



STANSTED MOUNTFITCHET PARISH COUNCIL

CLOSED CIRCUIT TELEVISION (CCTV) & AUTOMATIC NUMBER PLATE RECOGNITION (ANPR) CODE OF PRACTICE

Adopted on 30th September 2020

1 INTRODUCTION

This Code of Practice applies to the CCTV system operating at Stansted Mountfitchet, Essex. It is referred to in this document as “the scheme” or “the system”.

This CCTV system was introduced to address the concerns of the public and authorities alike, in so far as they relate to crime, the fear of crime and anti-social behaviour.

The uses for which the cameras may be employed are set out within this Code of Practice. These uses may be amended or varied, but this Code of Practice must be updated to reflect those changes. Any change of use must be compliant with all relevant legislation and should not leave the operator vulnerable to public disapproval, complaints or legal actions.

The system will not be used for parking enforcement or other non-criminal traffic incidents, or for purposes of issuing penalty notices.

The system may be used in conjunction with Automatic Number Plate Recognition systems (ANPR).

The system provides 24-hour recording of all cameras and is capable of being monitored and physically controlled when required. Monitoring and control equipment is installed in a secure environment.

Access to the system is subject to this Code of Practice.

Images will be provided to the police and any other statutory authority or organisation that has prosecution powers.

The owner of the scheme is Stansted Mountfitchet Parish Council, The Mountfitchet Exchange, Crafton Green, 72 Chapel Hill, Stansted Mountfitchet, Essex, CM24 8AQ. All recording material is owned by Stansted Mountfitchet Parish Council.

The Data Controller is The Clerk or the Assistant to The Clerk.

THE SYSTEMS

There are 11 cameras and two ANPR cameras. Areas of coverage are:

CCTV

Camera 1	Cambridge Road
Camera 2	Silver Street
Camera 3	Crafton Green Car Park
Camera 4	Lower Street Car Park
Camera 5	Lower Street Roundabout
Camera 6	Skate Park
Camera 7	Far end of Lower Street
Camera Entrance	Mountfitchet Exchange front entrance
Camera External	Mountfitchet Exchange rear entrance
Camera General View	Library
Camera Reception	Reception Desk

ANPR

Camera 8	Cambridge Road
Camera 9	Silver Street

Images are sent wirelessly by Broadband from the cameras to the monitoring equipment in The Mountfitchet Exchange.

2 PURPOSE

The Principals

The purpose of this system has been established with due regard to prevailing social and criminal conditions.

Purposes

- a) A reduction in the fear of crime and reassurance of the public
- b) To help in securing a safer environment for those people who live, work and trade in the area, and for those who visit the area.
- c) To give appropriate assistance to:
 - Prevent crime

- Deter and detect crime and criminal activity
- Maintain public order
- Identify, apprehend and prosecute offenders
- Deter and detect anti-social behaviour
- Provide the police or any other statutory body or other organisation having prosecution powers, with evidence to take criminal or civil action in the courts.
- To secure a safer environment in car parks where cameras are located by reducing the opportunity to commit vehicle crime, thereby encouraging patronage and economic regeneration.
- To provide assistance to the emergency services
- The scheme will be operated fairly, within the law and only for the purposes for which it has been established, or which are subsequently agreed in accordance with these Codes.
- The scheme will be operated with due regard to privacy of the individual in any residential, business, building or land or other private premises.

3 KEY OBJECTIVES

- a) To reduce the level of nuisance, and anti-social behaviour in the areas where the cameras are located.
- b) To improve general security within the Parish in terms of personal safety.
- c) To reduce fear of crime
- d) To improve the security of premises within the district
- e) For the combined effects of these objectives to create a more attractive, and safe environment in which to live and work.
- f) To reduce occurrences of vandalism and other criminal damage.
- g) To reduce thefts of and from motor vehicles on streets and in those car parks where cameras are located.
- h) To assist the Police, Uttlesford District Council, or any other emergency services in Command and Control functions as required in the event of a “Major incident”.
- i) To improve communications and the operational response of police patrols in the district, including Command & Control functions as required for incidents or community events
- j) To assist any statutory bodies having prosecution powers.

4 PROVISION OF EVIDENCE

- a) Recorded images are retained for 30 days, then are automatically deleted by the system
- b) Recorded images for evidential purposes will be provided in accordance with the purpose and objectives of this Code of Practice to the Police, UDC, and any other statutory body with prosecution powers.

Upon requests for recorded images to be made available for evidential purposes, a copy of the required images will be made, and this should be collected by the requesting authority within a calendar month, after which time the images may be destroyed.

5 DATA PROTECTION AND HUMAN RIGHTS

- a) The Parish Council and Essex Police who both may subsequently hold recorded images are registered within their own rights with the Information Commissioner’s Office (ICO).
- b) The activities and operation of the scheme will conform to the principals and provisions of the Data Protection and Human Rights Acts in that:
 - The recorded information will be obtained fairly and lawfully

- It will be available to individuals
- It will be accurate, adequate, relevant and not excessive
- It will not be held longer than necessary
- It will be kept securely.

6 CHANGES TO THE CODE OF PRACTICE

It is recognised that there may be a need to revise and change the Code in response to: An evaluation of the Code itself, evaluation of the operation of the scheme, recommendations arising from audit, changes to legislation and the inclusion of additional areas covered by CCTV.

Major changes to the Code must be agreed by the Parish Council. In these circumstances, the Parish Council must obtain the agreement of Essex Police.

Minor changes should be agreed at senior level, the decision being ratified by the Clerk following consultation with Essex Police.

(definition – a major change is one that will have a significant impact upon the code, or upon the operation of the scheme. A minor change is such as may be required for clarification and will not have a significant change)

7 RESPONSIBILITIES FOR THE CODE OF PRACTICE

Stansted Mountfitchet Parish Council has responsibility for compliance with the purposes and objectives of this code.

The Code of Practice will be published on the Parish Council's website.

8 MANAGEMENT OF THE SYSTEM

The Clerk at Stansted Mountfitchet Parish Council is the point of contact for CCTV in the Parish. For Essex Police the crime reduction officer should remain the point of contact.

The Parish Council will make all decisions that affect operation and/or management of the system.

Only the Data Controllers or other authorised employee of the Parish Council may download images.

9 SOUND

No sound is recorded by the system.

10 CHANGES TO THE CCTV SYSTEM

- a) Before the introduction of any major technological change that will have a significant effect on the capacity or operation of the system, the implications must be fully assessed in line with the Code.
- b) The introduction of technological change should be subject to precise definitions of the standard it is hoped to achieve.

11 DUMMY CAMERAS

Public confidence in the system should be based on effective operating cameras. The use of dummy equipment may result in failure to respond to an incident that the public perceives to have been recorded. Public confidence may therefore be lost. The Parish Council will therefore place no dummy cameras within the village.

12 PUBLIC INFORMATION

There is a need for continued public understanding, acceptance and support for the scheme.

The recording and retention of images of people in public places shall be undertaken fairly and lawfully. For this reason:

- a) The purpose for which information is obtained by the system should be known
- b) The information should not be used for a purpose that has not been disclosed to the public.
- c) People should be aware that their image is being recorded.
- d) The owner of the scheme should be made known.
- e) As far as is consistent with the purposes of the scheme, cameras should not be hidden, but placed in public view.
- f) Signs informing the public that cameras are operating will be prominently displayed at the perimeter or areas to be covered by the scheme and at other key points (such as camera mounting columns).
- g) The signs as prescribed will allow the public, entering the area, to make reasonable approximation of the area covered by the scheme.
- h) The signs will read "CCTV cameras in operation 24 hours a day. Images being recorded for the purpose of public safety, crime prevention and detection. Evidence gathered may be used to prosecute offenders. This scheme is controlled by Stansted Mountfitchet Parish Council. Tel No 01279 813214".

It is essential that members of the public should have easy access to these Codes of Practice.

This document is in the public domain and shall be available for inspection upon request at the Parish Council office and on the internet via the Stansted Mountfitchet Parish Council website.

13 ASSESSMENT OF THE SCHEME

Evaluation

Assessment of the CCTV System should involve evaluation and monitoring, audit and inspection. This code considers each element as set out below. Effective evaluation of the scheme is essential to identify whether, or not the purposes of the scheme are being complied with, and whether objectives are being achieved. The Parish Council is responsible for ensuring that the scheme is evaluated periodically.

The evaluation should include:

- a) Assessment of impact upon crime
- b) Assessment of any neighbouring areas without CCTV
- c) The views of the public
- d) The operation of the Codes of Practice
- e) Whether the purposes for which it was established still exist.

The results of the evaluation should be taken into account in the future functioning, management and operation of the scheme.

The Finance & General Purposes Committee will act as a monitoring and evaluation group with a remit to evaluate the scheme annually. There will also be an annual report to include the number of incidents recorded by the scheme.

14 STAFF

Whilst it is accepted that the scheme will not operate a system of 24hr staffed monitoring, there will be occasions when physical control over the cameras and view of the monitors, is desirable, operationally necessary or essential. In such circumstances the operator whether staff or police personnel must meet the highest standard of probity, be well trained and act responsibly.

The integrity and efficiency of the staff will be achieved through effective training and management.

Police personnel must comply in all respects with this Code and all relevant legislation.

All procedures concerning staff should comply with current employment practice.

Should any of the Code not be maintained, disciplinary procedures can be implemented.

15 TAPES AND RECORDED MATERIAL

“Recorded material” includes, but is not limited to, compact disc, memory stick or any other media used for storing images which can be viewed or processed after the event. These provisions automatically extend to future technological developments that may introduce new systems, methods and media for storage and retrieval, without further amendment to the Code.

The Parish Council will retain ownership of all recorded material in all its formats and retains absolute copyright of any recorded material.

Images will be downloaded onto a secure media. Any downloaded data exhibited in Court as evidence must be the master copy.

Appropriate security systems shall be taken against unauthorised access to, alteration, disclosure, destruction or accidental loss of recoded material.

Material shall only be recorded for the purposes provided by this Code.

Recordings to the hard drive will be deleted after 30 days.

Recording equipment will be checked regularly to it is in good working order.

16 OWNERSHIP/COPYRIGHT ISSUES

All data will be processed in accordance with the stated purpose ensuring compliance with the Data Protection Act 1998.

CCTV – Primary request to view data

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

- a) Providing evidence in criminal proceedings.
- b) Providing evidence in civil proceedings or tribunals
- c) The prevention of crime
- d) The investigation and detection of crime (may include identification of offenders).
- e) Identification of witnesses.

Third parties, who are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:

- a) Police
- b) Statutory authorities with powers to prosecute, (e.g Customs and Excise, Trading Standards etc.)
- c) Solicitors
- d) Claimants in civil proceedings
- e) Accused persons or defendants in criminal proceedings.
- f) Insurances
- g) Other agencies (as agreed by the Data Controller and notified to the Information Commissioner) according to purpose and legal status.

Upon receipt for a third party of a bona fide request for the release of data, the data controller shall:

- a) Not unduly obstruct a third-party investigation to verify the existence of relevant data.
- b) 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 at the time of the request.

Where requests fall outside the terms of disclosure and Subject Access legislation, the data controller or nominated representative shall:

- a) Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation.
- b) Treat all such enquiries with strict confidentiality.

CCTV – Secondary request to view data

For example, where a member of the public requests' CCTV images of their vehicle in a car park where there has been an incident of criminal damage or a fail to stop incident.

Before complying with a secondary request, the data controller shall ensure that:

- a) The request does not contravene, and that compliance with the request would not breach, current relevant legislation, (e.g Data Protection Act 1998, Human Rights Act 1998. Section 163 Criminal Justice and Public Order Act 1994, etc).
- b) Any legislative requirements have complied with, (e.g. the requirements of the Data Protection Act 1998).
- c) Due regard has been taken of any known case law (current or past) which may be relevant (e.g R v Brentwood BC ex p. Peck);
- d) 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:

- a) 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.
- b) 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 a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.

Recorded material may be used for bona fide training purposes such as police or staff training. **Under no circumstances** will recorded material be released for commercial sale or material for training or entertainment purposes.

CCTV – 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:

- a) The request is made in writing
- b) A specified fee is paid for each individual search

- c) The data controller is supplied with sufficient information to satisfy them as to the identity of the person making the request
- d) The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller 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).
- e) The person making the request is only shown information relevant to that particular search and which contains personal data or 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 data controller 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).

The data controller is entitled to refuse any 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 data controller should be satisfied that the data is:

- a) Not currently and as far as can be reasonably ascertained not likely to become part of a 'live' criminal investigation.
- b) Not currently and as far as can be reasonably ascertained not likely to become relevant to civil proceedings
- c) Not the subject of a complaint or dispute which has not been actioned.
- d) The original data and that the audit trail has been maintained
- e) Not removed or copied without proper authority
- f) For individual disclosure only (i.e. to be disclosed to a named subject).

17 COMPLAINTS

Any concerns or complaints regarding the use of the system will be considered by the Parish Council in line with the existing Complaints Procedure.

