



Horley Town Council

Closed Circuit Television (CCTV) Scheme and Code of Practice

1. STATEMENT OF INTENT:

- 1.1** This CCTV Scheme and Code of Practice shall be operated under current legislation contained in the Data Protection Act 2018, Freedom of Information Act 2000 (FOIA), the Protection of Freedoms Act 2012 (PFA), the Human Rights Act 1998 (HRA), the Secretary of State's Surveillance Camera Code of Practice (SC code) and the Information Commissioner's Office (ICO) CCTV Code of Practice.
- 1.2** Horley Town Council will treat as data all CCTV recordings and relevant information.
- 1.3** Cameras shall be used to monitor activities within the Town Council and its recreation grounds and open spaces in line with the objectives of the scheme.
- 1.4** The planning and design has endeavoured to ensure that the scheme will give maximum effectiveness and efficiency. It is not possible, however, to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

2. BACKGROUND:

- 2.1** Under the Protection of Freedoms Act 2012 and Data Protection Act 2018, the processing of personal data captured by CCTV systems is governed (including images identifying individuals). The Information Commissioner's Office (ICO) has issued a Code of Practice on compliance with legal obligations. The use of CCTV is covered by the Act, regardless of the number of cameras or how sophisticated the equipment is and Horley Town Council complies with the ICO's Code of Practice.
- 2.2** Horley Town Council is committed to informing its members, staff, contractors, volunteers and service users about the presence of and operation of CCTV. This Policy is available on the Horley Town Council website to provide clarity about how CCTV is utilised. Access to personal information recorded through CCTV cameras is restricted solely to appointed personnel, namely the Data Protection Lead or as delegated by the Town Clerk.

3. PURPOSE OF THE CCTV SCHEME AND ACCOUNTABILITY:

- 3.1** Horley Town Council has a comprehensive CCTV surveillance system for the purpose of the prevention and detection of crime and the safety and welfare of members, staff, contractors and the general public. All cameras are monitored from the Town Council Offices which are streamed wirelessly from separate control units held at each secure location and the footage is uploaded to the cloud via these two off-site secure servers.
- 3.2** The CCTV systems are owned wholly by the Town Council and this Scheme explains how Horley Town Council will operate its CCTV equipment and comply with current legislation. The CCTV systems will:

- always be used for the purpose specified which is in pursuit of a legitimate aim and necessary to meet an identified pressing need
 - take into account its effect on individuals and their privacy
 - have as much transparency as possible, including a published contact point for access to information and complaints
 - have clear responsibility and accountability for all surveillance activities including images and information collected, held and used
 - have clear rules, policies and procedures in place and these must be communicated to all who need to comply with them
 - have no more images and information stored than that which is strictly required
 - restrict access to retained images and information with clear rules on who can gain access
 - consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards
 - be subject to appropriate security measures to safeguard against unauthorised access and use
 - have effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with
 - 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, when used in pursuit of a legitimate aim
 - be accurate and kept up to date when any information is used to support a surveillance camera system which compares against a reference database for matching purposes
- 3.3** This policy will be kept under regular review which shall include a review in respect of the effectiveness and necessity of the systems.

4. OBJECTIVE OF THE CCTV SCHEME:

- 4.1** Horley Town Council uses CCTV equipment to provide a safer, more secure environment for its Members, staff, contractors, volunteers and service users as well as to combat vandalism and theft. Essentially it is used to:
- Reduce the fear of crime
 - Deter crime and criminality
 - Aid the apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings)
 - Safeguard the public, volunteers, contractors, Members and staff
 - Monitor security of the council sites, community buildings, parks and open spaces (where surveillance cameras are positioned)
 - Protect members of the public and private property
 - Reduce instances of nuisance and vandalism
 - Promote a sense of safety to park users
 - Provide safety and security to vulnerable members of the community.
- 4.2** Horley Town Council does not use the CCTV system for covert monitoring.

5. CCTV LOCATIONS AND IDENTIFICATION:

- 5.1** Surveillance cameras are located in those areas where it has been identified there is a need and where other solutions are ineffective. The CCTV system is used solely for the purpose(s) identified and cameras will not be used in areas subject to a heightened expectation of privacy e.g. changing rooms or toilets.
- 5.2** Horley Town Council shall ensure that prominent signage is in place to alert individuals to the use of CCTV at the:
- Town Council Offices Albert Rooms, 92, Albert Road, Horley
 - Horley Recreation Ground/Café Pavilion, Brighton Road, Horley
 - Innes Pavilion and Court Lodge playing fields, Horley.
- 5.6** The signs shall be:
- Clearly visible and legible
 - Contain details of Horley Town Council as managing the scheme
 - The purpose for using CCTV and who to contact about the scheme
- 5.7** The systems are operational and images are capable of being monitored for 24 hours a day throughout the whole year. Images captured on camera will be recorded on the main CCTV servers which are uploaded to a cloud system and held securely. Although every effort has been made in the planning and design of the CCTV systems to give it maximum effectiveness, it is not possible to guarantee that the systems will detect every incident taking place within the area of coverage. No unauthorised access to the system shall be permitted at any time. Static cameras will not focus on private homes, gardens and other areas of private property. Materials or knowledge secured as a result of CCTV will not be used for any commercial purpose.
- 5.8** Recordings will only be released to the media for use in the investigation of a specific crime and with the express authority of the Police. Recordings shall never be released to the media for purposes of entertainment.

6. MAINTENANCE:

- 6.1** The CCTV system is maintained by Horley Town Council and includes periodic maintenance inspections by contractors appointed by Horley Town Council.
- 6.2** Horley Town Council is responsible for:
- Ensuring that it complies with its responsibilities in relation to guidance on the location of the surveillance cameras
 - Ensuring that date and time references are accurate
 - Ensuring that suitable maintenance and servicing are undertaken to ensure that clear images are recorded
 - Ensuring that the Data Protection Lead is trained in the use of the equipment
 - Ensuring that cameras are protected from vandalism and remain operational

7. TYPE OF EQUIPMENT:

The CCTV operated by Horley Town Council records visual images only and does not record sound.

8. OPERATION OF THE SYSTEM:

- 8.1** Horley Town Council is the Data Controller and is legally responsible for the management and maintenance of the CCTV system. The Town Clerk has responsibility for the control of images and deciding how the CCTV system is used. Any concerns in respect of the system's use or regarding compliance with this policy should be addressed to the Town Clerk. The Town Council is registered with the Information Commissioner's Office (ICO) through an annual subscription renewal. Only the Town Clerk and Data Protection Lead will have access to images and are aware of the procedures that need to be followed when accessing the recorded images. The Town Clerk and Data Protection Lead are trained and are aware of responsibilities under the CCTV Code of Practice: <https://ico.org.uk/for-organisations/guide-to-data-protection/encryption/scenarios/cctv>
- 8.2** Access to recorded images is restricted to the Town Clerk and Data Protection Lead and recordings will be accessed as prescribed by the Town Council in the event of an incident. Access to the medium on which the images are recorded is documented. All employees are aware of the restrictions in relation to access and security, and disclosure of, recorded images.
- 8.3** The CCTV system will be in operation 24 hours each day, for every day of the year. The systems shall be checked on a regular basis to ensure that the system is operating effectively and in particular that the equipment is properly recording and that cameras are functional. The system will be regularly serviced and maintained. Defects will be reported to the servicing company at the earliest opportunity.

9. CONTROL OF SOFTWARE AND ACCESS TO THE SYSTEMS:

- 9.1** Access to the CCTV software will be strictly limited to authorised operators and shall be password protected.
- 9.2** Authorised operators must be satisfied that all persons viewing CCTV material have a legitimate reason to do so before permitting access. The main control systems and facilities shall be kept secure at all times.
- 9.3** Other administrative functions shall include controlling and maintaining downloaded digital materials, and maintenance system access logs.

10. DIGITAL IMAGES, RECORDINGS AND PROCEDURES:

- 10.1** The systems are supported by digital recording facilities which will function throughout operations in real time. As the images are recorded digitally, the process of identifying retrieval dates and times will be computerised.
- 10.2** Image storage, viewing and retention of recorded images shall be in an appropriate way that ensures the integrity of the image and in a way that allows specific times and dates to be identified. Horley Town Council reserves the right to use images captured on CCTV where there is activity that cannot be expected to be ignored such as criminal activity, potential gross misconduct, or behaviour which puts others at risk.
- 10.3** The Data Protection Lead shall retain images for evidential purposes, as appropriate. Where images are retained, the Data Protection Lead shall record the reason for its retention, where it is kept, any use made of the images and finally when it is destroyed.
- 10.4** Live and recorded materials may be viewed by authorised operators investigating an incident, or may be downloaded from the system in line with the objectives of the scheme. Images (stills and footage) may be viewed by the Police for the detection of crime.
- 10.5** A record shall be maintained of the release of images to the Police or other authorised applicants. A register will be available for this purpose. Horley Town Council shall ensure that

images are retained for no longer than is absolutely necessary (typically 30 days). Once the retention period has expired, the images shall be immediately removed or erased.

11. DISCLOSURE:

- 11.1** Disclosure of the recorded images to third parties can only be authorised by the Data Controller as delegated to the Town Clerk. Disclosure will only be granted if:
- Its release is fair to all individuals concerned.
 - If there is an overriding legal obligation (e.g. information access rights).
 - If it is consistent with the purpose for which the system was established.
- 11.2** All requests for access or for disclosure shall be documented and If access or disclosure is denied, the reason shall be documented.
- 11.3** Disclosure may be authorised to law enforcement agencies, even if a system was not established to prevent or detect crime, if withholding it would prejudice the prevention or detection of crime.

12. BREACHES OF THE CODE (INCLUDING BREACHES OF SECURITY):

Any breach of the CCTV Code of Practice shall be investigated by the Town Clerk, in order for her to take any appropriate disciplinary action.

13. COMPLAINTS:

Any complaints in regard to the CCTV system operated by Horley Town Council should be address in writing to the Town Clerk in the first instance.

14. SUBJECT ACCESS REQUESTS:

- 14.1** Subject Access Requests (SARs) should be brought to the attention of the Town Clerk, as directed by the Information Commissioner’s Office (ICO) CCTV Code of Practice:
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>
- 14.2** Individuals whose images are recorded have a right to view images of themselves and, unless they agree otherwise, to be provided with a copy of the images.
- 14.3** In the event of Horley Town Council receiving a Subject Access Request (SAR) under the General Data Protection Regulations 2018, it will comply with requests within one calendar month. The Town Council may charge a fee for the provision of a copy of the images.
- 14.4** In the event of the Town Council receiving a request under the Freedom of Information Act 2000, it shall comply with requests within 20 working days of receiving the request. As a general rule, if the viewer can identify any person other than, or in addition to, the person requesting access, it will be deemed personal data and its disclosure as a Freedom of Information request is improbable. Those requesting access must provide enough detail to allow the operator to identify that they are the subject of the images and for the operator to locate the images on the system. Requests for access should be addressed to the Data Controller at the following address:
- Data Controller c/o Town Clerk
Horley Town Council
Council Offices
92 Albert Road, Horley RH6 7HZ
Tel: 01293 784765
Email: town.clerk@horleytown.com**

15. MONITORING AND EVALUATION:

Horley Town Council shall undertake regular audits to ensure that the use of CCTV is followed in full compliance with the ICO Code of Practice. The audit reviews shall include:

- Its stated purpose
- The locations
- The images recorded
- Storage length
- Deletion

16. PERIOD OF REVIEW:

The efficacy of this Policy shall be kept under regular review by Horley Town Council. If the Town Council decides to change the way in which it uses CCTV, it will inform the Information Commissioner within 28 days.

17. GUIDING PRINCIPLES:

17.1 System operators shall adopt the following 12 guiding principles:

- i. Use of a surveillance camera system shall always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need;
- ii. The use 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;
- iii. 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;
- iv. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used;
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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;
- ix. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use;

Data Controller: Horley Town Council c/o Town Clerk

ICO Registration Reference: Z5338392

This Closed Circuit Television (CCTV) Policy and Code of Practice was adopted on 7 March 2023 and will be kept under regular review.