

Rother District Council

Report to:	Licensing and General Purposes Committee
Date:	16 January 2023
Title:	Surveillance Activity Annual Update and CCTV Policy
Report of:	Chief Executive
Ward(s):	All
Purpose of Report:	To note the Council's annual report on covert surveillance
Officer Recommendation(s):	It be RESOLVED : That the Council's 2022 annual update report on covert surveillance and policy on CCTV installed on its premises be noted.

Introduction

1. As Members will be aware Rother District Council (RDC) has a range of surveillance powers under current legislation. These powers are covered by a Council policy and the express approval of a senior officer. This report brings the annual report for Members, as recommended following a review of RDC's surveillance powers in May 2020 by the Investigatory Powers Commissioner's Office.

Annual Update Report

2. RDC's use of legal powers for surveillance is very limited. The last time the Council applied for these powers was in 2015. RDC's approach is fundamentally on the ground observations, and the Council only uses the legal surveillance powers when they are definitely required.
3. It is confirmed that there was no use of legally approved surveillance powers in 2022.

CCTV on Council owned property

4. The Council owns and operates CCTV equipment on its own property, for the detection of crime and to deter crime. The Council follows a policy, set out in Appendix 1.

Conclusion

5. The annual report to Members on surveillance activity meet the key recommendations of the Surveillance Commissioner's report. The next inspection is likely to be in 2023. The importance of undertaking surveillance

activity in a way which conforms to legal requirements, is critical. However, it must be emphasised, that these powers are very rarely used by RDC. Equally, to re-assure Members on the enforcement work undertaken by the Council, there are many other observations and investigations that are carried out overtly that are not captured by this policy.

Human Rights Implications

6. Any use of the Council's Covert Surveillance Powers must comply with the Human Rights Act, in particular the right to private and family life. Any breach of the Act or the Codes of Practice can lead to a claim for damage.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Malcolm Johnston
e-mail address:	Malcolm.johnston@rother.gov.uk
Appendices:	Appendix 1 – CCTV Policy
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

Rother District Council

CCTV POLICY

2022

1. Why do we have CCTV?

The purpose of CCTV is to help:

- monitor security of our premises
- provide greater personal protection for staff and members of the public
- reduce costs resulting from criminal damage or loss
- reduce insurance costs
- prevent, investigate and detect crime
- apprehend and prosecute offenders

There should be a sign near the cameras informing people of the presence of the CCTV, who controls it - Rother District Council and our contact details.

As part of the bi-annual policy review consideration will be given as to whether the use of CCTV in each location continues to be justified.

2. Requests for personal information.

All requests for CCTV footage by the Police should be referred to a third tier manager in the first instance. Managers will discuss all requests with a Head of Service.

A Section 29 notice (see Appendix A) should be completed by the Police.

Third party requests for disclosure – section 29(3) From the Police and from Individuals

Where you receive a request for personal information from an outside organisation or individual, you must be satisfied that the information requested falls within one of the exemptions from non-disclosure.

On most occasions, such requests will fall within the section 29(3) exemption – disclosure of information that is considered necessary for the purposes of

- preventing and detecting crime,
- apprehending and prosecuting offenders, or
- assessing or collecting taxes.

Those disclosing information must be satisfied that the disclosure is necessary, and that if we did not disclose the information the non-disclosure would be likely to prejudice the above aims. Requests should always be made in writing, and the person requesting disclosure should provide the information listed below:

- name and contact details of person or organisation making the request,
- date of request,
- details of the person to whom the disclosure relates, and
- the reason the information is required.

A written record of the above, together with any steps taken to verify the identity of the requester, and a record of the information disclosed. This information is in order to protect staff and officers from accusations of unlawful disclosure and to enable the Council to assess any disclosure decision. It is every officer and staff member's responsibility to retain this information.

If in doubt, please contact the Data Protection Officer.

Such requests are likely to be made where the other authority does not have specific powers to obtain the information, for example

- other local authorities and / or Department for Work & Pensions investigating benefit fraud
- police forces making enquiries about serious crime incidents or missing persons.

Note that any requests made by police officers must be made in writing and authorised by an officer of at least the rank of Inspector or an equivalent police staff of SPA grade 11 or above.

Responsibility

The day-to-day management of CCTV systems and control of the recordings is the responsibility of the Head of Service in control of the premises or land. The Head of Service will designate Officers who can view the recorded images for specific purposes.

Images should not be held on the system for longer than 14 days (or longer if this is the overwrite time) unless there is a legitimate reason for keeping them. In such cases, the reasons must be recorded.

Reasons for keeping specific images for longer may include the following:

- they are required as evidence of criminal activity that may later be used in a prosecution
- they are required for the apprehension and prosecution of offenders
- they are the subject of a request to view from a person who has been recorded
- an authorising officer has decided that access to the images should be made more widely available. An example of this is when access is given to the media.

Officers authorised to view CCTV images should ensure that:

- CCTV equipment is set up correctly
- equipment is maintained
- correct date and times are shown
- images are clear
- they know how to view and record images
- CCTV signage is in place

It is important that:

- Viewing of live images on CCTV monitors should usually be restricted to authorised officers, monitors should not be placed in areas where they can be seen by the public unless the monitor displays a scene which is also in plain sight from the monitor location
- the viewing of recorded CCTV images should not be seen by the public.
- Managers should not share information or images with other staff unless necessary.
- If a request is received to view CCTV images, Managers should ensure that the relevant tape is kept secure and not recorded over. If a hard drive system is in place, the relevant section should be copied to a disc and kept secure.

3. Requests from members of the public

If a member of the public wants to see a recording of him/her self they must fill out a Subject Request Form (which is available via the website – see **Data Protection Subject Access Request Form**) and return it with a search fee and two forms of identification to the **Data Protection Officer**. They should indicate if viewing will be sufficient or if a copy is required.

They will get a response within 40 days of us receiving the form, the fee and valid identification. They may also be asked to provide a photograph of themselves so that the correct images can be retrieved. If a request is granted, any other person appearing in the images will be edited out.

4. Record of CCTV locations

Heads of Service will maintain a record of the CCTV they are responsible for, including its location, reason for installation, last review of need, officers authorised to view and overwrite time. Authorised Officers will maintain a record of when they viewed images and why.

5. **Body cams:** <https://www.rother.gov.uk/wp-content/uploads/2020/05/Rother-Privacy-Policy-body-cams.pdf>

6. **Privacy Policy:** <https://www.rother.gov.uk/data-protection-and-foi/privacy-policy/>

7. **Further Information:** <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>



DATA PROTECTION ACT, 1998, SECTION 29(3)

I am making enquires which are concerned with:

- * (a) the prevention or detection of crime

Nature of enquiry:

.....
.....

The information sought is needed to

.....
.....

THIS REQUEST FOR INFORMATION SHOULD BE TREATED AS CONFIDENTIAL AND NOT DISCLOSED UNDER ANY CIRCUMSTANCES.

I confirm that the personal data requested are required for that/those purpose(s) and failure to provide the information will, in my view, be likely to prejudice that/those purposes(s).

Signed _____ Rank _____

Name _____ Date _____
(BLOCK CAPITALS)

Police Station _____

Countersigned _____ Rank _____
(Where necessary)

* Delete as appropriate