

Code of Practice

For Surveillance Camera Systems operated by Luton Borough Council

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Certificate of Agreement

The content of this Code of Practice are hereby approved in respect of all CCTV and surveillance camera systems operated by Luton Borough Council (LBC) and, as far as reasonably practicable, will be complied with at all times by all who are involved in their management and operation.

Signed for and on behalf of Luton Borough Council

Signature _____ Name _____

Position held _____ Dated the _____ day of _____ 2021

Signed for and on behalf of Quadrant Security Group Limited (QSG) / Synectics Security for PSSCCTV

Signature _____ Name _____

Position held _____ Dated the _____ day of _____ 2021

Signed for and on behalf of Bedfordshire Police (Luton)

Signature _____ Name _____

Position held _____ Dated the _____ day of _____ 2021

Signed for and on behalf of (LBC Service Area e.g. Housing Services)

Signature _____ Name _____

Position held Responsible Officer _____ Dated the _____ day of _____ 2021

Definitions & Abbreviations

Systems Owner

Luton Borough Council (**LBC**) and commonly known as Luton Council (**LC**) owns public space CCTV and a wide range of other smaller surveillance systems operated across council business areas. The LBC Chief Executive undertakes the responsibilities of ownership on behalf of LBC.

Senior Responsible Officer (SRO)

The SRO is the Corporate Director for Inclusive Economy and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by LBC. The SRO will ensure that the interests of the council are upheld in accordance with this Code of Practice.

Data Protection Officer (DPO)

The LBC Data Protection Officer ensures compliance with the EU General Data Protection Regulations (GDPR) & UK Data Protection Act 2018 (DPA18) and manages all rights of access to information on behalf of the Systems Owner.

Single Point of Contact (SPOC)

LBC has appointed a CCTV SPOC: Strategic Regulatory Manager, Public Protection, Neighbourhood Services, Compliance and Support. The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Responsible Officer (RO)

A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the CCTV system. The RO should support the SPOC understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

Surveillance Camera Systems (SCS)

'SCS' has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

1. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
2. any other systems for recording or viewing visual images for surveillance purposes
3. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by 1 or 2
4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

CCTV Control & Monitoring Centre (CMC). A secure centralised control room facility located within Luton where connected CCTV and surveillance systems are managed and operated in the day to day management of public areas.

CMC Services Contractor. The organisation contracted by Luton Borough Council to provide trained and licensed staff for the day to day operation of the CMC.

LBC CCTV Services & Contract Manager. The person employed by LBC to exercise oversight of the services contractor and to be responsible on behalf of the council for the Public Space CCTV Service. Responsible Officer (RO) for the primary PSSCCTV cameras across Luton Council area and the CMC.

CCTV Team Leader. The person employed by the services contractor to manage the Public Space CCTV Service. Oversees the operators contracted to provide CMC services. Responsible for all CMC activity and oversight of the operators monitoring, controlling and recording images produced by the CCTV systems.

CCTV Operator. The person responsible for watching, controlling equipment and recording the images produced by LBC CCTV cameras linked to the CMC and performing all CMC duties.

1. Introduction

1.1. Explaining this Code of Practice (Referred to as 'the LA Code')

Luton Borough Council (LBC), and the office of the SPOC, is required to establish a Code of Practice which sets out the governance arrangements that all surveillance schemes operated by LBC must comply with. This ensures the principles, purposes, operation, and management adopted by the main public-space CCTV system are mirrored across the whole local authority service delivery operational areas. This LBC Code of Practice (LA Code) must set out the regulatory framework that each scheme must comply with, the internal assessment process that each scheme must undertake and the processes required to establish a new surveillance camera scheme or upgrade an existing scheme.

The LA Code explains the surveillance systems used by the Council. It seeks to provide accountability and reassurance to everyone affected using surveillance across Luton. It demonstrates that LBC will comply with the law and ensure peoples' rights are respected. The LA Code will also outline how the public may access recorded information, make enquiries or complaints.

The SPOC will be responsible for maintaining the LA Code, and providing regular guidance and updates to Responsible Officers to ensure that all surveillance cameras schemes continue to be operated in full compliance with the regulatory framework governing its use.

1.2 LBC use of Surveillance Camera Systems (SCS)

LBC believes the use of SCS is a necessary and proportionate way of helping with a wide range of issues that affect people in public places, buildings and vehicles for which LBC has a responsibility. LBC also values the use of CCTV to protect its staff where appropriate. We have considered the nature of the problems to be addressed and that CCTV is a justified as an effective solution where it is used. We will regularly evaluate whether it is necessary and proportionate to continue using it.

1.3 Regulatory Framework

All our surveillance camera systems will be operated on a lawful basis and fully compliant with the requirements of the General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) 2018; known as the 'data protection laws'. It will also fully regard all laws that impact on surveillance operations:

- The Human Rights Act (HRA) 1998
- Protection of Freedoms Act (PoFA) 2012
- Freedom of Information Act (FoIA) 2000
- The Crime & Disorder Act (CDA) 1998
- Other relevant legislation according to specific use of CCTV in special circumstances (i.e. Covert use)

LBC SCS, including CCTV, body worn video (BWV), automatic number plate recognition (ANPR), and dash cams, will all comply with the Surveillance Camera Code of Practice issued by the Home Office (Section 29 PoFA) and other relevant legislation listed above. If local authorities don't have a good understanding of the surveillance camera systems they operate, they can face financial, legal and reputational risk.

LBC recognises surveillance technologies have significant capabilities to intrude upon the right to privacy. If not lawfully, responsibly, and ethically operated, this technology may adversely impact upon the public confidence which LBC seeks to provide by using it in the first place. People must be satisfied there is robust and accountable management of surveillance in all LBC operational areas of service delivery.

1.4 The Luton Public Space CCTV System (PSSCCTV)

The Luton Public Space CCTV System is 195 cameras (this number will change) installed at various strategic locations throughout the Town Centre, Bury Park, High Town, Leagrave, Marsh Rd, Farley Hill, Hockwell Ring, Lewsey Farm, Marsh Farm, Sundon Park and Riddy Lane including streets, parks, public places and car parks. The cameras offer full colour, pan, tilt and zoom (PTZ) capability, some of which may be automatically switched to compensate for low light conditions. LBC has the capability to redeploy some of their CCTV cameras to respond to changing trends and justified community needs.

Images from these cameras are sent to the Control & Monitoring Centre (CMC) in Luton where they are monitored and recorded. The CMC is staffed by operators from a BSIA accredited security company contracted to provide comprehensive CCTV services.

There is a dedicated CCTV link to the Divisional Police Control Room in Kempston where live pictures and events can be monitored. There are also video links to LBC's Traffic Signals Team for traffic monitoring and congestion control purposes only and to LBC Parking Services for Bus Lane Enforcement at appropriate times and Automatic Number Plate Recognition (ANPR) cameras owned by Bedfordshire Police that instantly check registration numbers against a vehicle database.

All material controlled and managed at the CMC remains the property of Luton Borough Council.

1.5 Other Surveillance Camera Systems operated by the Council

In addition to the main PSSCCTV system, LBC operates smaller schemes which are also defined as public space schemes. These are installed and operated at other locations or by staff engaged in operational duties throughout the Borough:

- LBC Housing (High-Rise & Mid-Rise blocks)
- Traffic Management & Parking Enforcement
- The Luton Busway
- LBC Passenger Transport Unit
- Neighbourhood Enforcement Teams
- Revenues & Benefits Enforcement
- Town Hall & other council premises to which the public have access
- Premises either owned, leased, or operated by LBC
- Community Centres, Libraries and Council Depots

1.6 Stakeholders

Luton Council works closely with stakeholders to deliver CCTV services. Typically, but not limited to:

- Bedfordshire Police
- The Safer Luton Partnership
- Quadrant Services Group (Service Contractor)
- LBC Service Delivery teams

From time-to-time other local stakeholders may be involved in the use of CCTV. Details of roles and responsibilities for key personnel responsible for LBC CCTV are shown in Appendix A to this Code.

1.7 Applying the LA Code of Practice

The LA Code will underpin oversight and day-to-day practice by all those managing and operating SCS. It will be supported by specific procedures in each operational area. Everyone connected with CCTV and surveillance camera systems operated by the Council will ensure that the principles and purposes outlined in this LA Code are always upheld. A copy of this Code will be available in Council offices, the CMC, LBC operational areas using SCS and on our website. If you would like a copy, please contact the SPOC.

2. Purposes of LBC Surveillance Camera Systems

The main specific and explicit purposes of LBC surveillance camera systems across all operational areas are one or more of the following:

- To provide a deterrent to crime and anti-social behaviour;
- To assist the prevention and detection of crime and apprehending criminals;
- To improve public safety by reducing the perceived fear of crime;
- To provide public reassurance and help improve quality of life in Luton;
- To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in Luton;
- To provide building security and a safe working environment for council staff and visitors
- To provide a safe and secure environment in Council housing stock for residents, council staff and visitors including management of tenancy agreements;
- To provide LBC vehicle fleet management information including the safety of staff and users of council vehicles and assist in managing reported incidents and complaints;
- To assist the police, other emergency services & Luton Borough Council with efficient management of resources;
- To monitor traffic flow and assist in traffic management;
- To assist with the Councils regulatory and statutory responsibilities, including revenues & benefits enforcement, civil parking enforcement, bus lane and priority route ('Red Route') enforcement;
- To assist with the gathering and provision of evidence to support criminal and civil proceedings;
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions;
- To assist in civil emergencies and countering terrorism.

The Council's SRO and SPOC, after consultation with the DPO, may draw up other explicit purposes for specific deployments based on local concerns. These will be documented in operational assessments to justify deployment, made available as necessary and reviewed periodically.

The use of other surveillance technologies such as Automatic Number Plate Recognition (ANPR); Body Worn Video (BWV) covert deployments may also have specific purposes applied to each. Where appropriate, these will be highlighted in the respective content in Section 5 of this code.

The use of audio recording with surveillance technologies such as Body Worn Video (BWV), vehicle management CCTV and cameras inside the CMC requires greater justification with clear and explicit purpose. Where appropriate, the purposes will be highlighted in the respective content in in this Code.

3. Principles for implementing and operating LBC SCS

Throughout this Code it is intended, as far as possible; to balance the need for surveillance as a safety and security measure with the need to safeguard the individual's right to privacy. Luton Council expects this to be a paramount consideration for all persons involved with any of its surveillance camera systems.

3.1 All LBC surveillance operations will always comply with the data protections laws and follow the Information Commissioner's 2014 Code of Practice for surveillance systems and subsequent updates. Systems will be operated fairly, transparently, within the law, and only for the stated purposes in this Code. The ICO Surveillance Systems' Code is published on the Commissioner's website, www.ico.org.uk.

3.2 Local Authorities and Police in England and Wales are relevant authorities who must pay due regard to the 12 principles of the Surveillance Camera Code of Practice (SC Code) when operating surveillance camera systems, overtly, in public places and can be held accountable for failing to do so. In addition to the Luton PSSCCTV scheme, LBC operates smaller schemes which are defined as public space schemes and listed at 1.5; p7 of this Code. Luton Council will apply the [SC Code](#) to all its use of surveillance systems (search 'Surveillance camera code of practice' on Gov.uk).

3.3 A Surveillance Camera Commissioner is appointed to oversee and promote compliance with the SC Code. A 'toolkit' of documents has been produced to assist authorities meet compliance requirements. In general, the SC Code covers the role of surveillance from the beginning to the end; 'cradle to judgement' (courts or disposal). Luton Council will apply the use of these documents in all operational areas. Every use of SCS will always be reasonable, necessary, and proportionate.

3.4 The decision to install new or updated surveillance camera systems (SCS) will be supported by operational needs-assessment documentation and a surveillance-specific Data Protection Impact Assessment (using templates issued by the regulators) to risk assess surveillance data processing and privacy issues. These documents will be completed **before** deciding to install. All installations must be justified to meet a pressing need where it is being considered. Installation and use of SCS should be undertaken in consultation with the public, community organisations, council staff, the Police and the Crown Prosecution Service where appropriate.

3.5 Operating procedures relevant to individual operational areas will compliment this Code and ensure responsible and accountable supervision of all types of LBC surveillance operations. Evidence will be kept securely and made available to ensure everyone's right to a fair trial in the event of any court proceedings or tribunal.

3.6 Occasionally SCS may be required to assist with 'covert' directed operations (e.g. by police, councils, HMRC etc). Proper authority will be obtained and comply with the Regulation of Investigatory Powers Act 2000 (RIPA). The Office of Surveillance Commissioners (OSC) and subsequently the Investigatory Powers Commissioner (IPC) regulate and oversee how public authorities use their investigatory powers. When undertaken solely by the Council, any covert directed surveillance authorised will meet the required 'crime threshold' and be further authorised by a Magistrates' Court (JP).

3.7 All processes related to use of SCS will be regularly reviewed, at least annually, to ensure continued use of surveillance remains justified. Managers in operational areas will be required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that each scheme continues to operate in compliance with the LA Code, and present this to the SPOC at the annual desktop assessment.

3.8 Any major changes to the LA Code will only take place after consultation with key stakeholders in the operation of any specific CCTV system. Minor changes may be agreed between the persons nominated in Appendix A.

4. Data Protection Information

The EU General Data Protection Regulations (GDPR) were introduced in May 2018. The new Data Protection Act 2018 (DPA 2018) implements GDPR standards across all general data processing and provides clarity on the definitions used in the UK context. The UK will still have to look to the GDPR for most legal obligations. It is important the GDPR and the DPA 2018 are read side by side. They are known collectively as the 'data protection laws'.

For processing to be lawful under Article 6 GDPR, organisations need to identify a lawful basis before processing personal data. LBC consider their lawful basis to be 6(1)(e) 'Public task': the processing is necessary to perform a task in the public interest or for official functions, and either has a clear basis in law and when used away from official public tasks, and 6(1)(f) 'legitimate interest' i.e. the processing is necessary for LBC legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

The Data Controller is the Council and its Chief Executive. The 'Senior Responsible Officer' for LBC surveillance systems is the Corporate Director for Inclusive Economy. Data Control has been further delegated to a Data Protection Officer (DPO) The Data Controller and DPO are responsible for:

- All copyright and ownership of all material recorded by virtue of the systems
- Full compliance with the GDPR & DPA 2018
- Ensuring the rights of access to personal data by individuals (Subject Access) is managed
- Ensuring all other requests for disclosure of data held on the systems is managed
- Ensuring auditable accountability through a range of policy and procedures
- Receive and deal with all complaints from the public relating to the systems

Please read Section 7 of this Code for more information on requests to view and disclosure of surveillance data. The Single Point of Contact (SPOC) is responsible for the day to day oversight of operational management of the surveillance systems.

5. Management and Operation of Surveillance Camera Systems

5.1 General

All equipment associated with either the LBC public-space CCTV system (PSS) or the SCS operated in other service delivery operational areas, (regardless of whether it is connected to the CMC), will only be operated by personnel who have been properly trained in its use and relevant operating procedures.

All staff responsible for any LBC SCS will be careful about exercising personal prejudices which may lead to complaints about CCTV being used for purposes for which it is not intended. Staff may be required to justify their monitoring, recording, or disclosing of images of any persons, activity, or property at any time.

Where LBC uses CCTV for Bus Lane and Priority Route Enforcement it will comply with national regulations, equipment standards and its operation will be fully compliant with 'A Code of Practice for Bus Lane Camera Enforcement using attended CCTV equipment for Approved English Local Authorities outside London (2007)' It follows the same principles but should be read separately to this LA Code.

5.2 Deciding to use SCS & Camera Locations

Having considered Section 3 of this LA Code, if using surveillance is the most appropriate means of addressing a pressing need, cameras will be sited in positions to meet that need after preparing documents in 3.4. CCTV must be justified, meet the purpose for which it was installed, and recordings are of an appropriate quality.

Cameras will be prominently placed in positions within public view. As far as possible cameras will not be hidden or obscured and be sited in positions that minimise risk to tampering, damage or destruction.

As far as is reasonable, all surveillance cameras must meet the purposes agreed for their use and recordings are of an appropriate quality.

Cameras will be restricted to ensure they do not view areas that are not of interest and are not intended to be seen, e.g. an individuals' private property. Electronic 'privacy zones' may be used to ensure that the interior of any private property cannot be viewed. Individuals who have concerns over any potential intrusion of their privacy may request a review of camera locations by writing to the SPOC at the details given in Appendix A of this Code. The council will not use any 'dummy' cameras.

5.3 Signs

Signs will be placed in the areas covered by cameras to make people aware of CCTV surveillance.

Appropriate signs will be deployed on the main access routes into Luton in suitable positions to inform both vehicle drivers and pedestrians that CCTV operates in the area. Signs will be used at strategic locations around the town centre areas covered by cameras as reminders of CCTV in operation. Signs will also be positioned on and in buildings and vehicles owned and managed by Luton Council where surveillance systems are used. The signs will indicate:

- The presence of CCTV monitoring (typically using a graphic of a CCTV camera)
- The 'ownership' of the System (unless its plainly obvious)
- The intended purpose of the system (i.e. crime prevention; public safety and security)
- An up-to-date contact telephone number for further information and access to recordings

Where cameras are used for Automatic Number Plate Recognition (ANPR) or traffic enforcement appropriate vehicle/driver-related signs will be erected on the approach to the areas of use. The signs will not define the field of view of the cameras but will be suitable to advise drivers that camera enforcement is taking place. The sign to be displayed on the approach is prescribed by the Traffic Signs Regulations and General Directions 2002. Use of Body-Worn cameras is covered at 5.7.

5.4 Transmission, Recording and Storing CCTV Images

CCTV cameras send images to the CMC or direct to a local on-site recording device using a variety of methods. These include cables, wireless signals, and computer networks. Security of transmission remains paramount. Transmission will either be owned by the Council or provided under contract by an industry supplier.

LBC uses Digital Video Recorders (DVR's) to record the images from all cameras throughout every 24-hour period. The DVR's are either housed securely in the CMC or in secure locations at specific LBC sites. Recorded images are retained on the DVR's for no longer than 31 days. Retention periods may vary dependant on site specific issues, but it will not exceed this limit at any site. Future storage requirements may include cloud-based solutions. If so, data security measures will be employed to ensure the Council is compliant with the data protection laws.

All recordings stored at CMC can be replayed on dedicated computer workstations in a secure area. Only authorised staff can download copies of recorded images when required for approved purposes. These images will then be kept for longer in accordance with the rules of evidence.

After retention, the recorded images are erased using an automatic digital process called 'overwriting'. This meets the requirements of not keeping data for longer than necessary, a principle of data processing.

At any other LBC site, any recording, viewing, and exporting of images will only be undertaken by trained and authorised staff. All LBC staff acknowledge the public must have total confidence that information recorded about them will be treated with integrity and confidentiality.

5.5 Monitoring CCTV images

LBC has a Control & Monitoring Centre (CMC) for the main public-space CCTV system and CCTV from a selection of LBC sites linked to it, for example High Rise housing blocks in Luton. The CMC will only be staffed by trained operators in accordance with LBC policy, commercial agreements with its service provider and operational procedures. (See Section 6 for details re CMC).

At some LBC sites where CCTV is installed and not linked to the CMC, monitors are installed to provide authorised staff with the opportunity to watch 'live' or review recordings when necessary; for example some housing facilities and highways management. Monitoring is not a prime function at these sites.

Staff at all sites will be fully conversant with this Code and their specific operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

5.6 ANPR

Automatic Number Plate Recognition (ANPR) uses specific cameras to capture a vehicle as it passes an ANPR camera. Its registration number is read and instantly checked against a database of vehicle records. Police are the primary users of this technology. ANPR provides lines of enquiry and evidence in the investigation of crime and is used by law enforcement agencies throughout the UK. Many commercial and retail sites now use ANPR cameras to aid vehicle and parking management.

LBC does not use ANPR cameras. It supports police operations with a 'slave' monitor in the CMC so in the event of need CMC staff can follow vehicles of interest or assist local police officers when they intercept and stop a vehicle, check it for evidence and, where necessary, make arrests.

5.7 Body Worn Video (BWV)

BWV are cameras worn by a person and usually attached to their clothing or uniform. BWV units can record both video and audio information. This technology is in regular use by law enforcement agencies. BWV systems are more intrusive than the more 'normal' CCTV surveillance systems because of its mobility and use in 'close-up' situations with people.

Before LBC decides to use BWV, it will follow all the general principles set out in Section 3 of this Code. Its use will be justified, proportionate, necessary and addresses a pressing operational need.

LBC deploy BWV equipment on staff engaged in enforcement to support the purposes of surveillance stated in Section 2 of this Code. The user or the BWV unit will be clearly labelled. BWV will be specifically used in 'incident-specific' circumstances to gather evidence and to protect council officers in hostile situations, or when there is reason to think that a situation may result in a complaint against the Council.

BWV recordings are managed via evidence management software. Individual users cannot access data on the BWV device. Use of BWV will be compliant with the ICO Code for Surveillance Systems and the College of Policing BWV Code of Practice. All LBC BWV users will be suitably trained before being used.

5.8 Audio Recording

LBC considers the use of audio recording, particularly where it is continuous, to be more privacy intrusive than purely video recording. Its use will therefore require much greater justification.

Luton Council will not use sound recording facilities with their main public-space CCTV system. Audio recording may be used in other circumstances, for example, BWV as above, Passenger Transport Unit (PTU) for safeguarding or complaints and LBC vehicle fleet management for driver safety and insurance claims. LBC will only use audio recording where:

- A pressing operational need is identified, and other less intrusive methods have been explored;
- The need cannot be appropriately addressed, and the only way is the use of audio recording;
- Appropriate 'data protection by design' methods have been incorporated into the system.

Where LBC decides to use audio recordings in specific circumstances they will ensure:

- A thorough camera-specific data protection impact assessment will be carried out;
- The system provides a high enough quality of recording to achieve the stated aim;
- The most privacy friendly approach is used; where video and audio recording can be controlled and turned on and off independently of each other. These two types of data processing should be considered as separate data streams and should be controlled separately to ensure irrelevant or excessive data is not obtained and held;
- Consultation with staff in advance; where recording conversations between staff and particular individuals is needed for a reliable record of what was said and might be used as evidence in an investigation or audio recording is triggered due to a specific threat;
- It is made clear to data subjects that audio recording is taking place, over and above any visual recording which is already occurring.

Recording of two-way audio feeds from 'help points' covered by CCTV cameras is deemed acceptable where it meets an operational need and are activated by the person requiring assistance.

Signs will be prominently displayed indicating audio recording is used.

5.9 Redeployable CCTV

Redeployable CCTV (mobile) cameras can be moved from one location to another and fully operational within a short time. They are used to follow incident or crime hot spots whenever and wherever they appear. LBC may use this technology when necessary; for example, environmental enforcement for fly-tipping.

Deciding to use and deploy this technology will require the same standards as set out in Section 3 and 5.2 of this LA Code, albeit in a suitable format to provide for speedy deployment when necessary. Use of redeployable (mobile) cameras will always be in accordance with the law, national and local guidance and accountable through specific operating procedures.

5.10 Access to Recordings & Audit Trail (Record keeping)

Access to any monitoring or recording equipment in any LBC service delivery operational area is restricted to ensure security and confidentiality of the information processed. Only nominated key staff will be allowed to access equipment and recordings for proper reasons and must only be for the stated purposes of CCTV.

Access control measures will be used to ensure security and confidentiality where necessary. There will not be any public access to equipment or recordings at these sites. Individual subject access to 'personal data' is not affected by this clause.

There will be records kept, either paper-based or electronically on a computer, of all relevant activity associated with the operation and management of any such LBC surveillance camera system. This will typically include but not limited to:

- Actions taken by operational staff or their contractors and incidents reported to or seen by them
- Request, Review, Download & Release of any recorded images
- Fault reporting and rectification and the regular maintenance programme

Every recording or operational audit record has the potential of being required as evidence at some point.

All record keeping will be carried out in accordance with user-specific operating procedures overseen by individual Responsible Officers in each operational area.

5.11 Maintenance of SCS

LBC will ensure all their surveillance camera systems are properly maintained in accordance with operational procedures and maintenance agreements. Maintenance agreements will make provision for regular / periodic service checks on the equipment which will include cleaning of all-weather domes or housings, checks on the functioning of the equipment and any minor adjustments that need to be made to the equipment settings to maintain picture quality. Agreements will also include regular periodic overhaul of all the equipment and replacement of equipment, which is reaching the end of its serviceable life.

Maintenance agreements should also provide for 'emergency' attendance by a specialist CCTV engineer to rectify any loss or severe degradation of image or camera control. Appropriate records will be kept by LBC Responsible Officers and the maintenance contractor.

5.12 Discipline

Every individual with any responsibility for SCS under the terms of this LA Code or related user-specific procedures will be subject to agreed disciplinary procedures. Any breach of this Code or of any aspect of confidentiality may be dealt with in accordance with those disciplinary rules. A breach of the Code may result in criminal proceedings.

6. LBC Control & Monitoring Centre (CMC)

6.1 General principles

The CMC is a central facility for monitoring Luton public-space CCTV and a range of other LBC surveillance cameras linked for recording and monitoring purposes. The Council 'contracts out' its CCTV monitoring and maintenance services to a specialist contractor. The Control & Monitoring Centre (CMC) is continually staffed by trained and accredited staff to provide fully specified LBC services in accordance with LBC policy, commercial agreements with its service provider and specific operational procedures.

All staff will be fully conversant with this Code and their operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

LBC intends to develop its CMC service and generate income by offering the monitoring service to local businesses and other third parties. Income will offset costs and contribute to LBC financial efficiencies. The service contractor will actively support the Council in developing this vision and help to grow the service.

The CMC operator's main role is to continuously monitor, identify and respond to incidents. Operators using any LBC cameras will always act with utmost integrity. The cameras and recordings will only be used for the purposes listed at 2.0 of this Code. All staff responsible for CCTV will be careful about exercising prejudices which may lead to complaints about CCTV being used for purposes for which it is not intended.

Cameras will not be used to look into private residential property. All operators can be required to justify their interest in, or recording of, any individual, group of individuals or property at any time.

6.2 Private Security Industry Act 2001 & the Security Industry Authority (SIA)

Under the provisions of the Private Security Industry Act 2001 it is a criminal offence for staff to be 'contracted' as public space surveillance (CCTV) operators in England, Wales, and Scotland without a Security Industry Authority (SIA) licence. The [SIA](#) is responsible for regulating the private security industry. For more information visit the gov.uk website and search 'security industry authority'.

All staff contracted to work in the CMC will be fully trained and in possession of an individual 'front-line' SIA CCTV Licence in compliance with this legislation before being authorised to use the system. Management staff not involved in using CMC equipment will be covered by a general non front-line SIA CCTV Licence.

6.3 Staff Vetting

It will be a condition of employment that all staff being selected for a role in the CMC are successful through locally agreed vetting procedures and those defined by the SIA for a CCTV Licence. As an 'Airwave' Police Digital Radio is installed, staff will be vetted to Non-Police Personnel standard as required by the National Police Chiefs Council (NPCC; previously ACPO) and Bedfordshire Police.

6.4 Staff Training

Every member of staff directly connected to the operation of CCTV or with responsibility for the CMC will be trained appropriately for their role. As a minimum the SIA CCTV Licence demands a structured training programme that results in a recognised qualification. The Information Commissioners Surveillance Code requires all staff to be trained in their responsibilities for data management.

6.5 Access to and Security of CMC

Access is restricted to ensure security and confidentiality of the information inside the CMC. Robust access control measures will be used to restrict access to authorised CMC or LBC staff ensuring security, integrity, and confidentiality. If the CMC is left unattended for any reason it will be secured. In the event of evacuation for safety or security reasons, standard operating procedures will be complied with.

Integrity of CMC operations is supported by the installation of 6 micro-CCTV cameras with audio recording for the specific purpose of management of third-party contracts and any complaints of workplace malpractice. Warning signs are visible. Recordings are only accessed using strict QSG and LBC protocols.

General entry will not be allowed without sufficient reason and must only be for the stated purposes of CCTV. Any formal requests that are received from members of the public requesting entry to the control room will be dealt with by the LBC Responsible Officer, in conjunction with the contracted CMC Team Leader, on a case by case basis.

Except where used for training or demonstration purposes there shall be no public view of the monitors. Images of areas in which individuals would have an expectation of privacy will not be made available for these purposes nor will they be viewed by non-authorised persons

Regardless of anyone's status, all access to the CMC will be recorded in a Visitors Log. All visitors will be reminded of the need for confidentiality by displayed notices and a clause in the Visitors Log. Operational staff will ensure only authorised access and an accurate visitors log is maintained and enforced.

Operational staff, approved by the contracted CMC Team Leader, who frequently go into the CMC as part of their daily duties are exempt from signing the Visitor Log providing they have signed a Declaration of Confidentiality. This will be managed by the Team Leader.

6.6 Use by law enforcement agencies

From time to time arrangements may be made for law enforcement staff to be in the CMC to support their operations with CCTV. If this involves 'covert' operations by specific law enforcement agencies, then on every occasion the **SPOC** must be satisfied that proper authority has been obtained under the Regulation of Investigatory Powers Act 2000 (RIPA). Only trained and authorised staff with responsibility for using the CCTV equipment will have access to the controls and operate the equipment. The presence of law enforcement agencies will always be supervised by an authorised user from within the CMC and in accordance with this Code and agreed operational procedures. CMC operations will always have primacy. Security, safety, and protection of the public will remain paramount.

6.7 Declaration of Confidentiality

Every individual with responsibilities connected to the CMC or any surveillance system linked to it under this Code or related procedures will sign a declaration of confidentiality. The signed copy will be held by the contracted Team Leader and LBC Responsible Officer for PSSCCTV.

7. Viewing and Disclosure of CCTV Recordings

7.1 General principles

Requests for access to, viewing and disclosure of recorded images from any LBC CCTV or other surveillance camera system will be controlled in accordance with defined procedures and consistent with one or more of the purposes listed in Section 2 of this Code.

Safeguarding an individual's rights to privacy will always remain a priority.

CCTV and surveillance information will not be copied, sold, disclosed, or used for commercial or entertainment purposes. Occasionally recordings may be used by LBC for:

- Training and demonstration purposes but the material will be selected by the QSG Team Leader in consultation with the LBC Responsible Officer, and its use will be strictly controlled;
- to assist in the general planning and management of the areas of CCTV coverage;
- to assist in identification and compiling of information relating to public safety;
- to assist in the efficient management of service delivery in the areas of CCTV coverage.

Written authorisation from the relevant LBC Responsible Officer will be required before access for research purposes. The copying of material or its removal from any LBC surveillance system for research purposes will only be permitted under exceptional circumstances and shall be fully documented.

Where necessary, final judgements about content of any third-party disclosure will be made by the Data Controller in consultation with the Data Protection Officer.

LBC Guidance on Viewing & Disclosure to Third-Parties' should be read in conjunction with this Code. Only key aspects are covered in this section.

Copyright and ownership of all information relating to recordings from LBC surveillance systems will remain with the Data Controller. Once CCTV images have been disclosed to another body (such as the police), then they become the Data Controller for their copy of the images. It is their responsibility to comply with the data protection laws in relation to any further disclosures.

7.2 Requests for Viewing of CCTV Recordings

Under Article 30 of the GDPR, larger organisations are required to maintain a record of their processing activities. Any request for viewing or access to any LBC 'CCTV' data must be documented for accountability; a key principle of data processing and compliance with the DPA2018. It allows LBC to request information or details from individuals requesting information relating to recordings from surveillance systems.

All requests for viewing (and disclosure) of any LBC 'CCTV' data will be in accordance with service delivery operational procedures. For PSSCCTV recordings held at the CMC, the management of requests will be the responsibility of the CCTV Team Leader (QSG) although in day-to-day practice disclosure is usually carried out by CCTV Operators. In other service delivery operational areas, requests for viewing (and disclosure) of CCTV images will be the responsibility of the Responsible Officer or nominated individual based and if necessary, in consultation with the LBC SPOC.

All requesters will be encouraged to submit or complete documented requests. Requests from the police service will be 'in writing' but may be a specific document used by police forces and emailed to LBC.

7.3 Disclosure to Members of the Public - Subject Access Requests

The Data Protection Act 2018 gives individuals rights of access to their personal information held by Luton Borough Council. Subject access is a fundamental right for individuals. But it is also an opportunity for the Council to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently and transparently and by maximising the quality of the personal information held. Requests by members of the public for CCTV images are limited to 'personal information' as required by DPA2018. Third-party information (e.g. another's' identity or vehicle registration number) will not be disclosed through SAR's. If other third-party information is shown with the images of the applicant, images will be suitably obscured.

A valid SAR must always be made in writing. This can be by letter, online form or via email to the Information Governance Team: feedback@luton.gov.uk. The applicant will be asked to complete a form with sufficient information to validate

their identity and enable the data to be located. An up-to-date photograph must be supplied. The council has a maximum of a month (28 Calendar days) starting from the day the request and identification (if required) is received. This is a

statutory requirement which must be adhered to. In exceptional circumstances an extension can be agreed with the Information Governance Team.

Generally, information will be provided free of charge. There are exceptions.

SAR's will not be granted in circumstances that may prejudice the prevention or detection of crime and the apprehension or prosecution of offenders. Other disclosure rules may apply.

Full details re SAR's is provided in a [Luton Council Policy document](#) (search 'subject access request policy' on the Luton Council website).

Further advice on SAR is given in the ICO Surveillance Systems' Code and a SAR Code of Practice which are published on the Commissioner's website, www.ico.org.uk.

7.4 Disclosure to Members of the Public - Freedom of Information Act 2000

The Freedom of Information Act (FOIA) gives the public a general right of access to official information held by most public authorities (police or councils, etc.). It also applies to companies which are wholly owned by public authorities. Typically, it applies to information around decisions, statistics, spending money and effectiveness. Requests may be by letter or email. The public authority must state whether it holds the information and normally supply it within 20 working days in the format requested.

When responding to requests, there are procedural requirements set out in the Act which an authority must follow. There are also valid reasons for withholding information, which are known as exemptions from the right to know. FOIA exemptions apply to disclosure of CCTV images.

If the images are those of the FOIA applicant - the information will be treated as a Subject Access Request as explained at 8.3 above. If the images are of other people/vehicles etc., these can only be provided if disclosing the information does not breach the data protection principles.

In practical terms, if individuals are capable of being identified from the relevant CCTV images, then it is personal information about the individual concerned. It is unlikely that this information can be disclosed in response to an FOIA request. The applicant could potentially use the images for any purpose and the individual concerned is unlikely to expect this and likely to be unfair processing breaching the Data Protection Act (DPA).

NOTE: No matter how a request is received there is no requirement for the requester to mention either the Data Protection Act or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.

It is the responsibility of the officer dealing to appropriately recognise a request as one for personal data, i.e. information relating to the requester, and process it accordingly. Failing to recognise a SAR is not an excuse for non-response and the council will still fall foul of the Data Protection Act should a response not be provided in a prompt and appropriate manner.

This guidance is not exhaustive. Full details on FOIA issues are found at the ICO website: www.ico.org.uk.

7.5 Disclosure to other third-parties

Requests to view and disclosure of recorded images from any LBC CCTV or other surveillance camera system will normally be granted to organisations or specific individuals (Other Third Parties) that show they are a bona-fide applicant with a legitimate interest in the CCTV recordings and show valid reasons which must meet the purposes listed in Section 2 of this LA Code.

These are mainly (but not limited to) the following organisations:

- All UK police staff, (including Ministry of Defence and Military Police)
- Statutory authorities with powers to prosecute, (e.g. H.M. Revenue and Customs, councils, Trading Standards, Environmental Health, etc.)
- Solicitors or their legal representatives in criminal or civil proceedings; (a fee will be charged)
- Individuals representing themselves in judicial proceedings. A fee will be charged. Please be advised footage will only be released in accordance with DPA guidelines.
- Other agencies (e.g. Insurance companies) according to purpose and legal status. A fee will be charged to cover costs of searching, copying and disclosure. Some requests may be treated as a DPA Subject Access Request if an individual has authorised an SAR submission on their behalf.

Please note - In order to obtain those [charges](#) mentioned above please view the Luton Council website for further details (search 'CCTV release of evidence' on the Luton Council website).

Payments will need to be made prior to the release of any approved data.

A third-party request (TPR) applicant should provide sufficient information to enable an assessment of type of request; [i.e.: is it a data subject access request for 'personal data' or a general access request from a bona-fide entity?] and the relevant data to be located. Information that is too broad or covers extensive time periods making it difficult to locate the data will need to be revised and more specific. All requests for information will be scrutinised in detail. Viewing and disclosure of information will not be unduly obstructed, but LBC may refuse requests due to insufficient information or invalid reasons.

If validated, the request will proceed. Access to and disclosure of CCTV data held on CWML surveillance systems (data export) via the Genetec Clearance system will come from a range of users:

7.6 Disclosure to the Media

Requests for CCTV images from the media will always be considered if it meets the stated purposes or is in the public interest to be disclosed. Judgements about disclosure to the media will be made by the LBC CCTV SPOC in consultation with LBC communications staff. The disclosure will include a signed release document that clearly sets out what the data will be used for, the limits on its use and retention of editorial control by Luton Borough Council.

Bedfordshire Police or other police force will be permitted to release recorded material to the media in connection with an investigation or detection of a crime without prior approval of LBC. CCTV recordings subject an approved release should relate to specific incidents and only be released in accordance with the NPCC media guidance and Bedfordshire Police procedures. Strict copyright conditions that do not allow it to be used for entertainment or any other purposes will apply.

The LBC CCTV SPOC should be advised of the release of the recorded material to the media. Every effort should be made to give the notification prior to its release.

8. Reviews & Audits of LBC Surveillance Camera Systems

8.1 General principles

- i. To ensure compliance with Data Protection and Protection of Freedoms laws and their Codes of Practice, the continued use of CCTV cameras requires periodic reviews. The Surveillance Camera Code of Practice requires effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. This will be coordinated by the SPOC who will set minimum expectations on who and how a CCTV system will be reviewed to assess system effectiveness and justify its continued use. This is recommended to be at least an annual desktop assessment.
- ii. In advance of the annual desktop assessment the SPOC will send a questionnaire to each site's RO for completion as part of the review process.
- iii. Regular checks and audits should be conducted more frequently by the RO in each service delivery operational area to ensure that policy and site procedures are always being complied with. GDPR places new operational obligations to demonstrate technical and organisational measures have been adopted and maintained.
- iv. The process of using documented surveillance operational assessments and DPIA will make the annual review more straightforward. Where evidence shows a CCTV camera location continues to be justified the camera will remain. Where evidence, gathered over a 12-month period, cannot be found to show that a CCTV camera location continues to be justified the camera use should be reconsidered by the Council in consultation with CCTV operational stakeholders.

8.2 Maintaining a Code Assessment Pack (CAP)

RO's in each service delivery operational area are required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that their systems continue to be operated in compliance with this LA Code, and present their evidence to the SPOC at the annual desktop assessment. Typical CAP contents will be (but not limited to):

- Evidence of compliance with the principles of the SC Code and other relevant legislation such as GDPR, DPA, and Human Rights considerations including completing the Self-Assessment Tool

- Data Protection Impact Assessment (DPIA). This should be reviewed annually.
- A list of all the documents that the RO must maintain
- An asset list and a declaration of compliance
- Records of the people authorised to access recordings, and review to remove persons who no longer require the same or any level of access
- Training records; Signage review; Any cyber considerations

Full details of the [CAP](#) can be found online (search 'introducing a single point of contact' on gov.uk and open the document link that appears for introducing a single point of contact).

8.3 Annual Report

Using the above review information, the SPOC will prepare and publish an annual report of LBC surveillance camera systems. Within the main annual report there should be a subheading for the SPOC to set out the number of operational areas under their remit and to give a brief overview of any inspections, contracts associated with the schemes, number of compliments and complaints in relation to the schemes and details of the scheme's performance and priorities. This approach includes the wider issues for justifying continued of CCTV.

From time-to-time one or more systems will be independently audited to assess its overall performance.

9. Making Enquiries or Complaints about CCTV

A member of the public wishing to make enquires, compliments or a complaint about any aspect of an LBC surveillance camera system may do so by contacting the SPOC. See Appendix A of this Code.

All complaints will be treated seriously. They will be dealt with in the same way as the discipline and complaints procedures which apply to all staff employed by Luton Council.

The SPOC will ensure that every complaint is acknowledged and include advice about the procedure to be undertaken. Details of all complaints and the outcome will be included in the CCTV annual report.

If the outcome from a complaint about how the CCTV system operates or how images (data) were handled is thought to be unsatisfactory, the Office of the Information Commissioner will investigate independently. Individuals have additional rights under DPA to prevent processing likely to cause substantial and unwarranted damage or distress and to prevent automated decision-taking in relation to the individual.

Visit www.ico.org.uk ; telephone 01625 545745 or write to:

Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

A1. Ownership

The **Owner** of all Luton Council surveillance camera systems is:

Luton Borough Council
Town Hall
George Street
Luton
LU1 2BQ

Tel. 01582 546000

www.luton.gov.uk

Through the office of the Chief Executive, the Council will

- Determine the purposes, and the way, any surveillance camera system is established and be the data controller of any personal data is processed by them. The Council is the data controller of all personal data used and held within each individual department.
- Appoint key roles to support the management of surveillance camera systems across its area of responsibility to ensure that the vast array of such equipment, its siting, deployment, and management is compliant with a complex framework of legislation, regulation, and guidance.

A2. Management

A2.1 Data Protection Officer (DPO)

The Council's Data Protection Compliance Officer will

- i. Ensure compliance with the EU General Data Protection Regulations (GDPR) & UK Data Protection Act 2018 (DPA18) and is responsible for upholding data subject's rights in relation to various aspects of the Act on behalf of the Owner.
- ii. Review completed surveillance camera specific data protection impact assessments (DPIA as set out in Article 35 of the GDPR and Section 64 DPA 2018) from each LBC operational area and should advise on compliance and whether processing can proceed.
- iii. Ensure that each Service Delivery Privacy Notice includes references to data processed by surveillance cameras to meet the principles of transparency and accountability.

A2.2 'Senior Responsible Officer' (SRO)

The SRO is the LBC Corporate Director, for Inclusive Economy and will:

- i. Take strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant LBC surveillance camera systems.
- ii. Ensure that the interests of the council are upheld in accordance with the 12 principles of the Surveillance Camera Code of Practice under Section 33(5) of the Protection of Freedoms Act 2012. LBC is an organisation in England and Wales that must have regard to the Surveillance Camera Code of Practice.
- iii. Be supported by a Single Point of Contact (SPOC) to ensure day-to-day compliance with the SC Code and all related matters.

If you have any concerns or questions about how we look after your personal information or compliance with the SC Code, please contact us at feedback@luton.gov.uk or call 01582 546000.

A2.3 Single Point of Contact (SPOC)

The SPOC is the LBC Strategic Regulatory Manager, Public Protection, Neighbourhood Services, Compliance and Support and will:

- i. Be the day-to-day management and operational support to the SRO and DPO for all matters relating to any LBC surveillance systems.
- ii. Act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.
- iii. Establish and maintain an LBC Code of Practice (this LA Code) which sets out the governance arrangements that all schemes must comply with and provide regular guidance and updates to RO's (2.4).
- iv. Carry out an audit of LBC surveillance camera systems to find out exactly what type of systems are being used by the council across all operational areas; where all its cameras are located and who has responsibility for them.
- v. Ensure that any LBC staff operating surveillance cameras are properly trained, keep them up to date on changes to legislation and help them to develop.
- vi. Standardise signage, set out clear roles and responsibilities, improve competence across the council and set up a governance board to scrutinise the use of CCTV across LBC.
- vii. Appoint Responsible Officers (2.4) for service delivery operational areas and advise on changes to schemes including adding or removing cameras, and where they are best located.

The SPOC should read and understand their role as set out in '[Guidance: Introducing a Single Point of Contact \(SPOC\)](#)' (search 'introducing a single point of contact' on gov.uk and open the document link that appears for introducing a single point of contact). This document is primarily aimed at local authorities but can be utilised by any organisation operating video surveillance systems.

If you have any concerns or questions about day-to-day LBC CCTV operations or compliance with the SC Code, please contact us at feedback@luton.gov.uk or call 01582 546000.

A2.4 Responsible Officers (RO)

A Responsible Officer (RO) will be appointed at all LBC service delivery operational areas using surveillance systems. They will:

- i. Fully comply with relevant laws, regulations, and the contents of this LA Code of Practice.
- ii. Be responsible for the day-to-day management of their operational area use of CCTV.
- iii. Create an asset list of all relevant equipment in their surveillance camera system including appropriate signage.
- iv. Support the SPOC understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.
- v. Ensure audit trail documentation is maintained for image management activity
- vi. Undertake regular reviews of operational procedures to ensure compliance.
- vii. Maintain a Code Assessment Pack (CAP; at 9.2 of this Code), complete an annual questionnaire supplied by the SPOC and present their evidence to the SPOC at the annual desktop assessment.

Full details of the [CAP](#) can be found online (search 'introducing a single point of contact' on gov.uk and open the document link that appears for introducing a single point of contact).