



Code of Practice

For the Management and Operation of The Public Space CCTV System

For Portsmouth City Council

Revised: October 2021

CCTV Control Room
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Tel: 023 9284 1044

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1. Introduction

Purpose of this Code of Practice

This Code of Practice is to regulate the operation of Portsmouth City Council's public space closed circuit television (CCTV) systems that operate under the remit of Portsmouth City Council and to set the rules to be observed by the Council, its members, employees and contractors; the Police and all other parties or organisations involved in the management, operation and administration of the CCTV system.

Ownership of the CCTV System

The system is owned by Portsmouth City Council. The system is managed by the CCTV manager. The contact telephone number is 023 9284 1044 and email address is cctv@portsmouthcc.gov.uk

Future Revision and Consultation

This code of practice will be subject to regular reviews, at least bi-annually.

This code is supported by a Control Room Procedural Manual, which is a restricted document for the use of CCTV Control Room staff only.

2. Objectives

Objectives of the scheme

The objectives of the Portsmouth City Council system which form the lawful basis for the processing of data are:-

- Reducing the fear of crime, promoting community safety and stimulating continuing economic growth within the community
- Encouraging the use of public and commercial facilities within the City and assisting in the maintenance of public order and reducing offences involving vandalism and nuisance.
- Assisting in the reduction, prevention and detection of crime.
- Providing high quality evidence, which may be used by the Police, Customs and Excise Officers, British Transport Police and Military Police to prosecute offenders and by officers of Portsmouth City Council to assist in carrying out their appointed duties.
- Monitoring road traffic circulation and improving road safety.
- Protecting property.
- Public health and safety

General Principles of Operation

The system will be operated fairly, within the law, and only for the purposes for which it was established or which it is subsequently agreed in accordance with this Code.

The operation of the system will be in accordance with all the requirements and the 7 key Principles of the Data Protection Act.

The System will be operated with due regard to the rights of the individual. Particular attention will be paid to the intent of current legislation including the Humans Rights Act 1998, the Regulation of Investigatory Powers Act 2000, Protection of Freedoms Act 2012 and Data Protection Act 2018

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

Throughout this Code it is intended, as far as reasonably possible, to balance the objectives of the System with the need to safeguard individual rights. Every effort has been made throughout the Code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be identified that the System is not only accountable, but is seen to be accountable.

All participation in The System by any organisation, authority or individual assumes an agreement by all such parties to comply fully with this Code and to be accountable under the Code of Practice.

Copyright

Copyright and ownership of all material recorded by virtue of The System will remain with Portsmouth City Council.

3. Control Room Management and Operation

Monitoring and Recording Facilities

The CCTV Control Room is located at the Civic Offices, Guildhall Square, Portsmouth.

The CCTV system will be operational 24 hours a day all year, with a minimum of one trained CCTV operative throughout the operational time. The only exceptions would be sudden staff sickness or failures/disasters outside reasonable control.

Administration

The day-to-day management of the CCTV system is the responsibility of the CCTV Manager. This will include ensuring all operatives involved in the system adhere to the policy.

Control Room Security

Doors leading into the CCTV Control Room are electronically locked and cameras are situated within the Control Room and near the access doors to restrict unauthorised access. The door access system authorised user list is maintained by the CCTV Manager and delegated Security equipment engineers.

Control Room Access

Control Room access is restricted to designated parties. The CCTV Manager is authorised on behalf of the Council to decide who can access the room. This will normally be:

- Staff employed to operate the Control room
- Council staff from other departments who have an investigative role such as Community wardens, Estates Services team and Civil Enforcement Officers
- Police officers authorised in the course of their legal duties to obtain or view recorded material and accompanying statement.
- Other enforcement agencies by prior agreement
- Accompanied visitors when operationally convenient and by prior agreement. Requests for such visits by private companies or individuals will be considered by the CCTV Manager

All visitors not employed to work in the Control Room will sign into a visitors log maintained within the Control Room. The visitors log also incorporates acceptance of a confidentiality statement.

Control of the CCTV System

The control of the CCTV system will remain with the CCTV operatives employed by Portsmouth City Council. Control will only be handed over to other agencies in extreme circumstances and agreed by the CCTV Manager

Control Room Communications

The CCTV Control Room has four methods of communication available to the staff. This includes telephone communication on a restricted number system. A Police controlled Airwaves radio system for direct contact with Police officers and Force Control Room, A Business Crime Reduction Partnership (BCRP) radio scheme with access to retail and night time economy security. Additionally, electronic mail is available to staff.

Control Room Personnel

All staff engaged in the management and operation of the CCTV system are employed by Portsmouth City Council and suitable vetting checks are conducted on the commencement of their contract

All employees of the CCTV system are expected to observe strict confidentiality in respect of all information accessed, observed and gained in the course of their duties. Agreement to this is obtained on the commencement of duties and any

breach of this agreement will be dealt with by the Council as a serious disciplinary or possible criminal matter.

Misuse of the System

The purpose of the CCTV cameras is to provide surveillance of public areas only. All camera locations will be clearly visible, and signage will give a clear warning that CCTV is in use. An example image of the sign is can be seen in appendix b. Cameras will be sited to focus on public areas only and will not overlook private areas. However, where it is not possible to achieve this privacy zones will be installed by electronic and if needed mechanical means.

CCTV operatives will only use the cameras to view public areas and not use the cameras to look into the interior of any premises or any other area where any infringement of privacy may occur. A breach of this will be investigated and may result in termination of contract or criminal proceedings.

The only exception to this will be when observation of a private space is requested under the Regulation of Investigatory Powers Act 2000. Such applications will only be authorised after the request is scrutinised by the CCTV Manager or an authorised delegate.

The use of the CCTV systems operated by the Council do not normally fall under the RIPA regulations. However, it does fall under the Data Protection Act 2018 and the Council's CCTV policy. Should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation. Levels of authorisation differ between different enforcement organisations. Local Authorities RIPA operations will require the authorisation of a Magistrate before CCTV can mount a surveillance operation.

On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, either the CCTV staff are to have a copy of the application form in a redacted format, or a copy of the authorisation page. If it is an urgent oral authority, a copy of the applicant's notes is to be retained or at least some other document in writing which confirms the authorisation and exactly what has been authorised. It is important that the staff check the authority and only carry out what is authorised. A copy of the application or notes is Maintained with the CCTV Manager for future referral. This will assist the Council to evaluate the authorisations and assist with oversight.

Operators of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged systematic surveillance of an individual may require an authorisation. The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This

check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight.

Any person granting an authorisation for the use of directed surveillance must record on the appropriate form the matters they took into account in reaching their decision and they must be satisfied that:

- No overt means are suitable for the purpose
- The authorisation is for a prescribed lawful purpose (see above)
- Account has been taken of the likely degree of intrusion into the privacy of persons other than those directly implicated/targeted in the operation or investigation (collateral intrusion)
- Measures are to be taken, wherever practical, to avoid unnecessary intrusion into the lives of those affected by collateral intrusion.
- The authorisation is necessary.
- The authorised surveillance proposed is proportionate.
- Any equipment to be used and its technical capabilities is specified"

Requirement to Give Evidence

All CCTV staff will be required to cooperate with Law enforcement agencies and appear in court when requested to do so.

Training

All CCTV Operatives will be trained to a proficient level before they are allowed to take up a solo position in the Control Room. This will include an in-house training package and where necessary extra external training will be given.

Additional training will be given when needs are assessed due to changes to the system or legislation.

4. Data Recording

Ownership

All equipment in the Control Room and all recorded information recorded by virtue of the system and stored on any form of media held either internally or externally will remain the property of Portsmouth City Council.

Recorded Data

All images from the Public Space cameras will be recorded onto digital media held within Portsmouth City Council IT Data Centre. All data recorded by the remote cameras will be recorded locally. Data will be stored electronically for a period of 31 days. The only exception to this will be information specifically requested by enforcement agencies to be retained.

The data recorded by the system will only be used by authorised Council staff or Hampshire Constabulary or others permitted by the Council in the pursuit of specific and legitimate purposes, and only then in secure conditions.

Release of information to the Media

It is the City Council's policy that information will not be released to the media. The only exceptions are:

- a) A case where the police have not been able to trace or identify a suspect after undertaking normal investigations and where they believe that general disclosure will assist. In such cases, the police will seek the consent of the City Council prior to disclosure and the City Council will wish to be satisfied that the advantages of the disclosure outweigh the prejudicial effect.
- b) Where CCTV footage has been used in a court case and a conviction has been obtained, stills of that footage might be released where this would enhance the purpose of the system. Release of stills would be subject to strict conditions.

5. Procedures for handling incidents seen by the CCTV Operatives

Criminal Activity

Immediate Action - If, during monitoring in the Council control room, the CCTV staff see an incident that involves, or appears to involve, unlawful or anti-social activity the CCTV staff will alert the police control room using the direct dial procedure or Police Airwave radio. Police can then view the incident live on a dedicated monitor in the Force Headquarters Control Room. The Police cannot record images.

Hampshire Constabulary will be responsible for all subsequent response and allocation of police resources. Staff will continue to monitor and record the incident and give such assistance as the Police may require.

Follow-up Action - The CCTV staff will log the time, date, and details of the incident in the Incident Log.

Other Notable Activity

Immediate Action - If, during monitoring, the CCTV staff sees an incident that does not involve, or appear to involve unlawful activity, but does require Police, other emergency service, or Council action, they will immediately alert the relevant agency.

The relevant agency will be responsible for deciding what level of response is required.

Follow-up Action - The CCTV staff will log the time, date, and details of the incident in the Incident Log.

6. Use of Recorded Data

Reason to View Recorded Data

When Hampshire Constabulary have reasonable cause to believe that an incident has been recorded, they may ask the Council for permission to view the specified incident on the appropriate recording. A Police Officer, Police Community Support Officer or other authorised employee authorised in a manner agreed between the Council and the Police will be permitted to view the recording at the control room on a monitor provided for this purpose. Browsing images for possible offences will not be permitted.

Council Action on Receiving a Request to View Recorded Data

At no time shall the images supplied to the Police be used for anything other than the purpose specified and identified when the images were released from the control room. The responsibility for the images safekeeping and integrity will transfer to Hampshire Constabulary.

The Council will not be liable for any mishandling, compromise in security or other misuse of the recording media whilst in the custody of Hampshire Constabulary.

Use of Visual Data as Evidence in Court

Continuity of Evidence For any images to be used as evidence in any court action there must be evidence of continuity of handling of the said images from the time it was first brought into use in the control room to its production in Court as evidence.

Any images released from the control room to Hampshire Constabulary will be dealt with under their existing Property and Exhibit Handling Procedures before leaving the control room. The images will be kept secure at all times thereafter and Hampshire Constabulary will be responsible for logging its movements.

Copies of Original Recorded Data

The images requested and provided to the police will become the master copy and no images shall be retained. This will be provided to the Police who will retain it for as long as is necessary. However, the material recorded thereon remains the property and copyright of Portsmouth City Council

Only under exceptional cases for serious incidents will the original recorded data be retained for the police. This will only be considered on request by a Police Inspector or senior officer and the retention must be approved and authorised by the CCTV Manager or his nominee.

Handling of Recorded Data after use in Court

At the conclusion of the need to retain any original recording Hampshire Constabulary will store the recording in accordance with their procedures. Recordings will not be returned to the Council for storage.

Request to View Recorded Data by Agencies other than police

If, the release of recorded data is requested by agencies other than Police, such a release will only be granted on the authority of the CCTV Manager. The procedures for handling and logging the recorded data are as described for the release to Hampshire Constabulary, however commercial agents such as insurance companies shall be charged a fee of at least £60 to cover administration costs.

For council staff requests, the original data will be retained in the Council control room.

Any requests from members of the general public or a third party will be dealt with under the provisions of the Data Protection Act 2018 or the Freedom of Information Act 2000.

Release of Images for Entertainment Purposes

Only under exceptional circumstances, and with the authority of the Portsmouth City Council Legal and Corporate Teams, will any images be released, either directly or indirectly, to any organisation for inclusion in any television or other media production designed purely for entertainment purposes or educational/factual programs.

Likewise, material can be released to the media if part of an on-going crime investigation by the police with the permission of the CCTV Manager.

7. Complaints Procedure and Comments

The Procedure for complaints against the CCTV System

Any complaint received regarding CCTV operations will be dealt with following the Complaints Procedures laid down by Portsmouth City Council. Information on how to complain is contained on the council's website or by telephoning 023 9282 2251.

Comments

Anyone wishing to make comments or observations about the CCTV system should write or e- mail the CCTV Manager - the contact details can be found in Appendix a.

8. Legal Requirements

At all times, and without exception, the Portsmouth City Council's CCTV System and its CCTV staff will comply with all legislation, directives, policies, codes of practices and guidelines relating to the operation of the CCTV system A full list of the relevant legislation and copies of this and the Information Commissioner and Surveillance Camera Commissioner's Codes of Practice are available on their relative websites.

All Officers of the Portsmouth City Council 's CCTV System are trained in all their responsibilities to meet the requirements the paragraph above.

9. Provision of Public Information

The Portsmouth City Council's Code of Practice is available for viewing on the CCTV webpage of Portsmouth City Council website at: www.portsmouthcc.gov.uk/cctv

Appendix a.

Additional Contact Details

[Portsmouth City Council Website](#)

[CCTV webpage](#)

PCC CCTV Manager: cctv@portsmouthcc.gov.uk

FOI requests: foi@portsmouthcc.gov.uk

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Email casework@ico.org.uk

The Surveillance Camera Commissioner

2 Marsham Street

1st Floor, Peel

London

SW1P 4DF

Email scc@sccommissioner.gov.uk

Appendix b.

Signs

Signs (as below) will be placed in the locality of the cameras and at main entrance points to the relevant areas. The signs will include:

- The presence of CCTV Monitoring
- The 'Ownership' of the system
- Contact telephone number of the 'data controller' of the system

