

North Ayrshire Council

Public Space CCTV CCTV and Concierge Services Code of Practice

Title	PSCCTV and Concierge Services Code of Practice	
Intended Audience	All NAC staff and NA members of the public.	
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Reviewer	Comments	Date
Rose Johnstone	Comment and Review	31/10/2018
Eleanor McLaren	Comment and Review	24/10/2018
Pat Kelly	Comment and Review	06/08/2018
Graham Emans	Comment and Review	06/08/2018
Graham Emans	Adding wording to cover additional cameras	13/02/2020
Graham Emans	Updated details	17/08/2021
Published Location	CCTV and CS folders	
Source Location	4th Floor East, Cunninghame House	



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1. INTRODUCTION AND OBJECTIVES

Introduction

- 1.1 This Code of Practice explains the purpose, use, management, and monitoring North Ayrshire Council's Public Space Closed Circuit Television (PSCCTV) Systems in operation around the North Ayrshire area.
- 1.2 It also explains how the public can request to view recorded material or complain about how the system is managed.

Objectives of the system

- 1.3 The objectives of the system are to:
- i) Assist in the detection, prevention and deterrence of crime and disorder within North Ayrshire; this will include:
 - helping to identify, apprehend and prosecute offenders,
 - to increase public safety and lead to a reduction in the fear of crime,
 - to assist North Ayrshire Council and key partners in enforcement and regulatory functions within the area.
 - ii) Provide a reduction in the fear of crime and provide reassurance to the public.
 - iii) Make the area safe for those people who live, work, trade in it and those who visit the area.
 - iv) Prevent and respond effectively to harassment.
 - v) Assist in the overall management of the area.
 - vi) Assist the Council in its enforcement and regulatory functions within the area.

Principles of the Code

- 1.4 The principles of the Code are:
- i) To ensure that the system is operated fairly and within the law.
 - ii) To ensure that the system is operated in accordance with the objectives defined in this Code of Practice

- iii) To protect and respect the rights of all individuals who may be recorded by the system
- iv) To offer a balance between the objectives of the System and the need to safeguard the individual's right to privacy, as provided by Article 8 the Human Rights Act 1998, which states that everyone has the right to respect for their private and family life
- v) To ensure that anyone who makes use of the system should comply with and to be fully accountable under this Code of Practice.

Procedural Manual

- 1.5 This Code is supplemented by separate Operational Procedures and Guidelines that Homelessness and Community Safety staff receive training for the camera system which offers instruction on all aspects of the operation of the systems. The operations are based upon the contents of this Code of Practice.
- 1.6 The Code and Operations have been produced to reflect best practice in the use of Public Space CCTV and the requirements placed on the system's operation of the Human Rights Act 1998, the Data Protection Act 2018, EU General Data Protection Regulation 2016, CCTV Code of Practice Revised Edition 2008, and the Regulation of Investigatory Powers (Scotland) Act 2000.

Changes to the Code or Operations

- 1.7 Any major changes to either the Code or Operations will take place only after consultation with all relevant groups, and upon the agreement of the Senior Management within Homelessness and Community Safety. A minor change, (such as may be required for clarification and will not have such a significant impact) may be agreed between the Team Manager and Coordinator.

Copy of the Code

- 1.8 A copy of this Code of Practice will be available within the Fullarton Concierge Station.

Whistle blowing procedure

- 1.9 North Ayrshire Council operates a whistle blowing policy and procedure which ensures that staff is encouraged to report breaches of this code in strict confidence through the management with Homelessness and Community Safety.

Definitions

- 1.10 The following explains some of the frequently used terms and titles used within this Code and the Manual.
- i) The **System** comprises the fixed cameras including the re-deployable cameras, the camera control equipment, the monitors, the real time recording and playback equipment and any ancillary equipment.
 - iii) The **Data Controller**, for the purposes of the Data Protection Act 1998, is North Ayrshire Council. The Data Controller determines the purpose for which, and the way any personal data is, or is to be, processed.
 - iii) The **Data Processor** is the person or company who processes personal data on behalf of the Data Controller.
 - iv) The **Owner** of the System is North Ayrshire Council unless otherwise specified.
 - v) The **CCTV Coordinator** is the person responsible for the day-to-day operation of the North Ayrshire Council Public Space CCTV. The CCTV Coordinator may appoint an officer in his absence.
 - vii) The **CCTV Officer/Assistant** is the duty operator who is trained to operate the system.
 - viii) The equipment **Maintenance Contractor** is the organisation contracted to maintain the system equipment, including cameras, control equipment, monitors, recording equipment and network infrastructure.
 - ix) The **System Auditor** is responsible for providing an account of the operation of the scheme which tests corporate compliance and is the basis of recommendations for good practice.
 - x) **Recorded Material** means any material recorded by, or as the result of, technical equipment, which forms part of the System, but specifically includes images recorded on digital formats or by way of copying.
 - xi) **Personal Data** means data which relates to a living individual who can be identified from the data, either on its own or with other information, which is in the possession of, or is likely to come into the possession of, the Data Controller.

- xii) **Processing** in relation to information, means an operation or set of operations which is performed on information, or on sets of information, such as—
- a) Collection, recording, organisation, structuring or storage,
 - b) Adaptation or alteration,
 - c) Retrieval, consultation or use,
 - d) Disclosure by transmission, dissemination or otherwise making available,
 - e) Alignment or combination, or restriction, erasure or destruction,
- xiii) **The RIP(S)A Code** is the Code of Practice to the Regulation of Investigatory Powers (Scotland) Act 2000, which regulates the use of covert surveillance. Copies of the RIP(S)A Code are also available to the public.
- xiv) Reference to the **Control Room** means the control room currently located within the Fullarton Concierge Station, Irvine.

Declaration of Confidentiality

- 1.11 Every North Ayrshire Council employee with any responsibility under the terms of this Code of Practice and who has any involvement with The System to which they refer, will be required to sign a declaration of confidentiality.

Copyright

- 1.12 Copyright and ownership of all material recorded by virtue of The System will remain the property of North Ayrshire Council.

Third Party Participation

- 1.13 Participation in The System in which any organisation, individual or authority who can use images for the purposes of lawful investigations assumes an agreement by all such parties to comply with this Code and to be fully accountable under the terms of this Code of Practice.

2. THE SYSTEM

Cameras and Area Coverage

- 2.1 The video surveillance cameras produce images on TV monitors. The images are recorded to dedicated digital recorders. There are cameras located in and around the North Ayrshire boundary. All recorded material will be classified as data.
- 2.2 The cameras are fully operational with a combination of fixed cameras and Pan Tilt Zoom facilities. Transmission is via dedicated fibre optic cables and point to point wireless links. Re-deployable cameras use wireless technology to transmit back to the control room.
- 2.3 Cameras will not be used to investigate private residential property. “Privacy zones”, where available, may be programmed into the System as required in order to ensure that the cameras do not survey the interior of any private residential property within range of the System.
- 2.4 There may be circumstances during normal surveillance operations when it might be required to suspend privacy zones where it is considered necessary for the detection or prevention of crime. Such suspensions will be at the request by Police Scotland during an on-going incident and CCTV operators must resume normal working practice once any incidents have ended. It is not envisaged this will be a regular occurrence; however, any abuse of the discretionary powers given to the CCTV operators in this matter will be dealt with under the Council’s disciplinary procedures. Where advanced knowledge of the possibility of this suspension of privacy zones exists, the operator will require written authorisation in accordance with the RIP(S)A Code. This is because this type of action will fall within the definition of **“Intrusive Surveillance”**.

Monitoring and Recording Facilities

- 2.5 The surveillance cameras for the fixed system transmit data back to the Surveillance Control Room.
- 2.6 Secondary monitoring of the system will be subject to the Public Space CCTV Operational Procedures and Guidelines and this Code of Practice.

Recording Policy

- 2.7 Subject to the equipment functioning correctly:
- i) Images from every surveillance camera will be recorded throughout every 24-hour period onto secure dedicated digital recorders.
 - ii) If the system is deployed as an immediate response to an event, then no authorisation under the RIP(S)A Code is necessary. However, any request for continued monitoring of the location after the incident will amount to Directed Surveillance (as defined in the RIP(S)A Code) and authorisation will be required.

CCTV Signs

- 2.8 Signs must be displayed which are clearly visible and legible, notifying the public that continuous CCTV monitoring is taking place in the area. The signs should indicate the presence of CCTV monitoring, the 'ownership' of the system and a contact telephone number of the 'data controller' of the system.

Covert cameras

- 2.9 None of the surveillance cameras forming part of the North Ayrshire Council Public Space CCTV System are installed in a covert manner.

Recording sound

- 2.10 The System does **not** nor have it the facility to record sound. There is no possibility of recording private conversations.

Rapidly deployable cameras

- 2.11 Rapidly deployable cameras are used as part of this system. These are stand-alone cameras which can be temporarily fixed into specific locations and can then transmit data via 2/3/4G mobile phone networks back to the control room. The use of these cameras, and the data produced by because of their use, will always comply with the objectives of the system and be in full accordance with this Code.

Operation Orders

- 2.12 The CCTV Coordinator will prepare an operational order before any rapidly deployable camera. The operational order will:
- i) clearly define the objectives of the deployment
 - ii) outline the results sought
 - iii) outline the personnel involved in carrying out the deployment, including identifying the person in charge
 - iv) include communications arrangements surrounding the deployment
 - v) set out the handling arrangements of data captured because of the deployment
 - vi) outline contingency procedures
 - vii) confirm the relevant authority has been obtained
 - viii) where applicable, comply with the RIP(S)A Code.

Maintenance of the system

- 2.13 To ensure compliance with the Information Commissioners Code of Conduct that images recorded continue to be of appropriate evidential quality the system shall be maintained in accordance with the requirements of the Operational Procedures and Guidelines under a maintenance agreement.
- 2.14 The maintenance agreement will make provision for regular/periodic service checks on the equipment which will include cleaning of camera housings and checks on the functioning of the equipment settings to maintain picture quality.
- 2.15 The maintenance will also include regular periodic overhaul of all equipment and replacement of equipment which is reaching the end of its serviceable life.
- 2.16 The maintenance agreement will also provide for 'emergency' attendance by a specialist engineer on site to rectify any loss or severe degradation of image or camera control.
- 2.17 The maintenance agreement will define the maximum periods of time permitted for the attendance by the engineer and for rectification of the problem depending upon the severity of the event and the operational requirements of that element of the system.
- 2.18 It is the responsibility of the CCTV Coordinator to ensure appropriate records are maintained in respect of the functioning of the camera and of the response of the maintenance organisation.

3. ACCOUNTABILITY AND PUBLIC INFORMATION

General principle

- 3.1 Legitimate public concerns exist over the use of surveillance cameras in general and many of the specific guidelines below are designed to satisfy the community that the use of the system is subject to adequate supervision and scrutiny. It is of fundamental importance that public confidence is maintained by fully respecting individual privacy.

Annual Report

- 3.2 An annual report will be produced. Statistical and other relevant information, including any complaints made, will be included in the report.

Control Room Access

- 3.3 For reasons of security and confidentiality, access to the surveillance control room is restricted in accordance with this Code. Access to the Fullarton Concierge Station will only be given to those who need such access for official purposes i.e., to carry out some official function and/or investigation for which they have personal responsibility (see para 7.11 for definition of Investigating Officer).
- 3.4 Whilst these visitors are present within the control room, operators will endeavour to maintain cameras on a long-range view. However, in showing the capabilities of the system or due to operational use it is likely that images containing personal data will be seen on occasions. Therefore, all persons given access to the control room will be required to sign a 'declaration of confidentiality'.
- 3.5 General visitors to the control room will not be permitted to make requests to view specific stored material or give instruction to members of staff regarding the control of cameras.

Enquiries and Complaints

- 3.6 Any enquiries or complaints regarding the system can be made online, by telephone, or in writing to: Customer Complaint Team, Cunninghame House, Irvine, KA12 8EE.

- 3.7 We have a 2 stage complaints procedure. We always try to deal with your complaint quickly. If the matter will need a detailed investigation, we'll tell you and keep you updated on our progress.
- 3.8 Stage 1: Frontline resolution
- i) We will always try to resolve your complaint quickly, within 5 working days.
 - ii) If you are dissatisfied with our response, you can ask us to consider at Stage 2.
- 3.9 Stage 2: Investigation
- i) We will look at your complaint at this stage if:
 - a. You are dissatisfied with our response as Stage 1: Frontline
 - b. You refuse to co-operate with Stage 1: Frontline resolution
 - c. The issue raised is complex and requires detailed investigation
 - d. The complaint has been identified as serious, high risk or high profile
 - ii) We may look at complaints immediately at Stage 2, if it is not clear that they are complex or need detailed investigation.
 - iii) We will acknowledge your Stage 2 complaint with 3 working days and will give you our decision as soon as possible. This will be no more than 20 working days, unless there is clearly a good reason for needing more time.
- 3.10 The Scottish Public Services Ombudsman (SPSO)
- i) If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.
 - ii) We'll tell you how to do this when we send you our final decision.

4. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE

Evaluation

- 4.1 The system will be evaluated routinely to establish whether the purposes of the system are being complied with and whether objectives are being achieved. The evaluation will incorporate such things as (for example, but not limited to):
- i) An assessment of the impact upon crime
 - ii) An assessment of the impact on town centre business
 - iii) An assessment of neighbouring areas without CCTV
 - iv) The operation of the Code of Practice
 - v) Whether the purposes for which the system was established are still relevant
 - vi) Cost effectiveness

The results of the evaluation will have a direct bearing on the future functioning, management and operation of the system.

Monitoring

- 4.2 The system operator will, during the time he/she is on duty, accept responsibility for the monitoring, operation and evaluation of the system and the implementation of this Code of Practice.
- 4.3 The CCTV Coordinator will carry out regular checks on the document systems to ensure Code of Practice and Operational Procedure and Guidelines compliance.

Audit

- 4.4 The system auditor may call unannounced at any time to carry out an examination of the control room records, history and content of recorded material and the contents of recorded material.

Inspection

- 4.5 Regular 'spot-check' visits will be made to the control room to examine the control room documents to ensure that the CCTV Assistants, Officers and CCTV Coordinator are operating in accordance with this Code and

operations. The findings will be reported to the auditor and the visit recorded in the CCTV monitoring room.

- 4.6 Persons assigned to carry out inspections by the system auditor may not be North Ayrshire employees and will therefore be required to sign a declaration of confidentiality. This would include Police Scotland carrying out security checks on Police Airwave equipment and the Information Commissioners Office carrying out audit checks.

5. STAFFING & OPERATION OF THE SURVEILLANCE CONTROL ROOM

Primary Control

- 5.1 Only North Ayrshire Council employees within the CCTV and Concierge Service team will operate any of the equipment and products located within the Surveillance Control rooms.

Security Vetting

- 5.2 Performing the role of CCTV Officer/Assistant, personnel will be subjected to full security screening. Due to the nature of the CCTV Officers'/Assistants' role and the potential for changes in the vetting requirements in one or more of the pieces of legislation involved, it may, from time to time, be necessary to comply with additional Security Vetting Procedures.

Control and operation of the surveillance cameras

- 5.3 Any person operating the cameras will always act with integrity.
- 5.4 Every use of the cameras will accord with the purposes and key objectives of the system and shall be in full compliance with this Code of Practice.
- 5.5 Directed surveillance or surveillance which may otherwise be covert will only be performed in accordance with the RIP(S)A Code.

Training

- 5.6 CCTV Officers/Assistants will be fully trained in the use of each item of equipment.
- 5.7 Each operator will have access to a copy of this Code, the RIP(S)A Code and Operations and will be given training to ensure compliance with each as far as is always reasonably practicable.
- 5.8 Training in all relevant social and legal issues will be carried out within the Council. Additional training options will be assessed, by the CCTV Coordinator, when they come available.
- 5.9 CCTV Officers/Assistants will undertake continuation training on a regular basis.

Declaration of Confidentiality

- 5.10 All individuals with any responsibility under the terms of this Code and who have any involvement with the system to which they refer, who have access to images or request images will be required to sign a declaration of confidentiality.

Discipline

- 5.11 Each CCTV Operator will be subject to the Disciplinary Policy and Procedures within North Ayrshire Council. Any breach by a CCTV Officer/Assistant of the Code or Operations, or of any aspect of confidentiality contained therein, will be dealt with in accordance with the appropriate discipline regulations.
- 5.12 The CCTV Coordinator will accept primary responsibility for ensuring there is no breach of security and CCTV Officer/Assistant comply with the Code of Conduct and Operations. The System Operator has day to day responsibility for the management of the room and for enforcing the discipline rules.
- 5.13 Non-compliance with this Code by any person will be considered a severe breach of discipline and dealt with accordingly including, if appropriate, the instigation of criminal proceedings.

Operation of the System by the Police

- 5.14 Under certain specific circumstances that a major incident is beyond the scope of business-as-usual operations, and is likely to involve serious harm, damage, disruption or risk to human life or welfare, essential services, the environment or national security Police may make a request to take control of the System to which this Code of Practice applies.
- 5.15 Only requests which have been authorised under RIP(S)A by a Superintendent will be considered. Any such request will only be accommodated on the authority of the CCTV Coordinator or, in his/her absence, a CCTV and Concierge Service Officer (or his/her designated deputy). Where the use of the system will involve “**Intrusive Surveillance**” the written authority of a police officer not below the rank of Chief Constable (or *person of equal standing*) will be required.
- 5.16 In the event of such a request being permitted, the Surveillance Control Room will normally continue to be staffed and the equipment operated by the regular personnel who are authorised to do so.

- 5.17 In very extreme circumstances a request may be made for the Police to take total control of the System in its entirety, including the staffing of the Control Room and personal control of all associated equipment, to the exclusion of all representatives of the System owners. Any such request will only be considered personally by North Ayrshire Council's Chief Executive (or his/her designated deputy). A request for total exclusive control must be made in writing by a police officer not below the rank of Chief Constable (*or person of equal standing*).

6. SURVEILLANCE CONTROL ROOM SECURITY

Visits to the control room

- 6.1 Entry to the control room is not allowed without proper and enough reasons as previously stated in section 3.3 of this Code.
- 6.2 To ensure security and confidentiality visits to the surveillance control rooms are restricted and will only be allowed with the approval of the CCTV Coordinator. Such visits will be made under the supervision of the CCTV Officer and will be recorded.

Declaration of Confidentiality

- 6.3 All visitors to the surveillance control room will be required to sign a Declaration of Confidentiality which states:

“Access to the surveillance control room may mean that you are exposed to personal data that is being processed or being held within the centre. You are therefore required to sign the entrance log as a condition of entry to confirm that you understand the obligations placed upon you in relation to that confidential information:

I understand that in accordance with the Data Protection Act 2018, any personal data that comes to my attention while in a North Ayrshire Council Public Space CCTV control room is protected from disclosure by the principles of the Act, that all persons captured on surveillance have a right to privacy by virtue of Article 8 of Schedule 1 to the Human Rights Act 1998 and I undertake to respect that person’s right to privacy. I, therefore, agree not to disclose any personal details that may come to my attention to anyone outside of the Surveillance Control Room.”

- 6.4 A restricted access notice is positioned on the door of the Concierge Station advising visitors that access to the control room is restricted.

Security

- 6.5 Authorised personnel will always normally be present when the equipment is in use.
- 6.6 If the control room or associated equipment is to be left unattended for any reason the room will be securely locked.
- 6.7 The CCTV Coordinator is responsible for ensuring access to the control room is in accordance with the Code and Operations.

7. HANDLING OF RECORDED MATERIAL

Guiding Principles

- 7.1 All information recorded by the System has the potential of being material that must be admitted in evidence, especially as the key objective of the system is the detection and prevention of crime.
- 7.2 Therefore, residents, businesses and visitors to the area must have total confidence that any information that may be recorded while they go about their everyday activities is handled with due regard to their individual right to respect for their private and family life, as well as in accordance with the following guidelines:
- i) All information should be treated strictly in accordance with this Code and Operations, from the moment it is delivered to the control room until its final destruction.
 - ii) The audit trail of recorded material will ensure that an image can be identified at any time.
 - iii) Access to, and the use of, recorded material will be strictly for the purposes defined in this Code of Practice only.
 - iv) Recorded material will not be copied, sold, otherwise released, or used for commercial purposes or for the provision of entertainment.
 - v) The showing of recorded material to members of the public will take place only in accordance with this Code and the law.

Data Retention

- 7.3 Recorded material will be stored for a maximum period of 31 days.
- 7.4 Where digital recording is used, an 'overwrite' facility will be used to ensure out of date data is not retained unnecessarily after 31 days.
- 7.5 Where court proceedings are instigated and the surveillance footage becomes evidence, the data will be extracted from the system, clearly labelled, and made tamper-proof and will be exported in digital format within the Surveillance Review Suite only at times when the requesting enforcement agency are present. The release of data will be carried out under the direction and supervision of the CCTV Coordinator or his/her deputy.
- 7.6 The CCTV Officer who recorded the evidence may be required to produce a witness statement. In some instances, the operator may also be required to attend court and give oral evidence, although any such evidence should be

limited to confirmation that the equipment was used, and the data recorded by the operator.

- 7.7 Both evidential and working copies of images may be supplied to the Police or other enforcement agencies who have a statutory authority to investigate and/or prosecute offences, within the systems objectives as set out in Para 1.4. Evidential or working copies will not be released without the authority of the CCTV Coordinator or his/her deputy.

Release of data to a third party

- 7.8 Every request for the release of personal data generated by this system will be channelled through the CCTV Coordinator or, in his/her absence, a CCTV and Concierge Service Officer. The CCTV Coordinator will ensure the principles to this Code and Operations, and specifically the Data Protection Principles, are always followed.
- 7.9 Where there is a risk that data passed to a third party may contain personal data of an individual from whom consent to disclose such data has not been obtained; and where release of such data is not exempted from the Data Protection Principles; then the Data Controller must ensure that no such individual can be identified from the released data. This should be achieved by using the technique of face blurring.
- 7.10 Members of the Police service or other law enforcement agencies who have been designated to investigate incidents or have a statutory authority to investigate and/or prosecute offences may, subject to compliance with this Code, release details of recorded information to the media, only to identify alleged offenders or potential witnesses. This will only be with the joint agreement of the investigating police officer and the CCTV Coordinator. While the obligations under the Data Protection Act pass to the Police or other agency on receipt of the evidential data, the copyright remains with North Ayrshire Council.
- 7.11 It may be beneficial to make use of recorded material for the training and education of those involved in the operation and management of systems and for those involved in the investigation, prevention and detection of crime. Any such use of recorded material must only be used for bona fide training and education purposes.

8. DATA PROTECTION, HUMAN RIGHTS AND PRIVACY

Data Protection

8.1 North Ayrshire Council gathers and processes information about you:

- I) So those services can be delivered effectively and efficiently
- II) To manage the employment relationship with our employees

CCTV and Concierge Service staff who have access to your personal data, or are associated with the handling of that data, are obliged to comply with the Data Protection Act.

8.2 All personal data will be processed in accordance with the Data Protection principles as follows:

- i) Principle 1 – Processed Fairly, Lawfully and Transparently

North Ayrshire Council will ensure that it has appropriate grounds for processing personal data and ensure it is not used in ways that could have unjustified adverse effects on the individuals. We will ensure that the processing matches the description given to the data subject and highlight any special category or criminal conviction data that will be processed and the relevant processing basis.

All sharing of personal data with other organisations will be appropriately documented.

- ii) Principle 2 – collected for specified, explicit and legitimate purposes

North Ayrshire Council must ensure that data is processed for limited purposes. Where personal data is collected the Data Subject will be provided with a fair processing or privacy notice, providing information about what we collect, why this information is needed and how it will be processed. When processing special category data, we will ensure that this is in accordance with Article 9 of GDPR.

- iii) Principle 3 – Adequate, Relevant, and limited to what is necessary

North Ayrshire Council will identify and collect the minimum amount of information required for the purpose. If it becomes necessary to hold or obtain additional information about certain individuals, that information will only be collected and recorded in relation to those individuals. We will ensure that the use of special category or criminal conviction data is limited to that which is essential to the purpose of processing.

iv) Principle 4 – Accurate and, where necessary, kept up to date

North Ayrshire Council will have processes in place to ensure that all relevant information is kept accurate and up to date. Where the Council identifies an inaccuracy or a data subject indicates that the information held by the Council or a business partner is inaccurate, the error will be rectified by the Information Asset Owner.

v) Principle 5 – Kept no longer than is necessary for the purposes for which those data are processed

North Ayrshire Council will implement procedures in relation to the retention of personal data in accordance with the Corporate Records Retention Schedule and ensure that we comply with the provisions of the Public Records (Scotland) Act 2011.

The Council will where it is possible, store personal data in a way that limits or prevents identification of the data subject and will in any event ensure that personal data is disposed of in accordance with our retention schedules.

Each Service has a responsibility to ensure that appropriate retention schedules are in place for the records that they hold, and secure destruction methods are in place. This applies to both electronic and paper records.

vi) Principle 6 – Personal data shall be processed in a manner that ensures appropriate security of the personal data about technical and organisational measures

The council must evidence and demonstrate to its customers, partners, and stakeholders that it can be trusted to protect the confidentiality, integrity and accessibility of the information it holds.

All personal data will be appropriately safeguarded against accidental destruction, theft or any other loss. At all times we will ensure that the confidentiality and integrity of the personal data is maintained.

Where personal data must be taken off-site this will be restricted to only that which is necessary to undertake the required task. Documented procedures will be in place to mitigate against any loss.

North Ayrshire Council has further guidance and policies available in terms of ICT Security which further addresses the requirements of this principle.

- 8.3 The Controller is under a duty to comply with these principles and remains responsible for the actions of any third-party Data Processor. Third party processor include North Ayrshire Council Housing Office's, Homelessness and Community Safety, Streetscene, Police Scotland in which there are data sharing agreements in place.

Human Rights

- 8.4 The European Convention of Human Rights has now been incorporated into UK law by the Human Rights Act 1998. One of the fundamental rights is that everyone has the right to respect for private and family life, home, and correspondence.
- 8.5 However, this is not an absolute right which means that a public authority can interfere with this right, provided such interference is in accordance with the specified grounds. One of these grounds is the prevention of disorder or crime, but the interference must also be proportionate to that aim.
- 8.6 By its very nature, the use of a system will result in the surveillance of individuals, and is likely to record private information, but this can be a justified interference of the right to privacy on the grounds of its predominant purpose, namely the prevention of crime and disorder.
- 8.7 Nevertheless, the system will be operated in a way that will respect an individual's right to privacy and any interference with that right will be in accordance with the statutory guidelines and will be proportionate to the objectives of the system.

Freedom of Information (Scotland) Act 2002

- 8.8 All records retained by the surveillance control room are also subject to this Act.

Regulation of Investigatory Powers (Scotland) Act 2000 (RIP(S)A)

- 8.9 The Act provides guidelines for safeguarding an individual's right to privacy where a public authority undertakes covert surveillance.
- 8.10 It is generally accepted that provided the system is used in line with the defined objectives (see 1.2), then the use would be described as overt surveillance and as such the provisions of the Act will not apply.
- 8.11 However, the system is capable of being deployed for directed surveillance, where there is a greater possibility that an individual will be observed for the

purpose of a specific investigation or operation and private information about that individual will be obtained. In these circumstances, the Act will apply.

- 8.12 In all cases, and for the avoidance of doubt, the CCTV Officer must be in possession of an officially authorised authority from a relevant agency. Relevant details from the copy of the authorisation must be retained for our records within the Control Room and brought to the attention of the CCTV Coordinator.
- 8.13 There is no automatic right for any organisation to have access to the system and the responsibility of ensuring that any access we grant is fully compliant with the law is the Companies. If an operator has any doubts regarding the RIP(S)A authorisation or the request being made to use the system, he must pass the request to the CCTV Coordinator before granting any access to the system.

9. RIGHTS OF INDIVIDUALS

Applying to view Recorded Material

- 9.1 Data protection legislation gives you a legal right of access to your personal data. This is called a Subject Access Request. Requests must be made in writing or on a [Personal Data Protection Request form \(Word, 82kb\)](#).
- 9.2 You must include:
- i) As much detail of the information that you are seeking as possible to locate the data requested e.g., which department holds it and any reference numbers.
 - ii) Proof that you are the individual and you will need to provide 2 documents in support. This could include: a passport, driving licence or a utility bill which should be less than 3 months old. At least 1 of the documents must contain your signature for comparison purposes.
- 9.3 You may supply the documents by presenting them in person. If making your application by post, please send photocopies.

Your application and proof of identity should be sent to

Email

dataprotectionofficer@north-ayrshire.gov.uk

Address

Data Protection Officer,
North Ayrshire Council,
Cunninghame House,
Irvine,
KA12 8EE

- 9.4 Your request will be acknowledged within 3 working days. We will respond to your request within 30 days.

Once we respond to your request, you will receive:

- i) A copy of all, or part, of the data we hold about you and an explanation why some data cannot be provided.
- ii) reasons why we keep your data
- iii) details of who we share your data with

- 9.5 Usually you will be given a copy of all the information that the council keeps about you. There are times when we will withhold some information, such as:

- i) information about another member of your family, unless explicit permission has been given by that person
- ii) information which has been given about you by a person who does not work for, or on behalf of, North Ayrshire Council, unless explicit permission has been given by such an individual
- iii) information which may prevent the detection of a crime or prosecution of an individual, or which may affect a legal matter such as care proceedings
- iv) Information which it is believed would cause you, or another person, serious physical, mental or emotional harm if shared or disclosed.

Exemptions to the Provision of Information

- 9.7 Data Subject Access Requests can be refused if the personal data was processed for:

- i) The prevention or detection of crime
- ii) The apprehension or prosecution of offenders
- iii) The assessment or collection of any tax or duty

- 9.8 The Data Controller cannot disclose third party data without the consent of that party. Where this is not possible or practicable, the Data Controller must ensure that no individual other than the Data Subject can be identified from the data. If this requires more effort than is reasonable in the circumstances then a request for access may be refused.

- 9.9 In applying these exemptions, consideration must be given to whether non-disclosure would be likely to prejudice the data subject in any way. Each request for access will be assessed on its own merits and general 'blanket exemptions' will not be applied.

10. VIDEO PRINTS

Guiding Principles

- 10.1 A video print is a **copy** of an image or images which already exist on computer disc. Video prints are still images and can be defined as either hard copy paper images or electronic images copied to a CD or DVD, alternatively they can be supplied as j-peg images sent electronically by e-mail to the authorised recipient. Video prints will not be provided as a matter of routine.
- 10.2 Video prints contain data and will therefore only be released under the terms paragraph 7.9 of to this Code ('Release of data to third parties').
- 10.3 If prints are released to the media by Police Scotland, to identify alleged offenders or potential witnesses, full details will be recorded in accordance with internal procedures.
- 10.4 A record will be maintained of all video print productions in accordance with Operations.

11. Contacts

Key Personnel and Responsibilities

1. System Owners

North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

2. System Operators

ASB and Community Safety
4th Floor East
Cunninghame House
Irvine
KA12 8EE

Tel: 01294 316670

Responsibilities:

North Ayrshire Council the 'operator' of the system. His/her role will include a responsibility to:

- i) Ensure the provision and maintenance of all equipment forming part of the System in accordance with contractual arrangements which the owners may from time to time enter
- ii) Maintain close liaison with the CCTV Officers
- iii) Ensure the interests of the Company and other organisations are upheld in accordance with the terms of this Code of Practice
- iv) Agree to any proposed alterations and additions to the system, this Code and Operations.

3. System Management

Responsibilities:

The CCTV Coordinator is the 'operational manager' of the North Ayrshire Council Public Space CCTV System. He/she has delegated authority for data control on behalf of the 'data controller'. His/her role includes responsibility to:

- i. Maintain day to day management of the system and staff
- ii. Accept overall responsibility for the system and for ensuring that this Code of Practice is complied with
- iii. Maintain direct liaison with the ASB and Community Safety management
- iv. Maintain direct liaison with operating partners.

4. Location of Public Space CCTV Cameras

The North Ayrshire Council Public Space operates cameras in the following areas:

- Ardrossan – Glasgow Street
- Ardrossan – Montgomerie Street
- Ardrossan – Short Stay Hostel (On site only)
- Beith – Blackburn Avenue
- Dalry – Main Street
- Dalry – New Street
- Irvine – Broomlands
- Irvine – Fullarton High Flats
- Irvine – Parterre
- Irvine – Redburn View (On site only)
- Irvine – Town Centre
- Irvine – Vennal
- Irvine – Vineburgh
- Kilbirnie – Garnock Street
- Kilbirnie – Newton Street
- Kilwinning – Main Street
- Largs – Gallowgate Street
- Largs – Main Street
- Saltcoats – High Flats
- Saltcoats – Town Centre
- Stevenston – Ardeer
- Stevenston – Main Street

Rapid deployable cameras are installed on a temporary basis to deal with localised anti-social behavioural problems where there are no fixed CCTV cameras. These installations will normally be deployed on a short-term basis.