

Lead Member for Environment and Community Safety Briefing

In line with advice from HM Government, the council is now holding only essential meetings. This plays a part in helping us to maintain the safety of the public, staff and councillors. These meetings are being held electronically and, unfortunately, you will not be able to attend them.

However, the City Mayor has asked that, as far as possible, there is still public involvement and input into the decision-making process.

Therefore, should you wish to raise a question or comment on any of the items listed, which will be presented at the meeting on your behalf, you can do so in writing, by sending an email to the address at the bottom of this agenda.

Please do this by 4.30pm on the day before the meeting is due to take place.

Decision notices or minutes from meetings will be available as appropriate. Should you wish to view decisions taken meetings of the Cabinet and other Lead Member Briefings, they will be available for viewing on the council website - <https://sccdemocracy.salford.gov.uk/mgDelegatedDecisions.aspx>

Further information on the coronavirus and what it means for Salford can be found on the council website - <https://www.salford.gov.uk/coronavirus>

DATE: Monday, 10 August 2020

TIME: 9.30 am

VENUE: Microsoft Teams Meeting

AGENDA

PROCEEDINGS OF THE MEETING CAN BE ACCESSED VIA THE FOLLOWING LINK

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Mjc3MDIxOTA3OC00NjBILTg2N2ItNzc0NjIhZTFjYWE5%40thread.v2/0?context=%7b%22Tid%22%3a%2268c00060-d80e-40a5-b83f-3b8a5bc570b5%22%2c%22Oid%22%3a%22573d04a0-0ae6-41ac-938f-3d1aa4fc5fd1%22%2c%22IsBroadcastMeeting%22%3a%22true%7d

- 1 Apologies
- 2 Declarations of Interest

3 Items for Decision - Part 1 (Open to the Public)

3a Salford City Council CCTV Policy and Code of Conduct

(Pages 1 - 52)

4 Exclusion of the Public

5 Items for Decision - Part 2 (Closed to the Public)

No items

6 Any other business

Contact Officer:

Tel No:

E-Mail: decisionmakingandscrutiny@salford.gov.uk

Part 1 - Open to the Public	ITEM NO.
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REPORT OF STRATEGIC DIRECTOR PLACE

TO LEAD MEMBER BRIEFING FOR ENVIRONMENT AND COMMUNITY SAFETY ON 10.08.20

TITLE: SCC Revised CCTV Policy and Code of Practice

RECOMMENDATION:

That Lead Member note the contents of this briefing paper and approve the City Council's adoption of the revised CCTV Policy and Code of Practice (July 2020)

EXECUTIVE SUMMARY:

The City Council is obligated to write, adopt and publish a CCTV Policy and Code of Practice. Its purpose is to set out:

- The purpose of any CCTV scheme in operation.
- How the CCTV scheme is managed.
- The applicable retention period for any CCTV data collected and stored.
- The rights to privacy.
- How access to CCTV data and the release of images is handled.
- The governance arrangements in place.

Following our engagement of the Security Standards Assessment and Inspection Board (SSAIB) and the City Councils Information Governance Officer, we have made amendments to the previously written and approved CCTV Policy and Code of Practice and we attach for review and approval of the new Policy.

DETAILS:

Salford City Council's previous CCTV Policy and Code of Practice (V7) was published on the 22nd May 2018 following Lead Member approval. Copy attached.

Since the date of publication, the City Council has implemented a generic policy in respect of Subject Data Access requests and amended policies in respect of how the City Council deals with Data Protection, Freedom of Information and Regulatory Investigatory Powers Act issues.

On the basis of those corporate changes and following engagement of the SSAIB and their recommendation to update the CCTV Code of Practice, (please see extract in table below) the City Council's Information Governance Officer has been consulted and a revised CCTV Policy and Code of Practice has been produced.

Ref	Clause	Issue
02	4.3.3	The Council should also update the CCTV Code of Practice and Procedures Manual to more accurately reflect the revised process for managing requests for disclosure of images from Subject Access requests or other Third-Party requests.
SCC response		A new 'plain English' version of the CCTV Policy & Code of Practice has been drafted for approval.

The documents has been edited to be more concise by replacing detailed commentary with replacement of weblinks to appropriate updated guidance viz:

- RIPA legislation.
- Human Rights Act.
GDPR.
- Freedom of Information Act 2000.
- Removal of repetition in respect of the purpose and objectives of the Scheme.

Formal approval is sought to adopt this new CCTV Policy and Code of Practice.

BACKGROUND DOCUMENTS: SCC CCTV Policy and Code of Practice (V7)
published on the 22nd May 2018

KEY DECISION: No

KEY COUNCIL POLICIES: Salford Community Safety Strategy, Salford CCTV Strategy.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:- N/A

ASSESSMENT OF RISK: Low

SOURCE OF FUNDING: N/A

LEGAL IMPLICATIONS: N/A

FINANCIAL IMPLICATIONS: N/A

OTHER DIRECTORATES CONSULTED: SCC Information Governance Officer, comments provided by Debbie McCarron: The shorter policy, written in plain English, is much more suitable for its intended audience. I'm satisfied that the Policy and the operational procedures for disclosing personal data are robust and compliant with the law.

CONTACT OFFICER: Stephen Kearney/John Laycock TEL. NO. 0161 686 5810/7480

WARD(S) TO WHICH REPORT RELATE(S): All wards.

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CCTV Policy & Code of Practice

for

All councillors and officers, including third party agents, temporary, contract staff and anyone who comes into contact with council information

Effective Date: 01/08/2020

Introduction

This Policy & Code of Practice applies to the closed circuit television (CCTV) surveillance scheme known as the Salford City Council CCTV scheme. The primary purpose of the scheme is to detect and deter crime & disorder, including anti-social behaviour and environmental crime.

The scheme operates 24 hours a day, 7 days a week. The images collected by the cameras used by the scheme record as much detail as possible and these images can be used to identify individuals.

The scheme comprises of cameras located in specific external and internal locations within the Salford City Council area, with control, monitoring and recording facilities at a dedicated location.

The following table lists the wards currently covered by the CCTV system but the plan is to cover the whole of the city in time.

Barton	Little Hulton
Boothstown & Ellenbrook	Ordsall
Broughton	Pendlebury
Cadishead	Swinton North
Claremont	Swinton South
Eccles	Walkden North
Irlam	Walkden South
Irwell Riverside	Weaste & Seedley
Kersal	Winton
Langworthy	Worsley

The scheme is owned by Salford City Council. The council is the Data Controller and is responsible for the management, administration and security of the system and will ensure the protection of individual's privacy and the public by complying with the Surveillance Camera Commissioner's CCTV Code of Practice and legislation relating to the use of CCTV.

The scheme provides surveillance of the public areas within the city of Salford. Signs are used to indicate CCTV coverage. The signs are prominently placed and clearly visible, and state the organisation responsible for the scheme, the purposes of the scheme and a contact telephone number.

All recorded material is owned by Salford City Council and is subject to the statutory conditions of data protection legislation and the Regulation of Investigatory Powers Act 2000 (RIPA). Use the following link for more information about RIPA:

http://www.legislation.gov.uk/ukpga/2000/23/pdfs/ukpga_20000023_en.pdf

Purpose of the scheme

The objectives for using CCTV within Salford are as follows:

- To reassure the public and reduce the fear of crime.
- To reduce and prevent crime by deterring potential offenders.
- To assist the police in gathering evidence for the detection of crime.

Scheme Management

An assessment is carried out prior to the installation of cameras to ensure the siting is in compliance with legislation and the Surveillance Camera Commissioner's CCTV Code of Practice. The assessment will include consultation with residents where necessary.

The CCTV scheme is operated fairly, within the law and only for the purposes for which it has been registered with the Information Commissioner's Office (ICO). The ICO registration number is: **Z7069357**.

The council has a responsibility to ensure the system is operated in accordance with this policy at all times. The CCTV Manager will ensure that operators carry out their duties in an efficient and responsible manner, in accordance with the objectives of the scheme and in compliance with Health and Safety Regulations.

In their absence, the CCTV Manager will delegate authority to appropriately trained operators, to ensure a consistent service is delivered.

The scheme is operated by trained, authorised, vetted personnel, with due regard for the privacy of the individual.

Access to the CCTV control room is controlled and restricted to authorised officers. Visitors are by prior arrangement only and are required to sign a visitors log and declaration of confidentiality.

Retention Period

Digital recordings are kept for 31 days, after which they are irretrievably overwritten. Images requested for release are saved separately and stored securely for a minimum of 12 months.

Rights of Privacy

Salford City Council and its partners recognise and support the individual's right to privacy. In operating the scheme, the council will consider the wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life). Use the following link for more information about the Human Rights Act:

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

Releasing Images

If you wish to exercise any of your rights under the General Data Protection Regulations (GDPR), please see the council's website for further details:

<https://www.salford.gov.uk/your-council/council-and-decision-making/data-protection-legislation/>

Solicitors, insurers or other bodies acting on behalf of their clients may apply for CCTV footage, where disclosure of the data meets one of the following conditions as defined in the Data Protection Act 2018:

- (a) is necessary for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings),
- (b) is necessary for the purpose of obtaining legal advice
- (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights, to the extent that the application of those provisions would prevent the controller from making the disclosure.

Footage can be provided, subject to receipt of a compliant written request and fee, chargeable only where footage is captured.

Note: Footage may not be provided if it may be relevant to a criminal prosecution or ongoing investigation where disclosure under such circumstances may prejudice future legal action.

Please see the council's website for further details:

<https://www.salford.gov.uk/crime-reduction-and-emergencies/cctv/>

We aim to respond in writing within five working days of receipt.

We may disclose images to 3rd party organisations, such as the police, for the prevention and detection of crime, subject to valid requests. Such requests are formally documented by the council and kept for a minimum of 5 years.

The authority to release images to 3rd party organisations, including the police, will be delegated to an operator when the CCTV Manager is unavailable.

Scheme Governance

The CCTV Manager continually monitors the council's CCTV scheme and undertakes regular reviews of the documented procedures to ensure it remains fit for purpose and operates within the law. The council's Head of Community Safety oversees the scheme and reports to the Lead Member for Community Safety.

The scheme is annually inspected by the council's internal audit team and by a 3rd party, independent inspectorate.

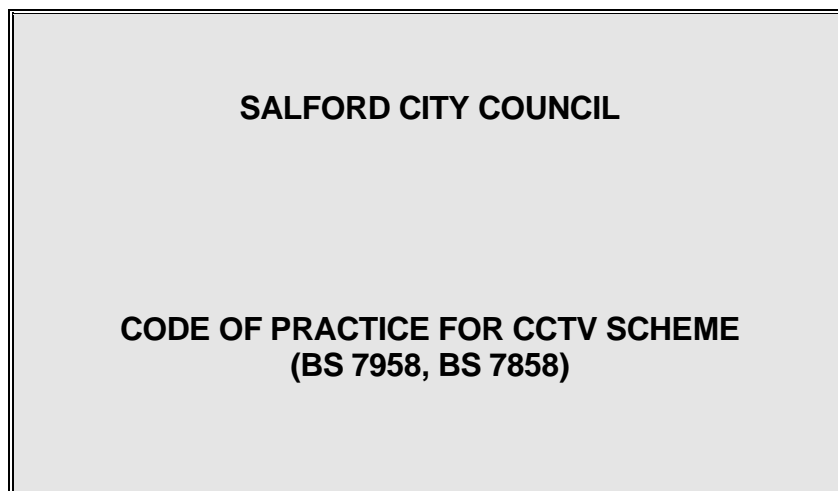
The CCTV Manager is accountable to Salford City Council and shall report any matter affecting the operation of the system, including any breach or suspected breach of the policy, procedural instructions, security of data or confidentially, to the Head of Community Safety.

A member of the public wishing to make a complaint about the system may do so through Salford City Council's online complaints procedure via the following link:

<https://contactus.salford.gov.uk/?formtype=CCC>

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FOR THE SALFORD CITY COUNCIL CCTV SCHEME (BS 7958 and BS 7858)**

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1.0 INTRODUCTIONS & DEFINITIONS

Introduction

- 1.1** This Code of Practice shall apply to the closed circuit television surveillance scheme known as the Salford City Council C.C.T.V. scheme. The scheme initially comprises of cameras located in specific external and internal locations within the Salford City Council area, with control, monitoring and recording facilities at a dedicated location. A problem orientated process was utilised to assess the appropriateness of CCTV in the Salford City Council area. The cameras have therefore been sited to capture images of identifiable individuals or information relating to individuals, relevant to the purposes for which the scheme has been established.

The area's covered by the CCTV system are as follows:

Ward	Ward
Barton	Little Hulton
Boothstown & Ellenbrook	Ordsall
Broughton	Pendlebury
Cadishead	Swinton North
Claremont	Swinton South
Eccles	Walkden North
Irlam	Walkden South
Irwell Riverside	Weaste & Seedley
Kersal	Winton
Langworthy	Worsley

1.2 Ownership

The scheme is owned by Salford City Council who are the Data Controllers, responsible for the management, administration and security of the system. Salford City Council will ensure the protection of individuals and the public by complying with the Codes of Practice.

1.3 Closed Circuit Television Mission Statement

To promote public confidence by developing a safe and secure environment for the benefit of those employed, visiting or using the facilities of the area covered by the Salford City Council CCTV systems. Salford City Council is committed to the Surveillance Camera Commissioners CCTV Code of Practice which can be found on the following website <https://www.gov.uk/government/organisations/surveillance-camera-commissioner>

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1.4 Codes of Practice Mission Statement

To inspire public confidence by ensuring that all public area Closed Circuit Television (CCTV) systems which are linked to the CCTV Control and Monitoring Room are operated in a manner that will secure their consistent effectiveness and preserve the civil liberty of law abiding citizens at all times.

1.5 Definitions

- 1.5.1 **The CCTV control and monitoring room** shall mean the secure area of a building where CCTV is monitored and where data is retrieved, analysed and processed.
- 1.5.2 **CCTV scheme** shall mean the totality of the arrangements for closed circuit television in the locality and is not limited to the technological system, staff and operational procedures.
- 1.5.3 **The retrieval system** means the capability, in any medium, of effectively capturing data that can be retrieved, viewed or processed.
- 1.5.4 **CCTV system** means the surveillance items comprising cameras and associated equipment for monitoring, transmission and controlling purposes, for use in a defined zone.
- 1.5.5 **The distributed system** means any subsystem, any part of which may be linked temporarily or permanently for remote monitoring within the CCTV system.
- 1.5.6 **Data** shall mean all information, including that about a person in the form of pictures, and any other associated linked or processed information.
- 1.5.7 **Personal Data** means any information relating to an identified or identifiable living person. An identifiable person is anyone who can be identified, directly or indirectly, by reference to an identifier, such as a name, identification number or online identifier.
- 1.5.1 **Data Subject** - a living, identified or identifiable individual about whom we as the Controller hold personal information.
- 1.5.2 **Special or Sensitive Personal Information** is information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data, and personal information relating to criminal offences and convictions.. The most significant of these, for the purposes of this code are information about: -
- The commission or alleged commission of any offences

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- Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.
- 1.5.9 **An incident** is an activity that raises cause for concern that the safety or security of an individual or property including vehicles that may be compromised or that an offence has been, is being or is about to be committed, or that an occurrence has taken place warranting specific action by an operator.
- 1.5.10 **The owner** is Salford City Council, the organisation with overall responsibility for the formulation and implementation of policies, purposes and control of the scheme.
- 1.5.11 **The systems manager** is a representative of Salford City Council who has the responsibility for the implementation of the policies, purposes and methods of control of a CCTV scheme, as defined by the owner of the scheme.
- 1.5.12 **The operations manager** is a designated employee of Salford City Council's control, monitoring and recording facility and is responsible for complying with Salford City Council CCTV policies.
- 1.5.13 **Controller** means the person or organisation (in this case us) that determines when, why and how to process personal information. The Data Controller for the CCTV schemes is Salford City Council.
- 1.5.14 **Privacy Notices** are notices setting out the information given to you at the time we collect information from you or within a reasonable time period after we obtain information about you from someone else. These notices may take the form of an overarching privacy statement (as available on our web site) or apply to a specific group of individuals (for example, service specific or employee privacy notices) or they may be stand-alone, one time privacy statements covering processing related to a specific purpose.
- 1.5.15 **Consent** must be freely given, specific, informed and unambiguous indication of an individuals' wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
- 1.5.16 **Explicit Consent** requires a very clear and specific statement, leaving no room for misinterpretation.
- 1.5.14 **Operators** are employees of Salford City Council and their agents and are specifically designated to carry out the physical operation of controlling the CCTV system and the data generated. All operators are screened, trained and licensed to the standards required in the Private Security Industry Act 2001

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- 1.5.15 **Recording material** means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.
- 1.5.16 **A hard copy print** is a paper copy of a live image or images, which already exist on recorded material.
- 1.5.17 **Recipient** means a person or organisation who receives your personal information from us. This may be a company with whom we have entered into a contract to provide services on our behalf or another Controller with whom we are either required or permitted to share personal information.

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1.6 System description

1.6.1 The Closed Circuit Television system referred to in this document has been introduced into Salford City Council area. Whilst the schemes are owned by Salford City Council and operated by trained and licensed staff, its implementation and/or expansion is supported by the following bodies (the partners)

1. Salford Crime and Disorder Reduction Partnership
2. Residential Social Landlords
3. Local Businesses
4. Development Partners inc. Central Salford Urban Regeneration Company

The owner, operator and all partners will work in accordance with the Codes. Only authorised partners will have involvement in the operation of the system.

1.6.2 This Code of Practice shall apply to the closed circuit television surveillance systems known as the Salford City Council CCTV schemes.

1.6.3 The system consists of static and fully functional (pan, tilt and zoom) cameras and either a fibre optic, microwave, radio or other transmission system which sends pictures to the designated control, monitoring and recording facility.

1.6.4 Images from all cameras are recorded simultaneously throughout 24 hour period 365 days each year.

1.6.5 There is also a dedicated CCTV transmission link to designated Police control rooms operating within the areas of CCTV coverage where live pictures and events can be monitored.

1.6.6 High quality cameras both fully functional with pan, tilt and zoom and static are in use.

1.6.7 The physical and intellectual rights in relation to any and all material recorded within the Control and Monitoring facility shall at all times remain in the ownership of Salford City Council.

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2.0 CHANGES TO THE CODE OF PRACTICE

2.1 Any major changes to this Code of Practice will take place only after consultation with the relevant management group and upon agreement of all organisations with a participatory role in the operation of the system.

2.1.1 Major changes to this code are defined as changes which affect its fundamental principles and shall be deemed to include:

- additions and omissions of cameras to the system
- matters which have privacy implications
- additions to permitted uses criteria e.g. purposes of the scheme
- changes in the right of access to personal data, except statutory requirements
- significant legal implications.

2.1.2 Minor changes to this Code of Practice are defined as operational and procedural matters which do not affect the fundamental principles and purposes; these shall include:

- additions and omissions of contractors
- additional clarifications, explanations and corrections to the existing code
- additions to the code of practice in order to conform to the requirements of any statutory Acts and changes in criminal legislation

A minor change may be agreed between the operations manager and the owner of the system.

The Code of Practice will be subject to annual review which will include compliance with the relevant legislation and British Standards.

2.2 Supplementary Documentation

The Code of Practice will be supplemented by the following documents:

- CCTV Operations Procedural Manual
- Operators Equipment manual
- Salford CCTV Strategy

Each document contains instructions and guidance to ensure that the objectives and principles set out in this Code of Practice are achieved. These documents will be restricted to the partners and staff members only.

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3.0 OBJECTIVES OF THE CCTV SCHEME & CODE OF PRACTICE

3.1 Purpose of and Compliance with the Code of Practice

- 3.1.1 This Code of Practice is to detail the management, administration and operation of the closed circuit television (CCTV) system in the Salford City Council area and the associated Control and Monitoring Facility.
- 3.1.2 The Code of Practice has a dual purpose, in that it will assist owners, management and operators to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.
- 3.1.3 The owners, 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.
- 3.1.4 The owners, CCTV Operators, users and any visitors to the Control, monitoring and recording facility will be 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.

3.2 Objectives of the scheme

- 3.2.1 The use of CCTV within Salford follows the three guiding objectives of the Home Office (2007), which are:
- To reassure the public and reduce the fear of crime. Concern about crime or the fear of crime is the number one driver behind public requests for CCTV installation in their area.
 - To reduce and prevent crime by deterring potential offenders. The theory is that potential offenders will think that they may be observed and therefore not offend. Deterrence is strongest where publicity is used.
 - To act as a tool for gathering evidence in the detection of crime. CCTV has an important role in detecting crime, guiding enforcement officers and providing evidence in court but it has to be informed by police intelligence. In this respect the Home Office suggests that Police intelligence should be used to direct CCTV surveillance planning.
- 3.2.2 In addition, Salford's CCTV strategy proposes that its continued use of CCTV will: -
- Improve the quality of life for people who live, work and visit the City.
 - Reduce anti-social behaviour.
 - Improve the commercial viability of the City.

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4.0 FUNDAMENTAL PRINCIPLES & POLICIES

4.1 Rights of Privacy

4.1.2 Salford City Council and partners support the individual's right to privacy and will insist that all agencies involved in the provision and use of Public surveillance CCTV systems connected to the control, monitoring and recording facility accept this fundamental principle as being paramount.

4.2 Principles of management of the scheme

4.2.1 Prior to the installation of cameras an 'Impact Assessment' to determine whether CCTV is justified and how it will be operated will be undertaken in compliance with legislation and the Surveillance Camera Commissioners CCTV Code of Practice.

4.2.2 The cameras have been sited to capture images which are relevant to the specified purposes for which the scheme has been established.

4.2.3 Cameras will be sited to ensure that they can produce images of the right quality, taking into account technical and environmental issues

4.2.4 To accomplish the above an 'Operational Requirement' will be completed at the time of the 'Impact Assessment' for each proposed camera to dictate the quality of images required. This is a recommendation of the Home Office and Information Commissioner.

4.2.5 Where wireless transmission systems are used to control CCTV equipment, sufficient safeguards will be in place to protect them from being intercepted.

4.2.6 The CCTV scheme will be operated fairly, within the applicable law and only for the purposes for which it has been registered with the Information Commissioner.

4.2.7 Operators are aware of the purpose(s) for which the scheme has been established and that the CCTV equipment is only used to achieve the identified purposes.

4.2.8 The scheme will be operated with due regard for the privacy of the individual.

4.2.9 Before cameras are placed in residential areas the residents in that area will be consulted concerning the proposed system. The results of the consultation will be taken into account

4.2.10 The public interest in the operation of the scheme will be recognised by ensuring the security and integrity of operational procedures.

4.2.11 The system will only be operated by trained and authorised personnel.

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4.3 Policy of the Scheme and Signage

4.3.1 The scheme aims to provide surveillance of the public areas within the Salford City Council area in order to fulfill the stated purposes of the scheme. The area protected by CCTV will be indicated by the presence of signs. The signs will be prominently located and placed so that the public are aware that they are entering a zone which is covered by surveillance equipment and will be clearly visible and readable. The signs will state the organisation responsible for the scheme, the purposes of the scheme and a contact telephone number.

4.4 Point of contact

If you wish to exercise any of your rights including where you are seeking a copy of your personal information, please submit your request to: infogovernance@salford.gov.uk or by post to:

Information Governance Team
Legal & Governance
Salford City Council
Civic Centre
Chorley Rd
Swinton
M27 5DA

For **all** requests, we will need:

- documentary proof that you are who you say you are (*this is for security reasons to ensure we are dealing with you and that none of your personal information is accessed or interfered with by anyone else falsely claiming to be you*);
- information about the request you are making and your dealings with us to help identify the information you are seeking and/or respond to your request. Please ensure you provide at least two forms of identification in the form of copies of utility bills, driving licence or similar bearing your full name and current postal address.

On receipt of your request, we will always send you a written acknowledgement and may need to ask you for:

- proof of identification if you have not supplied this already;
- information about the nature of your request and your dealings with us so we can understand what you are seeking or locate the information you require if this is not already clear from your request.

Can someone else make a request for me?

A friend, relative, advocate or solicitor may act on your behalf. However, this person must supply written authority from you to confirm that they are acting for you and we will still require identification for you.

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Alternatively should the public wish to make contact with the owners of the scheme they may phone:

0161 686 7480

The contact point will be available to members of the public during office hours.

Alternatively, should the public wish to make contact with the owners of the scheme via email at:

cctv@salford.gov.uk

or via the Salford City Council website. This work is currently ongoing, however the Council has published a document entitled, A Guide to Exercising Your Rights. This can be viewed or downloaded via the following link,

<https://www.salford.gov.uk/media/392350/scc-guide-exercising-your-rights-v1-0-3-may-2018.pdf>

Where appropriate, enquirers will be provided with the relevant documentation.

4.5 Release of information to the public

Information will be released to third parties, itemised in Section 8 who can show legitimate reasons for access. They will be required to request any information with reasons in writing and to identify themselves. Information will only be released if the data captures identifiable individuals or information relating to individuals and the reasons are deemed acceptable, the request and release of information complies with current legislation and on condition that the information is not used for any other purpose than that specified.

Individuals may request to view information concerning themselves held on record in accordance with Recital 63 of General Data Protection Regulation (GDPR). The procedure is outlined in Section 8.9 of this Code of Practice.

4.6 Release of information to statutory prosecuting bodies

The policy is to assist statutory prosecuting bodies such as the Police, and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Statutory bodies may have access to information permitted for disclosure on application to the owner of the scheme or the manager, provided the reasons and statement of purpose accord with the objectives of the scheme and conditions outlined in section 8.0. The information will be treated as evidential exhibits.

4.7 Release of information to Partner Organisations

Salford City Council actively supports other agencies including but not limited to City West Housing Trust, Salix Homes and other RSL's. To this end, information may be released to such partner organisations that can demonstrate in writing legitimate

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reasons for access which are in accordance with the objectives of the scheme and conditions as outlined in section 8.0.

4.8 Audit

There will be an annual policy review covering the following aspects:

- a) Whether the purpose and objectives statements remain valid
- b) Change in extent of the scheme
- c) Contracts with suppliers
- d) A review of the data protection or legal requirements
- e) Maintenance schedule and performance test of the system
- f) Scheme evaluation findings
- g) Complaints procedure and evaluation

5.0 DATA PROTECION ACT AND OTHER LEGISLATION

5.1 The scheme is registered with the Information Commissioners Office. The registration number is: **Z7069357**. Specifically, it covers the following:

Crime Prevention and Prosecution of Offenders

The scheme will be managed in accordance with the principles of the GDPR and the Data Protection Bill, the data protection principles set out the main responsibilities for organisations.

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Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- 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;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 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
- 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; 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; and
- f) 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.

Article 5(2) of GDPR requires that the controller shall be responsible for, and be able to demonstrate, compliance with the principles.

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5.2 Human Rights Act 1998

As the system will be operated by or on behalf of Salford City Council, the authority will also consider the wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life). Any new CCTV installations will only proceed following a formal assessment process. The CCTV Impact Assessment will include:

- Is the proposed system established on a proper legal basis and operated in accordance with the law?
- Is it necessary to address a pressing need, such as public safety, crime prevention or national security?
- Is it justified in the circumstances?
- Is it proportionate to the problem that it is designed to deal with?

If this is not the case then it would not be appropriate to use CCTV.

5.3 Criminal Procedures and Investigations Act 1996

The Criminal Procedures and Investigations Act 1996 came into effect in April 1997 and introduced a statutory framework for the disclosure to defendants of material which the prosecution would not intend to use in the prosecution of its own case (known as unused material) but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the data controller by Section 7 of the Data Protection Act 1998, (known as subject access).

5.4 Freedom of Information Act 2000

If a request for images is received via a FOIA application and the person requesting is the subject, these will be exempt from the FOIA and will be dealt with under The Data Protection Principles.

Any other requests not involving identification of individuals can be disclosed but only if it does not breach the data protection principles.

5.5 Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2000 came into force on 2nd October 2000 and places a requirement on public authorities listed in Schedule 1: Part 1 of the act to authorise certain types of covert surveillance during planned investigations. Specifically under the Act covert surveillance including "intrusive surveillance" and "directed surveillance" requires authorisation from specified persons and the reasons for such surveillance.

General observation forms part of the duties of many law enforcement officers and other public bodies and where this everyday use of overt CCTV surveillance systems does not involve systematic surveillance of an individual, it is not deemed to fall under the requirements of the Regulation of Investigatory Powers Act.

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Salford City Council operates in full compliance with the Regulation of Investigatory Powers Act 2000 and following the introduction of two significant changes to the Act in November 2012 it has amended its code of practice accordingly. Specifically:

- Under the **Approval of Local Authority Authorisations under RIPA by a Justice of the Peace** amendments, Salford City Council will only permit targeted covert surveillance once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).
- Under the **Directed surveillance crime threshold** amendments: Salford City Council will only grant an authorisation under RIPA for the use of directed surveillance where it is investigating criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

When another agency (e.g. Police, HM revenue & Customs etc) wish to use the City Council's physical resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures and, before any officer agrees to allow the City Council's resources to be used for the other agency's purposes, they must obtain a copy of that agency's RIPA form for the record or relevant extracts from the same which are sufficient for the purposes of protecting the City Council and the use of its resources. A copy should be made of the material obtained and passed to the Senior Responsible Officer's Secretary for inclusion in the Central Register

Copies of the Home Office's Codes of Practice can be viewed on their website: <https://www.gov.uk/government/collections/ripa-codes> and also the Investigatory Powers Commissioner's Office (IPCO) website: <https://www.ipco.org.uk/>

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5.6 PROTECTION OF FREEDOMS ACT 2012

Background

A new Surveillance Camera Code of Practice came into force on 4th June 2013 and operates supplementary to existing legislation and the ICO CCTV Code of Practice. The Code is pursuant to Section 29 of the Protection of Freedoms Act 2012.

Salford City Council will operate in full compliance with this new legislation and has incorporated beneath 12 guiding principles as contained within the Protection of Freedoms Act 2012:

1. Use of a surveillance camera system must always be for a specified purpose, in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. 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.
3. 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.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. 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.
6. 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 its purpose has been discharged.
7. 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.
8. 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.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. 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.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim and a pressing need, it should be used in the most effective way to support public safety and law enforcement.
12. Any information used to support a surveillance camera system which matches against a reference database should be accurate and kept up to date.

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6.0 ACCOUNTABILITY

6.1 Salford City Council and the Partners support the principle that the community at large should be satisfied that the Public surveillance CCTV systems are being used, managed and controlled in a responsible and accountable manner and that in order to meet this objective there will be independent assessment and scrutiny. It is the responsibility of all parties to maintain a continuous review of its integrity, security, procedural efficiency, methods of operation and retention and release of data.

6.2 Hierarchy of Responsibilities

6.2.1 The Owner

The owner shall be responsible for policy, effective management and public relations of the scheme. They shall produce a written policy and be responsible for its implementation. This shall be carried out in consultation with users of the scheme and provide for the release of information relating to the operation of the system. The owner is responsible for dealing with complaints. The role of owner also includes all statutory responsibilities including the role of “data controller” as prescribed by the Data Protection Act 1998 Section 1 Subsection 1(1)

6.2.2 The Operations Manager

The operations manager or designated member of staff should undertake regular reviews of the documented procedures to ensure that the provisions of this Code are being complied with. These should be reported back to the owner of the scheme. To facilitate this, regular minuted meetings will be held with the Supervisor to go through the points listed below:-

The manager is the person who has direct control of the scheme and as such he/she will have authority for the following: -

- Staff management
- Observance of the policy and procedural practices
- Release of data to third parties who have legal right to copies
- Control and security clearance of visitors
- Security and storage of data
- Security clearance of persons who request to view data
- Release of new and destruction of old data
- Liaison with police and other agencies
- Maintenance of the quality of recording and monitoring equipment

The manager should retain responsibility for the implementation of procedures to ensure that the system operates according to the purposes for which it was installed and in accordance with the objectives identified for the system.

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The manager shall also ensure that on a day-to-day basis all equipment is working correctly and that the operators of the scheme comply with the Code of Practice and Operational Procedural Manual. Dealing with breaches of the codes and disciplinary measures shall lie with the manager.

6.2.3 **The Supervisor (Designated to Operations manager)**

The Supervisor also has a responsibility to ensure that at all times the system is operated in accordance with the policy and all procedural instructions relating to the system, and for bringing to the immediate attention of the **owner** any matter affecting the operation of the system, including any breach or suspected breach of the policy, procedural instructions, security of data or confidentially.

The Supervisor should ensure that at all times operators carry out their duties in an efficient and responsible manner, in accordance with the objectives of the scheme. This will include regular checks and audit trails to ensure that the documentation systems in place are working effectively. These systems include:

- The media log
- The media register
- The operators log
- The incident log
- Witness statements
- Faults and maintenance log
- The security of data
- Audit logs
- Authorisation of visitors – to be checked & counter signed by the Supervisor

The supervisor should ensure operators comply with Health and Safety Regulations.

6.2.4 **The Operators**

The operators will be responsible for complying with the code of practice and operational procedures manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme. They are required to be proficient in the control and the use of the CCTV camera equipment, recording and playback facilities, media erasure, and maintenance of all logs. The information recorded must be accurate, adequate and relevant to the purpose of the scheme. They should bring to the attention of the supervisor immediately any equipment defect that may occur.

6.2.5 **Delegated Authority**

Appropriately trained Supervisors & Operators have delegated authority to release images to the police when the Operations Manager is unavailable.

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6.2.6 Contractor's Responsibilities

There are a number of contractors responsible for:

- Maintenance of CCTV equipment
- Maintenance of door entry systems

The response provided by contractors is subject of a written contract and records of responses are maintained.

6.3 Accountability

The manager/supervisor shall be accountable to the owner of the scheme and will provide periodic progress reports on the scheme. The manager/supervisor will resolve technical and operational matters.

Failure to comply with confidentiality and/or the procedures and code of practice may be deemed to be gross misconduct and should be dealt with by the manager/supervisor. Person(s) misusing the system will be subject to disciplinary or legal proceedings in accordance with the employers policy.

6.4 Annual Assessment

An annual assessment of the scheme will be undertaken by an independent body appointed by Salford City Council to evaluate the effectiveness of the system. This will include annual reviews of the scheme's operation, performance and working practices and, where appropriate make recommendations for improvements. The results will be assessed against the stated purposes of the scheme. If the scheme is not achieving its purpose modification and other options will be considered.

The results of the assessment will be made available through the Salford City Council.

The Surveillance Camera Commissioner's CCTV Code of Practice stipulates that the system should be reviewed annually to determine whether CCTV continues to be justified. It further states that it is necessary to establish the system's effectiveness to ensure that it is still doing what it was intended to do. If the scheme does not achieve its purpose, it should be stopped or modified. British Standard 7958 for the Management and Operation of CCTV in public space also requires that an annual evaluation is undertaken.

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6.5 Audit

Regular independent random audits will check the operation of the scheme and the compliance with the code of practice. It will consider the following:

- The level of attainment of objectives and procedures
- Random audits of the data log and release of information
- The review policy
- Standard costs for the release of viewing of material
- The complaints procedure
- Compliance with procedures

6.6 Complaints

A member of the public wishing to make a complaint about the system may do so through Salford City Council's online complaints procedure via <https://contactus.salford.gov.uk/?formtype=CCC>

Alternatively, copies of the complaints procedure are available from the Council House, Central Public Library or by writing to:

The CCTV Control Room & Business Development Manager,
Salford City Council
Salford Civic Centre
Chorley Road
Swinton, M27 5AW

A complaints procedure has been documented. A record of the number of complaints or enquiries received will be maintained together with an outline of the action taken.

When a complaint is received a written acknowledgement will be sent within three working days. A copy of the completed complaint form will also be sent so the complainant can check that the details are correct.

An investigation will follow and a written answer will be sent to the complainant within fifteen working days stating that:-

- the investigation is complete giving details of any proposed action or
- the investigation has not been completed giving the reason why and a date when a full reply can be expected.

Should a complainant not be satisfied there is an appeals procedure and this is detailed in the full complaints procedure.

A report on the numbers of complaints will be collated by the systems manager or designated member of staff in order to assess public reaction to, and opinion of, the use of the system. The annual report will contain details of the numbers of complaints

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received, the time taken to acknowledge and respond to complaints, the method of receiving and handling complaints and the degree of satisfaction in handling complaints.

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6.7 Personnel

6.7.1 Security screening

All personnel employed to control/operate or manage the scheme will be security screened in accordance with British Standard 7858: *Code of practice for screening of personnel in a security environment*.

6.7.2 Training

All operators are or will be trained to the criteria required by the Private Security Industry Act 2001 and licensed by the Security Industry Authority for Public Space Surveillance systems

All persons employed to act as operators of the system are or will be trained to the highest available industry standard. Training has been completed by suitably qualified persons and has included:

- Terms of employment
- The use of all appropriate equipment
- The operation of the systems in place
- The management of recorded material including requirements for handling and storage of material needed for evidential purposes.
- All relevant legal issues including Data Protection and Human Rights
- Progression to nationally recognized qualifications
- Recognise and understanding privacy and disclosure issues
- The disciplinary policy

6.7.3 Contractors

There are special condition's imposed upon contractor's carrying out works on the system. These are detailed in the Procedural Manual, appendix M. It should be noted that wherever possible contractors should not have sight of any recorded data.

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7.0 CONTROL ROOM MANAGEMENT AND OPERATION

7.1 Access to Control Room

- 7.1.1 Access to the monitoring area will be strictly controlled. Security of the Control Room shall be maintained at all times.
- 7.1.2 Only those persons with a legitimate purpose will be permitted access to the CCTV control and monitoring facility.
- 7.1.3 The Operations Manager, or in his/her absence the Deputy, is authorised to determine who has access to the monitoring area. This will normally be:
- Operating staff
 - The Manager/Supervisor
 - Police Officers requesting to view images of a particular incident, or collecting/returning media being considered for intelligence or evidential purposes. These visits will take place by prior appointment.
 - Engineers and cleaning staff (These people will receive supervision throughout their visit)
 - Authorised representatives of Salford City Council.
 - Independent Inspectors appointed under this Code of Practice may visit the control room without prior appointment.
 - Organised visits by authorised persons in controlled circumstances

All visitors to the monitoring area, including Police Officers, will be required to sign a visitors log and a declaration of confidentiality.

7.2 Response to an incident

- 7.2.1 The Procedural Manual details:
- What action should be taken
 - Who should respond
 - The time scale for response
 - The times at which the observation should take place
- 7.2.2 A record of all incidents will be maintained in the incident log. Information will include anything of note that may be useful for investigative or evidential purposes.

7.3 Who makes the response and the timescale

Incidents of a criminal nature will be reported to the Manchester Police. The response will be made by the Police Service in accordance with their policies.

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7.4 Observation and recording of incidents

Recording will be throughout the 24 hour period in real time and/or time lapse mode. Wherever possible the system will be monitored 24 hours a day. In the event of an incident being identified there will be particular concentration on the scene and the operator will activate real time recording, if appropriate.

7.5 A successful response

7.5.1 The criteria for measuring a successful response are:

- A good observational record of the incident
- A short time scale for response to the incident
- Identification of a suspect
- The prevention or minimisation of injury or damage
- Reduction of crime and disorder
- Improving public safety
- Restoration of tranquillity

7.6 Operation of the System by the Police

- a) There is a monitoring facility installed at specific Police Stations. Under certain circumstances the Police may make a request to monitor cameras to which this Code of Practice applies. Following agreement by the control room supervisor or authorised operator at the time, the Police will provide sufficient information to the operator of the genuine need to monitor.
- b) In the event of the police requesting use of the equipment from within the CCTV control room to monitor situations, such a request will only be permitted on the request of a Superintendent or his designated deputy and only with the permission of the Operations manager or his designated deputy. The request should be in writing, however, in emergencies this can be a verbal request which should then be followed by the written request as soon as practicable. The monitoring room will continue to be staffed and equipment operated by, only those personnel who are authorised to do so and who fall within the terms of this Code.
- c) In very extreme circumstances a request may be made for the Police to take total control of The Salford City Council CCTV System in its entirety, including the staffing of the monitoring and personal control of all associated equipment. Any such request should be made to The Operations manager in the first instance, who will consult personally with the most senior officer of the System owners (or designated deputy of equal standing).

Once the police undertake any of the above they become responsible under the Data Protection Act 1998. A police radio and telephone link through to the police station is available to effectively relay information on incidents that arise.

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8.0 PRIVACY AND DISCLOSURES ISSUES

8.1 Privacy

Cameras will not be used to infringe the individual's rights of privacy. The cameras generally are sited where they will not be capable of viewing any residential properties. If it is found there is a possibility that cameras would intrude in private areas, privacy zones would be programmed into the cameras, where possible. In all eventualities the CCTV operators are trained to recognise privacy issues.

8.2 Disclosure Policy

8.2.1 The following principles must be adhered to:

- a) All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images
- b) Images not required for the purposes of the scheme will not be retained longer than necessary. However, on occasions it may be necessary to retain images for longer period, where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation
- c) The Data controller will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV scheme
- d) Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised employees of the user of the equipment.
- e) Recorded material will only be used for the purposes defined in the objectives and policy
- f) Access to recorded material will be in accordance with policy and procedures
- g) Information will not be disclosed for commercial purposes and entertainment purposes
- h) All access to the medium on which the images are recorded will be documented
- i) Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of using the equipment
- j) Viewing of the recorded images should take place in a restricted area

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8.2.2 Before data is viewed by a third party the operations manager should be satisfied that data is:

- a) The subject of a complaint or dispute that is unanswered
- b) The original data and the audit trail is maintained throughout
- c) Not part of a current criminal investigation by the Police, or likely to be so
- d) Not part of a civil proceeding or likely to be so
- e) Not removed or copied without proper authority
- f) The image obtained is aimed at identifying individuals or information relating to an individual.

8.3 Access to recorded images

Access to recorded images will be restricted to the operations manager or designated **supervisor** who, in consultation with the systems manager, will decide whether to allow requests for access by third parties in accordance with the disclosure policy.

8.4 Viewing recorded images

Viewing of recorded images should take place in a restricted area. Other employees should not be allowed to have access to that area when viewing is taking place

8.5 Operators

All operators are trained in their responsibilities in relation to access to privacy and disclosure issues, in addition to being licensed as previously mentioned.

8.6 Removal of medium for Viewing

The removal of medium on which images are recorded, for viewing purposes, will be documented in accordance with Salford City Council's Data Protection principles and the Council's operational procedures manual.

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8.7 Access to data by third parties

- 8.7.1 Access to images by third parties will only be allowed in limited and prescribed circumstances. In the case of the Salford City Council CCTV scheme disclosure will be limited to the following:-
- a) law enforcement agencies where the images recorded would assist in a specific criminal enquiry
 - b) prosecution agencies
 - c) legal representatives
 - d) authorised representatives of Salford City Council
 - e) the media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be taken into account.
 - f) the people whose images have been recorded and retained (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.
- 8.7.2 All requests for access or for disclosure will be recorded. If access or disclosure is denied, the reason will be documented.
- 8.7.3 If access to or disclosure of the images is allowed, details will be documented.
- 8.7.4 Recorded images should not in normal circumstances be made more widely available, for example, they should not be routinely made available to the media or placed on the internet.
- 8.7.5 If it is intended that the images will be made more widely available, that decision should be made by the manager or designated member of staff in consultation with Salford City Council and the reason documented.
- 8.7.6 The owner should not unduly obstruct a bone fide third party investigation to verify the existence of relevant data.
- 8.7.7 The owner should not destroy data that is relevant to previous or pending search request which may become the subject of a subpoena.
- 8.7.8 The owner should decide which other agencies, if any, should have access to data and it should be viewed live or recorded but a copy should never be made or released.

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8.8 Disclosure in the public interest

Requests to view personal data that do not fall within the above categories but that may be in the public interest should be considered. Examples may include public health issues, community safety or circumstances leading to the prevention or detection of crime. Material released to a third party for the purposes of crime prevention or detection should be governed by prior written agreement with the Chief Constable.

Material may be used for bona fide training such as Police or staff training.

8.9 Data subject access disclosure

- 8.9.1 All staff involved in operating the equipment must be able to recognise a request for access to recorded images by data subjects and be aware of individual's rights under this section of the Code of Practice.
- 8.9.2 Individuals whose images are recorded have a right to view the images of themselves and, unless they agree otherwise, to be provided with a copy of the images. This must be provided within 28 calendar days of receiving a request.
- 8.9.3 Data subjects requesting access will be provided with a standard subject access request form (Appendix 'A') and accompanied leaflet (Appendix 'B') describing the types of images recorded and retained and the purposes for recording and retention.
- 8.9.4 Subject access rights are governed by General Data Protection Regulation (GDPR) and include the following provisions:
- a) In most circumstances, the information requested will be provided free of charge.
 - b) a person gives sufficient and accurate information about a date, time and place
 - c) information required as to the identification of the person making the request
 - d) confirmation that the subjects data is being processed
 - e) the Data Controller only shows information relevant to the search
- 8.9.5 If a copy is requested, it will be necessary to ascertain whether the images obtained are aimed at learning about the Data Subjects activities. If this is not the case and there have been no captured images of identifiable individuals or information relating to individuals then this may not fall within the provisions of GDPR and access may be denied. Any refusal should be documented.

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- 8.9.6 If on the other hand images have been obtained and CCTV used to focus on the activities of particular people either by directing cameras at an individual's activities, looking out for particular individuals or examining recorded CCTV images to find things out about the people in them such as identifying a criminal or a witness or assessing how an employee is performing. These activities will still be covered by the DPA and reference should be made to Section 8.2.2 of these Codes of Practice prior to the release of such data.
- 8.9.7 If images of third parties are also shown with the images of the person who has made the access request, consideration will be given as to whether there is a need to obscure the images of third parties. If providing these images would involve an unfair intrusion into the privacy of the third party, or cause unwarranted harm or distress, then they should be obscured. In many cases, images can be disclosed as there will not be such intrusion.
- 8.9.8 The subject access request will be dealt with promptly and in any case within 28 days of receipt of a fully compliant request or within 28 days of receiving all the information required.
- 8.9.9 All subject access requests should be dealt with by a representative of the owner or other designated staff.
- 8.9.10 A search request should provide sufficient information to locate the data requested (e.g. within 30 minutes for a given date and place). If insufficient information is provided a data controller may refuse a request until sufficient information is provided.
- 8.9.11 Under certain circumstances (Section 29 of the Data Protection Act 1998) the owner or designated member of staff can decide that a subject access request is not to be complied with. In such cases the refusal will be documented.

8.10 Provision of data to the individual

The owner/manager having verified the validity of a request should provide requested material to the individual. Where a decision has been made that third parties should not be identifiable, then arrangements will be made to disguise or blur the images in question. It may be necessary to contract this work out to another organisation. Where this occurs there will be a written contract with the processor which specifies exactly how the information is to be used and the provision of explicit security guarantees. The procedure outlined in Salford City Council's Procedural Manual will be followed.

If the individual agrees it may be possible to provide subject access by viewing only. If this is the case:

- Viewing should take place in a controlled environment
- Material not relevant to the request should be masked or edited out

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8.11 Other rights

- 8.11.1 All staff involved in operating the equipment must be able to recognise a request from an individual to prevent processing likely to cause substantial and unwarranted damage to that individual.
- 8.11.2 In relation to a request to prevent processing likely to cause substantial and unwarranted damage, the manager or designated member of staff's response should indicate whether he or she will comply with the request or not.
- 8.11.3 The member or designated member of staff must provide a written response to the individual within 21 days of receiving the request setting out their decision on the request.
- 8.11.4 If the manager or designated member of staff decides that the request will not be complied with, they must set out their reasons in the response to the individual.
- 8.11.5 A copy of the request and response will be retained.

8.12 Media Disclosure

Disclosure of images from the CCTV system must be controlled and consistent with the purpose for which the system was established. For example, if the system is established to help prevent and detect crime it will be appropriate to disclose images to law enforcement agencies where a crime needs to be investigated, but it would not be appropriate to disclose images of identifiable individuals to the media for entertainment purposes or place them on the internet. Images can be released to the media for identification purposes; this will not generally be done by anyone other than a law enforcement agency.

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9.0 RECORDED MATERIAL MANAGEMENT

9.1 Retention of Images

Images, which are not required for the purpose(s) for which the equipment is being used will not be retained for longer than is necessary. As mentioned previously, on occasions images may need to be retained for longer periods as a requirement of an investigation into crime. While images are retained access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act.

- 9.1.1 Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.
- 9.1.2 Security measures will be taken to prevent unauthorised access to, alteration, disclosure, destruction, accidental loss or destruction of recorded material.
- 9.1.3 Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.
- 9.1.4 Images retained for evidential purposes will be retained in a secure place where access is controlled.

9.2 Quality and Maintenance

In order to ensure that clear images are recorded at all times the equipment for making recordings and the associated security equipment, including, if appropriate, help points and public address systems will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions. In the event of a malfunction the equipment will be repaired within specific time scales which will be scheduled within the maintenance agreement. All documentation relating to the equipment and its servicing and malfunction is retained in the control room and will be available for inspection and audit.

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9.3 Digital Recordings

In a digital CCTV system, the register should show the life of the recorded media at all stages whilst in the owner's possession. Such a register may also show itself to be useful in enabling evaluation of the CCTV scheme.

The register should include the following:

- unique equipment reference number(s);
- time/date/person removing medium from secure storage for use;
- time/date/person returning medium to secure storage after use;
- remarks column to cover additional points (e.g., erase/destroy/handed over to law enforcement agencies/removed from recording machine);
- time and date of delivery to the law enforcement agencies, identifying the law enforcement agency officer concerned;
- in the event of a non-automated system of erasure of data, the time/date/person responsible for erasure and/or destruction.
- details of all reviews of images, including persons present and results

9.4 Making Recordings

Details of the recording procedures are given in the Operational Procedures Manual.

Recording mediums containing original incidents should not be replayed, unless absolutely essential, to avoid any accident, damage or erasure. If recorded images need to be reviewed the reasons and details of those present will be logged and the medium returned to secure storage, if appropriate.

9.5 Video Prints

Video prints will only be made when absolutely necessary. Video Prints requested by police must be on written authority of an officer of the rank of Inspector or above. All video prints will remain the property of the scheme owner and those not handed to the police will be retained in a secure cabinet until destruction is authorised. The taking of video prints will be recorded in a register to be retained in the control room.

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10.0 DOCUMENTATION

10.1 Log books must be sequential in order that pages or entries cannot be removed and full and accurate records kept.

10.2 Logs

An accurate log of operator working times will be maintained. Each operator will maintain a log of any event or occurrence including (these may be electronic):

- a) change of operator identifying the operator on duty at that workstation and showing:
 - that the correct time was being displayed
 - that all equipment was operating correctly, if not endorsing the appropriate log
 - that the recording equipment appeared to be operating correctly
- b) incidents including details of time, date, location, nature, name of operator dealing and action taken
- c) routine camera patrols, whether taken manually or through the utilisation of pre-set times
- d) Privacy zones, detailing where, for any reason, it is necessary to encroach on private areas that are not part of the contractual patrol
- e) help point activity, if appropriate
- f) public address use, if appropriate

10.3 Administrative documents

The following shall be maintained (these may be electronic):

- media tracking register
- occurrence/incident Book
- visitors register
- maintenance of equipment, whether routine or breakdown
- staff signing on and off duty
- video print log
- list of installed equipment

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Appendix 'A'

Subject Data Access Form

How to Apply For Access To Information Held On the CCTV System

These notes explain how you can find out what information, if any, is held about you on the CCTV System.

Your Rights

Subject to certain exemptions, you have a right to be told whether any personal data is held about you. You also have a right to a copy of the information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or data does not fall within the Data Protection Act 1998 or if you agree otherwise. Salford City Council will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, Salford City Council is not obliged to comply with an access request unless –

- The other individual has consented to the disclosure of information, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual(s)

Salford City Council CCTV System Rights

Salford City Council may deny access to information where the Act allows or does not apply. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
- Apprehension and prosecution of offenders
- Where the Data protection Act 1998 does not apply (Where not used to capture identifiable individuals or information relating to individuals)

And giving you the information may be likely to prejudice any of these purposes.

Fee

A fee of £10 is payable for each access request, which must be in pounds sterling. Cheques, Postal Orders, etc. should be made payable to Salford City Council.

THE APPLICATION FORM: (N.B. ALL sections of the form must be completed. Failure to do so may delay your application.)

Section 1 Asks you to give information about yourself that will help us confirm your identity. We have a duty to ensure that information it holds is accurate and it must be satisfied that you are who you say you are.

Section 2 Asks you to provide evidence of your identity by producing TWO official documents (which between them clearly show your name, date of birth and current address) together with a recent full photograph of you.

Section 3 The declaration must be signed by you.

When you have completed and checked this form, take or send it together with the required TWO identification documents, photograph and fee to:

The CCTV Control Room & Business Development Manager
Salford City Council
Civic Centre
Chorley Road
Swinton
M27 5AW

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SECTION 1 About Yourself

The information requested below is to help us (a) satisfy itself as to your identity and (b) find any data held about you.

PLEASE USE BLOCK CAPITAL LETTERS

Title (<i>tick box as appropriate</i>)	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Other title (<i>e.g. Dr., Rev., etc.</i>)				
Surname/family name				
First names				
Maiden name/former names				
Sex (<i>tick box</i>)	Male <input type="checkbox"/>	Female <input type="checkbox"/>		
Height				
Date of Birth				
Place of Birth	Town			
	County			

Your Current Home Address <i>(to which we will reply)</i>			
	Post Code		
A telephone number will be helpful in case you need to be contacted.	Tel. No.		

If you have lived at the above address for less than 10 years, please give your previous addresses for the period:

Previous address(es)		
Dates of occupancy	From:	To:
Dates of occupancy	From:	To:

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SECTION 2 *Proof of Identity*

To help establish your identity your application must be accompanied by TWO official documents that between them clearly show your name, date of birth and current address.

For example: a birth/adoption certificate, driving license, medical card, passport or other official document that shows your name and address.

Also a recent, full face photograph of yourself.

Failure to provide this proof of identity may delay your application.

SECTION 3 *Supply of Information*

You have a right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to:

- | | | |
|---|----------|--|
| (a) View the information and receive a permanent copy | YES / NO | |
| (b) Only view the information | YES / NO | |

SECTION 4 *Declaration*

DECLARATION (to be signed by the applicant)

The information that I have supplied in this application is correct and I am the person to whom it relates.

Signed by

Date

Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.

NOW – please complete Section 4 and then check the ‘CHECK’ box (on page 5) before returning the form.

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SECTION 5 *To Help us Find the Information*

If the information you have requested refers to a specific offence or incident, please complete this Section.

Please complete a separate box in respect of different categories/incidents/involvement. Continue on a separate sheet, in the same way, if necessary.

If the information you require relates to a vehicle, property, or other type of information, please complete the relevant section overleaf.

Were you: (tick box below)

<i>A person reporting an offence or incident</i>	<input type="checkbox"/>
<i>A witness to an offence or incident</i>	<input type="checkbox"/>
<i>A victim of an offence</i>	<input type="checkbox"/>
<i>A person accused or convicted of an offence</i>	<input type="checkbox"/>

Other – please explain

Date(s) and time(s) of incident	<input type="text"/>
Place incident happened	<input type="text"/>
Brief details of incident	<input type="text"/>

<p>Before returning this form Please check:</p>	<ul style="list-style-type: none"> • Have you completed ALL Sections in this form? • Have you enclosed TWO identification documents? • Have you signed and dated the form? • Have you enclosed the £10.00 (ten pound) fee?
--	--

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Further Information:

These notes are only a guide. The law is set out in the Data Protection Act, 1998, obtainable from The Stationery Office. Further information and advice may be obtained from:

**The Office of the Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.
Tel. (01625) 545745**

Please note that this application for access to information must be made direct to **Salford City Council** (address on Page 1) and **NOT** to the Information Commissioner.

OFFICIAL USE ONLY

Please complete ALL of this Section (refer to 'CHECK' box above).

Application checked and legible?	<input type="checkbox"/>	Date Application Received	<input type="checkbox"/>
Identification documents checked?	<input type="checkbox"/>	Fee Paid	<input type="checkbox"/>
Details of 2 Documents <small>(see page 3)</small>	<input type="checkbox"/>	Method of Payment	<input type="checkbox"/>
<input type="checkbox"/>		Receipt No.	<input type="checkbox"/>
		Documents Returned?	<input type="checkbox"/>
Member of Staff completing this Section:			
Name	<input type="checkbox"/>	Location	<input type="checkbox"/>

Signature

Date

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Appendix 'B'

**CCTV SCHEME LEAFLET
The Data Protection Act 1998**

CCTV IN OPERATION

This brochure contains advice and information regarding data recorded by the CCTV system and gaining access to that data.

The CCTV Control Room & Business Development Manager,
Salford City Council
Salford Civic Centre
Chorley Road
Swinton. M27 5AW

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THE PURPOSES FOR WHICH IMAGES ARE RECORDED

Full details of the principles and criteria under which this system operates may be found in the CCTV code of Practice.

The use of CCTV within Salford follows the three guiding objectives of the Home Office (2007), which are:

- To reassure the public and reduce the fear of crime. Concern about crime or the fear of crime is the number one driver behind public requests for CCTV installation in their area.
- To reduce and prevent crime by deterring potential offenders. The theory is that potential offenders will think that they may be observed and therefore not offend. Deterrence is strongest where publicity is used.
- To act as a tool for gathering evidence in the detection of crime. CCTV has an important role in detecting crime, guiding enforcement officers and providing evidence in court but it has to be informed by police intelligence. In this respect the Home Office suggests that Police intelligence should be used to direct CCTV surveillance planning.

In addition, Salford's CCTV strategy proposes that its continued use of CCTV will:

- Improve the quality of life for people who live, work and visit the City.
- Reduce anti-social behaviour.
- Improve the commercial viability of the City.

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RECORDED IMAGES

The CCTV system operates 24 hours per day, every day of the year. All cameras are continuously recorded in a real time or multiplex time lapse mode. Additional recordings may be made of individual camera pictures in either 12 hour or 3 hour (real time) mode.

All recordings are retained for a minimum of 31 days. If no legitimate requests for retention of the recording has been made it is then erased. All requests for retention of recordings are considered against the provisions of the Data Protection Act, Human Rights Act and the Code of Practice.

The storage, processing and use of the recorded data obtained by the CCTV system is guided by the following general principles.

Recorded data will only be used for the purposes defined in the Code of Practice and in accordance with the provisions of the Data Protection Act and Human Rights Act.

Access to recorded data shall only take place in the circumstances defined in the Code of Practice and the provisions of the relevant legislation.

Recorded data will not be sold or used for commercial purposes or the provision of entertainment.

The showing of recorded data to the public will only be permitted in accordance with the law in relation to the investigation, prosecution or prevention of crime.

Data released shall remain the property of Salford City Council.

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DISCLOSURE POLICY

Disclosure of data obtained by the CCTV System will only be committed in accordance with the relevant legislation and the criteria contained within the Code of Practice.

In every case a written application in an approved format, clearly showing the reasons for the request is required.

The code lists third parties from who requests to view data will be regarded as 'primary requests' and sets out circumstances in which such applications may be made.

Third parties include:

The Police; Fire Service; H.M. Customs & Excise; Salford City Council (Specific Officers); Other statutory prosecuting bodies (e.g. Trading Standards, Ministry of Defence Police; British Transport Police; etc); solicitors; plaintiffs/defendants and persons exercising their rights of subject access under Articles 15 to 22 of General Data Protection Regulation Legislation.

SUBJECT ACCESS

If you wish to exercise your rights of subject access as provided for under Articles 15 to 22 of General Data Protection Regulation legislation you can request this via .

All requests for subject access will be dealt with by the CCTV Manager or a nominated deputy. A written response to the request will be provided within 40 days of receipt, either setting out the steps intended to take to comply with the request or setting out the reason for refusing the request.

A fee, not exceeding the prescribed maximum, may be levied.

The Data Protection Commissioner has published a Code of Practice for Users of public area CCTV Systems. A copy of this code may be obtained on application to the Data Protection Commissioner.