



**NEWCASTLETON DISTRICT COMMUNITY COUNCIL**  
**CCTV PROCEDURES – To support Information Security Policy Framework**  
**02.03.22**

**PROCEDURES FOR OPERATION OF CCTV ON NEWCASTLETON DISTRICT COMMUNITY COUNCIL  
(NDCC) PREMISES TO SUPPORT INFORMATION SECURITY POLICY FRAMEWORK**

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## **SECTION 1 - INTRODUCTION**

These procedures are applicable to all NDCC staff or their nominated representatives. Their purpose is to ensure that the NDCC Closed Circuit Television (CCTV) system is used to create a safer environment for residents, and visitors to Newcastleton and to ensure that its operation is consistent with the obligations on the NDCC imposed by the Data Protection Act 2018.

For the purposes of the Data Protection Act 2018, the Data Controller is NDCC. The NDCC has installed a comprehensive CCTV surveillance system across Newcastleton for the principal purposes of flood protection monitoring, together with preventing and detecting crime and promoting public safety.

The images from the CCTV system are located in Buccleuch House (CCTV Operation Room).

It is recognised that ancillary benefits of operating CCTV for this purpose may include reduction of the fear of crime generally and the provision of a safer public environment for the benefit of those who live or work within and visit the village.

CCTV Cameras which are located on buildings are the responsibility of the NDCC who is accountable for compliance with these procedures. Following the introduction of these procedures a programme will be agreed to manage the migration of all NDCC CCTV cameras onto a common platform which will allow all recordings to be monitored from the Buccleuch House.

Due to public concern surrounding a surveillance society, the use of CCTV surveillance must be consistent with respect for individuals' privacy. Other methods of achieving the objectives of a CCTV surveillance system will therefore be considered before installation of any CCTV camera positions.

## **SECTION 2 - SCOPE**

These procedures apply to all NDCC CCTV cameras and equipment across Newcastleton. The NDCC is the Data Controller for this system, determines the purpose of recording and is legally responsible and accountable for its use. These procedures will be adapted to apply to all systems for which the NDCC is the Data Controller for all camera locations.

## **SECTION 3 - OBJECTIVES**

The NDCC CCTV surveillance system has been installed and is monitored for the following purposes:

- Provides a series of linked cameras for all entrances to our village as well as capture locations prone to regular vandalism (school, Polysport, riverside).
- Reduces the likelihood of the village being used as a thoroughfare for criminal activity
- Reduces the likelihood of local and regional 'cruising' groups using the village as a racetrack
- Reduces the likelihood of criminal gangs using the forest roads as a getaway between Central Scotland and North East England.
- Provides 'remote live views' for our resilience team and SBC Emergency bunker to see real time events on the river Liddel.
- Captures footage over time to help understand changing river behaviours, using the findings to refine the flood scheme.
- Provides a 20-minute warning to residents to try to avoid the devastation Storm Dennis caused in Feb 2020 with a further flood event in Feb 2021 causing substantial damage within the community.

## **SECTION 4 - OPERATION OF THE NDCC'S CCTV SURVEILLANCE SYSTEM**

### **4.1. The System**

**4.1.1.** When the system is operational images are capable of being monitored twenty-four hours a day throughout the year. All CCTV cameras are configured to record images only: any sound recording facilities will be switched off or disabled.

**4.1.2.** The public and community will be made aware of the presence of the system by appropriate signage which sets out the purposes for processing the CCTV images and identifies the NDCC as the Data Controller responsible for processing those images.

**4.1.3.** The NDCC is committed to fair, lawful, open and accountable use of CCTV. The NDCC will not use CCTV for covert monitoring except in exceptional circumstances in which all of the following conditions are met:

- that there are grounds for suspecting criminal activity or equivalent malpractice such as behaviour which puts others at risk;
- that covert monitoring is the only practical way of obtaining evidence of this malpractice;
- that informing people about the monitoring would make it difficult to prevent or detect such wrongdoing; that the camera would be used only for a specific investigation, for a specified and limited time and be removed when the investigation has been completed.

Each such use of CCTV must be authorised in advance by the NDCC Data Controller and recorded in the central log of CCTV use by the Operations Manager.

**4.1.4.** To ensure privacy, wherever practicable, the CCTV cameras are prevented from focusing directly or dwelling on domestic or residential accommodation. CCTV cameras located in or facing accommodation will be trained on the exterior entrances. Where it is not practicable to prevent the cameras from capturing images of such areas appropriate training will be given to system operators to ensure that they are made aware that they should not be monitoring such areas.

**4.1.5.** The CCTV equipment and location of each camera will be chosen to meet the quality and image capture standards necessary to achieve the NDCC's purposes for processing the images. The location and technical specification will take account of the field of vision of the camera, light levels and other environmental conditions and minimise the capture of images that are not relevant to the NDCC's purposes.

In procuring and deploying CCTV equipment, the NDCC will take account of the technical standards set out by the Home Office Scientific Development Branch so that images are of sufficient quality for the NDCC's purposes. The Home Office and the Information Commissioner's Office recommend that CCTV image quality must be fit for one or more of the following purposes: .

- a) Monitoring: to watch the flow of traffic or the movement of people where you do not need to pick out individual figures.
- b) Detecting: to detect the presence of a person in the image, without needing to see their face.

- c) Recognising: to recognise somebody you know or determine that somebody is not known to you.
- d) Identifying: to record high quality facial images which can be used in court to prove someone's identity beyond reasonable doubt.

Therefore, all NDCC CCTV images processed for the identification, apprehension, and prosecution of offenders in relation to crime and public order and for use in disciplinary investigations arising from alleged criminal activity or equivalent malpractice need to meet the quality and technical standards required for category d: identification.

CCTV equipment will be maintained and tested in accordance with a regular schedule. The Operations Manager or his nominee will be responsible for testing the quality of images to ensure that recorded images and prints as well as live images are clear and fit for purpose, taking account of seasonal variations, such as the growth of spring and summer foliage or other factors that may obscure images, and to check that date and time stamps are correct.

**4.1.6.** Images captured by cameras will be recorded on equipment located securely within Buccleuch House (CCTV Operation Room). The CCTV Operation Room has monitoring equipment which allows nominated persons to monitor live images from the cameras, and any transfer of images onto other media will only take place from within the CCTV Operation Room in line with these procedures.

#### **4.2. CCTV Operation Room**

4.2.1. Images captured by the system will be monitored in the self-contained and secure CCTV Operation Room. Access to the CCTV Operation Room is strictly limited to the nominated staff members authorised by the Operations Manager. Police Officers may enter with the explicit consent of the Operations Manager. Other persons may be authorised to enter the CCTV Operation Room on a case-by-case basis with the explicit consent of the Operations Manager with each visit being supervised at all times.

4.2.2. In an emergency, and where it is not reasonably practicable to secure prior authorisation, the nominated person may grant access to persons with a legitimate reason to enter the CCTV Operation Room. Before access is granted to any person, the nominated person must be satisfied with the identity of any visitor and the need for access.

4.2.3 Details of all visitors will be recorded in the Occurrence Log which is kept in the CCTV Operation Room.

4.2.4. The incident management system is used to record a log for each security incident including those captured on CCTV which are transferred to another medium, together with any consequential action taken.

4.2.5. Handling of images and information within the CCTV Operation Room will be carried out in accordance with these procedures and the Data Protection Act 2018. The Operations Manager will be responsible for compliance with section

## **SECTION 5 - MONITORING OF CCTV IMAGES**

5.1. The Operations Manager and where appropriate, the nominated person will ensure that all staff (including relief/temporary staff) are fully briefed and trained in respect to all functions, both operational and administrative, arising within the operation of CCTV surveillance, including training in the data security requirements of these procedures and the Data Protection Act 2018, with input from the NDCC.

5.2. The control of the CCTV Surveillance System will always remain with the NDCC. However, at the discretion of the Secretary of the NDCC the Council may act on advice from the police in order to operate cameras during an incident to monitor potential public disorder, assist in the detection of crime or facilitate the apprehension and prosecution of offenders in relation to crime and public order. On each occasion the Police are assisted with their operations, a report setting out the time, date and detail of the incident will be submitted to the Operations Manager and the original incident will be updated within the Safeguard system.

## **SECTION 6 - RECORDING OF IMAGES AND RESPONDING TO ACCESS REQUESTS**

### **6.1. Control and Management of Recordings**

6.1.1. All recording media used for the monitoring and capture of images on the NDCC CCTV system belong to and remain the property of the NDCC.

6.1.2. The CCTV Operation Room is supported by a digital recording system which stores images on appropriate media for 28 days or until capacity is reached, whichever is the shorter period, and the images are then automatically erased.

6.1.3. Should it be necessary for images to be retained for release to a third party (including the Police) under the exemptions contained within sections 28(1), 29(1)(a) and (b) and/or 35(2)(a) of the Data Protection Act 2018 or retained for any other purpose in accordance with these procedures, for which the NDCC's use of the system is registered with the Information Commissioner's Office, copies of those images will be transferred to a secure encrypted computer file.

6.1.4. Any file stored in line with 6.1.3 above shall be given a unique reference number by the person creating the file and a record made in an image tracking register contained within the CCTV Operation Room.

6.1.5. Unless required for any of the reasons contained within Section 29(3) of the Data Protection Act 1968, (2018) recorded images will be retained in the CCTV Operation Room for 28 days, after that time the images are automatically overwritten by the recording equipment. Flood management images will be retained for a period of 90 days.

6.1.7. Where applicable, any recording medium will be cleaned before re-use to ensure that images are not recorded on top of images previously recorded.

6.1.8. All media containing recordings will be securely destroyed at the end of their lifespans.

## 6.2. Access to Recordings by Staff or Third Parties

6.2.1 It is important that access to and disclosure of images is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes. These aspects of these procedures reflect the second and seventh Data Protection Principles of the Data Protection Act 1998.(2018)

6.2.2. Access to recorded images will be restricted to NDCC staff and those who require access (for instance Health & Safety Services during accident investigations or Investigating Managers in situations where serious allegations about conduct or behaviour have been made), following the consent of the Operations Manager, in order to achieve the purposes of using the equipment.

6.2.3. All requests by persons or organisations outside the NDCC(including any bodies that may claim a statutory or legal right of access) for viewing or obtaining recordings must be assessed on a case by case basis by the Operations Manager and the Data Protection Officer and the other relevant officers responsible for authorising the disclosure of persons personal data. Access will not be granted unless the responsible officers are satisfied that this is consistent with the obligations placed on the NDCC by the Data Protection Act 2018.

6.2.4. All requests for access will be recorded using the NDCC Disclosure Decision form [Appendix B] detailing:

- the date, time and purpose of the request,
- the decision to release or withhold the images and the reasons for the decision in each case,
- the date and time at which access was allowed/or disclosure made;
- the extent of the information accessed/disclosed;
- the name and role of the Data Protection officer making the decision to allow or withhold access,
- the name of the nominated person providing access.

6.2.5. The Operations Manager is responsible for documenting each request in line with section 6.2.4 above on the Safeguard incident management system. Information will be logged at the CCTV Operation Room. In all cases a copy of the record must be lodged with the responsible officers, listed in section 6.3.5 below, who maintain a complete, confidential record of all such cases on behalf of the Data Protection Officer.

6.2.6. If the Operations Manager considers that the assistance of a member of staff is needed to identify a victim, witness, or perpetrator in relation to a criminal incident, wherever practicable, the member of staff should be invited to view the images in the CCTV Operation Room.

## 6.3. Access by the Police

6.3.1. A police officer may request access to CCTV images held by the NDCC either by viewing such data within the CCTV Operation Room at Buccleuch House or requesting a copy of the data. In most cases the police will request such access in response to a request by the NDCC to investigate an alleged

offence. In cases where the police request NDCC CCTV footage to investigate an alleged offence that the NDCC has not reported, such requests for access to images are subject to the approval process set out in the Procedures for Liaison with Police.

**6.3.2** During working hours, requests for CCTV footage should be referred to the Data Protection Officer

**6.3.3** Outside of working hours requests for access to images should wherever possible be deferred until they can be considered by the appropriate Data Protection officer during working hours. In an emergency, if a request is straightforward and justifiable, for instance, a request for images of one incident involving criminal activity such as theft of a vehicle or equipment, the Operations Manager or nominated person may authorise disclosure to the police provided that:

- the request is in writing using the appropriate form (known as Appendix A) signed by a Senior Police Officer, who must cite the relevant exemption/s to the non-disclosure provisions of the Data Protection Act; and
- the police demonstrate that the request is proportionate and necessary for the purposes of a specific crime enquiry. In all other cases the Operations Manager or nominated person will report the request to the Data Controller to seek authorisation to take appropriate action. These procedures will be supported by underpinning guidance which will set out examples of straightforward and justifiable requests and those requiring escalation.

**6.3.4.** The Operations manager will complete form (see Appendix C & D) to confirm the authenticity of the recordings and arrange for all data on recordings required for disclosure to be copied onto secure encrypted media.

**6.3.5.** The Operations manager must complete details of the request and any disclosure made in the Incident Report in the NDCC's Safeguard electronic recording system. For each disclosure request, a copy of the completed police request form, including the reasons given for the request, together with a NDCC Disclosure Decision form [Appendix B] recording the decision to withhold or release the information, an encrypted copy of the recording disclosed, where applicable, and reasons for the decision must be lodged with the following responsible officers who maintain a complete confidential record of all such cases on behalf of the Data Protection officer.

**6.3.6.** Images and recordings requested for police investigations must be supplied directly to the police, not to any third party. Requests by individuals for their own images captured on CCTV will be dealt with in accordance with the section 6.4, below.

**6.3.7** The Operations Manager will liaise with the police to ensure that the NDCC is informed of the outcome of the police investigation and authorise the police to destroy any NDCC CCTV images and recordings when they are no longer required.

#### **6.4. Access by Data Subjects**

**6.4.1.** The NDCC must comply with section 7 of the Data Protection Act, 2018, in informing individuals whether or not images and other information relating to them have been processed by the CCTV



Surveillance System. Individuals whose images are recorded have a right to make a request to view the images of themselves and, unless they agree otherwise, to be provided with a copy of the images. In order to comply with a request, the NDCC needs to satisfy itself as to the identity of the person making the request for their own personal data. The person making the request also needs to provide enough information to enable NDCC staff to locate their images. Therefore, Data Subjects wishing to make a subject access request (request for data about themselves) for CCTV images / recordings / information must apply in writing to the Data Protection Officer at the address given at the end of this Procedure. In the request, the requestor must provide the following information

6.4.1.1. Dates and times of the incident or their visit to the NDCC with details of the location.

6.4.1.2. Proof of identity (e.g. driving licence/passport containing a photograph); one of these must show your current address

6.4.1.3. Payment of £0.00

6.4.1.4. Whether they require copies or view of the images in question.

6.4.2. A written decision will be sent to the data subject within **14** working days of receipt of the request. If access is agreed, such access will be provided within forty days of receipt of the request or, if later, on the date when the NDCC receives confirmation of identification from the data subject.

6.4.3. In responding to a subject access request, NDCC staff will use red action tools to obscure images of other individuals in cases where releasing the unredacted images would involve an unfair intrusion into the privacy of the third parties concerned. Where the NDCC is unable to comply with a subject access request without disclosing information relating to another individual who can be identified from that information, it is not obliged to comply with the request unless that individual has consented to the disclosure or it is reasonable, in the circumstances, to comply without the consent of the individual.

## **SECTION 7 - COMPLAINTS/BREACHES**

7.1. It is also recognised that other members of the NDCC or third parties may have concerns or complaints in respect to the operation of the CCTV Surveillance System. Any concerns or complaints should, in the first instance, be addressed to the Operations Manager who will follow the NDCC Complaints Policy.

7.2. Concerns or queries relating to any aspect of compliance with the Data Protection Act, 1998, (2018) should be directed to the Data Protection Officer.

## **SECTION 8 - RESPONSIBLE OFFICER**

The Operations Manager is responsible for the implementation of these procedures, in consultation with the Data Protection Officer.

## **SECTION 9 - MONITORING AND REVIEW**

The Operations Manager and the Data Protection Officer will monitor compliance with these procedures and the operational effectiveness of the NDCC CCTV systems, reporting to the Information Governance and Security Group. These officers will initiate reviews of the procedure out with the annual review cycle where necessary in the light of developments in the current legislation which underpins the procedures. The NDCC Information Governance and Security Group will review these procedures annually. The review will consider the effectiveness of the procedures and will take account of the views of stakeholders and relevant developments relating to the Data Protection Act, the statutory CCTV Code of Practice and other relevant legislation. Following review, these procedures will be revised and updated as appropriate.

**SECTION 10 - RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE**

Information Security Policy Framework  
NEWCASTLETON DISTRICT COMMUNITY COUNCIL  
CCTV PROCEDURES – To support Information Security Policy Framework

CCTV Codes of Practice  
NEWCASTLETON DISTRICT COMMUNITY COUNCIL  
Code of Practice - Public Space CCTV

Data Protection Policy and Guidance  
NEWCASTLETON DISTRICT COMMUNITY COUNCIL  
PRIVACY NOTICE

**SECTION 11 - FURTHER HELP AND ADVICE**

For more information and advice about these procedures contact  
Data Protection Officer  
Newcastleton District Community Council  
4 South Hermitage Street  
NEWCASTLETON  
TD9 0QR  
Email: [secretary@newcastletoncommunitytrust.co.uk](mailto:secretary@newcastletoncommunitytrust.co.uk)  
Web: <https://www.visitnewcastleton.com/>

**SUBJECT ACCESS REQUEST FORM APPENDIX C**

**NEWCASTLETON DISTRICT COMMUNITY COUNCIL (NDCC) – CCTV  
DATA PROTECTION ACT 2018 (incorporating GDPR 2018)**

How to Apply For Access To Information Held On the Newcastleton District Community Council – CCTV System  
These notes explain how you can find out what information, if any, is held about you on the CCTV System. Please note that CCTV images are only retained for 28 days.

**Your Rights**

Subject to certain exemptions, you have a right to be told whether any personal data is held about you. You also have a right to a copy of that 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. NDCC 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 the circumstances to comply with the request without the consent of the other individual(s)

**NDCC Council's Rights**

NDCC Council may deny access to information where the Regulation 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**

A fee to deal with this request is £0.00 in most circumstances. Applications can be made using this form

**The Application Form:** all sections of the form must be completed.

Section 1 Asks you to give information about yourself that will help confirm your identity. NDCC has a duty to ensure that information it holds is secure and it must be satisfied that you are who you say you are.

Section 2 Asks you to provide evidence of your identity TWO pieces of ID (e.g. driving licence/passport containing a photograph); one of these must show your current address

Section 3 Asks you to confirm whether you will accept just viewing the information, or if you want a copy of the information.

Section 4 You must sign the declaration

<b>SUBJECT ACCESS REQUEST FORM APPENDIX D</b>				
<b>NDCC CCTV SURVEILLANCE SYSTEM</b>				
<b>DATA PROTECTION ACT 2018 (incorporating the GDPR 2018)</b>				
<b>SECTION 1 About Yourself</b>				
The information requested below is to help NDCC satisfy itself as to your identity and find any data requested				
<b>PLEASE USE BLOCK LETTERS</b>				
Title (tick box as appropriate)	Mr	Mrs	Miss	Ms
Other title (e.g. Dr., Rev., etc.)				
Surname/family name				
First names				
Maiden name/former names				
Your Current Home Address				
Post Code				
A telephone number will be helpful in case you need to be contacted. Tel. No.				
<b>SECTION 2 Proof of Identity</b>				
To establish your identity your application must be accompanied by TWO pieces of ID (e.g. driving licence/passport containing a photograph); one of these must show your current address				
<b>SECTION 3 Supply of Information</b>				
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	YES/NO			
(b) Only view the information	YES/NO			
<b>SECTION 4 Declaration</b>				
<b>DECLARATION (to be signed by the applicant)</b>				
The information that I have supplied in this application is correct and I am the person to whom it relates.				
Signed by _____				
Date ____/____/____				
<b>Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.</b>				