confirming legal proceedings, or in response to a Court Order. A charge may apply for insurance companies.
- 6.10 It should be noted that, where it is necessary to download images onto removable media (DVD) they will be unencrypted in order to allow viewing by third parties. A suitable method to ensure the secure transfer of the removable media must be used and documented.
- 6.11 Still photographs of CCTV images must not be taken as a matter of routine. The taking of each photograph must be capable of justification (for example for the prevention or detection of crime and anti-social behaviour) and only done so with the permission from the immediate person in charge of the CCTV system – ie the line manager or Head of Service

7 SUBJECT ACCESS REQUESTS

- 7.1 The GDPR provides individuals with the right to access a copy of their personal data held by the council. This includes the right to access a copy of CCTV images.
- 7.2 Subject access requests should be forwarded to the Data Protection Officer for processing.

8 FREEDOM OF INFORMATION

- 8.1 As a public authority, the council may receive requests for a copy of recorded information under the Freedom of Information Act 2000 (FOI). If a request for a copy of a CCTV recording is made the following will be considered:
- Is the information the personal data of the requester? If so, disclosure is exempt under FOI, but the request will be considered as a subject access request under the GDPR.
 - Is the information the personal data of individuals other than the requester? If so, it is likely to fall under the exemption for personal data unless disclosure would not breach the GDPR principles.
- 8.2 Requests may also be received regarding the CCTV itself – for example the siting and operation of cameras or the costs associated with using and maintaining them.
- 8.3 Information following such a request would be released unless a valid exemption applied
- 8.4 All requests made under FOI should be referred to the Data Protection Officer.

9 REVIEW

- 9.1 All uses of CCTV should be reviewed on an annual basis to ensure:
- There is still a legitimate reason to maintain the CCTV
 - The CCTV cameras continue to provide images of sufficient quality
 - Signage remains up to date and relevant
- 9.2 If it is determined additional cameras are necessary, either to supplement existing CCTV or to cover another area, a Data Protection Impact Assessment (DPIA) must be completed by the relevant officer and approved by the Data Protection Officer and the relevant officers Head of Service.
- 9.3 The Biometrics and Surveillance Camera Commissioner has provided a data protection impact assessment for surveillance camera systems [Data protection](#)

[impact assessments for surveillance cameras - GOV.UK \(www.gov.uk\)](https://www.gov.uk) which must be completed whenever any changes to a system are being considered, including adding or removing cameras, changes to location and system upgrades.

10 SURVEILLANCE CAMERA CODE OF PRACTICE

10.1 The Surveillance Camera Code of Practice was issued in 2013 following the introduction of the Protection of Freedoms Act 2012 and further updated in 2021. The Code provides guidance on the appropriate and effective use of surveillance camera systems.

10.2 The council is a relevant authority as defined by Section 33 of the Protection of Freedoms Act and, therefore, must have regard to the code.

10.3 The code applies to the use of surveillance camera systems that operate in public places, regardless of whether or not there is any live viewing or recording of images or information or associated data.

10.4 The code provides 12 guiding principles which the council has adopted. These are:

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.

11 APPENDICES

- 11.1 Appendix A- Types of CCTV
- 11.2 Appendix B- CCTV Privacy Notice

Appendix A – TYPE OF CCTV

The following types of CCTV may be used by the council:

CCTV Cameras on the council's campus:

The use of CCTV cameras on the council's campus is currently restricted to the following areas:

- Reception areas in Parklands and Deanes
- Rear of the public meeting rooms in Parklands and the kiosk room
- IT network room in the basement of Deanes
- Back door in Deanes
- Basement ramp door in Deanes
- First floor, Deanes lobby area
- South side staff entrance in Parklands
- Ground floor stair lobby in Parklands
- IT server room at Wade Road

CCTV cameras at the Beresford Centre and other depots:

CCTV cameras at the council depot at the Beresford Centre, and other remote depots which are used for the storage of equipment, are installed for the purpose of reducing and detecting crime and anti-social behaviour and for the health and safety of staff, visitors and contractors. Images may be viewed where necessary in relation to disciplinary matters.

CCTV cameras at other council owned sites:

CCTV cameras at Bear, Lion and Eagle Court are installed for the purpose of reducing and detecting crime and anti-social behaviour and for the health and safety of staff, visitors and contractors.

Body Worn Video Cameras (BWV):

BWV cameras are currently used by the Community Safety Patrol Officers (CSPOs) and Parking Attendants (Civil Enforcement Officers). Such use is intended for the safety of staff and the public as well as the reduction and detection of crime and anti-social behaviour and images may be used in evidence. Footage from these cameras may also be used for staff training and investigating complaints where necessary.

Environmental Enforcement Cameras:

CCTV cameras located at the councils recycling or 'bring' sites are operated by our Environmental Health Team to deter and capture evidence of waste crime,

or what is commonly called 'fly-tipping'. This assists the council with enforcement action or the prosecution of offenders.

Mobile (re-deployable) CCTV cameras:

The council makes use of re-deployable CCTV cameras for the reduction and detection of crime and anti-social behaviour (primarily fly-tipping investigations), which can be used in various locations throughout the borough as necessary. Siting of these cameras will normally be accompanied with clear signage indicating that CCTV is in operation. However, on occasion, it may be necessary to deploy the mobile camera covertly. Further information on covert CCTV can be found below.

Covert CCTV monitoring:

Any use of covert CCTV monitoring will be undertaken in accordance with the requirements set out in the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA requires that due consideration is given to the proportionality and necessity of any covert activity and that regard is given to the rights of individuals under Article 8 of the Human Rights Act (the right to privacy).

Automatic Number Plate Recognition (ANPR):

The council does not operate ANPR for the purpose of parking or other motoring offences. However, ANPR is in operation in the Malls car park for the purpose of providing concessionary parking for blue badge holders.

CCTV in Basingstoke Town Centre:

The council operates 15 public space CCTV cameras in the town centre for the purposes of reducing and detecting crime and anti-social behaviour as well as the safety of staff and visitors. The cameras, which are located throughout the Top of the Town, are monitored on behalf of the council at a local control room 24 hours a day, 7 days a week.

CCTV at the Malls:

CCTV is operated at the Malls Shopping Centre for the purposes of reducing and detecting crime and anti-social behaviour as well as the safety of staff and visitors. The system is overseen by the managing agent, who is responsible for the monitoring of cameras and compliance with data protection legislation. The cameras are monitored at a local control room 24 hours a day, 7 days a week.

CCTV at the Leisure Park:

The council operates CCTV at Basingstoke Leisure Park for the purposes of reducing and detecting crime and anti-social behaviour and for ensuring the safety of staff and visitors. The system is managed by a security company on behalf of the council and the cameras are monitored in the onsite security office.

CCTV at Daneshill

The council is responsible for CCTV at its commercial properties at Daneshill. These cameras are not monitored and are installed for the purposes of reducing and detecting crime and anti-social behaviour.

Remotely Operated Vehicles (Drones):

The council may use drones to gather information for flood maps and flood risk situations, emergency response, Fire and Rescue, severe weather, roads, building surveys and infrastructure development.

Appendix B- CCTV PRIVACY NOTICE

Introduction

This privacy notice explains how Basingstoke and Deane Borough Council uses your data when captured on Closed Circuit Television (CCTV).

Basingstoke and Deane Borough Council has public spaces surveillance cameras in operation at various sites, including in the town centre (including the Malls), Basingstoke Leisure Park, on council premises such as the civic offices campus, at council depots throughout the borough and at some other premises which is owned and managed by the council.

In addition, our Community Safety Patrol Officers and Civil Enforcement Officers use body worn video cameras, our property services team operate a drone and there is Automatic Number Plate Recognition (ANPR) in place at the Malls car park. We also have CCTV cameras located at our 'bring' sites throughout the borough in relation to environmental offences such as fly tipping. The council may also use re-deployable CCTV, primarily for the purposes of capturing environmental crimes, such as fly tipping.

CCTV will capture images in real time wherever the cameras are directed.

Who will be using your data?

Basingstoke and Deane Borough Council will be the data controller for the data you provide to us.

What personal data do we use?

- static and moving images of people
- vehicle registration numbers

Special category personal data we may collect?

Whilst CCTV is not used for the specific purpose of recording special category data, cameras may incidentally record information which falls within these categories. Additionally, footage obtained from CCTV may be used as evidence regarding criminal offences or related security measures.

Why do we use your data?

Public Spaces Surveillance Cameras

The purpose of Basingstoke and Deane Borough Council Public Space surveillance cameras (located in Basingstoke Town centre, the Leisure Park), is to help reduce and detect crime and antisocial behaviour and make people feel safer. To achieve this, the service aims to:

- Assist with the early response to risks and incidents of crime and antisocial behaviour to prevent further escalation.
- Provide evidence to assist with the prosecution of offenders.
- Help ensure the safety and protection of people and places.
- Provide reassurance to people who visit the Town Centre.
- Support local businesses to tackle crime and antisocial behaviour through the Shop Watch and Pub Watch schemes.

- Assist the enforcement of 'Byelaws for the Good Rule and Government of the Borough of Basingstoke and Deane and for the prevention of nuisances.

Body Worn Video (BWV)

- To ensure the safety of staff and the public
- To reduce and detect crime and anti-social behaviour.
- for staff training and investigating complaints where necessary.

CCTV cameras located on the civic campus and at our depots

- For the purpose of reducing and detecting crime and anti-social behaviour
- For the health and safety of staff, visitors and contractors at these sites
- In relation to staffing matters such as disciplinary investigations

Drones

To gather information for flood maps and flood risk situations, emergency response, Fire and Rescue, survey work, severe weather, roads, building surveys and infrastructure development.

Automatic Number plate Recognition (ANPR)

The council does not operate ANPR for the purpose of parking or other motoring offences. However, ANPR is in operation in the Alencon Link car park for the purpose of providing concessionary parking for blue badge holders.

Other sites owned by the Council

- reducing and detecting crime and anti-social behaviour
- for the health and safety of staff, visitors and contractors.

Environmental Enforcement Cameras located at bring sites

- to deter and capture evidence of waste crime, or what is commonly called 'fly-tipping'.
- to assist with enforcement action or prosecution of offenders

Re-deployable CCTV

- To assist with the reduction and detection of crime and anti-social behaviour (primarily fly-tipping investigations)

Siting of these cameras will normally be accompanied with clear signage indicating that CCTV is in operation. However, on occasion, it may be necessary to deploy the mobile camera covertly.

What legal reasons allow us to use your data in this way?

Our legal basis for processing your personal data is:

- that it is necessary to meet a legal obligation
- that it is necessary to perform tasks in the public interest
- that we have a legitimate interest in processing this information

Our basis for processing special category persona data is:

- there is a substantial public interest in processing this information, for the purposes of detecting and preventing crime

Who may we share your data with or receive it from?

CCTV footage captured on council premises (including the civic campus, our depots and other sites owned by the council), BWV, Drones, Environmental Enforcement Cameras and re-deployable CCTV, will only be processed internally by council staff who are authorised to do so and any other departments where there is a legitimate and lawful reason for their involvement, such as HR colleagues in the event of an investigation.

Some of our CCTV (Town Centre, The Malls and the Leisure Park) is monitored by a third-party provider. We therefore share images captured on CCTV directly with them and they process the data on behalf of the council. Where necessary, third-party processing agreements and other contractual arrangements are in place as well as provision to monitor these contracts on a regular basis.

We may share video images captured on our CCTV to assist the police when investigating suspected criminal offences. We may also be asked for footage from insurance companies should there be an incident involving vehicle accidents or damage to vehicles visible to our CCTV cameras.

On occasion we may release images or video captured from our CCTV to the media. Recordings will only be released to the media for use in an investigation of a crime provided the written consent of the Police has been given. Recordings will not be released to the media for entertainment purposes.

May personal data be transferred overseas.

We will always make sure that your data is held in the UK or within the European Economic Area (EEA), in compliance with data protection law. We will only publish it where we have to, for example where we have to publish a public register. Information on the web can be accessed anywhere in the World

How long is your data kept for?

CCTV Images are recorded and retained for up to 31 days unless they are required for an ongoing investigation. Where footage is required for an investigation a copy will be held for up to one year, or such other time period as may be necessary to progress the investigation. Court files related to prosecutions are kept for seven years.

What rights do you have over this use of your data?

You can ask to see what data we hold about you and ask to be sent a copy. This is called a Subject Access Request (SAR). Subject access requests are free of charge unless there is a lot of work or a lot of photocopying or postage, which we are allowed to charge a reasonable fee for.

You can also ask us to:

- Correct your data if you think it is wrong
- Stop using your data if you think we should no longer be using it
- Stop using your data if you think it is inaccurate, until it's put right
- Ask that no automated processing takes place with your data
- Ask for any automated portable electronic data file we hold on you to be sent to another organisation; or
- Consider any complaint you have about how we have used your data

If we are processing your data just with your consent, you can withdraw that consent at any time.

If you are unhappy with how the council has answered your complaint, you can contact the Information Commissioner's Office at:

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AX

[Information Commissioner's website](#)

Email: casework@ico.org.uk

Freedom of Information

As a public authority, the council may receive requests for a copy of recorded information under the Freedom of Information Act 2000 (FOI). If a request for a copy of a CCTV recording is made the following will be considered:

- Is the information the personal data of the requester? If so, disclosure is exempt under FOI, but the request will be considered as a subject access request under the GDPR.
- Is the information the personal data of individuals other than the requester? If so, it is likely to fall under the exemption for personal data unless disclosure would not breach the GDPR principles.

Contact the Data Protection Officer:

If you wish to ask us anything about data protection, ask for a copy of your data or you have a complaint about how we have used or looked after your data, you can contact our Data Protection Officer at:

Data Protection Officer
Civic Offices
London Road
Basingstoke
RG21 4AH

Email: dpo@basingstoke.gov.uk