



# MALMESBURY TOWN COUNCIL

## **CCTV Policy for Malmesbury Town Council**

### **Guiding Principles**

1. The use of surveillance camera system must always be used for a specific purpose which is in pursuit of legitimate aim and necessary to meet an identified need.
2. The use of a surveillance camera system must consider 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. That all systems and policies are reviewed annually to ensure they are being adhered to, remain relevant and required.
11. The quality of image should be of quality to be effective in aiding civil and criminal law enforcement.
12. Databases and associated images used for matching and identification purposes should be accurate and up to date. Data will not be used for personal gain or interest.

## **1. Policy Statement**

This policy is to control the management, operation, use and confidentiality of CCTV systems that are owned and managed by Malmesbury Town Council.

The policy was prepared after taking due account of the Code of Practice published by the Data Protection Commissioner (revised 2015) and the General Data Protection Regulations 2018. This policy will be subject to review by Malmesbury Town Council annually to ensure that it continues to reflect the public interest and that it and the system meets all legislative requirements.

Malmesbury Town Council accepts the twelve data protection principles based on the Data Protection Act 1998. In simpler terms Data must be:

1. Fairly and lawfully processed
2. Processed for limited purposes and not in any manner incompatible with those purposes
3. Adequate, relevant and not excessive
4. Accurate and of good quality
5. Not kept for longer than is necessary
6. Processed in accordance with individual's rights
7. Secure
8. Not used for individual or public entertainment

## **2. Statement of Purpose**

To provide a safe and secure environment for the benefit of those who might visit, work or live in Malmesbury. The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law. The scheme will be used for the following purposes:

- To reduce the fear of crime by persons using facilities at St Aldhelm's Mead, Cross Hayes, Cloister Gardens, Station Yard, Malmesbury Cemetery and town centre locations so they can freely move about and enter and leave buildings and facilities without fear of intimidation by individuals or groups.
- To reduce the vandalism of property and to prevent, deter, and detect time crime and disorder.
- To assist the Police, Malmesbury Town Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of byelaws.
- To deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display in areas being monitored.
- To assist all "emergency services" to carry out their lawful duties.
- To assist insurance companies in identification of individuals who damage another person's property and fail to comply with legal responsibility.

### **3. Changes to the Purpose or Policy**

The CCTV Policy may be discussed at meetings of the Policy & Resources Committee of Malmesbury Town Council.

However, any major change that would have a significant impact on either the purpose or operation of the CCTV scheme will take place only after discussion and resolution at a Town Council meeting

### **4. Responsibilities of the Owner of the Scheme**

Malmesbury Town Council retains overall responsibility for the scheme.

### **5. CCTV Code of Practice**

#### **5.1. Management of the System**

Day to day operational responsibility rests with the Town Clerk to Malmesbury Town Council. The Mayor and Chair of Policy & Resources Committee are the councillors with responsibility for also overseeing operational responsibility. Breaches of this policy will be investigated by the Town Clerk and reported to the Town Council.

Any relevant tape or digital evidence must be in an acceptable format for use at Court hearings. This policy must be read and understood by all persons involved in this scheme and individual copies of this policy will therefore be issued for retention. A copy will also be available for reference in the secure recording areas.

#### **5.2. Control and Operation of the Cameras, Monitors and Systems**

The system is not monitored on a live basis. It is reviewed when needed or being tested to monitor cameras and efficiency.

The following points must be understood and strictly observed by people reviewing activities:

- a) Trained personnel must act with integrity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual.
- b) The position of cameras has been agreed following consultation with the installation company and Full Council. Emergency Service have also been consulted.
- c) No public access will be allowed to the monitors except for lawful, proper and sufficient reason, with prior approval of the Town Clerk or Estates Officer or Mayor or Chair of Policy and Resources.
- d) Monitors displaying images of the CCTV system will be located so that only authorised persons have access. Access to recorded images will be restricted to those authorised and the viewing of recorded images must take place in a secure area to which public have no access.

- e) The Police are permitted access to tapes, digital images and prints if they have reason to believe that such access is necessary to investigate, detect or prevent crime. The Police can visit the Town Hall to review and confirm the Town Council's operation of CCTV by arrangement. Any visit by the Police to view images will be logged by the operator and Town Clerk.
- f) As records may be required as evidence at Court, each person handling a digital record may be required to make a statement to a Police Officer and sign an exhibit label. Any images that are handed to a Police Officer, should be signed off by the Police Officer and information logged to identify the recording, showing the Officer's name and Police station. The log should also show when such information is returned to Malmesbury Town Council by the Police and the outcome of its use.
- g) The council is not permitted to release any recorded CCTV footage direct to an applicant. Requests for recorded CCTV footage must be submitted in writing by an insurance company or a solicitor acting on behalf of an applicant, using a Subject Access Request Form. This provides the necessary assurance that any CCTV footage we release will only be used for lawful purposes.
- h) Images will not normally be supplied to the media, except on the advice of the Police if it is deemed to be in the public interest. The Town Clerk would inform the Mayor and Chair of Policy & Resources of such a request and action followed.
- i) The Town Clerk should regularly check the accuracy of the date/time displayed.
- j) Digital records should be securely stored to comply with data protection and should only be handled by the essentially minimum number of persons. Digital images will be overwritten or erased after a period of 31 days.
- k) Any event that requires checking of recorded data should be clearly detailed in the logbook of incidents, including Crime Numbers. If appropriate, Malmesbury Town Councillors should be notified at the next available opportunity.
- l) Any damage to equipment or malfunction discovered by the Town Clerk should be reported immediately to the Mayor and Chair of Policy and Resources and recorded in the log. When a repair has been made, this should also be logged showing the date and time of completion.

### **Subject Access Requirements**

Any request by an individual member of the public for access to their own recorded image must be made on an Access Request Form. Forms are available by contacting the Town Clerk or can be downloaded from the Malmesbury Town Council website and will be submitted to the next meeting of the Full Council or Policy & Resources Committee (whichever comes first) for consideration and reply, normally within one calendar month. Consideration of Subject Access Requests may be delayed during August as the Full Town Council or Policy & Resources does not meet in that month. There are no fees or charges for the first request but additional requests for personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

### **5.3. Accountability**

Copies of the CCTV Policy are available in accordance with the Freedom of Information Act, as will any reports that are submitted to Malmesbury Town Council providing it does not breach security needs.

The Police will be informed of the installation and provided with a copy of this CCTV Policy.

Any written concerns or complaints, regarding the use of the system will be considered by Malmesbury Town Council, in line with the existing complaints policy.

**25th November 2024**

**Subject Access Request – CCTV Images**

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|---|--|
| Date of recording:  |  |
| Time of recording:  |  |
| Location of recording:  |  |
| Full name and address of subject:   |  |
| Telephone No:   |  |
| Email address:  |  |
| Full description of subject's clothing at time of recording, visual appearance etc. | (A recent photograph may be necessary to assist with identification)   |
| Reason for requesting access to CCTV images.  |  |
| Signature of subject (If under 18 years of age signature of parent or guardian)     | .....<br>(You will be required to provide evidence of your identity e.g. driving licence, passport etc. If you are applying on behalf of a person under 18 years of age you will also be required to provide evidence that you are the parental guardian of the subject) |