



CCTV Use in Public Places Policy & Mobile CCTV vans



Policy Title

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Section 1 – Policy Intentions

Gloucestershire Constabulary has adopted a practice of encouraging the development of CCTV for street surveillance in the County. Since the issue of Force Policy in 1995, there has been a substantial increase in the number of fixed CCTV cameras within the County and, in addition, a number of mobile cameras have been purchased. The Constabulary also has 2 Mobile CCTV Vans. This document represents an update of the original policy and incorporates current legislation.

The increase and complexity of the legal situation surrounding the use of CCTV equipment means that it is prudent for the Constabulary to have clear policies, strategy and codes of practice which regulate the use of this equipment. The situation is further complicated by the fact that the CCTV equipment installed in Police premises is owned by third parties. In order to ensure that recorded information from these and any other private system is managed to produce recordings of evidential quality, a clear policy is essential.

Why do we need a Policy on Use of CCTV?

It is vital that all available means of detection and prevention of Crime and Disorder are investigated and where possible employed. The use of Closed Circuit Television Cameras (CCTV) can be a powerful weapon in the fight against crime. The Chief Constable therefore supports the initiatives for the provision of CCTV within Gloucestershire as part of a co-ordinated effort to prevent and detect crime and reduce the fear of crime.

Legitimate public concern exists over the use of CCTV and guidelines need to be established to satisfy the community in general that the use of cameras within Gloucestershire is subject to adequate supervision, security of operation and monitoring. To that end Gloucestershire Constabulary requires that a Code of Practice (CoP) and Operational Procedures will be produced and used as a basis of agreement with system owners. It is recognised that each installation will have its own features and local agreement will have to be reached as to the precise details for each scheme.

The existing agreements and practical procedures, which have been developed with Councils, will continue.



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Section 2 – Procedural guides

The specified objectives of the CCTV are the surveillance of public spaces within the county to:

- a) Help prevent, detect and reduce crime, disorder and anti-social behaviour;
- b) Help reduce the fear of crime and provide reassurance for all those that live, work, trade and visit the City of Gloucester thereby enhancing community safety and boosting the economy;
- c) Provide evidence to assist in criminal and civil cases;
- d) Assist statutory agencies (for example police, environment agency and councils) to deploy their resources effectively;
- e) Assist in the management of the public areas covered by CCTV and support local authority enforcement and regulatory functions;
- f) Monitor traffic flow and assist in traffic management issues;
- g) Assist in civil emergencies and countering terrorism; and
- h) Assist in the training and development of staff.

The CCTV will be operated in accordance with the requirements of the Human Rights Act 1998, the current Information Commissioner's Code of Practice on CCTV and Home Office Surveillance Camera Code of Practice or any legislation, guidance or practice that supersedes and supplements the same.

The CCTV will be operated fairly, within the law following all government codes and guidance and only for the purposes for which it was established and are identified in this Code or purposes which are subsequently agreed in accordance with this Code.

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

As far as is reasonably practicable, it is intended to balance the objectives of the CCTV with the need to safeguard the individual's rights.

Legitimate public concerns exist over the use of CCTV and this Code is designed to satisfy the community and the general public that the use of the CCTV is subject to adequate supervision and scrutiny. It is of fundamental importance that public confidence is maintained by fully respecting individual privacy.

The Constabulary will and will ensure that anyone involved in managing or operating the CCTV will adhere to the following 12 guiding principles taken from the Home Office Surveillance Code of Practice (June 2013)([See below](#)):

1. *Use of a surveillance camera system must always be for a specified purpose which is 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.*



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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 their purposes have 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 there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.*
12. *Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.*

Section 3 - Relevant Legislation: (Human rights/diversity/Health & Safety/any other specifics)

Regulation of Investigatory Powers Act 2000

The provisions of the Regulation of Investigatory Powers Act 2000 will be followed in the application of this Policy, particularly with relation to:

- ◆ Intrusive surveillance (on residential premises / in private vehicles)
- ◆ Covert surveillance in the course of specific operations

All necessary authorisations will be obtained where appropriate and will be retained for audit by the Commissioner

Surveillance Camera Commissioner Code of Practice 2013

This code of practice provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities in England and Wales who must have regard to the code when exercising any functions to which the code relates. Other operators and users of surveillance camera systems in England and Wales are encouraged to adopt the code voluntarily. It is a significant step in the ongoing process of delivering the government's commitment to the 'further regulation of CCTV' which it believes is a task that is best managed in gradual and incremental stages.

Data Protection Act 1998 (DPA)



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Images and audio captured by CCTV can be considered to be personal data and as such is covered by the Data Protection Act 1998.

Captured footage will only be shared in accordance with relevant Information Sharing Agreements. For example, with the Crown Prosecution Service when footage is evidential and required for court.

Individuals who have been captured on CCTV will be able to make a subject access request to view the footage. Details of how to do this are on the Gloucestershire Constabulary website.

Management of Police Information (MOPI)

The principles of management of police information (MoPI) provide a way of balancing proportionality and necessity that are at the heart of effective police information management.

Retention - Retaining every piece of information collected is, however, impractical and unlawful. Consideration must be given to the types of information that need to be retained and the practical implications of storing these records in their various formats.

Criminal Procedure and Investigations Act 1996 (CPIA)

It is a requirement that the police are in a position to disclose both used and unused images and be able to demonstrate that this has been done. Deletion of any police generated images prior to their respective retention periods may amount to a breach of the Act if they are not then available for disclosure. Therefore officers using the provided software will be compliant with the Act, as data will be automatically overwritten if not marked for retention after 30 days. Evidential data is held in accordance with MOPI guidelines and any actions in relation to this data are recorded in an audit trail.

Data Protection

The Force Data Protection Officer will advise on:

- ◆ Retention and processing of personal information to ensure compliance with Data Protection Act
- ◆ Subject access issues and requests
- ◆ Retention and weeding of records

Freedom of Information Act 2000 (FOIA)

FOIA grants a general right to access to all types of recorded information held by public authority; which may include digital images recorded on CCTV.

Requests for footage will be assessed carefully by the Information Disclosure team, who will assess any harm and unless a relevant exemption applies; a disclosure will take place into the public domain.

Details of how to apply under the FOIA can be found on Gloucestershire Constabulary's website.



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Human Rights Act 1998 (HRA)

Article 6 of the European Convention on Human Rights (ECHR) provides for the right to a fair trial. All images from CCTV have the potential for use in court proceedings whether they provide information that is beneficial to the prosecution or defence; this policy allows for the correct retention and audit trail to maintain compliance with Article 6

Article 8 is the right to respect for private and family life, home and correspondence. Staff using CCTV must consider Article 8 when recording and not record beyond what is necessary for policing purposes.

Regulation of Investigatory Powers Act 2000 (RIPA)

The use of CCTV is intended to be **overt**, with those subject to being recorded being aware of the use of the equipment at that time. Staff using CCTV therefore need to be mindful of the circumstances in which the deliberate use of such equipment would be considered **covert**.

Surveillance is *covert* if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.

Covert use of CCTV may meet the definition of either Directed Surveillance or Intrusive Surveillance under RIPA 2000 and therefore require the granting of a Surveillance Authority by a Superintendent or Chief Constable respectively:

If there is any doubt as to whether the use to which CCTV is to be put in relation to a pre-planned investigation or operation, contact should be made in the first instance with the Covert Authorities Bureau (CAB).

Legislative Requirements / National Guidance / Policy Requirement

This Policy has been produced with reference to the standards set by legislation, national policies and codes. These include:

- ◆ Human Rights Act 1998
- ◆ Police Reform Act 2002
- ◆ Data Protection Act 1998
- ◆ Regulation of Investigatory Powers Act 2000
- ◆ Surveillance Camera Commissioner Code of Practice 2013

Identification Procedures

Code of Practice D of PACE relates to the identification of persons by police officers and includes the use of video identification. If any CCTV footage captured by the police is to be used to assist with the identification of suspects, then officers must ensure that the Code is followed.



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Section 4 - Related References:

Surveillance Camera Commissioner Codes of Practice 2013

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

Code of Ethics

<http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx>

MOPI Guidelines

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information>

Achieving

Best

Evidence

https://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf

Section 5 - Identification, Monitoring and Review

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SIA		SIA Sign Off		SIA Review
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