

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO CABINET**

18 March 2020

Report Title: Closed Circuit Television (CCTV) Policy

Submitted by: Partnerships Manager

Portfolios: Community Safety and Wellbeing

Ward(s) affected: All

Purpose of the Report

To seek Cabinet approval for the adoption of a Closed Circuit Television (CCTV) Policy for the Borough Council in Newcastle-under-Lyme.

Recommendation

- 1) **To approve the proposed CCTV Policy for introduction and implementation in the Borough.**
- 2) **To task Responsible Owners (ROs) to review and refresh the Privacy Impact Assessments (PIAs) in place for existing Council CCTV schemes to ensure that they comply with the approved CCTV Policy approach.**

Reasons

The CCTV Policy governs the operation of the closed circuit television (CCTV) systems operated by Newcastle-under-Lyme Borough Council as a data controller to assist it in carrying out its enforcement, public safety and other functions.

The Council's use of CCTV accords with the requirements and the principles of the Human Rights Act 1998, the General Data Protection Regulation ((EU) 2016/679), the Data Protection Act 2018 and the Protection of Freedoms Act 2012. The existing policy has not been updated since 2015 so it is good practice to bring this up to date.

1. **Background**

- 1.1 The Council uses Closed Circuit Television (CCTV) systems in public spaces, within car parks, on some Council vehicles and at a number of Council owned sites across the Borough.
- 1.2 The proposed CCTV Policy document along with individual systems Codes of Practice are designed to give clear guidelines on the Council's use of CCTV and to protect the Council and its CCTV operators from allegations of misuse of the system and to protect staff and the public from any abuse of the CCTV system.
- 1.3 The proposed Policy covers the use of CCTV equipment and the gathering, storage, use and disposal of visual data. The Policy applies to all staff employed by Newcastle-under-Lyme Borough Council and should be the standard expected from any external agencies or persons who operate CCTV systems on its behalf.

- 1.4 The Policy sets out the principles to be observed by the Council, its members, employees, contractors, and any other parties or organisations involved in the operation, management and administration of relevant CCTV systems, as well as the hierarchy of responsibilities which exist to ensure that these systems are operated in a compliant manner. However it is also intended to inform members of the public of the purposes for which CCTV is operated, and of the standards which will be met in relation to it. In this way, the Council can be held accountable for its compliance with the Policy.
- 1.5 The proposed Policy does not govern the Council's use of the surveillance powers available to it, which are conducted under the auspices of the Regulation of Investigatory Powers Act. Covert surveillance is governed by a separate document, the Council's RIPA Policy.
- 1.6 Compliance with this Policy and with the detailed arrangements which sit under it ensures that the Council's use of CCTV cameras reflects a proportionate response to identified problems, which is operated with due regard to the privacy rights of individuals.

2. **Issues**

- 2.1 It is good practice to have a robust CCTV Policy in place to support the Council's use of CCTV in the Borough and to ensure that the operation is lawful, meeting the statutory requirements.

3. **Proposal**

- 3.1 To approve the proposed CCTV Policy for introduction and implementation in the Borough.
- 3.2 To task Responsible Owners (ROs) to review and refresh the Privacy Impact Assessments (PIAs) in place for existing Council CCTV schemes to ensure that they comply with the approved CCTV Policy approach.

4. **Reasons for Proposed Solution**

- 4.1 The Council needs to ensure that it has robust mechanisms in place in order to appropriately coordinate CCTV activity in the Borough, using available resources.

5. **Options Considered**

- 5.1 N/A

6. **Legal and Statutory Implications**

- 6.1 The Council's use of CCTV accords with the requirements and the principles of the Human Rights Act 1998, the General Data Protection Regulation ((EU) 2016/679), the Data Protection Act 2018 and the Protection of Freedoms Act 2012.
- 6.2 The proposed CCTV Policy recognises the need for formal authorisation of any covert 'directed' surveillance as required by the Regulation of Investigatory Powers Act 2000, and provides that CCTV shall be operated fairly, within the law and only for the purposes for which it was established or which are subsequently agreed in accordance with the Code.

7. **Equality Impact Assessment**

- 7.1 A Privacy Impact Assessment (PIA) is required to be developed for each area of the Council's business using CCTV systems, these incorporate the content of an Equality Impact Assessment. A number of these are already in place but will need to be refreshed in line with the recommendations for this report. For subsequent CCTV schemes additional PIAs will be developed as appropriate.

8. **Financial and Resource Implications**

- 8.1 There are no specific additional financial implications or commitments required for the adoption of the Policy. The Council's existing officer resource will continue to supervise CCTV activity in their respective business areas. In the short term this will be managed by existing resources but kept under review.
- 8.2 Any additional CCTV schemes, which are procured after the approval of the Policy may require additional resources or costs and will be considered on a case by case basis.

9. **Major Risks**

- 9.1 Failure to take appropriate action regarding the operation of CCTV equipment and not adhering to the legislation may result in the Council being unable to perform its legal duties, leaving the Council open to challenge.
- 9.2 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.
- 9.3 There may be a risk when processing requests through subject access, for copies of footage, subject to exemptions within the Data Protection Act 2018, when balancing the rights and freedoms of others who may appear in that footage, as the Council's older CCTV systems may be difficult to anonymise. Decisions will need to be taken on a case by case basis with guidance from the Data Protection Officer (DPO).

10. **Sustainability and Climate Change Implications**

- 10.1 There are no sustainability or climate change implications.

11. **Key Decision Information**

- 11.1 This report can be considered key in the following ways: -
- It results in the Borough Council committing existing resources for the function to which the decision relates and;
 - To be significant in terms of its effects on communities living or working in an area comprising two or more electoral wards in the Borough.

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 None.

13. **List of Appendices**

- 13.1 Appendix 1 – CCTV Policy 2020.

14. **Background Papers**

- 14.1 None.