

Code of Practice
for the use of
Closed Circuit Television (CCTV) Systems
within the London Borough of Southwark

May 2002

1. Preamble

- 1.1 This Code of Practice has been drawn up and agreed by the interested parties to govern the management of control rooms and CCTV systems owned by the London Borough of Southwark. The Council shall be responsible for implementing the Code and for ensuring it complies with operational guidance and accountability requirements.

Each system shall be subject to Annexes of local information relating to camera use/positions and specific purposes.

2. Data Protection

- 2.2 All CCTV systems owned by the Council are to be registered with the Information Commissioner.

3. Statement of Principle

- 3.1 The use of CCTV systems, both fixed and temporary, will enable the Council to respond to the demand for electronic surveillance placed upon it by Council departments, external agencies and the community. Deployable CCTV will be available for a time-limited period to assist in dealing with specific localised problems. The use of deployable CCTV will be integrated within the objectives of the Community Safety Strategy and support the principles of the Crime and Disorder Act, 1998.

3.2 The purpose of CCTV

- 3.2.1 The use of CCTV shall be to:

- deter and prevent crime;
- reduce the fear of crime and reassure the public;
- assist the Police or Council in intervening in the event of crimes being committed;
- provide evidence relevant to the prosecution of offences or other legal process;
- reduce graffiti, vandalism and other criminal damage;
- deter and respond to drug dealing, racial harassment and anti-social behaviour; and
- facilitate traffic management.

3.3 The video tape as evidence

- 3.3.1 *All references to video tape and video recorders in this code apply equally to digital recording media, such as Digital Audio Tape, computer discs, etc. which may be subsequently introduced.*

- 3.3.2 Any video tape must be of proven integrity. There must therefore be evidence of continuity of handling of the video tape from the time it was first brought into use, to its production in court as evidence. Video tape evidence must be the original recording and there must be no editing, either by cutting, splicing or recording from other sources, so as not to prejudice its evidential value. There shall be clear evidence that the tape was new or had been erased prior to use. The video cassette recorder must include a time and date generator.

- 3.3.3 *The House of Lords Select Committee on Science and Technology, when considering digital images as evidence, accepted in its report of February, 1998 that in relation to digital imaging, "The original is the data first recorded in memory, thus any printed or displayed image created from these is a copy...All that is available for evidence is a copy of the first, probably temporary, recording in memory, and this will be admissible in evidence. Its weight as evidence will depend on proper authentication and other matters".*

4. Installation of CCTV

- 4.1 The installation of CCTV facilities in public areas, particularly the siting of cameras, shall be carried out in consultation with the appropriate Police Crime Prevention Design Adviser(s) and other interested parties, which may include relevant community representatives and trade organisations. Upon installation, the field of vision of each camera shall be checked and restricted to avoid any possibility of capturing views that could infringe privacy. This would include views into private dwellings. The Southwark Police and Community Consultative Group (SPCCG) Monitoring Panel will undertake occasional random checks to verify that this requirement is being complied with.
- 4.2 Camera locations shall, as far as is consistent with the purposes of the deployment, be in public view.
- 4.3 Signs informing the public that CCTV cameras are operating (*and why*) shall be displayed at or near the perimeter of the area covered by the scheme or deployment and at other key points. Such signs must identify the owner of the system and give an official address. There is no requirement to place signs directly under camera locations.
- 4.4 In exceptional and limited cases, when it is assessed that signs would not be appropriate, the Council shall ensure that they have:
- (a) identified specific criminal activity;
 - (b) identified the need to use surveillance to obtain evidence of that criminal activity;
 - (c) assessed whether the use of signs would prejudice success in obtaining such evidence;
 - (d) assessed how long the covert monitoring should take place to ensure that it is not carried out for longer than is necessary; and
 - (e) documented a) to d) above.

Note: The Provisions of the Regulation of Investigatory Powers Act 2000 will need to be considered when covert surveillance is anticipated.

- 4.5 Targeted observation of individuals shall only be undertaken for good reason and in accordance with the purposes set out above.
- 4.6 The Council is committed to maintaining, reviewing and enhancing its CCTV facilities in order to ensure and improve their effectiveness. The Council will define clear procedures for dealing with defects to any part of the system, including who is responsible for arranging repairs and ensuring that such repairs are carried out within a specific time period.

5. The Use of Tapes

- 5.1 A library of 31 high quality video tapes for each recorder shall be established on an annual basis. This allows for one per day for each day of the month, assuming tape changes after 24 hours (12 hour tape changes will double this requirement).
- 5.2 Each library shall be changed at the end of a twelve-month period.
- 5.3 All tapes shall be 'clean' prior to recording.
- 5.4 All tapes shall be used a maximum of twelve times.
- 5.5 A further stock of spare video tapes shall be retained for use as replacements for library tapes, which are:
 - retained by the Police as evidence;
 - damaged, or
 - not available for use for any other reason.

6. The Storage of Tapes

- 6.1 Video tapes shall be stored upright in a secure cabinet to ensure there is no unauthorised access or possibility of accidental damage.
- 6.2 The storage space shall be free from dust and moisture.

7. The Cataloguing of Tapes

- 7.1 There shall be a defined procedure for recording the use of each individual tape.
- 7.2 Each tape shall be given a unique reference number.
- 7.3 A label shall be fixed to each video tape showing its unique reference number.
- 7.4 A register shall be maintained to log the use of all tapes.
- 7.5 This register shall be stored in a secure place.

8. The Maintenance of an Incident Book

- 8.1 An incident book shall be maintained wherein staff must record details of any occurrences within the control room, not required to be recorded elsewhere.
- 8.2 Such written records shall be signed by the member of staff entering them.
- 8.3 The transference of control of any part of the system to the Police shall be formally recorded, stating date, cameras and relevant times.
- 8.4 The incident book shall be stored in a secure place.

9. The Loading of Tapes

- 9.1 Prior to recording, the equipment shall be checked to ensure it is in good working order.
- 9.2 The time and date generator shall be checked to ensure it is correctly set.
- 9.3 At least monthly, a test recording shall be made on each recorder, using a specific testing tape, to compare quality with an original test recording. The comparison between the two will indicate any significant loss of quality. In the event of such a loss, appropriate action shall be taken.

10. The Re-usage of Tapes

- 10.1 Video tape recordings shall be held for a minimum of fourteen days and if not required as evidence shall be erased no later than the thirty-first day.
- 10.2 All previous recording on video tapes shall be erased prior to re-usage. Failure to do so may disqualify the tape for evidential purposes. The erasure shall be recorded on the record of use log.

11. Dealing with Incidents

- 11.1 The manner in which the Control room operatives deal with incidents shall be laid down in an operational procedures guide, a copy of which will be held in the Control room. All control room staff will sign a "Declaration by Controllers", reproduced at Appendix B.

12. Procedure for the Police

- 12.1 When the Police have reasonable cause to believe that an incident may have been recorded, they shall attend the relevant Control room to view the appropriate recording. When the Police have requested access to a recording, until such access has been granted, no member of the Council or Contractor staff shall playback or make any other use of the required video tape.
- 12.2 The Police may view the recording at the relevant Control room on a monitor provided for this purpose. If the tape is of evidential value, a working copy may be made at the control room.
- 12.3 The monitor provided for the reviewing of video tapes recordings shall not be used by control room staff, for any purpose not connected with the authorised review of video tapes.
- 12.4 The Council or their contractors shall provide the Police with statements, in an approved form, including the following details:
 - (a) the staff member who last placed the video tape in the library;
 - (b) the staff member who erased the tape and placed it in the recorder; and
 - (c) the staff member (if any) who monitored the incident.

- 12.5 When seizing an original video tape recording as evidence, the Police shall deal with it in accordance with their instructions and the rules of evidence. This will ensure an audited trail from the time the tape was inserted in the recorder until its production at court.

13. Access to Video Tapes

- 13.1 Police officers assigned to investigate reported incidents shall be granted access to view recordings.
- 13.2 Council departments shall have access in respect of the proper transaction of Council business through requests from the appropriate Chief Officer, or other nominated officer for this purpose, to the Chief Executive or nominated officer.
- 13.3 Working copies of relevant recordings for Council use shall only be made with the express approval of the Chief Executive or nominated officer. If such recordings are to be used in court proceedings, the procedure outlined in **12.** above, shall be complied with by the Council.
- 13.4 For each deployment of deployable CCTV, a nominated officer from the relevant service department or other agency shall be authorised to view the tapes for the period of that project only.
- 13.5 Access may also be gained by application through the Court.
- 13.6 In all cases, reviewing shall be carried out under the supervision of the Control room staff.

14. Transfer of Monitoring

- 14.1 Where such facilities exist, on the telephone request of the Police Controller, control room staff shall transfer the control of monitoring of relevant cameras to the Police Control room. Due consideration should be given that control room staff are likely to have more experience and greater dexterity in manipulating CCTV equipment.
- 14.2 If the transfer facility is installed, a dedicated communications link between the control room and the relevant police station shall be maintained at all times.

15 Management of Control Rooms

- 15.1 The security of control rooms shall be maintained in a manner jointly agreed by the Council and the Police.
- 15.2 A member of the control room staff shall be available at all times to ensure that the Council's obligations for transference of control and control room security shall be fulfilled.
- 15.3 All visitors to the control room shall be recorded in a log maintained for that purpose.

16. Access to Control Rooms

- 16.1 Access to the control room shall be regulated by the Council officer or contractor authorised to do so.
- 16.2 Access shall be given to:
- (a) operatives employed by the Council or its contractor for the purpose of managing the system; and
 - (b) Police and Council officers authorised for that purpose.
- 16.3 Access shall be given to members of the Southwark Police and Community Consultative Group (SPCCG) Monitoring Panel in accordance with **20**. ("Accountability").
- 16.4 Others wanting access may have a right under S7 of the Data Protection Act, 1998. All staff involved in operating the CCTV system must be able to recognise a request for access to recorded images by data subjects.
- 16.5 Data subjects shall be provided with a subject access request form, which will indicate the information required in order to locate the images requested and the information required in order to identify the person making the request.
- 16.6 A fee of £10 shall be charged for carrying out a search for the images requested.
- 16.7 The data subject shall be given the opportunity merely to view the images recorded.
- 16.8 Individuals requesting subject access shall be provided with a leaflet explaining the rights provided by the 1998 Act, the type of images recorded and retained and the purpose for so doing, and information about the disclosure policy in relation to those images.
- 16.9 The authorised Council officer or contractor shall deal with all subject access requests. This officer shall deal with all these requests in accordance with the standards defined in the CCTV Codes of Practice published by the Information Commissioner and in Sections 7, 10, 12 and 13 of the Data Protection Act, 1998.
- 16.10 The authorised officer shall be entitled to withhold personal data from an individual making a subject access request, where it has been adjudged that to disclose the personal data would be likely to prejudice either
- (a) prevention or detection of crime, or
 - (b) apprehension or prosecution of offenders.
- 16.11 The Subject Access Request Form is reproduced at Appendix A.

17. Provision of Video Stills

- 17.1 Where the relevant equipment is installed, on application from the Police or authorised council officer, the control room staff shall produce and provide relevant still photographs taken from recorded video images. *Such provision of still photographs shall be logged in a register provided for the purpose.*

18. Provision for Special Contingencies

- 18.1 In the event or prospect of serious disorder or other major incident, the Chief Executive or nominated officer may authorise the Police to enter and manage the control room.
- 18.2 The control room staff will remain in attendance and assist in the operation of the equipment.

19 Training

- 19.1 Where appropriate, control room operators will attend staff training on privacy issues raised by observation of residential areas and sign an appropriate confidentiality agreement.
- 19.2 All control room staff will receive training on the content of the Code of Practice.
- 19.3 The Council or its contractor will adopt fair systems for recruitment, in accordance with their existing employment policies.
- 19.4 Staff must be qualified to an agreed level and be capable of meeting in-service training requirements as laid out in 19.1 and 19.2 above.
- 19.5 The Council and its contractor will adopt a disciplinary procedure that incorporates compliance with this Code of Practice. Such a procedure shall make plain the consequences of a breach of the Code or misappropriation of recordings.

20 Accountability

- 20.1 The supervision and management of control rooms shall be monitored by the panel elected by the SPCCG, with a view to ensuring that the Code of Practice is complied with. Access by its members shall not be unreasonably denied by the Council or its contractor, unless the integrity of any video taped evidence may be compromised.
- 20.2 Any perceived breaches of the Code shall be reported to the Chief Executive or nominated officer as soon as possible, for appropriate action to be taken. The Nominated Officer shall investigate minor breaches.
- 20.3 In the event of a serious breach of the Code, either the Council or the Police complaints and disciplinary procedures will be adopted, depending on the nature of the alleged breach.
- 20.4 The Monitoring Panel will meet at least quarterly with Council and Police representatives to review CCTV operations and will report annually to the SPCCG.

20.5 Copies of the Code of Practice, together with SPCCG annual reports, will be available for inspection at public libraries and other public offices, where it shall be publicised through the provision of notices.

20.6 Details of the Chief Executive or nominated officer shall also be available in the event of a person wishing to make a complaint relating to the use of CCTV systems in Southwark.

21 Complaints

21.1 Complaints relating to the use of any CCTV system within the control of the London Borough of Southwark, whether amounting to a breach of this Code of Practice or not, shall be recorded. Information on how to record a complaint is retained at Southwark Council offices. Complaints should be addressed to the nominated CCTV manager in the first instance for investigation.

21.2 The Council and/or its Contractors shall be bound by all normal Council complaints and discipline procedures. Complainants, in addition to the completion of a Council complaints form, shall be provided with the leaflet as at paragraph 16.8 ante, which provides information relating to the types of images recorded and retained.

22. Evaluation

22.1 CCTV systems owned by Southwark Council will undergo periodic independent evaluation as agreed by those concerned with the monitoring and performance of such systems. Such evaluation should include:

- (a) assessment on the impact of crime;
- (b) displacement;
- (c) public opinion;
- (d) the Code of Practice;
- (e) whether the purposes for which the system was established still exist; and
- (f) a technical assessment of the system.

22.2 Evaluation reports shall be published.

23 Review of this Code of Practice

23.1 The working of this Code of Practice shall be reviewed and evaluated by all concerned in its operation and shall be reported to the SPCCG at least annually.

23.2 Major amendments to this Code of Practice shall be by agreement with the SPCCG and the relevant Council committee.

23.3 Minor changes to the Code may be agreed by senior representatives or nominated officers of the Council, Police and SPCCG Monitoring Panel

How to Apply for Information held by the London Borough of Southwark under the Data Protection Act 1998

Your Rights

You have a right to be told whether any video images are held which identify you.

The Data Controller will only give that information if he is satisfied as to your identity. He does not have to give any information identifying someone else, unless that person agrees. If you think video images may be held about you which may also identify another person, you need to obtain that person's agreement and send it with your application. If such agreement is not possible or not obtained it may be necessary to arrange for third party images to be disguised or blurred.

Data Controllers Rights

You will not be entitled to receive information held on computer where that information is held for:

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

and giving you the information would be likely to prejudice any of these purposes (Section 29).

NOTE: It may be necessary to consult with the Metropolitan Police before forwarding information subject of this application. The fee to apply for information is £10.00. Cheques or postal orders should be made payable to London Borough of Southwark.

Proof of Identity

To help establish your identity, your application must include photocopies of two official documents which between them clearly show your name, address and date of birth. For example: driving licence, medical card, birth certificate, passport, etc.

Submitting the Completed Application Form

When you have completed the application form, please forward it with the appropriate proof of identity and fee to:

.....

Applications may take up to _____ days to process.

Application Form

SECTION 1: PERSONAL DETAILS

(to be completed in all cases using block capitals)

Title (Mr/Mrs/Miss/Other)

Surname/Family Name

First Name(s)

Former Name(s)

Sex (Male/Female) Date of Birth

Place of Birth (Town) (County)

Height

Home Address (this is the address to which all replies will be sent unless you specifically indicate otherwise)

.....

.....

Postcode Tel No. (Day)

If you have lived at the above address for less than 10 years please give your previous address(es) for that period below:-

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SECTION 2: TYPE OF INFORMATION HELD

The London Borough of Southwark holds only information relating to video images. The Police National Computer holds information relating to prosecution/conviction history. This information is not held by London Borough of Southwark. You will need to make a separate application to Metropolitan Police for access to prosecution/conviction history.

Metropolitan Police systems hold information which cover a range of purposes. For example, incident recording and resource allocation, crime recording, cautions, fixed penalty, prisoner handling, domestic incidents, traffic process, warrant, firearms, internal discipline and complaints personnel.

If you require access to Metropolitan Police systems you are required to complete a separate application. Please include dates and places of incident(s), the type of incident and why you think the police hold information about you.

In relation to this application dealing solely with video images, were you:

The Person reporting an offence or incident YES/NO

A witness to an offence or incident YES/NO

A person accused or convicted of an offence YES/NO

A victim of an offence YES/NO

Other (please explain)

.....

Please give details of date and location of incident and any other information

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Should the information you require relate to your vehicle, please supply details of make, model and registration number

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CHECKLIST

Before sending your application, please ensure you have completed the following:

- (a) Completed all sections of the form
- (b) Enclosed your identification documents
- (c) Signed the enclosed form
- (d) Enclosed the £10.00 fee

HELP DESK

If you have difficulty completing this application form please contact the Help Desk at London Borough of Southwark Council offices where assistance and/or reference to the Data Controller or the nominated manager may be possible.

DECLARATION *(to be signed by the applicant)*

The information I have supplied in this application is correct, and I am the person to whom it relates:

Signed by Date

WARNING: A person who impersonates or attempts to impersonate another may be guilty of an offence.

MORE INFORMATION

These notes are only a guide. The law is set out in the Data Protection Act 1998, a copy of which is available from H.M.S.O. Further information and advice may be obtained from:

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

Tel: 01625 545745

NOTE: This application for access to information must be made direct to the London Borough of Southwark and **NOT** to the Information Commissioner.

FOR OFFICIAL USE ONLY

Date application received

Application checked YES/NO

Details of identity document(s)

Identity document(s) checked YES/NO

Type of document(s): Driving Licence / Passport / Medical Card / Birth Certificate /
Marriage Certificate / Other:

Document(s) returned YES/NO

Method of Payment

Cheque / Cash / Postal Order

Receipt Number

Officer Completing This Section

Name

Signature

Declaration by Controllers
of
London Borough of Southwark
Closed Circuit Television Schemes

I have read and been instructed in the contents of The Code of Practice and the Associated Operations Manual in respect of all CCTV schemes operated by or for the London Borough of Southwark.

I understand the implications relating to the rights of the individual and will maintain absolute confidentiality respecting all information which comes within my knowledge during, or as a result of my employment in controlling and monitoring the schemes.

I am in receipt of, and fully accept the terms of the Job Description in respect of Control Centre Personnel.

Signed: _____ Controller _____

Witnessed: _____ on behalf of
London Borough of Southwark

Date: _____