

Report to Cabinet

Subject: Update on Council Surveillance Systems and Policy Document

Date: 19 March 2020

Author: Service Manager for Legal Services

Wards Affected: All

Purpose

To update members on work being undertaken to ensure good governance and compliance with the law in respect of the Council's surveillance systems.

To seek approval of the Council's Policy and Code of Practice for Surveillance Cameras at Appendix 1 of this report.

To further promote good governance in the future acquisition of any surveillance cameras by giving the Director authority to approve all new acquisitions of surveillance cameras.

Key Decision

This is not a key decision.

Recommendations

THAT Cabinet:

- 1) Notes the work that has been undertaken and continues to be done to ensure lawful compliance and good governance and efficacy in the operation and use of the Council's surveillance systems.
- 2) Approves the Council's Policy and Code of Practice for Surveillance Cameras at Appendix 1 to this report.
- 3) Delegates authority to the Director for Organisational Development and Democratic Services, as Senior Responsible Officer, to approve any additional CCTV equipment acquired by the Council, including, where necessary, authority to submit an application for planning permission in respect of CCTV equipment.

1 Background

- 1.1 The Surveillance Camera Commissioner wrote to all Chief Executives in early 2019 in relation to local authorities use and governance of surveillance cameras. Surveillance cameras do not just include CCTV Town Centre cameras, but all local authority CCTV cameras in operation for example in our leisure centres and inside the Civic Centre. Surveillance cameras also include body worn cameras, which are deployed in Public Protection, vehicle cameras which are used in PASC, Waste and Public Protection and drones.
- 1.2 In his letter, the Surveillance Camera Commissioner raised concerns generally about local authority compliance with the Protections of Freedom Act 2012 (PoFA). Section 33 of the PoFA requires local authorities to pay due regard to the Surveillance Camera Code of Practice (“the Code”) where they operate surveillance cameras overtly in an open space. There has been concern that as technology advances and additional surveillance cameras are being acquired, local authorities are not having due regard to the Code, moreover, concerns have been raised around compliance with the General Data Protection Regulation and the Data Protection Act 2018 in relation to the processing of personal data when operating surveillance cameras.
- 1.3 The Surveillance Camera Commissioner wants to ensure that authorities are complying with PoFA, GDPR and the Data Protection Act 2018 in respect of surveillance cameras and that they have appropriate governance and policies in place to demonstrate compliance.
- 1.4 The Surveillance Camera Commissioner asked all local authorities to appoint a Senior Responsible Officer for ensuring compliance with the relevant legislation outlined, and to take strategic responsibility for the integrity and efficacy of the processes and governance in place for utilising surveillance cameras. As a result of this request, the Director of Organisational Development and Democratic Services was appointed by Senior Leadership Team in June 2019 as the Senior Responsible Officer (SRO) for this Council. Following on from this appointment, and in line with the Code, the Surveillance Camera Commissioner again wrote to the SRO in January 2020 advising that a single point of contact should be appointed at operational level to deal with matters and requests in respect of surveillance cameras. The SRO subsequently appointed the Community Protection Manager as the Single Point of Contact (SPOC) in respect of the Council’s surveillance cameras.
- 1.5 Currently the Council operates a number of surveillance cameras including Town Centre CCTV cameras, cameras on our parks, leisure centres and car parks. Whilst the Code was considered when preparing a

policy document in relation to these cameras, it is recognised that the policies governing our surveillance cameras need to be updated.

- 1.6 Following on from the Surveillance Camera Commissioner's letter, work has been undertaken by the Community Protection Manager and the Data Protection Officer to review the Council's surveillance cameras and processes and to pull together a new Policy document and Code of Practice for the Council's surveillance cameras which is compliant with the law and takes into account the Surveillance Commissioner's Code.
- 1.7 The work has involved a complete audit of the Council's Town Centre CCTV system, a system which involves the operation of 76 cameras over 14 sites including the outside of our Leisure Centres and covering Arnot Hill Park, Gedling Country Park and Jubilee Depot as well as our town centres of Arnold, Carlton, Netherfield, Calverton and Mapperley. This system is the only system currently operated from the Council's CCTV control room which is overseen by the Community Protection Manager.
- 1.8 To facilitate this audit, an audit template document was created taking into account the Code and other guidance documents from the Surveillance Camera Commissioner. The audit checked the operation of the cameras, the lawful justification for the cameras in their various locations and also looked at the processes for storing, handling and accessing data recorded from the cameras to our CCTV control room. The Council work very closely with the Police and frequently get requests for access to CCTV footage by police officers as part of criminal investigations. The processes and powers to release this data to the police is managed well in the control room and we need to ensure that the same process is adopted in respect of all our surveillance cameras.
- 1.9 In addition to the Town Centre CCTV system, the Council has a number of other surveillance systems at Leisure Centres, the Civic Centre as well as bodycams, deployed by neighbourhood wardens and vehicle cameras in some of the Council's vehicles including refuse vehicles. Currently these systems are all purchased, controlled and managed by the relevant department responsible for the system. Full audits have been undertaken of the cameras at Calverton Leisure Centre, and cameras in the Civic Centre Reception as well as a review of bodycams and vehicle cameras. Audits are currently underway for internal cameras at other leisure centres. Once all audits are completed and reviewed by the SRO and Data Protection Officer, any recommendations in respect of any specific cameras will be made to the relevant service areas. Given the range of cameras, and the different control points, investigation is being made into whether all cameras could ultimately be centralised in the longer term to the CCTV control room. This is a larger piece of work which will have contractual implications and technical hurdles to overcome, however

longer term there may be cost savings and better control if all systems can run to the central control room.

- 1.10 Following on from the audits already undertaken, it has been concluded that there needs to be a more robust process to ensure that any new cameras can be considered, prior to acquisition, to ensure that in all cases any surveillance cameras are necessary, proportionate and justified. In order to facilitate this, it is recommended that any new requests for cameras, should come to the SRO to determine whether they are required. Quite often, particularly in respect of Town Centre cameras, new cameras will also require the installation of a CCTV mast which needs planning permission. Again, to ensure that the installation of new cameras is considered by the SRO, authorisation of the SRO is recommended be considered to apply for any necessary planning permissions.
- 1.11 Given the volume of surveillance cameras in operation around the Borough, and to ensure that all Managers responsible for those systems are clear on the justification for those cameras and the process for handling data captured, a new Policy document in respect of surveillance cameras has been drafted and is attached at Appendix 1 to this report. This document has regard to the relevant legislation and the Code, and provides policy and operational guidance for departments who maintain surveillance systems. The policy gives clear guidance on the justification and lawfulness of cameras, as well as providing processes for dealing with data and, where necessary, highlighting other policies which should be taken into account such as the Council's policy on the Regulation of Investigatory Powers Act 2000, which governs covert surveillance, and the Council's Data Protection Policy. The policy also provides for at least an annual review of surveillance systems to consider whether there is a continuing need for any particular system. The audit documents created can be used to easily facilitate this annual review.
- 1.12 In addition to the completed and ongoing audits, Data Protection Impact Assessments have been undertaken for the Council's surveillance systems, in order to ensure compliance with GDPR. These assessments are currently under review by the Data Protection Officer.
- 1.13 Since the earlier correspondence from the Surveillance Camera Commissioner, the Commissioner wrote again to all SROs in February 2020 enclosing a survey to be completed by all authorities. This survey asks questions of the authority in order for the Commissioner to understand the nature of the camera systems in place across the authority and how the authority are complying with legislation and the Code. The survey must be completed and returned to the Commissioner by Friday 3rd April. The work already undertaken as part of the Council's

surveillance camera audit and the new policy document at Appendix 1 will be invaluable in the completion of the survey and a robust policy document and review should assist in demonstrating to the Commissioner that the Council is working hard to ensure ongoing compliance with the law and the Code.

2 Proposal

- 2.1 It is proposed that members note the work that has been undertaken and the ongoing work being carried out in relation to the Council's surveillance cameras. It is also proposed that members be updated annually in relation to this work, including reports on annual audit and any policy updates needed.
- 2.2 It is proposed that members approve the Surveillance Camera Policy and Code of Practice document at Appendix 1 to this report to ensure that the Council maintains good governance and control over its CCTV and camera systems and to ensure a cohesive and lawful approach to the use and monitoring of cameras and the handling of data in respect of surveillance.
- 2.3 It is proposed that authority be given to the Director of Organisational Development and Democratic Services in her role as the SRO, to approve the acquisition and installation of any new surveillance cameras, including giving authority, where appropriate, for applications for planning permission to be submitted. This will ensure compliance with relevant legislation, the Code and the Council's policy.

3 Alternative Options

- 3.1 Members may decide not to approve the policy document or recommend an alternative policy. This document has been drafted having regard to all relevant legislation and the Surveillance Commissioners Code of Practice for Surveillance Cameras. It is considered to be fit for purpose and is considered essential in ensuring good governance and ongoing lawfulness of the Council's surveillance cameras. The document also provides key operational guidance to ensure those responsible for managing surveillance camera systems do so in a cohesive way.
- 3.2 Members could determine not to delegate authority to the SRO to consider all new acquisitions of surveillance cameras, however, ensuring there is a central point for considering new cameras will ensure that thorough consideration and justification is given to the Council's policy and the relevant legislation prior to any new devices being acquired.

4 Financial Implications

- 4.1 The work to ensure compliance with the relevant legislation will be undertaken with existing resource. Surveillance cameras are already part of agreed budgets for relevant service areas.

5 Appendices

Appendix 1 - Gedling Borough Council's Surveillance Camera Policy and Code of Practice

6 Background Papers

- 6.1 None

7 Reasons for Recommendations

- 7.1 To ensure Members are up to date in relation to recommendations from the Surveillance Commissioner and the resulting work undertaken.
- 7.2 To ensure the governance arrangements around surveillance cameras are lawful and to ensure transparency in the use of such cameras.
- 7.3 To ensure ongoing monitoring and control of the Council's surveillance cameras and to ensure compliance with relevant legislation, the Code of Practice and the Council's policy by evidencing sound justification for the acquisition of any new surveillance cameras.