

LYDD TOWN COUNCIL

CCTV Protocol



ORGANISATIONS AND PUBLIC

Introduction

The purpose of this protocol is to set out the standards and procedure to be used for viewing of the Lydd Town Council CCTV system. In this protocol the word 'Council' refers to Lydd Town Council, The word 'Police' refers to police employees the word 'Contractor' refers to Show Connections directors and employees.

The CCTV system is owned by Lydd Town Council, who is registered with ICO as the data controller (Reference ZA035815). A Monitoring and Maintenance Agreement is in place with Show Connection who handle all requests for the viewing of data in line with this Protocol on behalf of Lydd Town Council.

CCTV: procedures for the release of evidence

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Policy for requests for viewing data by Organisations and members of the public

All requests for the viewing of data will be sent using the request form (attached at the end of this document) to Lydd Town Council who will process your form and send this to Show Connections for actioning. Please clearly mark 'CCTV DATA REQUEST' on the outside of the envelope containing your completed form. Show Connections will keep a record of all requests and forward a copy to the Town Clerk. Your fee will be payable directly to Show Connections.

Primary request to view data

Primary requests to view data generated by a CCTV system may be made by third parties for any one or more of the following purposes:

- providing evidence in criminal proceedings
- the prevention of crime
- the investigation and detection of crime (may include identification of offenders)
- identification of witnesses

(Information is only released on receipt of a crime or police log number provided when completing the form.) All third parties are required to show adequate grounds for disclosure of data within the above criteria and may at times include, but are not limited to the following:

- statutory authorities with powers to prosecute, for example Customs and Excise, Trading Standards
- solicitors
- claimants in civil proceedings
- accused persons or defendants in criminal proceedings
- other agencies, (as agreed by the Data Controller and notified to the Information Commissioner) according to purpose and legal status

Upon receipt of a bona fide request for the release of data, the Contractor on behalf of the Council shall:

- Not unduly obstruct a third party investigation to verify the existence of relevant data
- Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified to the Police or other third Party at the time of the request

Where requests fall outside the terms of disclosure and Subject Access legislation, the Council and the Contractor shall:

Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation

- Treat all such enquiries with strict confidentiality
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Secondary request to view data

A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request.

Before complying with a secondary request, the Contractor on behalf of the Council shall ensure that:

- the request does not contravene, and that compliance with the request would not breach, current relevant legislation, for example, Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994
- any legislative requirements have been complied with, for example the requirements of the Data Protection Act 1998
- the request would pass a test of 'disclosure in the public interest'

If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:

- in respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below

the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice

- if the material is to be released under the auspices of 'public well-being, health or safety', written agreement to the release of material should be obtained from the Town Clerk on behalf of the Council. The Town Clerk should be provided with sufficient information to determine the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice

Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes.

Individual subject access under Data Protection legislation

Under the terms of Data Protection legislation, individual access to personal data, of which that individual is the data subject, must be permitted providing:

- the request is made in writing
- a specified fee is paid for each individual search to be agreed with the Contractor
- The Council and the Contractor are supplied with sufficient information to satisfy themselves as to the identity of the person making the request
- the person making the request provides sufficient and accurate information about the time, date and place to enable the Contractor to locate the information which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement)
- the person making the request is only shown information relevant to that particular search and which contains personal data of her or himself only, unless all other individuals who may be identified from the same information have consented to the disclosure

In the event of the Council and Contractor complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under these circumstances an additional fee may be payable to be agreed with the Contractor.

The Council or the Contractor, acting on their behalf, is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures and each request should be treated on its own merit.

In addition to the principles contained within the Data Protection legislation, the Contractor, acting on behalf of the Council, should be satisfied that the data is:

- not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation
- not the subject of a complaint or dispute which has not been actioned
- the original data and that the audit trail has been maintained
- not removed or copied without proper authority

- for individual disclosure only, for example, to be disclosed to a named subject
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Process of disclosure

- Verify the accuracy of the request.
Replay the data to the requestee only, or responsible person acting on behalf of the person making the request.
- The viewing should take place in a separate room at the premises of the Contractor and not at the point of monitoring at either the Council premises or that of the Royal Mail Public House. Only data which is specific to the search request shall be shown.
- It must not be possible to identify any other individual from the information being shown, (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).
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Media disclosure

In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted:

- the release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use, and indemnifies the partnership against any breaches of the legislation
- the release form shall state that the receiver must process the data in a manner prescribed by the Council or the Contractor acting on behalf of the Council, for example, specific identities/data that must not be revealed
- it shall require that proof of any editing must be passed back to the Council, either for approval or final consent, prior to its intended use by the media (protecting the position of the Council who would be responsible for any infringement of Data Protection legislation and the System's Code of Practice)
- the release form shall be considered a contract and signed by both parties

To contact the CCTV Contractor:

Show Connections Limited
Unit 12 Adams Court,
Mountfield Road Industrial Estate,
New Romney, Kent, TN28 8LH
Tel: 01797 369036
Email: lyddtowncctv@showconnections.co.uk

To contact the Council:

Town Clerk
Lydd Town Council
The Guild Hall, 13 High Street,
Lydd, TN29 9AF
Tel: 01797 320999
Email: townclerk@lyddtown.org

LYDD TOWN COUNCIL

CLOSED CIRCUIT TELEVISION

DIGITAL DISC/STILLS RELEASE

REQUEST FORM FOR ORGANISATIONS AND PUBLIC



TO BE COMPLETED BY ORGANISATION OR PERSON REQUESTING DATA

Name of requesting organisation (if applicable)

Print name and job title

Name and signature of person requesting data

Name

Address

Phone number

Email

Photograph enclosed
Please tick

Fee enclosed £10
Please tick

Signature

INCIDENT DETAILS

Crime and/or Ref No

Location of offence

Date and time of offence

TO BE COMPLETED BY SHOWCONNECTIONS OPERATOR

Date viewed/recorded

Time

DVD Disc/s

Numbers of stills

Name of operator releasing disc

Signature

Date



SHOW

CONNECTIONS

You have been handed this document because you have asked questions regarding our Towns CCTV system

Q: Who do I contact if I witness any crime that I think it may be on CCTV?

A: You would need to contact Kent police the same as you would have previously, if you make the attending officer aware you feel it's on CCTV they can go back and view the footage.

Q: Can the CCTV cameras see into my house?

A: No the system has privacy masking and will be set not to see into any private dwelling.

Q: Who will monitor the system?

A: Show Connections, on behalf of Lydd Town Council

Q: What is the purpose of CCTV?

A: Our system is being installed to prevent antisocial behaviour and crime which will then reduce crime in the area.

Q: Will there be any more cameras added?

A: The system has been designed to allow for more cameras to be added as and when the need arises.

Q: What type of incident will be captured?

A: Any unlawful act which incriminates the person(s) giving the ability to produce hard evidence therefore reducing time spent gathering evidence and court time which in turn reduces opportunist crime

Q: What happens if a camera breaks down will the system be left un-operational for a period of time?

A: No our system will be on a maintenance plan from our contractor so it will be serviced at set intervals throughout the year and they will be on call out should the need arise.

Q: What will the system not be used for?

A: It will not be used to gather information on people going about their lawful business. To encourage confidence all cameras used by the CCTV Operation at Lydd are overt and their presence is clearly indicated by signs covering the CCTV area.

Q: Are any of the cameras false?

A: No definitely not. All the cameras are real and are capable of sending live pictures back to the control room. Fake cameras are soon discovered as being just that and deflect from the operational effectiveness as a whole.

Q: What cameras will be used?

A: We will be using Pan, Tilt, Zoom cameras which have the capability of being controlled from anywhere one sees suitable with the addition of being able to roam preset tours.

Q: Who do I contact if I have a specific question on the CCTV System.?

A: You can email lyddtowncctv@showconnections.co.uk

