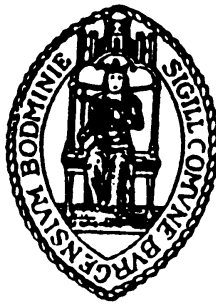


**CODE OF PRACTICE  
FOR THE OPERATION AND  
MANAGEMENT OF  
BODMIN TOWN CENTRE  
CCTV SYSTEM**



**BODMIN TOWN CENTRE**

## Quality Assurance Control

Location of copies for public inspection

Copies of the Code may be inspected at the  
Offices of the Town Council

Status of current manual

Issue No. 1

Revision:

Page No.

Revision No.

## **1. INTRODUCTION**

### **1.1 Principles**

This Code of Practice is based upon the model code of practice and the principles set out by the Local Government Information Unit in its 1996 publication *A Watching Brief*. The key principles on which this Code of Practice is based are:

- Data Protection
- Public Interest
- Voluntary Standards
- Accountability
- Privacy.

### **1.2 The System**

The CCTV system has been installed by Bodmin Town Council and the Bodmin Community Safety Partnership.

Cameras are distributed as shown in the Annex 1.

The system consists of fully controllable colour cameras which will be monitored initially several hours a day annually. The system is monitored from a Control Centre in premises provided by Bodmin Town Council situated on the top floor of Shire House, Bodmin.

### **1.3 Owners**

The system is owned by Bodmin Town Council as accountable body for the Bodmin Community Safety Partnership.

### **1.4 Bodmin Community Safety Partnership**

The responsibilities of the partnership rest with:

- (a) Bodmin Town Council and Devon & Cornwall Constabulary.
- (b) Stakeholder clients. Nominated persons from the following organisations:
  - North Cornwall District Council (Street Scene Manager)
  - Chamber of Commerce & Industry (Chairman)
  - Remploy Management Services (Cluster Account Manager - Wales and South West).

## **2. PURPOSE**

### **2.1 Principles**

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

The system will be operated with due regard to the privacy of the individual.

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

Participation in this system by local organisations and public authorities will depend upon their willingness to comply with this Code of Practice and to be accountable under this Code of Practice.

### **2.2 Purposes**

The main purposes of the scheme are:

- A reduction in the fear of crime and reassurance of the public;
- To help secure a safe environment for those who live, work or trade in the area and those who visit the area.

The detection, deterrence and prevention of crime including:

- Providing assistance in the prevention of crime;
- Deterring and detecting crime;
- Helping to identify, apprehend and prosecute offenders;
- Providing the Police with evidence to take criminal action in the Courts;
- Gathering of criminal intelligence.

The maintenance of public order by assisting with:

- improving the Town environment;
- regeneration initiatives to improve quality of life.
- the implementation of the Crime and Disorder Strategies made under the Crime and Disorder Act 1998.
- the implementation of the Clean Neighbourhoods and Environment Act 2005;
- evidence of moving and stationary traffic and excise offences.

### **2.3 Key Objectives**

The key objectives of the system are:

- To reduce the level of street crime, vandalism and public disorder;

- To detect, prevent or reduce the incidence of property crimes and offences against the person;
- To improve communication and the operational response of police patrols;
- To reduce vehicle crime and improve general security in car parks;
- To improve public safety in the main retail streets, both in terms of personal security and security of buildings and premises;
- To make the Town Centre a better area to shop, work and visit;
- To monitor traffic flow, particularly during peak periods;
- To monitor major events such as carnivals and fairs and other visitor attractions, which may take place within the Town Centre.

## **2.4 Provisions of Evidence**

Recorded material resulting from the operation of the system will normally only be made available to the Police for criminal prosecution purposes.

Recorded material will also be made available to Bodmin Town Council for criminal prosecutions in respect of the enforcement of Byelaws, unlawful street trading and Health and Safety offences.

On occasion specific requests may be received from other bodies properly constituted by Statute with prosecution powers in relation to criminal offences over which the criminal courts have jurisdiction, such as H M Revenue and Customs, Harbour Commissioners, the Health and Safety Executive and Trading Standards. In the event that the evidence is required in connection with a prosecution that will assist in the achievement of the key objectives of the system, the evidence will be supplied if agreed by the owners and after consultation with the Police.

Any evidence supplied will be subject to an undertaking that it will only be used strictly in accordance with this Code of Practice and for the reasons for which it has been supplied.

## **2.5 Statement of Commitment**

The partners involved in the provision, use and operation of the system commit themselves to act only in accordance with the applicable law and this Code of Practice.

### **3. DATA PROTECTION**

#### **3.1 Registration under the Data Protection Act**

The Scheme is registered under the Act (Registration No.Z6680217). Bodmin Town Council undertakes to co-operate with the Data Information Commissioner in all matters involving the Commissioner.

#### **3.2 Purpose for which data is held**

Data will be held and stored only for the purpose set out in this Code of Practice and in accordance with its provisions.

#### **3.3 Data Controller**

3.3.1 Bodmin Town Council is registered with the Information Commissioner's Office as the Data Controller for the scheme. The Town Clerk, or Deputy Chief Executive in the absence of the Town Clerk, will act as the lead officer for the Council in this matter.

3.3.2 The CCTV Control Centre Manager will act as the Data Processor.

#### **3.4 Signage**

Signs will be placed so that the public will be aware that they are entering a zone that is covered by CCTV. The signs will display information that identifies the owners and a contact telephone number for office hours.

#### **3.5 Third Party Disclosure**

In accordance with the Data Protection Act 1998 Section 7 and the CCTV Code of Practice, applicants (Data Subjects) can request to see - and depending on the circumstances have a copy of - any information about themselves, but ONLY about themselves, held by Bodmin Town Council CCTV System.

When a request for access to recorded images is made, Data Subjects will be provided with a Request for CCTV Access Form - see Annex 2. This will request:

- the information required in order to locate the images requested;
- the information required to identify the person making the request;
- if Data Subject would be satisfied with merely viewing the images recorded;

The Request for CCTV Access Form will also:

- indicate that the response will be provided promptly and in the event within 40 days of receiving the fees and information;

- confirm that the Council will charge an administration fee of £10 or as detailed by the Information Commissioner for each CCTV access request, for processing the application as prescribed by the Information Commissioner Office. If other fees are required, for example the process of masking other individuals that the applicant is not allowed to see from the tape, these will be the responsibility of the applicant.

The Manager or a Designated Officer will:

- deal with all subject requests and should locate the images requested;
- need to determine whether the disclosure to the individual making the request would entail disclosing images of third parties;
- need to determine whether the images of third parties are held under a duty of confidence. If these third party images are not to be disclosed, the Manager or the Designated Officer shall arrange for the third party images to be masked.

If the incident is involved in a criminal enquiry and a copy has already been released to the Police or other prosecution agency, we will not release another copy. Further copies should be obtained through the Crown Prosecution Service (CPS).

### **3.6 Refusing Third Party Disclosure**

If the Manager or Designated Officer decides that the Subject Access Request from an individual is not to be complied with, the following should be documented:

- The identify of the individual making the request;
- The date of the request;
- The reason for refusing to supply the images requested;
- The name and signature of the person making the decision.

The Manager or Designated Officer must provide a written response to the individual within 21 days of receiving the request setting out the decision for the refusal.

This Code of Practice has taken the Information Commissioner's Office – CCTV Code of Practice July 2000 as its guideline.

The Council's specific Code of Practice – "Subject Access Requests" – will be complied with in respect of all such requests.

## **4. CHANGES TO THE CODE**

### **4.1 Review**

This Code of Practice will be reviewed annually or as required by Statute or Law by the officers with overall responsibility identified in para 1.4. Changes will be introduced as necessary to ensure the efficient and effective operation of the system.

### **4.2 Major Changes**

A major change is one which will have a significant impact upon the Code of Practice or the operation of the system.

A major change will only take place after consultation with relevant interested groups and agreement between the owners and the partners.

### **4.3 Minor Changes**

A minor change is one which may be required for clarification and which will not have a significant impact upon the Code of Practice or the operation of the system.

Minor changes will be introduced by the owners as necessary and after such consultation as is considered appropriate.

### **4.4 Publication of Changes**

All changes, whether major or minor, will be reported in the system's Annual Report.

### **4.5 Operational Review**

Bodmin Town Council and Devon and Cornwall Constabulary will meet on a regular basis to review the operation of the system and this Code of Practice.

The owners and partners will constantly review the operation of the system and of this Code of Practice and proposals for improvement will be considered at these meetings.

## **5. RESPONSIBILITIES OF THE OWNER OF THE SYSTEM**

### **5.1 Principles**

Bodmin Town Council, as owner, has primary responsibility for compliance with the purposes and objectives of the system, for management and security of the system and the protection of the interests of the public and the individual.

### **5.2 Implementation of the Code of Practice**

Bodmin Town Council will ensure compliance with this Code of Practice. The Manager will ensure that adequate training is given to Operators and Managers of the system and Police Officers using the system to ensure proper implementation of and compliance with this Code of Practice.

### **5.3 Accountability**

Bodmin Town Council will comply with the requirements of this Code of Practice for accountability.

Bodmin Town Council will consult with and provide information to the public about the operation of the system and about any proposed major changes to the system or this Code of Practice.

## **6. MANAGEMENT OF THE SYSTEM**

### **6.1 Day to Day Management**

Day to day management of the system for the requirements of this Code of Practice and staff engaged in the Control Centre will be the responsibility of the CCTV Control Room Manager.

Day to day management on the part of Devon and Cornwall Constabulary will be with the Crime Prevention Officer, Devon and Cornwall Constabulary.

These nominated officers, or other delegated officers, shall meet on a regular basis over issues arising from the day to day operation of the system.

### **6.2 Review**

The Officers (as identified at Section 1.4) with overall responsibility for the system on behalf of Bodmin Town Council, Devon and Cornwall Constabulary and Client Stakeholders shall meet regularly to review the operation of the system and the provisions of this Code of Practice.

### **6.3 Operational Procedures**

Operational Procedures regulating the day to day operation of the Control Centre shall be produced and agreed between Bodmin Town Council and the Police. They shall be drawn up in accordance with the principles of this Code of Practice.

The nominated officers responsible for day to day management of the system shall review the Operational Procedures at their regular meeting and shall revise them as necessary to ensure the efficient operation of the system.

Management and operation of the scheme will pay particular regard to those aspects of the scheme intended to address individual privacy.

Changes to the Operational Procedures shall only be made if they are in accordance with the principles of this Code of Practice.

## **7. INSTALLATION**

### **7.1 Consultation**

The system has been installed following a successful bid submitted to the CCTV Crime Reduction Initiatives and following consultation between the Town Council and the Devon and Cornwall Constabulary.

Further consultation will take place as the system develops and its operation is reviewed.

### **7.2 Use of Sound**

No sound will be recorded by the system.

### **7.3 Change**

Before the introduction of any major technological change that will have a significant effect upon the capacity and/or operation of the system the implications will be fully assessed in relation to the purpose and key objectives of the system and be the subject of public consultation.

The introduction of other changes will be fully assessed by Bodmin Town Council and the Devon and Cornwall Constabulary.

The consideration and/or introduction of any change will be reported in the Annual Report.

## **8. ACCOUNTABILITY**

### **8.1 The Public**

#### **(a) Code of Practice and Complaints Procedure**

This Code of Practice is a public document and will be available at the offices and on the website of Bodmin Town Council ([www.bodmin.gov.uk](http://www.bodmin.gov.uk)) and Bodmin Police Station. Bodmin Town Council has a formal complaints procedure.

#### **(b) Annual Report**

An Annual Report will be published which will be a public document available as is (a) above. The report will be for the year ending 31 March in any year. The report will include reference to the number of reported incidents, the number of convictions made as a direct result of the system's use, the number of complaints made, information as required by this Code of Practice and such other information as is felt appropriate and useful to the Public.

### **8.2 The Town Council**

The Annual Report will be presented to the CCTV Committee for consideration as soon as practicable after 31 March each year. Following approval by the CCTV Committee, the Report will be presented to the Full Council.

### **8.3 The Police**

The Devon and Cornwall Constabulary will comply with this Code of Practice and give an account of doing so.

The Devon and Cornwall Constabulary is committed to operating and acting within this Code of Practice and the spirit of the objectives. It will co-operate with Bodmin Town Council in seeking to achieve these.

The Devon and Cornwall Constabulary will provide information regularly about the number of incidents, arrests, convictions, crime trends to Bodmin Town Council.

The Annual Report will be presented to the Devon and Cornwall Police Authority as soon as practicable after its publication in each year.

## **9. PUBLIC INFORMATION**

### **9.1 Principles**

The Public needs to understand and accept the system. For this reason the recording and retention of images of people in public places will be undertaken fairly and lawfully and information will not be used for any purpose that has not been disclosed to the public in this Code of Practice or any subsequent Annual Report. People should be aware that their image is being recorded.

### **9.2 Cameras**

So far as it is practicable all cameras will be placed in full public view. Cameras will not be deliberately hidden, although circumstances may dictate that not all cameras will be visible from all areas of sight. No covert cameras are allowed.

### **9.3 Signs**

Signs indicating that CCTV Cameras are operating will be displayed.

The signs will inform the public that cameras are in operation and allow people entering the area to make a reasonable approximation of the area covered by the scheme.

The signs will identify the owner of the scheme and give an official telephone contact number during office hours.

Cameras, whilst placed within public view, will not be individually indicated by placing a sign directly under camera positions.

### **9.4 Code of Practice**

This Code of Practice is a public document which will be available for inspection as specified in Section 8.1(a).

The availability of this Code of Practice will be publicised in connection with any publicity arranged for the system.

### **9.5 Annual Report**

An Annual Report will be published by Bodmin Town Council and will be submitted to the Devon and Cornwall Police Authority.

The Annual Report is a public document which will be available to the public after 31 March each year as soon as practicable after its publication. Copies will be available from the Council's offices or on the website ([www.bodmin.gov.uk](http://www.bodmin.gov.uk))

## **10. MIXED TOWN CENTRE AND RESIDENTIAL AREAS**

### **10.1 Principles**

The scheme will be operated with due regard to the privacy of the individual.

**Cameras** – Installation of additional cameras and any upgrade to the monitoring centre will be made following consultation between Bodmin Town Council and the Devon and Cornwall Constabulary.

Cameras will not be used to look directly into private residences. Operational procedures and technological measures including privacy zoning will, if appropriate, be adapted to impose restraints upon the use of cameras in connection with private premises. (Para 15.2 refers)

Where temporary cameras are deployed they will be placed in accordance with this Code of Practice.

### **10.2 Staff**

As part of their terms of employment, monitoring staff will attend staff training on privacy issues raised by observation of residential areas and, will be required to sign an appropriate confidentiality agreement.

### **10.3 Supervision**

The management, supervision and audit of the scheme will pay particular regard to those aspects of the scheme which are intended to address individual privacy.

### **10.4 Evaluation**

Future evaluation of the scheme will include further consultation with all stakeholders.

### **10.5 Observations**

Targeted observations of individuals within the residential areas will only be undertaken with good reason and for the purposes and key objectives as set out. Agreement for such actions must be agreed between Bodmin Town Council and Devon and Cornwall Constabulary.

## **11. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE**

### **11.1 Evaluation**

Effective, independent evaluation of the system is essential to identify whether the purposes of the system are being complied with and whether objectives are being achieved.

Evaluation will either be conducted independently or carried out according to independently established criteria.

Evaluation of the system will include:

- Assessment of impact upon crime;
- Assessment of neighbouring areas without CCTV;
- The views of the public;
- Operation of the Code of Practice;
- Whether the purposes for which the system was established still exist.

The results of evaluations will be published as part of the Annual Report.

The results of evaluations will be taken into account in the future functioning, management and operation of the system.

### **11.2 Compliance**

The CCTV Committee will be responsible for monitoring the operation of the system and the implementation of this Code of Practice. The Town Clerk (or Deputy Chief Executive in the absence of the Town Clerk), with specialist advice from the relevant Officers of the Devon and Cornwall Constabulary, will act as lead officer in this matter. Implementation of, and compliance with, this Code on a day to day basis will be managed by the CCTV Control Room Manager.

### **11.3 Audit**

Bodmin Town Council will ensure that regular audits of the operation of the system and this Code of Practice will be undertaken.

The audit will include:

- Compliance with this Code of Practice with particular regard to those aspects of the scheme intended to address individual privacy;
- Compliance with the Operational Procedures;
- Examination of Control Centre records, tape histories, and the content of recorded tapes.

The Devon and Cornwall Constabulary will introduce systems to monitor and audit its participation in the system including compliance with this Code of Practice. Audit will be carried out by a Police Officer, having a rank of Inspector or above.

All Partners will co-operate in the audits. Audit programmes will be agreed by the Partners and findings and results will be shared between them.

#### **11.4 Inspection**

Bodmin Town Council will introduce a system of independent inspection allowing the Inspectors access to records and to the Control Centre without notice.

Independent inspection will be carried out by individuals or an organisation without any direct responsibility for the system and may include the appointment of an independent "critical friend".

## **12. STAFF**

### **12.1 Principles**

**The contract for the management of CCTV Control Room will include the following principles:**

- Staff employed to work in control rooms, whether they be operators or managers should meet high standards of honesty and integrity;
- Well trained and responsible staff with good working conditions are essential for the proper and effective working of the system;
- Integrity and efficiency of staff will be achieved through effective recruitment, selection, training and management of staff;
- All procedures concerning staff should accord with employment practice incorporating equal opportunities' standards;
- Systems providing security and safeguards for recorded material and the system itself are the core of good management of the system;
- In the event of standards laid down in the Code not being maintained disciplinary procedures will be implemented as appropriate.

### **12.2 Recruitment and Selection**

The contract for the management of the CCTV Control Room will adopt procedures which enable thorough checks upon the background of individuals to be carried out to ensure that candidates selected are suitable for work in a CCTV Control Room.

Employees will be informed that non-disclosure of relevant matters by individuals will be the subject of disciplinary action and, if appropriate, dismissal and this will form part of their contract of employment.

### **12.3 Training**

The contract for the management of the CCTV Control Room will ensure that all staff are trained to an appropriate level for the proper and effective working of the system. They will also receive training in and be monitored on their understanding of privacy issues. The operational procedures agreed by the partners shall be complied with by employees and they will be notified of any subsequent changes.

The terms 'responsible operators' and 'operating staff' should be deemed to include Police officers who have received suitable training and signed the code of conduct as applicable. Such officers should be authorised in writing by the Chief Police Officer for the area. A list of such officers shall be supplied to, and maintained by, the Data Controller.

## **12.4 Confidentiality**

Contracts for all staff involved with the CCTV system will require confidentiality undertakings for the management of the CCTV Control Room, both during and after the termination of their employment.

## **13. COMPLAINTS**

### **13.1 Principles**

The complaints procedure underpins this Code of Practice and is in place to ensure any person(s) affected by the operation of the CCTV system that their individual rights are not compromised by the interests of the system owners, or operators. The CCTV Committee will endeavour to ensure that there is a reasonable balance between the human rights of the individual(s) and the duty of community safety and the requirements of the criminal justice system.

### **13.2 Complaints Procedure**

Bodmin Town Council operates a complaints procedure that shall be used in connection with the operation of the system and compliance with this Code of Practice within their respective areas. Details of the complaints procedures can be obtained from the Council offices.

### **13.3 Devon and Cornwall Constabulary**

Complaints about Police action in connection with the system should be made in accordance with the statutory Police Complaints Procedure which is available at any Police Station, or viewed on the Devon and Cornwall Police Constabulary Website: [www.devonandcornwall.pnn.police.uk](http://www.devonandcornwall.pnn.police.uk).

### **13.4 Annual Report**

The Annual Report shall include information on the number of complaints received, of those complaints that have been substantiated and any action taken to remedy complaints.

Complaints that suggest a change of policy will be taken into account in the Assessment of the System and Code of Practice (see Section 11).

## **14. BREACHES OF THE CODE OF PRACTICE INCLUDING THOSE OF SECURITY**

### **14.1 Responsibility**

All complaints will be brought to the attention of the CCTV Committee, the Control Room Manager and the Police Crime Prevention Officer. The CCTV Committee will arrange for a thorough inquiry by the appropriate authority/person.

This action will ensure that all breaches of this Code of Practice and of security are investigated and remedied.

All of the stakeholders will co-operate in the investigation of any breaches which may occur, the consideration of investigation reports and the implementation of any measures considered appropriate as a result of the investigation.

## **15. CONTROL AND OPERATION OF CAMERAS**

### **15.1 Principles**

Information recorded should be accurate, adequate, and relevant and should not exceed that necessary to fulfil the purpose of the system.

Information recorded should be obtained fairly and in accordance with the provisions of this Code of Practice on privacy.

### **15.2 Camera Operation**

The operators of camera equipment shall act with the utmost propriety at all times. Only those staff with direct responsibility for using the equipment shall have access to the operating controls.

All use of the cameras shall accord with the purposes and key objectives of the system and shall comply with this Code of Practice and Operating Procedures. Cameras shall not be used in a manner that is contrary to a person's Human Rights Legislation.

Where appropriate operational procedures and technological measures will be adopted to impose restraints upon the use of cameras in connection with private premises.

Camera operators shall at all times be subject to supervision sufficient to ensure compliance with this part of the Code of Practice.

All camera operators and supervisors shall be made aware that all recordings are subject to routine audit and that they may be required to justify their interest in a member of the public or premises.

The effectiveness of individual operators shall be subject to regular review. The Control Room Manager (answerable to Bodmin Town Council) shall ensure that its operators act at all times in accordance with current best practices.

## **16. ACCESS TO AND SECURITY OF MONITORS AND CONTROL CENTRE**

### **16.1 Principles**

Only those with a legitimate reason to do so shall have access to the Control Centre.

Only those with a legitimate reason and with the requisite training shall operate or view the equipment and its outputs, whether recordings or photographs.

Regard shall be had to the provisions of this Code of Practice on privacy.

### **16.2 Monitors**

Access to review monitors, whether to operate the equipment or to view the images, is limited to staff with that responsibility.

A Control Centre Occurrence Diary shall record staff on duty each shift and the names of any persons or groups that have been authorised by the person with day to day management of the system for Bodmin Town Council to have access to the Control Centre and/or view the monitors.

A responsible operator, when possible, will be present during the operation of monitors. If monitors are to be left unattended the area in which they are kept will be secured against unauthorised entry.

Public access to or the demonstration of monitors shall not be allowed except for lawful, proper and sufficient reasons. The need to ensure security and privacy of individuals is paramount in this respect.

### **16.3 Control Centre**

Arrangements for the Control Centre shall include requirements to ensure that the Control Centre is secure at all times. These shall be set out in the Operational Procedures and shall include:

- Routines and procedures and any other facilities necessary to ensure that the Control is protected from unauthorised access;
- Records shall be kept of all access to the Control Centre recording details of the individual concerned and time of arrival and departure;
- Operation times and the numbers of staff on shift shall be clearly defined and complied with;
- Access to the Control Centre shall be restricted to operating staff and other detailed Officers according to pre-arranged shifts and on production of valid identification;
- Technical repairs and cleaning and similar tasks shall be carried out in controlled circumstances;
- Access by visitors shall be carefully defined and shall be the responsibility of the Control Room Manager, and after consultation with Bodmin Town Council;

- Auditors and independent inspectors appointed under the Code of Practice may visit without prior appointment (see Section 11.3 & 11.4).

#### **16.4 Supervision and Audit**

Security procedures on access to the Control Centre shall be maintained and strictly honoured. Access shall be monitored and all concerned must know that security procedures on access to the Control Centre are included in the regular audit.

#### **16.5 Occurrence Book**

An Occurrence Book or log shall be maintained on the basis of time and date/day throughout operations and brief details given of all occurrences within the Control Centre, including particulars of visits and incidents.

#### **16.6 Health and Safety**

Compliance with Bodmin Town Council's Health and Safety practices and procedures is a requirement of this Code of Practice.

## **17. TAPES AND RECORDED MATERIAL**

### **17.1 Principles**

Recorded material may be admitted in evidence. It must be of good quality and be accurate in content. Recorded material must be treated according to defined procedures to provide continuity of evidence and to avoid contamination of the evidence.

Appropriate security measures shall be taken against unauthorised access to, alteration, disclosures, destruction or accidental loss of recorded material.

Recorded material shall be held only for the purposes provided by this Code of Practice.

Information recorded shall be accurate, adequate, and relevant and not exceed that necessary to fulfil the purpose and key objectives of this system.

Recorded material should be kept no longer than is necessary for the purposes and key objectives of the system. It shall then be safely destroyed.

Members of the public must be confident that information recorded about their ordinary activities in the area covered by the cameras is treated with regard to their individual privacy.

### **17.2 Statement of Intent**

In accordance with the principles underlying this Section, Bodmin Town Council shall adopt the following Statement of Intent on the use of and access to recorded material:

- a) Recorded material shall be used only for the purposes defined in this Code of Practice;
- b) Access to recorded material shall only take place as defined in this Code of Practice;
- c) Recorded material shall not be sold or used for commercial purposes or the provision of entertainment;
- d) The showing of recorded material to the public shall only be allowed in accordance with the law; either in compliance with the needs of the Police, in connection with the investigation of crime which will be conducted in accordance with the provisions of any relevant Code of Practice under The Police and Criminal Evidence Act 1996 and any advice and guidance given to the Police from time to time, or in other circumstances provided by law.

### **17.3 Copyright**

Copyright and ownership of all material recorded by virtue of the system will remain with the Data Controller.

#### **17.4 Recording Equipment**

Recording equipment shall be checked regularly to ensure it is in good working order.

A Test recording shall be made monthly to check tape/hard disk quality.

Regular maintenance of recording equipment shall be undertaken.

#### **17.5 Use of Tapes**

A supply of tapes shall be maintained which is sufficient for the purpose of the system including a supply of spare tapes to replace those removed for evidential purposes.

Tapes required for evidential purposes shall be separately indexed and securely stored separately to avoid accidental re-use.

The tape retention policy shall be made known to the Police, the Crown Prosecution Service and the local Law Society.

All previous recordings on tapes shall be erased, by the use of a degaussing machine, prior to re-use. Procedures shall be maintained to allow erasure of tapes in advance to avoid the use in error of a previously recorded tape.

Tapes shall be maintained and used no more than the maximum number of times as recommended in current technical guidance.

Tapes shall be disposed of in a secure manner.

#### **17.6 Cataloguing, Storage and Recording of Use of Tapes**

Tapes shall be stored in a secure cabinet.

Tapes shall be individually and uniquely identified and labelled.

A register shall be maintained giving exact date and time of each use of each tape recording the whereabouts of the tape, the reasons for its removal and the individual then responsible for it.

The Tape Register shall be stored securely.

Staff shall be informed that records kept for library purposes and the Tape Register will be included in the regular Audit.

#### **17.7 Evidential Use of Recordings**

Tapes required for evidential purposes shall be treated as exhibits and shall be retained and stored according to procedures agreed with the Police. Where

appropriate, procedures will be agreed with another prosecuting authority (e.g. H.M. Revenue & Customs).

Any tape that is provided for evidential purposes must be of proven integrity.

Staff will provide the Police with statements required for evidential purposes.

### **17.8 Police Access to Tapes**

Police may apply for access in accordance with an agreement made with the owners where the Police reasonably believe that access to specific tapes is necessary for the investigation and detection of a particular offence or offences or the prevention of crime.

Police may obtain access under the provisions of the Police and Criminal Evidence Act 1984.

Tapes provided to the Police shall at no time be used for anything other than the purpose specified and identified.

Arrangements may be made from time to time for a Police Officer appointed in accordance with liaison arrangements to visit the Control Centre and confirm that agreed procedures are being followed.

### **17.9 Third Party Access to Tapes**

Access to tapes may be obtained in connection with civil disputes by Court Order or be extended to Lawyers acting for defendants or victims in connection with criminal proceedings.

No other access shall be allowed unless approved by the owners and for reasons that fall within the purposes and objectives of the system and in accordance with this Code of Practice and the Data Protection Acts (see Sections 3.5 and 3.6).

### **17.10 Advances in Information Technology and Data Handling**

It is recognised that the world of Information Technology progresses at speed, and the spirit of this Code of Practice would apply to any new and innovative technology or processes used as part of the CCTV system, even if there might be some lag in the time that the Code is revised to cover such amendments.

## **18 DEALING WITH INCIDENTS**

### **18.1 Principles**

Incidents shall be dealt with according to Operational Procedures (see Section 6.3).

### **18.2 Procedure for Dealing with Incidents**

- The notification of incidents shall be a two-way flow of information between the Police and the system operators;
- When a camera sees a suspicious incident, the operator shall notify the Police Operations Room;
- On receiving the information the Police Operations Room staff will assess the situation, create a log, and decide the action to be taken. This may include the deployment of a resource to respond to the incident, a request for continual monitoring of the incident, a request for camera pictures to be displayed at a particular Police Station;
- All incidents reported to the Police shall be logged in the Control Centre Occurrence Book, including the time and date of incident, the location of incidents, the cameras covering the incident, recordings made, the tapes on which the recording is stored, the name, rank and serial number of the Police Officer requesting the gathering of evidence or the local Police Station taking control and the time on and off of the local control switch.

### **18.3 System Control**

The control of the CCTV system rests with Bodmin Town Council.

Recording of cameras can only be carried out in the CCTV Control Centre.

## **19. POLICE CONTACTS AND USE OF THE SYSTEM**

### **19.1 Principles**

Relations between Bodmin Town Council and the Police shall be conducted strictly in compliance with this Code of Practice. These requirements shall not be exceeded informally and the different roles and responsibilities of staff and Police shall be acknowledged and respected.

### **19.2 Routine Contact**

Officers shall be identified by the Police for liaison for day to day purposes. Senior staff shall be nominated for liaison on audit and for decisions with significance for the operation and management of the system.

Access to tapes and to the Control Centre shall comply with this Code of Practice and the time and date and purpose of such access shall be recorded and monitored.

The purpose of different links, which must accord with this Code of Practice and Operational Procedures, between Police and Control Centre shall be understood, complied with and not exceeded. Any change in these links will amount to a change in this Code of Practice and must be agreed in accordance with this Code of Practice before being implemented.

Telephone calls from the Police, the officer involved, purpose of call and outcome shall be recorded in the Control Centre Occurrence Book, if considered necessary by the CCTV operator at the time.

### **19.3 Police Use of the System**

Police use of the system in any manner must accord with this Code of Practice and protocols developed between Bodmin Town Council and the Police. Such protocols shall be grounded in this Code of Practice and not extend beyond it nor exclude any aspects of it.

Use of or take over of control of the system shall be in clearly defined circumstances agreed according to local needs and the purposes of the system, be revised annually in the contact of and local policing plan and be according to this Code of Practice.

Should a request from the Police for use of the system in any manner arise that is not provided for by this Code of Practice, it shall be the subject of a specific agreement between the officers with overall responsibility for the system.

Recording of cameras during any use or take-over of control by the Police shall continue to be made only at the Control Centre. Any use of the system shall be recorded in the Control Centre Occurrence Book and by the Police and be subject to audit by both Town Council and Police procedures.

In the Control Centre reasons for use shall be required and recorded in the Occurrence Book with particulars of date and time and the name of the Officer making the request. Records shall be retained by Police recording the same particulars and the Officer taking responsibility for the decision.

**20. ALTERNATIVE FORMATS**

**Disability Discrimination Act**

**20.1** In compliance with the *Disability Discrimination Act 1995* copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' can be made available for those with sight impairment on request from the Council Office (see address below) or by telephoning 01208 74159 or e-mailing [paul.ocallaghan@bodmin.gov.uk](mailto:paul.ocallaghan@bodmin.gov.uk)

**20.2** The Council can also arrange to provide versions in other languages.

**Freedom of Information**

**21.1** In accordance with the *Freedom of Information Act 2000*, this Document will be posted on the Council's Website [www.bodmin.gov.uk](http://www.bodmin.gov.uk)

**Bodmin Town Council, Shire House, Mount Folly Square, BODMIN, PL31 2DQ**

**Tel: 01208 74159**

**Fax: 01208 264764**

**CAMERA POSITIONS** (see Section 1.2)

1. Turf Street / St. Nicholas Street (at the junction / entrance to the Fore Street Car Park);
2. Mount Folly Square (Number 2A, Fore Street);
3. Number 2, Fore Street;
4. Number 28, Fore Street;
5. Number 35, Fore Street;
6. Number 85, Fore Street;
7. Skate Park, Priory Park;
8. Priory Car Park, Section 1;
9. Fore Street Car Park (Bottom Section);
10. Fore Street Car Park (Top Section)

## BODMIN TOWN COUNCIL CCTV SURVEILLANCE SYSTEM REQUEST FOR CCTV ACCESS (DATA SUBJECTS)

These notes provide guidance - on Your Rights and the Council's Rights when you Apply for Access to Information Held on the CCTV System and for - completing the Request for CCTV Access Form. They also tell you about the types of Images that can be obtained from the System; the Purpose of their Use and Bodmin Town Council's Disclosure Policy.

### Your Rights

Subject to certain exemptions, you have the right to be told whether any personal data is held about you. You also have a right to a copy of the information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or if you agree otherwise.

Bodmin Town Council will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, the Council is not obliged to comply with an access request unless:

The other individual has consented to the disclosure of information, or  
It is reasonable in all circumstances to comply with the request without the consent of the other individual(s).

### The Council's Rights

Bodmin Town Council may deny access to information where the Act allows. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
  - Apprehension and prosecution of offenders,
- and giving you the information may be likely to prejudice any of these purposes.

### Fee

An administration fee of £10 is payable for each access request. Cheques and Postal Orders should be made payable to **Bodmin Town Council**. This fee is for the request only. Any other fees, for example, processing or editing the tape, will be the responsibility of the applicant. (see Section 3)

### THE APPLICATION FORM

**Note: ALL sections of the form must be completed, in particular Sections 4 and 6. Failure to complete fully may delay or prevent the Council from processing your application.**

When you have completed this form, check it and **send** it together with the required **TWO** identification documents, photograph and fee to:

**THE CCTV DATA CONTROLLER, BODMIN TOWN COUNCIL,  
SHIRE HOUSE, MOUNT FOLLY SQUARE, BODMIN, PL31 2DQ**

*Or take it to the Council Offices. (Receptionist/Deputy – please complete 'Office Use' Section, page 6)*

If your application has been completed correctly with all the required information about yourself, the location you were in at the time, a time period for the search and the required fee is included, Bodmin Town Council will reply to you within the 40 days laid down in the Data Protection Act.

Should you have any queries regarding this form, or wish to enquire about the progress of your application, please ring the CCTV Control Room Manager on 01208 74159. Should you at any time be unhappy with our response to your application please contact the: **The Town Clerk, Bodmin Town Council, Shire House, Mount Folly Square, BODMIN, PL31 2DQ.**

The information requested below is to help the Council (a) satisfy itself as to your identity and (b) find any data about you.

**SECTION 1 About Yourself**

PLEASE USE BLOCK LETTERS AND BLACK INK

<b>Title</b> (tick box as appropriate)	<b>Mr</b>	<input type="checkbox"/>	<b>Mrs</b>	<input type="checkbox"/>	<b>Miss</b>	<input type="checkbox"/>	<b>Ms</b>	<input type="checkbox"/>
<b>Other title</b> (e.g. Dr, Rev, etc.)								
<b>Surname/family name</b>								
<b>First name</b>								
<b>Maiden name/former name</b>								
<b>Gender</b> (tick box)	<b>Male</b>			<input type="checkbox"/>	<b>Female</b>			<input type="checkbox"/>
<b>Height</b>								
<b>Date of Birth</b>								
<b>Place of Birth</b>	Town							
	County							

<b>Your Current Home Address</b> (to which we will reply)	
	Post Code

A telephone number will be helpful in case you need to be contacted	Tel. No.
---	----------

**If you have lived at the above address for less than 10 years, please give previous address for a period**

<b>Previous address(es)</b>		
<b>Date of occupancy</b>	From:	To:
<b>Date of occupancy</b>	From:	To:

**SECTION 2. Proof of Identity**

To help establish your identity your application must be accompanied by **TWO** official documents that between them clearly show your name, date of birth and current address. For Example: a birth/adoption certificate, driving licence, medical card, passport or other official document that shows your name and address.

Also a recent, full face photograph of yourself.

**Failure to provide this proof of identity may delay your application**

**SECTION 3. Supply of Information**

You have a right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to:

(a) View the information and receive a permanent copy. Applicants are reminded that any tapes remain the Copyright of the Town Council and should not be shown to any third party, including the media without the Town Council's permission (please circle answer).

YES
NO

(b) Only view the information (please circle answer).

YES
NO

Please note, from page 1, **Fees**. That any cost incurred in the processing or editing, to comply with the Act, of the information you requested will be the responsibility of the applicant. Depending on what is required and who carries it out, could be in the region of £100.

**SECTION 4. To Help us Find the Information**

If the information you have requested refers to a specific incident, please complete this Section.

Please complete a separate box in respect of different categories/incidents/involvement. Continue on a separate sheet, in the same way, if necessary. If the information you require relates to a **vehicle, property, or other type of information, please complete the relevant section overleaf.**

Were you: (Tick box below)

1. A person reporting an offence or incident

2. A witness to an offence or incident

3. A victim of an offence

4. A person accused or convicted of an offence

5. A person involved in a criminal or civil court case

Other – please explain  
(Continue on a separate sheet if necessary)

--	--

--	--

--	--

Date(s) and Time(s) of incidents  
(Please use 30 minute blocks as this aids the search)  
Place incident happened

--	--

--	--

Brief details of incident

--	--

--	--

Log/Crime number if known	
---------------------------	--

**SECTION 5. Other Type of Information**

If the information you require relates to a vehicle, property or other type of information, please complete the boxes below

**Vehicle:**

**Make**

**Type**

**Colour**

**Registration Number**

**Premises**

**Type (e.g. Shop, Dwelling, Garage)**

<b>The Address or Location</b>	
	<b>Post Code</b>

**Other Type of Information**

**Details (Continue on a separate sheet if necessary)**


Before returning this form to **Bodmin Town Council** please check you have:

Completed **ALL** Sections in this form?

Enclosed **TWO** identification documents?

**SIGNED** and **DATED** the form?

Enclosed the **£10.00** (ten pounds) fee?

## Section 6. Declaration

### DECLARATION (To be signed by the applicant)

The information I have supplied in this application form is correct and I am the person to whom it relates

Signed by

Date

**Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence**

### ALTERNATIVE FORMATS

#### Disability Discrimination Act

In compliance with the *Disability Discrimination Act* 1995 copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' can be made available for those with sight impairment on request from the Council Offices (see page 1) or by telephoning 01208 74159 or e-mailing [paul.ocallaghan@bodmin.gov.uk](mailto:paul.ocallaghan@bodmin.gov.uk)

The Council can also arrange to provide versions in other languages.

#### Freedom of Information

In accordance with the *Freedom of Information Act* 2000, this Document will be posted on the Council's Website [www.bodmin.gov.uk](http://www.bodmin.gov.uk)

**OFFICIAL USE ONLY**

**Name of Applicant:**

**Address:**

**Please complete ALL of this Section (refer to "CHECK" box above)**

Application checked and legible?

**Date Application Received**

Identification documents checked?

Fee Paid

Details of 2 documents(see page3)

Method of Payment

Receipt No

Documents Returned?

**Member of Staff completing this Section:**

Name

Location

Signature

Date

## Images

Bodmin Town Council Close Circuit Television (CCTV) Surveillance System consists of a number of CCTV cameras spread throughout the Town, sending images back to a central control room, where those images are recorded. The location of cameras is decided after consultation with Local Residents, Traders, the Council and Police.

- Images from the system are recorded 24 hours on digital video recorders (DVR), in a time laps format, which can be down loaded to video tape - for example if required by the police for evidence. This recording device will automatically overwrite the information after a period of time in accordance with the Data Protection Act.
- Operators also have access to standard video recorders (VCR) recording on Super-VHS Video Tape, to record in real time, if required.
- If a tape recording is required as evidence, the incident only is copied. The copy is given to Police and the original is retained in the control room until the outcome of any trial or investigation, or after a period of time in accordance with the Data Protection Act.
- Once the copy tape is no longer required it is returned to the control room and that tape and its original is wiped and re-used or destroyed.
- A tape is used a maximum 12 times and destroyed.

## Purpose of Use

The use of the cameras and system is solely for the purpose of:

- 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 Town 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 evidence which may be used by the Police, H M Revenue and Customs, Harbour Commissioners, the Health and Safety Executive and Trading Standards, to prosecute offenders and by officers of the Bodmin Town Council, to assist in carrying out their appointed duties;

- Monitor road traffic circulation and improving road safety;
- Protection of property;
- Public health and safety.

While carrying out those functions the system is operated with due regard to the rights of the individual and in accordance with the Data Protection Act 1998, CCTV Code of Practice, Human Rights Act 2000 and the Bodmin Town Council CCTV Code of Practice.

The system is notified in accordance with the Data Protection Act, with the Information Commissioner.

### **Bodmin Town Council's Disclosure Policy**

Bodmin Town Council will only release data to the following third parties:-

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Statutory authorities with powers to prosecute
- Solicitors
- Other agencies, according to purpose and legal status

Individuals have the right to see whether the system has recorded any information about them and Bodmin Town Council operates in accordance with the Data Protection Act 1998 Sections 7 and 8, in its policy of releasing images to individuals. Sections 7 and 8 are available in either printed form from the Council Offices or from the Information Commissioner Office by its website ([www.ico.gov.uk](http://www.ico.gov.uk)) or by ringing its Helpline on 01625 545 745.

The Council also has the right to withhold release under Data Protection Act Section 8, or if the information is already retained as evidence in a criminal or civil proceedings. Also if it believes it has a duty of confidentiality in respect of the information.

Only individuals have the right to request to see the information held about them. Someone may make the application on your behalf, for example a solicitor, but the applicant must sign it.

If the tape required has other individuals on it, then the Council must obtain the permission of those individuals, before it can be shown or copied. If this is not practical then those other images must be disguised, masked or edited out - for example vehicle registration numbers. This is to protect the rights of other individuals who may not wish to be identified and will be unaware of your request.

This must be done before an applicant can view the images.

When the information is located, any editing that is required completed, we will contact you and arrange a time and date for you to come and view the data. You may bring others with you to see the data but we will not show it to others on your behalf. Once you have seen the data, if you have requested a copy we will copy the tape for you. If having seen it you decide you no longer require a copy, we will ask you to amend your application form.

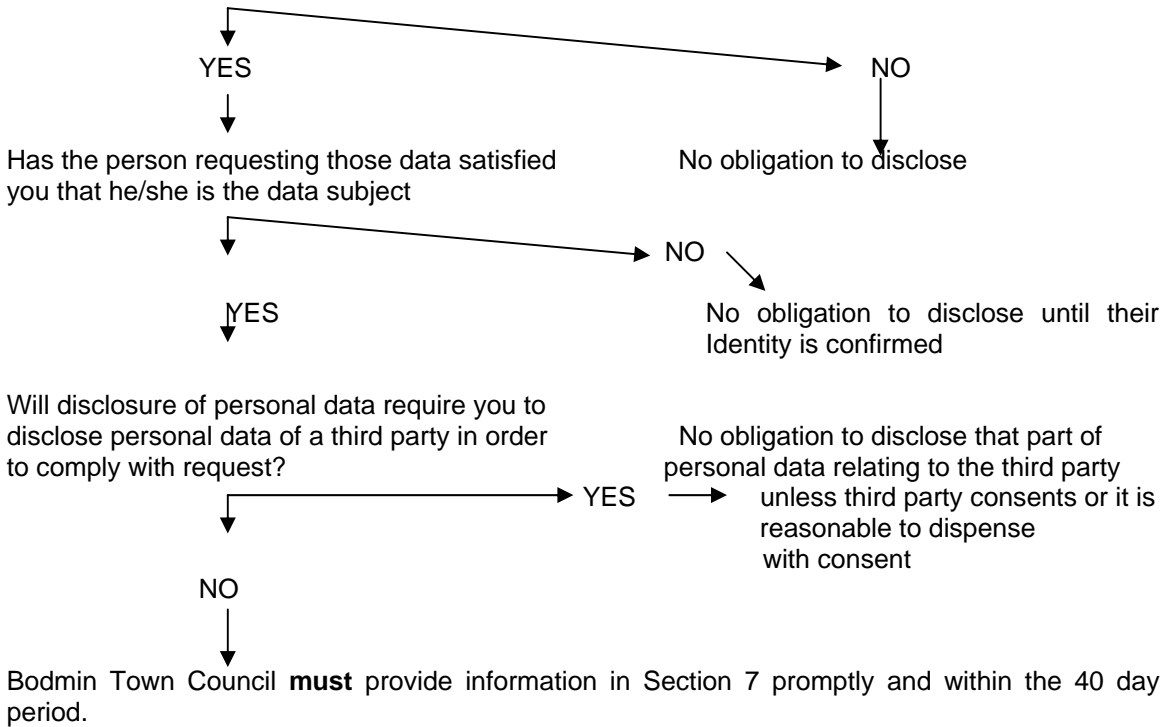
Once you have seen the data and if required, have a copy. All copy tapes made to produce your tape will be destroyed and if the original recording has passed the 31 day period it will be wiped and re-used or destroyed.

All tapes produced are the Copyright of the Bodmin Town Council and can not be shown to others or the media without the permission of the Bodmin Town Council CCTV Data Controller.

## Right of Data Subject (Applicant) Flow Chart

### Request for Access to Personal Data (Data Protection Act 1998 Section 7 applies)

#### 1. Has the data subject made a request in writing and paid the requisite fee?



#### 2. Method of Providing Information contained in a Request (Data Protection Act 1998 Section 8 applies)

Will it take a disproportionate effort to provide a copy of the information requested

