

Darlington Borough Council Closed Circuit Television Code of Practice

Updated September 2024

1. OBJECTIVES OF THE CCTV SCHEME & CODE OF PRACTICE

1.1. Purpose of and Compliance with the Code of Practice

- 1.1.1. This Code of Practice details the management, administration and operation of the closed circuit television (CCTV) system in the Darlington Borough Council area and the associated Control and Monitoring Facility.
- 1.1.2. The Code of Practice has a dual purpose, in that it will assist the Council and our partners to understand the legal obligations and procedural requirements that apply to the use of CCTV whilst reassuring the public about the safeguards contained within it.
- 1.1.3. All CCTV Operators and users of the CCTV systems and associated safety and security equipment connected to the Control, Monitoring and Recording facility shall be required to give a formal undertaking that they will comply with this Code of Practice and act in good faith with regard to the basic principles contained within it.
- 1.1.4. All CCTV Operators, users are required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.

1.2. Objectives of the scheme

- 1.2.1. The following objectives have been established for the Darlington Borough Council CCTV and associated systems:
 - (a) reducing the fear of crime
 - (b) deterring and preventing crime
 - (c) assisting in the maintenance of public order and reducing offences involving vandalism and nuisance
 - (d) providing high quality evidence which may assist in the detection of crime and the apprehension and prosecution of offenders
 - (e) protecting property
 - (f) providing assistance with civil claims
 - (g) providing assistance with issues relating to public safety and health
 - (h) providing assistance and reassurance to the public in emergency situations

2. PRIVACY AND RELEVANT LEGISLATION

2.1. Legality of the System

- 2.1.1. Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare and it is also considered a necessary initiative by the police towards their duty under the Crime and Disorder Act 1998

2.2. General Principles of Operation

- 2.2.1. The system will be operated in accordance with all the requirements and the principles of the Data Protection Act 2018, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012.
- 2.2.2. The operation of the system will recognise the need for formal authorisation of any covert 'directed' surveillance or crime trend ('hotspot') surveillance by following the Regulation of Investigatory Powers Act 2000 and relevant police force policy (see Appendix Three).
- 2.2.3. The system will be operated in accordance with the Data Protection Act 2018 and will only be used for the purposes specified in Darlington Borough Council's notification with the Information Commissioner's Office, unless an exemption under the Act applies.
- 2.2.4. The system will be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and their home (Article 8 of the Human Rights Act).
- 2.2.5. The public interest in the operation of the system will be recognised by ensuring security and integrity of operational procedures.
- 2.2.6. Throughout this code of practice it is intended, as far as reasonably possible, to balance the objectives of the CCTV system with the need to safeguard individuals' rights. Every effort is made throughout the code to indicate that a formal structure has been put in place, including a complaints procedure.
- 2.2.7. Participation in or use of the system by any organisation, individual or authority will be fully in line with this code and all appropriate legislation.

2.3. Data Protection Act 2018

- 2.3.1. All personal data obtained by The System, shall only be used in the exercise of achieving the stated objectives of the system, those objectives having been specified in section 1.2.1. Personal data will be processed in accordance with data protection legislation and afford due consideration to a person's right to respect for his or her private and family life and their home.
- 2.3.2. The storage and security of the data will be strictly in accordance with the requirements of the Data Protection Act 2018 and additional locally agreed procedures.
- 2.3.3. For the purposes of the Data Protection Act the 'data controller' is Darlington Borough Council. The operation of The System has been notified to the Office of the Information Commissioner in accordance with current Data Protection legislation.
- 2.3.4. Right of access (to a copy of your personal data). You can request a copy of your personal data from the Council's Data Protection Officer. The purpose of accessing being able to access your personal data is so you can be aware of and verify the lawfulness of the processing.
- 2.3.5. All data will be processed in accordance with the principles which are defined in the General Data Protection Regulation, which state:

Personal data shall be

- (a) Processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- (f) personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (g) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

2.4. Human Rights Act 1998

- 2.4.1. Article 8 of the Human Rights Act 1998 states that 'everyone has the right to respect for private and family life, his/her home and his/her correspondence'. There shall be no interference by Darlington Borough Council with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights or freedom of others.

2.5. Regulation of Investigatory Powers Act 2000 (RIPA)

- 2.5.1. This Act allows the Council to use its public CCTV system to assist the Council and other specified partner agencies such as the Police when investigating criminal activity for directed surveillance operations. The Council's policy on the use of RIPA can be found on the Council's website.

2.6. Freedom of Information Act 2000

- 2.6.1. Darlington Borough Council is a public authority for the purposes of the Freedom of Information Act 2000. Any person making a request to the Council for access to recorded information has the right to be told whether the information is held by it and be given a copy of the information, subject to the applicability of exemptions.

- 2.6.2. Recorded information includes CCTV footage and other documentation held by the CCTV control centre.
- 2.6.3. All requests must be made in writing, must contain a name and address for correspondence and clearly define the information required. There is no charge for access to information under the Act.
- 2.6.4. There are a number of exemptions to the duty to disclose information under the Act. Applicants should be aware that CCTV footage is likely to contain a large amount of personal data and may, therefore, be exempt from disclosure under section 40.

2.7. Protection of Freedoms Act 2012

- 2.7.1. The Protection of Freedoms Act 2012 enables guidance to be drawn up by Government on the use of CCTV. Darlington Borough Council will ensure that it has proper regard to this guidance (detailed in 2.7.2.) in the way that CCTV is operated.
- 2.7.2. Guiding Principles
 - (a) Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
 - (b) 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.
 - (c) 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.
 - (d) There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
 - (e) 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.
 - (f) 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.
 - (g) 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.

- (h) 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.
- (i) Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- (ii) There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- (k) When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then 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.
- (l) Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

2.7.3. The guidance is set out in a document entitled the Surveillance Camera Code of Practice and was published by the Home Office in June 2013. The Code is available from the following website:

<https://www.gov.uk/government/publications/circular-0112013>

3. SCOPE OF THE SYSTEM

- 3.1.1. The areas covered by CCTV referred to in this code of practice are mainly public areas within the responsibility of the operating partners and cover Darlington Borough Council. In addition, there are areas being monitored under contract where the cameras are owned by others e.g. 6th Form College playing fields. Details of the locations are set out in Appendix 1
- 3.1.2. The CCTV camera scheme consists predominantly of fully functional pan, tilt and zoom (PTZ) colour cameras producing high resolution/quality images that are fed back to the Council's Control Centre where they are monitored and recorded.
- 3.1.3. None of the cameras forming part of the system will be installed in a covert manner. Some cameras may be enclosed within 'all weather domes' for aesthetic or operational reasons but the presence of all cameras will be identified by appropriate signs. There are close working links with officers of Durham Constabulary, British Transport Police, Royal Military Police, Customs and Excise, members of Crime Net and Pub Watch, Mowden Park Estates Co. Ltd, 6th Form College.

- 3.1.4. Police use of the CCTV system is on a request basis and every effort is made to facilitate such requests subject to the limitations of RIPA. It is the responsibility of the Section Manager or Duty Manager at the time of a request to decide whether they can immediately help or not according to what other operational demands they have to meet at that point in time.
- 3.1.5. The level of a police response will, at all times, be the responsibility of either officers of Durham Constabulary or the British Transport police.
- 3.1.6. Some of the CCTV cameras in Darlington also have audio links (speakers) which allow the operators to make announcements where appropriate.

4. CONTROL CENTRE – ACCESS, SECURITY, STAFFING AND FACILITY

4.1. Access

- 4.1.1. The CCTV Control Centre is located in secure premises in Darlington and it staffed 24 hours a day, 365 days per year. It is essential that the Control Centre is a totally secure working environment; therefore, access is stringently controlled and where possible, limited to operational staff and approved officers of Durham Constabulary or Council Employee's.
- 4.1.2. Access to the Control Centre by Police or other partners is strictly controlled. There is no automatic right of access and entry will be denied unless the operational staff on duty can confirm the reason for the visit. Most internal visits e.g. by engineers can be accommodated by a simple telephone call. Persons from outside the Council should be accompanied by a member of staff from the relevant department or the visit should at least be confirmed in advance by the responsible department. Operational requirements and confidentiality will be the first priority at all times.
- 4.1.3. There may be specific occasions when the police need to place an officer in the Control Centre for example to control the surveillance of widespread public disorder. A request must be made by a senior police officer (Inspector or above) and sanctioned by the Section Manager or Duty Manager.

4.2. Security

- 4.2.1. A trained and authorised operator must be present at all times when the equipment is in use. If the monitoring facility is to be left unattended for any reason it will be secured. In the event of the Control Centre having to be evacuated for safety or security reasons, the provisions of the Procedural Manual will be complied with.

- 4.2.2. In the event that an approved visitor is present within the Control Centre, all cameras shall be operated only in wide angle and in such a manner that the identification of individuals or specific vehicles is not possible.
- 4.2.3. The Control Centre will at all times be secured by a locked door. This door is to remain closed and locked at all times other than for access of authorised personnel.
- 4.2.4. It is the responsibility of any authorised operator to ensure that the above access requirements are complied with at all times. Should any operator find that the monitoring room or its equipment has been left insecure the operator shall secure the equipment appropriately and an immediate report of the incident, quoting the time and date must be made to the manager within 24hrs.

4.3. Control Centre Personnel

- 4.3.1. All operational staff are vetted according to National Security Industry (NSI) principles, to full BS7858:2006 requirements as well as an enhanced Disclosure and Baring Service (DBS) check.
- 4.3.2. Every employee involved in the management and operation of the system must comply with this code of practice, the operational manual and appropriate legislation.
- 4.3.3. Only personnel who are fully trained and hold a Security Industry Authority (SIA) licence or are under supervised training for the licence are permitted to undertake duties relating to CCTV monitoring.
- 4.3.4. There will never be less than two employees on duty at any one time.
- 4.3.5. Because of the highly sensitive nature of the information available to employee's confidentiality is of paramount importance. Any breach of confidentiality will be treated seriously and will be dealt with as part the Councils disciplinary procedures.

4.4. Training

- 4.4.1. All employees undertake a minimum of three days intensive training in the operation and use of the system. Further 'training' is provided via a nationally recognised training course for CCTV operators at the end of which they must pass an exam to gain their SIA licence.
- 4.4.2. Following the completion of their training, employees are then continually appraised as part of their on-going development.

5. SYSTEM OPERATION PRACTICE

5.1. Operational Details

- 5.1.1. The CCTV system operates 24 hours a day, 365 days a year and is constantly staffed by fully trained and dedicated council personnel. There are direct communication links to the Police communications room as well as a fibre optic video link that allows images from any of the cameras to be viewed by the police. There are also Airwaves radios located in the Control Centre which, when required, allows operators to communicate directly with the police control room and officers at the scene of an incident.
- 5.1.2. The Control Centre also has a direct radio link with the Darlington Retailers Organisation, Shop Watch. This is a retailers' venture responding to the problems of shoplifting, pickpockets etc. There is a positive police input and Darlington Borough Council is an active member of Shop Watch. Every assistance is given to the apprehension and prosecution of shoplifters and other criminal offenders active in the town centre.
- 5.1.3. In a similar way, the Control Centre also has a direct radio link with the local public houses and night clubs. This scheme is known as Pub Watch. The provision of this service helps ensure that those visiting the town on an evening can do so in a safe environment.
- 5.1.4. Some of the CCTV cameras also have audio links (speakers) attached to them. Operational staff will activate these audio links as and when they feel it necessary e.g. person seen dropping litter, anti-social behaviour etc. All announcements will be recorded on the voice recording system in the Control Centre. **The system is not able to listen to sounds or conversations**

5.2. Monitoring

- 5.2.1. The Councils CCTV system is digital so all suspected illegal activities are recorded onto hard drives and any images captured can be copied from these hard drives onto DVD/CDs etc. and these can be used by the police or other authorised enforcing agency as evidence in any investigation or resulting prosecution.
- 5.2.2. Cameras are not used to look into private residential property. Whenever possible 'privacy zones' will be programmed into the system to ensure that the interior or rear gardens of any private residential property within the range of specific cameras cannot be surveyed. Where privacy zones cannot be programmed the operators are trained in privacy issues. The use of the

cameras is regularly monitored/reviewed by the Section Manager and Deputy Manager as part of a regular audit process.

5.3. Incident Logging

- 5.3.1. The output of the CCTV system is constantly recorded onto a hard disc digital video recording system any captured incidents are logged. Whenever an operator witnesses an incident, they shall note down the relevant details in the incident log at his/her control station.
- 5.3.2. Each incident will be sequentially numbered, dated and timed.
- 5.3.3. When action is required by Durham Police it will be recorded in the incident log.

5.4. Directed Surveillance Requests

- 5.4.1. There will be occasions when it is requested (by the Police, another external agency, or as an internal request), that a camera be operated in a way that constitutes "Directed Surveillance" under RIPA.
- 5.4.2. The CCTV operators shall be trained to identify surveillance that requires RIPA authorisation and know the process required to obtain this authorisation. A copy of the RIPA authorisation must be obtained before any directed surveillance can commence unless the request is urgent. If the matter is considered urgent a copy of the RIPA authorisation must be subsequently obtained.
- 5.4.3. A record of any such request is to be entered into a book specifically held for this purpose after the operator has satisfied him/herself that the request falls within a category for which directed surveillance may be considered appropriate under the RIPA
- 5.4.4. Each request must be sequentially numbered, dated and timed and the record endorsed with the name of the person (and in the case of the police the number of the police officer) requesting the directed surveillance and brief details of the reason for the request. The time that the directed surveillance ceased must also be entered into the record.
- 5.4.5. Directed surveillance requests from sources other than the police will only be considered if there is written authorisation by the Council. Upon such authorisation being given, the above information will be entered into the Directed Surveillance record book.

5.5. Police Control Room Monitor

- 5.5.1. Durham Constabulary has its own monitor screens in the police communications room which can receive images from any of the CCTV cameras linked to the Darlington Control Centre. In most situations the Control Centre staff will decide when the police monitor should be used and which of the images from any of the cameras will be shown. The police ideally wish to see all examples of criminal activity, public disorder, violence or matters of safety.
- 5.5.2. Communications concerning the day-to-day use of the police monitor will be via the airwaves radio or telephone link.

5.6. Recording Media

- 5.6.1. To ensure consistent quality, only high-quality hard drives, DVD / CDs are used with the system.
- 5.6.2. Data from the CCTV cameras will be stored on the system's hard drives for 30 days before it is automatically overwritten. If however, media is given to the police or other authorised statutory bodies, this media may be held for longer periods
- 5.6.3. Any DVD/CD or other recording media that contains evidential material will be given a unique reference number and on issue to the police or other authorised statutory body, it will be recorded in the control centre's evidence file.

5.7. Recorded Material

- 5.7.1. The storage and use of recorded material from the CCTV Control Centre will be guided by the following general principles:-
- 5.7.2. Recorded material will only be used for purposes defined in this code of practice.
- 5.7.3. Access to recorded material shall only take place as defined in this code of practice and by the requirements of the Data Protection Act 2018, Freedom of Information Act 2000 and Regulation of Investigatory Powers Act 2000.
- 5.7.4. Recorded material will not be sold or used for commercial purposes or for the provision of entertainment.
- 5.7.5. Editing of material copied onto a DVD/CD or other media may be permitted under the requirements of the Data Protection Act 2018 to preserve the

identity of other individuals contained on a DVD/CD/video tape if a subject access enquiry is made under the Act.

- 5.7.6. Editing may be carried out by a third party if the technology does not exist to carry out this requirement locally.

5.8. Access to Recorded Material

- 5.8.1. For the purpose of this code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the system, but specifically includes images recorded digitally.
- 5.8.2. It is of the utmost importance that all images are treated strictly in accordance with this Code of Practice from the moment they are received by the monitoring room until final removal off the system or by destruction. Every movement and usage is recorded and audited.
- 5.8.3. Public requests for access to CCTV footage under the Freedom of Information Act 2000 or Data Protection Act 2018 will be handled by the Corporate Information Governance Officer who can be contacted on 01325 405450/406777 or via email at dataprotection@darlington.gov.uk
- 5.8.4. Members of the police services or other agency having a statutory authority to investigate and/or prosecute offenders may, subject to compliance with this code of practice, release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses.
- 5.8.5. It may be beneficial to make use of 'real' footage for the training and education of those involved in the operation and management of CCTV systems, and for those involved in the investigation, prevention and detection of crime. Any material recorded by virtue of this CCTV system will only be used for such training and education purposes.

5.9. Copy Prints

- 5.9.1. A copy print is a copy of an image or images which already exist on the computer hard drive. Copy prints will not be taken as a matter of routine. Each time a print is made it must be capable of justification by the originator who will be responsible for recording the full circumstances under which the print is taken.
- 5.9.2. Copy prints contain data and will therefore only be released under the terms of this code of practice.

- 5.9.3. A record will be maintained of all copy print produced in accordance with the operational manual.
- 5.9.4. A record of prints taken from the system will be subject to audit inspections in common with all other records.

6. COMPLAINTS PROCEDURE

- 6.1.1. CCTV is no different to any other department within Darlington Borough Council. It is committed to providing a high-quality service, which is accessible and responsive to comments from members of the public. CCTV is there to help ensure that anyone who lives, works, earns their living or simply wishes to enjoy the facilities and services on offer, can do so in relative safety.
- 6.1.2. If members of the public are not satisfied with some aspect of the service we provide, we would like to know. We would equally like to know what they like about the service or if they have a suggestion that could help improve service provision.
- 6.1.3. All comments and complaints made will be carefully considered and promptly responded to; all information will be treated as confidential.
- 6.1.4. Darlington Borough Council has produced leaflets to help with this; comments and complaints forms are available from main reception points and the reference library. In addition, you can email the Corporate Complaints Unit Complaints and Information Governance Team at: complaints@darlington.gov.uk or you can obtain a form online at: www.darlington.gov.uk/complaints

7. CONTACT INFORMATION

- 7.1.1. The CCTV Control Centre operations are overseen by the Section Manager and Duty Manager. The general contact details are as follows:

CCTV,
Town Hall
Feethams
Darlington
DL1 5QT

Tel: - 01325 405999