

## CCTV Policy

### 1 Scope

- 1.1 This policy sets out the approach taken by Uttlesford District Council (UDC) when deploying and managing the use of CCTV, requests for footage and surveillance equipment within properties and areas under our management.
- 1.2 This policy is related to and should be understood in conjunction with our ASB Policy, our Data Protection Policy, RIPA Policy, tenancy and lease agreements, alongside current legislation and regulations.
- 1.3 This policy applies to all areas specifically managed by Uttlesford District Council where CCTV or surveillance systems are/could be deployed. This includes:
  - Council owned or managed residential and commercial buildings and gardens
  - Council owned vehicles (waste vehicles)
  - Office and workplace facilities
- 1.4 Our intention is to balance the privacy rights of individuals with our responsibilities to prevent and detect crime and/or anti-social behaviour. We will ensure the use of CCTV is proportionate to the impact of crime and anti-social behaviour individuals and communities.

### 2. Definitions

9.1 The following are terms and definitions as may be used in the context of this policy:

- CCTV: fixed-position cameras designed to capture and record images of individuals and property.
- ANPR: Automatic Number Plate Recognition cameras.
- Overt CCTV: cameras which are in place with the full knowledge of staff, residents and those using public or communal areas. There will be accompanying signage.
- Covert CCTV: CCTV which is in place without the knowledge of all staff or residents. Covert CCTV images are captured without the knowledge of those being recorded. (Routine covert CCTV is not used by Housing Services).
- Surveillance Systems: any devices or systems designed to monitor or record images of individuals or information relating to individuals. The term includes CCTV systems as well as any technology that may be introduced in the future. (For example, doorbell cameras).
- Data: In respect of CCTV, this generally means video images. It may also include audio recordings and static pictures such as printed screen shots.

- **Personal Data:** data relating to a living individual who can be identified from that data (or other data in our possession). This can include video images of identifiable individuals.
- **Processing:** is any activity which involves the use of Personal Data, including obtaining, recording or storing data, or carrying out any operation on the Personal Data including organising, amending, retrieving, using, disclosing or destroying it. This also includes transferring Personal Data to third parties.
- **Subject Access Request:** is a written request to Uttlesford District Council asking for access to the personal information it holds on you.
- **Data Subjects:** all living individuals about whom Uttlesford District Council holds Personal Data as a result of the operation of its CCTV.
- **Data Controllers:** Uttlesford District Council is the Data Controller of personal data used in the process of managing housing stock and its buildings.
- **Data Users:** Uttlesford District Council's employees whose work involves the processing of personal data. This will include those whose duties are to operate CCTV cameras/ surveillance systems to record, monitor, store, retrieve and delete images. Data Users must protect the personal data they handle in accordance with this policy.
- **Data Processors:** is any person or organisation that is not a Data User (or other employee of a Data Controller) that processes personal data on our behalf and in accordance with our instructions (for example, a supplier which handles Personal Data on the Council's behalf).
- **DPIA:** Data Protection Impact Assessment. A DPIA is an internal process designed to identify risks arising out of the processing of personal data, and to minimise these risks as much as possible.
- **EVA:** Environmental Visual Audit. An EVA is when Uttlesford District Council, in partnership with police and other relevant agencies, conducts a walk-through in a neighbourhood or local area to identify issues of concern and potential solutions.

## 2 Key Principles

- 2.1 We recognise that CCTV, ANPR and other fixed position surveillance tools can be used successfully to increase safety, security and reduce the incidents of crime and anti-social behaviour. Whilst there can be a positive impact, there can also be limitations in using these systems.
- 2.2 We are required to comply with legislation, and, wherever possible, good practice when considering the capture and processing of information obtained by CCTV or other fixed position surveillance. Under this policy we will advise anyone whose images may be captured to explain how and when we may use such systems, and how they can obtain personal data if held.
- 2.3 Where CCTV systems are used by Uttlesford District Council, our objectives are:
  - Protecting our residents, staff and buildings

- Detecting and deterring crime and anti-social behaviour
- Identifying offender to assist with prosecution or enforcement action
- Reduce the fear of crime and helping make neighbourhoods feel safer

### 3 Regulation and Legislation

3.1 The key legislation, regulation and good practice includes, but is not limited to:

- Data Protection Act 2018 ("DPA")
- UK General Data Protection Regulation ("UK GDPR")
- Human Rights Act 1998 ("HRA")
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000 ("RIPA")
- Protection of Freedoms Act 2012 ("POFA")
- Information Commissioner Office – CCTV Code of Guidance
- Home Office – Surveillance Camera Code of Practice
- Criminal Procedures and Investigations Act 1996
- Criminal Justice and Public Order Act 1994.
- Equalities Act 2010

### 4 Systems Managed by UDC

4.1 We will consider all available options to achieve the best outcome, which means that less invasive and costly options will often be taken into consideration before using CCTV. Where and when we believe it may be appropriate to install CCTV on an estate or a communal area, we will write to residents to confirm:

- The purpose
- Whether it is a temporary or permanent installation
- We have the authorisation
- We have the controls to keep the data secure
- That we have conducted a data privacy impact assessment (DPIA)
- How they can access their data
- Who to contact if a camera is damaged
- Whether there is a cost for the CCTV and if so, we will consult residents as required

4.2 For new build properties, the decision to fit CCTV cameras or other surveillance system will be undertaken during the development process and following a Data Protection

Impact Assessment (DPIA). This will be reviewed at a later point when the building is occupied.

4.3 For new and existing systems, to ensure we comply with Data Protection and GDPR requirements, we will ensure arrangements are in place to:

- Conduct a six-monthly visual survey
- Conduct a three-yearly enhanced survey
- Ensure the quality of the cameras is sufficient to identify persons
- Ensure the system is time and date stamped accurately
- Conduct a GDPR data privacy impact assessment (DPIA) for each CCTV system
- Display visible CCTV signs confirming that we are recording and who to contact for enquiries
- Remove cameras when they are no longer required for their original purpose. (Before removing fixed cameras, we will consult local residents).

4.4 Where we have recorded images of an individual, they have a legal right to view any of these currently retained. This can be requested by submitting a 'Subject Access Request'. Please refer to our Data Protection Policy here: [Data Protection Policy Statement - Uttlesford District Council](#)

4.5 A list of the locations of our CCTV locations can be found on our website here [TBC].

## **5 Audio surveillance**

5.1 We will use sound recording CCTV cameras when tackling anti-social behaviour and crime, not for general observation.

5.2 We will put up signs and make it very clear if audio recording is in use (except when being used covertly)

5.3 We will usually retain images and audio recordings for 31 days where reasonable and practicable, erasing them after this unless the information relates to an ongoing antisocial behaviour case. Where this is the case, we will erase images and audio recordings within twelve months of the case closure or the conclusion of any legal proceedings. We will keep a record when we

- Review images
- Download images
- Disclose data legally to a third party
- Move the data to another location
- Process a Subject Access Request.

5.5 Only staff authorised and trained to operate CCTV equipment can review, download and share data. We hold a central list for all our cameras and staff authorised to operate our CCTV equipment.

- 5.6 Where CCTV systems are managed by third party managing agents that we have appointed, they must follow our CCTV Policy. Where CCTV has been installed and is being managed by a third party, we arrange for enquiries to be directed to the third party. For example, Essex Police or Essex County Council Highways, or another building owner where we are a leaseholder.

## 6 Covert systems

- 6.1 We will only use hidden (covert) CCTV when other methods of gathering evidence of crimes, such as tenancy fraud or anti-social behaviour, fail to meet the purpose.
- 6.2 Use of hidden CCTV will be time limited and authorised - by a Magistrate and by the UDC's Monitoring Officer in consultation with the Data Protection Officer.
- 6.3 No signs will be displayed
- 6.4 There will be no obligation to tell the alleged perpetrator or any other individual that hidden CCTV is in place

## 7 Tenant and Leaseholder CCTV

- 7.1 In a home environment, security camera types are becoming more prevalent. This includes modern technologies such as cameras on Ring doorbells or similar. Sometimes people install these to track deliveries, identify guests, and prevent and detect criminal activity and anti-social Behaviour. Before installing CCTV, it is important to consider the legal and other repercussions, even though this may seem like a permissible application. Regardless of tenure, any tenant or leaseholder wishing to install surveillance equipment on their property must first comply with current council policy on making alterations and improvement, including requesting written authorisation before starting. The Council's Alterations and Improvement Policy can be found here: [Get permission to make improvements to your council home - Uttlesford District Council](#)
- 7.2 Where a tenant or leaseholder has installed equipment without UDC permission, they will be asked to remove it until permission is obtained.
- 7.3 If we receive a request for CCTV on a building to which a tenant or leaseholder has exclusive access (such as a street property with a single entrance), we will approve their request if the installation satisfies the necessary requirements. This will rely on several factors, such as the technology being utilised, where it is placed, and how the equipment is attached. For instance, we won't approve anything that would jeopardise a fire door's integrity. As the freeholder, we are often responsible for the outside of the property and what we deem to be a suitable installation.
- 7.4 If a resident installs equipment that only captures images within the boundary of their private domestic property (including their private garden), then the data protection laws will not apply. If the system captures images of people outside the boundary of their private domestic property, including in neighbours' homes or gardens, shared spaces, or on a public footpath or a street, then the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA18) will apply.
- 7.5 Where a UDC tenant or leaseholder is granted permission to install CCTV on their home they are alerted to the following:

- It is their responsibility to make sure that the CCTV system is installed and positioned correctly - and remains in the agreed position
- They are responsible for all the information that is recorded by their system and must comply with data protection legislation including responding to subject access requests
- They must indicate that the CCTV is in place through clear signage
- They are responsible for all the information that is recorded by their system and must comply with data protection legislation including responding to subject access request
- They must make good any damage caused through the installation work

7.6 If the equipment proposed by a resident could capture images from a communal area of a building or land managed by UDC, we will not grant permission for it to be installed and used. This includes where it will face onto any corridor or walkway immediately outside a door leading to a communal area which does not form the boundary of the individual property and there will be few exceptions where permission may be granted. However, we will examine such cases on an individual basis.

7.7 For more information on the obligations please visit the ICO website for guidance for those installing CCTV in a domestic setting: [Domestic CCTV systems | ICO](#) and Surveillance Camera Commissioner's website: [Surveillance Camera Commissioner - GOV.UK \(www.gov.uk\)](#)

7.8 We reserve the right to withdraw permission if we find that the system is being misused. For example, if it is repositioned to capture images outside of the permitted boundaries, or focused on an individual or specific property. We will request for that the equipment is immediately removed and take action to remove it if necessary. It could also be considered a breach of the tenancy or lease if, for example, the recording of images cause harassment or a nuisance to others.

7.9 Uttlesford District Council do not accept responsibility for the use or management of resident owned surveillance, regardless of whether we have granted a resident permission to have a surveillance system in place. We do not control or process this data.

## 8. Other resident recordings

8.1 Residents are reminded that recordings must not breach Article 8 of the European Court of Human Rights. This protects a person's right to respect for their private life, family life, home and correspondence (for example telephone calls and emails).

8.2 Residents and visitors to our buildings are reminded that they should not:

- Film employees without their consent when they visit their homes or when carrying out their duties in our neighbourhoods and buildings
- Record conversations including telephone conversations involving our employees without their consent
- Record other residents and their visitors in communal areas in and around our buildings without their consent

- Distribute and share recordings on social media platforms where they have not obtained the consent of those concerned

8.3 Our tenancy and lease agreements contain clauses prohibiting nuisance and harassment, and for which we will take action where breached. We will consider taking enforcement action against any person who is found to be harassing a member of staff, or any other person in line with our Anti-social Behaviour Policy [Anti-social behaviour - Uttlesford District Council](#)

## 10. Monitoring

- 10.1 We will review this policy and its procedures in line with any changed to legislation, regulation and good practice
- 10.2 We will regularly review the suitability and effectiveness of the CCTV/surveillance systems we have in place. We will keep a record of Data Protection Impact Assessment, (DPIA) and these will be reviewed where there are significant changes.
- 10.3 We keep a list of all active CCTV/surveillance systems for which we have managed contracts. These are available on request.
- 10.4 Information will be stored in line with data protection principles. We have systems in place to erase data beyond the dates stated in the policy.

## 11. Equality and Diversity

- 11.1 The council will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 11.2 We are committed to helping customers to access information about their homes and services in a way that suits individual needs.
- 11.3 We will meet the requirements relating to equality and diversity laid down in the Equality Act 2010 by working to:
- eliminate discrimination, harassment and victimisation
  - advance equality of opportunity and
  - Foster good relations between all our residents, service users and staff.
- 11.4 The council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age (collectively referred to as protected characteristics in the Equality Act 2010).
- 11.5 The council aims to provide homes and services that meet the diverse needs of customers. We believe that all customers should be able to access housing, support and care services with the same ease and that the quality of our service is the same high standard for all.

## Related Documents

Document	Link
<b>Connected Policies:</b>	RIPA Policy Safeguarding Children, Young People and Adults Policy and Procedure Complaints Policy
<b>Forms and Letters:</b>	Risk Assessment Proportionality Statement
<b>Leaflets:</b>	Linked leaflets

## Version history

<b>Version no.</b>	1	<b>Date effective:</b>	
<b>Full / partial review?</b>	Full		
<b>Brief summary of changes:</b>			
<b>Staff consultation (teams):</b>	Neighbourhood Community Safety Partnership Public Health and Protection Equality Steering Group Safeguarding Steering Group		
<b>Resident consultation:</b>			
<b>Approved By Cabinet / Council:</b>			
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