



CCTV Policy Part 2 – Release of Data

BROADSTAIRS & ST. PETER'S TOWN COUNCIL

Adopted: 26th March 2018

1 Introduction

1.1 The CCTV system is owned and managed by Broadstairs & St. Peter's Town Council (BSPTC) who are registered with the ICO as the data Controller (Reference ZA008844). All requests for the release of data will be processed by BSPTC. A fee will be levied for the release of data for all data requests, except where the requesting party is a statutory authority with the powers to prosecute.

1.2 The BSPTC CCTV system complies with the General Data Protection Regulations (EU) 2016/679 which is a regulation in EU law on data protection and privacy for all individuals within the European Union. Therefore, this policy should be read in conjunction with the BSPTC General Data Protection Regulation Policy

2 Policy Purpose:

2.1 This policy sets out the standards and procedures for viewing the Broadstairs & St. Peter's Town Council CCTV system.

3 Scope of Policy:

3.1 This policy covers the procedures for the following:

- Requesting CCTV footage
- Primary request to view data
- Secondary request to view data
- Individual subject access under Data Protection legislation
- Process of disclosure
- Media disclosure

4. Requesting CCTV Footage

4.1 All requests for the viewing of data should be sent using the request form attached at the end of this document to:

Broadstairs & St. Peter's Town Council,
Town Clerk's Office, Pierremont Hall, Broadstairs, CT10 1JX

4.2 Forms should be contained in an envelope clearly marked 'CCTV DATA REQUEST'.

4.3 Unless the data is requested by a statutory authority with powers to prosecute, a fee will apply for each individual request for information. These fees will be set out on the BSPTC website and will be reviewed annually.

4.4 Copyright and ownership of all material recorded by the System will remain with the Data Controller, BSPTC.

5. Primary request to view data

5.1 Primary requests to view data generated by a CCTV system may be made by third parties for any one or more of the following purposes:

- providing evidence in criminal proceedings
- the prevention of crime
- the investigation and detection of crime (may include identification of offenders)
- identification of witnesses

5.2 Information will only be released on receipt of a crime or police log number (provided when completing the form). All third parties are required to show adequate grounds for disclosure of data within the above criteria and may at times include, but are not limited to the following:

- statutory authorities with powers to prosecute, for example, Police, Customs and Excise, Trading Standards
- solicitors
- claimants in civil proceedings
- accused persons or defendants in criminal proceedings
- other agencies, (as agreed by the Data Controller and notified to the information Commissioner) according to purpose and legal status

5.3 Upon receipt of a bona fide request for the release of data BSPTC will respond within 20 working days.

5.4 BSPTC will not:

- Not unduly obstruct a third-party investigation to verify the existence of relevant data
- Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified to the Police or other third Party at the time of the request

5.5 Where requests fall outside the terms of disclosure and Subject Access legislation, BSPTC will:

- Be satisfied that there is no connection with any existing data held by the police in connection with the same investigation
- Treat all such enquiries with strict confidentiality and following the Town Council General Data Protection Policy

6. Secondary request to view data

6.1 A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request.

6.2 Before complying with a secondary request, BSPTC will ensure that:

- the request does not contravene, and that compliance with the request would not breach, current relevant legislation, for example, terms of General Data Protection Regulations (EU) 2016/679, Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994
- the request would pass a test of 'disclosure in the public interest'

6.3 If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:

- in respect of material to be released under the auspices of 'crime prevention written agreement to the release of the material should be obtained from a police officer.

The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice

- If the material is to be released under the auspices of 'public well-being, health or safety'. A written agreement to the release of material should be obtained from the Town Clerk on behalf of the Council. The Town Clerk should be provided with sufficient information to determine the potential benefit to be derived from releasing the material.

6.4 Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes

7. Individual subject access under Data Protection legislation

7.1 Under the terms of General Data Protection Regulations (EU) 2016/679, individual access to personal data, of which that individual is the data subject, must be permitted providing:

- the request is made in writing
- BSPTC are supplied with sufficient information to satisfy themselves as to the identity of the person making the request
- the person making the request provides sufficient and accurate information about the time, date and place to enable BSPTC to locate the information which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement).
- the person making the request is only shown information relevant to that particular search and which contains personal data of her or himself only, unless all other individuals who may be identified from the same information have consented to the disclosure

7.2 In the event of BSPTC complying with a request to supply a copy of the data to the subject. Only data pertaining to the individual will be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under these circumstances an additional fee may be payable to be agreed with BSPTC.

7.3 BSPTC is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort will be made to comply with subject access procedures and each request will be treated on its own merit.

7.4 In addition to the principles contained within the Data Protection legislation. BSPTC should be satisfied that the data is:

- not currently and, as far as can be reasonably ascertained. not likely to become, part of a 'live' criminal investigation
- not the subject of a complaint or dispute which has not been actioned
- the original data and that the audit trail has been maintained.
- not removed or copied without proper authority
- for individual disclosure only, for example, to be disclosed to a named subject

8. Process of disclosure

8.1 The process of disclosure undertaken by BSPTC will be guided by the following process:

1. The Town Clerk or Deputy Town Clerk will authorise the request once it has been ascertained that it is in accordance with this policy.

2. Replay the data to the requestee only, or responsible person acting on behalf of the person making the request. The viewing should take place at the Broadstairs & St. Peter's Town Council Offices
3. It must not be possible to identify any other individual from the information being shown. (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).
4. Provide a copy of the data in accordance with this policy if that has been requested

9. Media disclosure

9.1 In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures will be undertaken:

- the release of the material will be accompanied by a form signed by the Town Clerk that clearly states what the data can be used for and sets out the limits on its use, and indemnifies the BSPTC against any breaches of legislation
- the release form shall state that the receiver must process the data in a manner prescribed by the Council. For example, specific identities/data that must not be revealed
- it shall require that proof of any editing must be passed back to the Council, either for approval or final consent, prior to its intended use by the media (protecting the position of the Council who would be responsible for any infringement of Data Protection legislation and the Systems Code of Practice)
- The release form shall be considered a contract and signed by both parties

10. Review:

10.1 This policy will be reviewed by the Town Clerk at the end of each Civic Year. If any changes are needed these will be reported at a meeting of the Finance and General Purposes Committee.

BROADSTAIRS AND ST. PETERS TOWN COUNCIL
CLOSED CIRCUIT TELEVISION
REQUEST FORM FOR ORGANISATION AND PUBLIC



TO BE COMPLETED BY ORGANISATIONS OR PERSON
REQUESTING CCTV DATA

Name:	
Name of requesting organisation (if applicable):	
Job Title:	
Address:	
Phone number:	
Email :	
Fee enclosed:	Yes / Not applicable

INCIDENT DETAILS

Crime and/or ref No.	
Location of offence:	
Date and time of offence	
Any Additional Information	

Signature:

Date:

For BSPTC internal use only: Authorised by:
