

# Surveillance Camera Technologies

## Procedural Guidance

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# 1. Introduction

Warwickshire County Council has produced the Surveillance Camera Technologies Policy for the public and officers of the County Council. The Policy details the County Council's approach to Surveillance Technologies, including how the Scheme operates and what rights the public have in respect of access to images and privacy.

This Procedural Guidance sets out how County Council staff should carry out their responsibilities in relation to Surveillance Camera Technologies to meet the requirements of the Policy. It should be read in conjunction with the Policy.

Anyone misusing the system or not complying with this Procedural Guidance or the Surveillance Camera Technologies Policy may be subject to disciplinary action. The Surveillance Camera Manager will seek legal advice and any action will be conducted in accordance with the County Council's disciplinary policy or legal proceedings, as appropriate.

## Definitions

"Authorised Employees" are employees of the County Council who are specifically designated to carry out the physical operation of the Surveillance Camera Systems including processing the Data generated. For the purposes of the Surveillance Camera Code, Authorised Employees are "system users"

"County Council" means Warwickshire County Council

"Data" means any information of whatever nature, including that about a person in the form of pictures, and any other associated linked or processed information, collected and processed as a consequence of the operation of the Surveillance Camera Systems, which shall include, without limitation, any Personal Data.

"Data Controller" means a person who (either alone, jointly or in common with other persons) determines the purposes for which and the manner in which any Personal Data is, or is about to be, processed. The Data Controller for the Scheme is the County Council.

"External Operators" means any third party organisations appointed by the County Council to carry out the physical operation of the Surveillance Camera System and/or associated security, maintenance and monitoring services.

"Incident" means an activity that raises cause for concern that the safety or security of an individual or property 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 / Employee, as appropriate.

"Operators" are employees of the County Council who are specifically designated to carry out the physical operation of the Surveillance Camera Systems and processing but excluding the Data generated.

"Personal Data" means Data which relates to a living individual who can be identified either:

- a) from that Data or;
- b) from that Data and other information which is in the possession of or is likely to come into the possession of, the Data Controller.

“Policy” means the County Council’s Surveillance Camera Technologies Policy.

“Procedural Guidance” means this Surveillance Camera Technologies Procedural Guidance.

“Scheme” means the totality of the arrangements for the Surveillance Camera Systems operated by the County Council, including but not limited to the management, administration and security of the systems.

“Scheme Purposes” means the purposes for which the Scheme was established, as set out in the Policy

“Surveillance Camera Code” means the statutory Surveillance Camera Code of Practice issued under the Protection of Freedoms Act 2012, as revised from time to time.

“Surveillance Camera Co-ordinators” means those employees who have responsibilities to assist the Surveillance Camera Manager in the management, administration and security of the Surveillance Camera Systems (as set out in the Policy).

“Surveillance Camera Device” means an individual camera or associated equipment for monitoring, transmission and controlling purposes.

“Surveillance Camera Manager” means the person with overall responsibility for the management, administration and security of the Surveillance Camera Systems (as set out in the Policy).

“Surveillance Camera System” means a collection of connected Surveillance Camera Devices at any given location that operates to achieve the Scheme Purposes.

“Surveillance Technologies” means all forms of technology that are able to capture, record and process images of persons and/or other forms of personal data, as set out in the Policy.

## **2. Privacy Impact Assessments (PIAs)**

Anyone seeking to introduce a Surveillance Camera System must complete the County Council’s Privacy Impact Assessment (PIA)<sup>1</sup> which is provided on the intranet, along with guidance on how to complete the form. All PIAs must be sent to Legal Services for review and be approved by the Surveillance Camera Manager prior to implementation of the Surveillance Camera System. The Data Protection Officer is to be consulted on all PIAs.

It is the responsibility of the Surveillance Camera Co-ordinators to ensure that PIAs are carried out properly. PIAs must reflect all information required for the Surveillance Camera Manager to consider whether the use of the suggested Surveillance Camera System would be justified.

PIAs need to be reviewed annually to ensure that the use remains proportionate and justified. The County Council has a short form PIA review sheet that can be used where a full PIA has previously been undertaken. This PIA review sheet can only be used for two consecutive years, after which a full PIA must be undertaken again.

Please note that PIAs are published on the County Council’s website. When completing the PIA, officers should be satisfied that it is appropriate for the information to be made public.

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<sup>1</sup> Referred to as a Data Protection Impact Assessment under Data Protection Legislation

Officers should seek advice from Legal Services if they have any concerns regarding the information being provided on the PIA.

### **3. Training**

Each Surveillance Camera Co-ordinator will ensure that training is carried out for members of staff within their Group.

All Operators / Authorised Employees of a Surveillance Camera System need to be trained to ensure that they comply with the Policy and this Procedural Guidance. Training should include details of the County Council's policies for recording and retaining images and Authorised Employees will receive training in the handling of images securely and dealing with image access requests from the police and third parties.

### **4. The Annual Assessment**

An annual assessment of the County Council's Surveillance Camera Systems will be undertaken by the Surveillance Camera Manager. The main purpose of this assessment is to evaluate the effectiveness of the systems and the relevant technical standards i.e. whether or not the Surveillance Camera Devices are adequate to achieve the Scheme Purposes.

All officers involved in the use of Surveillance Camera Technologies will be expected to co-operate with any requests relevant to the annual assessment, including but not limited to, the provision of information. The Surveillance Camera Coordinators shall be responsible for ensuring that the Surveillance Camera Manager has all necessary information to conduct their assessment.

In the event that the Surveillance Camera Manager determines that one or more Surveillance Camera Devices are not adequate from a technical perspective, they may direct that such equipment is no longer used.

The Surveillance Camera Manager will give consideration to publishing the outcome of any assessment on the County Council's website.

### **5. Audits**

Authorised Employees will carry out regular random audits to check the operation of the Scheme and compliance with both this Procedural Guidance and the Policy. An individual audit will consider the following:

- Whether the Scheme Purposes are being achieved;
- Whether the release of information has been appropriate;
- Any complaints received in relation to a particular Surveillance Camera System;
- Compliance with procedures by Operators /Authorised Employees and other officers; and
- Licence requirements of any External Operators.

The Surveillance Camera Manager will also on occasions carry out their own audits to satisfy themselves that this Procedural Guidance and the Policy are being complied with.

## **6. Holding information in relation to the location of Surveillance Technologies**

The Surveillance Camera Manager will ensure that a central record is kept that covers the locations of all Surveillance Camera Systems for which the County Council is responsible.

It is the responsibility of the Surveillance Camera Co-ordinators to ensure that the record is kept up-to-date in respect of Surveillance Camera Systems held within their group.

## **7. Annual Review**

In addition to the annual assessment, the Surveillance Camera Manager shall also review the Surveillance Technologies Scheme annually to ensure that it remains necessary, proportionate and effective in meeting the Scheme Purposes.

The Surveillance Camera Coordinators are responsible for providing such information as is required for the Surveillance Camera Manager to carry out that review.

## **8. Access to Images**

### **IMPORTANT NOTICE**

**No member of staff is permitted to view, access and / or disclose images to third parties unless specifically authorised to do so by the Surveillance Camera Manager. Authorised staff are defined as Authorised Employees under this Procedural Guidance and in the Policy and a list of Authorised Employees for each Group is published on the intranet.**

Members of staff may receive contact direct from members of the public seeking copies of images from the Surveillance Camera Systems. In such circumstances the member of staff needs to refer the requestor to [www.warwickshire.gov.uk/accesstoinformation](http://www.warwickshire.gov.uk/accesstoinformation) so that the WCC information request process is instigated. Requests from employees for images in public locations (i.e. where personal data of members of the public may also be included) should be treated as an FOIA or DPA request and follow the WCC information request process.

Requests will be allocated to Surveillance Camera Co-ordinators (or specific Authorised Employees where this responsibility has been delegated) in accordance with the County Council's information request system (Manage my Requests (MMR)). Requests should be handled in accordance with this Procedural Guidance, the Policy and the County Council's access to information policy and procedures. If an officer has any concerns about a request for images, they should seek specific advice from Legal Services.

## Freedom of Information Act (FOIA ) /Environmental Information Regulations (EIR) requests

If the request has been made under FOIA/EIR, Surveillance Camera Co-ordinators/Authorised Employees should, prior to responding to the requestor, consider the following:

- Is this a request for the requestor's own information? If so, then this should be treated as a subject access request and recorded as such on MMR.
- Can you locate the information being requested? If not, go back to the requestor to clarify. If it still can't be located, inform the requestor that the information is not held.
- Do the images include the personal data of third parties (e.g. registration numbers, images of people that are recognisable)? If so, then it is unlikely to be appropriate to disclose the images, unless the images are of a crowded place where there would not be an expectation of privacy or unless it is possible to redact the third party personal data from the images
- whether the footage should be secured whilst consideration is given as to whether it should be disclosed

In the event that the images cannot be disclosed, the requestor should be issued with a refusal notice.

## Subject access requests

If the request has been made under Data Protection Legislation the Surveillance Camera Co-ordinators/ Authorised Employees should consider the following:

- Do you have the relevant proof of identity to be able to disclose the information? If not, go back to the requestor to obtain it.
- Can you locate the information being requested? If not, go back to the requestor to clarify.
- Do the images include the personal data of third parties (e.g. registration numbers, images of people that are recognisable)? If so, then you will need to make a judgement as to whether or not it would be appropriate to disclose the images, having had regard to what information the requestor already knows from being present at the location of the camera.

Requests may also be made by insurers or other parties on an individual's behalf. Provided they can demonstrate that they have the relevant consent of the data subject, the request should be processed as above.

## Release of information to statutory prosecuting bodies

In the event that the request has been made under Paragraph 2 of Schedule 2 of the Data Protection Act 2018 then Surveillance Camera Coordinators/ Authorised Employees should consider the following:

- Has the statutory body filled in the relevant disclosure form or equivalent? If not, go back and ask them to do so, as they may not be able to rely on the footage as evidence if it has not been appropriately obtained.
- Can you locate the information being requested? If not, go back and ask for more information.
- Are you satisfied that the purposes that they are seeking the images for are compatible with the Scheme Purposes? If not, you should not disclose the images.

## Internal requests

In cases where requests are made by members of staff the Surveillance Camera Coordinators / Authorised Employees should consider the following:

- If the request is from a member of staff seeking access to their own images, the request should be processed as a subject access request, as detailed above, and recorded on MMR.
- If the request is from a member of staff seeking access to images that are not their own personal data, consideration should be given as to whether the purpose for which images are sought are consistent with the Scheme Purposes. As one of the Scheme Purposes is the enhancement of the security of County Council premises it may be appropriate for such images to be accessed and released. Consideration should be given as to whether the images should be released to the requestor or directly to the police and / or County Council insurers.
- Where the personal data is of another employee, careful consideration should be given to whether or not disclosure is appropriate, particularly where the requestor was not present (e.g. damage caused to a vehicle whilst it is parked). In such circumstances it may be appropriate to direct the requestor to the Police or their insurers to obtain the footage on the basis of legal action being contemplated. In limited circumstances, at the sole discretion of the person with responsibility for managing the cameras, the Authorised Employee may review the footage to see if an Incident occurred in order to enable the requestor to determine whether they wish to refer the matter to the Police or their insurers.
- Whether legal advice is required particularly where the personal data is of another employee as each request has to be assessed on a case by case basis to determine whether it would be fair to release the images to the requestor.
- In exceptional circumstances, access to recorded images will be authorised to County Council managers who are investigating disciplinary offences against a member of staff. Such authorisation can only be given by the Surveillance Camera Manager.
- A record of all internal requests should be added to the MMR system.

## **9. Procurement of Technology**

New Surveillance Camera Systems will be procured in accordance with the County Council's strategy on procurement.

All Surveillance Camera Systems must comply with the requirements set out in the Surveillance Camera Systems Technical Appendix available on the intranet.

## **10. Review**

This Procedural Guidance will be reviewed every 2 years or earlier if changes are identified as a result of new legislation or guidance.



