

# Highway Closed Circuit Television (CCTV) Cameras Systems

Code of Practice

Date: May 2018

Economic Growth & Development Directorate

Document History		
Date	Author	Change
18/01/2017	Integrated Transport & Technology Team	First release
29/05/18	Integrated Transport & Technology Team	GDPR & DPA 2018 updates

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## **1. Introduction**

In operating closed circuit television (CCTV) systems to monitor its assets (as detailed in section 4 of this document), Cornwall Council appreciates that images of members of the public going about their day to day business are also captured and, in compliance with current legislation, we have a duty of care to manage this data responsibly. This document aims to provide clarity on the highway CCTV systems operated and maintained by Cornwall Council and CCTV data where Cornwall Council is the Data Controller as defined by the Data Protection Act 2018. This Code of Practice has been aligned to the core principles of strategic documents produced from organisations such the Information Commissioners Office (ICO) and the Home Office.

## **2. Who Are We?**

The Integrated Transport & Technology team of Cornwall Council is responsible for the management and maintenance of numerous core assets across the county including the road network throughout Cornwall (excluding the A30 and A38).

The A30 and A38 are managed by Highways England (HE) and any information relating to equipment installed on their network should be made to HE directly. However, Cornwall Council may occasionally install and manage Cornwall Council equipment on the HE network (including CCTV) where agreed between the parties and in this scenario, Cornwall Council will remain the Data Controller.

This document specifically relates to the data collected as part of the operation and management of the highway CCTV infrastructure, where Cornwall Council is the Data Controller.

## **3. What is Highway CCTV?**

Highway CCTV refers to closed circuit television system infrastructure installed for the purposes of relaying moving images to a remote monitoring station and also recording footage from the highway.

## **4. Intention and Use of Cornwall Council CCTV Systems**

Prior to any new installation, careful consideration will be given to the need for and location of any new CCTV installations, their potential to encroach on privacy and adjustments to reduce or mitigate any identified concerns. eg. utilisation of digital masking to prevent intrusion into privacy.

The main purposes that Cornwall Council uses highway CCTV for are:

- To aid remote monitoring of Cornwall Council's transport network and usage in order to keep traffic moving, as per our statutory network management duties outlined in the Traffic Management Act 2004 – <http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/tmafeatures/tmapart2/tmafeaturespart2.pdf>.
- To monitor performance and visually identify any malfunction of authority equipment or assets
- To monitor vandalism or misuse of council assets

- To provide evidence to confirm or refute compensation claims with regards to vehicle damage or personal injury as a result of a collision with a rising bollard
- The detection and prevention of crime (including criminal enforcement)
- To assist the Local Authority in their enforcement and regulatory functions within Cornwall
- To assist the Local Authority and their nominated partners (as defined within this document) to undertake statutory duties relating to the highway network as defined under the local Highway Authority and the Traffic Management Act 2004.

These purposes listed are in no way exhaustive and Cornwall Council reserves the right to amend/update the list accordingly at any time.

## **5. Cornwall Council CCTV Guiding Principles**

Cornwall Council will maintain and operate CCTV infrastructure in line with the 12 guiding principles as defined within the Home Office, "Surveillance Camera Code of Practice" document, June 2013, which are as follows:

- 5.1 Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
- 5.2 The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
- 5.3 There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
- 5.4 There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
- 5.5 Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
- 5.6 No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purpose has been discharged.
- 5.7 Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place where it is necessary for such a purpose or for law enforcement purposes.
- 5.8 Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

- 5.9 Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- 5.10 There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- 5.11 When the use of surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- 5.12 Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

## **6. Public Awareness**

By default, where Cornwall Council is the Data Controller, we will where appropriate display signage relating to the collection, use, storage and sharing of the data gathered by CCTV cameras within the vicinity of where they are situated. Exceptions will apply such as where the positioning of a sign would cause a hazard, eg. alongside a busy road where reading the sign would cause the driver to be distracted.

A privacy notice will be made available on the Cornwall Council website which will provide:

- Information on the CCTV infrastructure (where Cornwall Council is the Data Controller), including a list of all sites, regardless of whether signage is appropriate or possible and this will be updated at least on an annual basis with any new camera locations.
- More detailed information and links to other appropriate guidance.
- Information on how personal data will be retained and how this can be accessed by an individual.

## **7. Use of CCTV Data**

- To assist the Local Authority in their enforcement and regulatory functions within Cornwall
- To assist the Local Authority and their nominated partners (as defined within this document) to undertake statutory duties relating to the highway network as defined under the local Highway Authority and the Traffic Management Act 2004.
- To assist in developing the economic well-being of Cornwall
- Monitoring congestion around major signal junctions to improve traffic flows

- To provide evidence and assist in investigations where the Council are being pursued for compensation claims where their equipment is said to have been a fault, ie, damage to a vehicle caused by a rising bollard.
- To monitor vandalism or misuse of council assets
- The detection and prevention of crime (including criminal enforcement)

Where operational practices vary from the standards contained within this document, the details will be documented as sub-procedures/policies under the umbrella of this Code of Practice. The above list is not exhaustive and Cornwall Council reserves the right to update this information at any point without formally giving prior notice. All relevant CCTV policies/statements will be provided on the Cornwall Council Highway CCTV Privacy Notice webpage:

<https://www.cornwall.gov.uk/transport-and-streets/roads-highways-and-pavements/highway-cctv-and-anpr-privacy-notice/>

## 8. Data Security

- CCTV Data is encoded (into a proprietary format) at the point of capture, restricted and secured by user credentials.
- Encoded CCTV Data is recorded onto a secured local storage drive via an encoder and also relayed in real time to the Cornwall Council monitoring in-station located within the county.
- Any extracted footage is saved in a folder on the CC secure network.
- Data retention periods can be found in Section 9 of this document.
- Data shared with Devon & Cornwall Police is provided either by way of an exchange of hard drive or downloaded onto DVD/portable media.

## 9. Data Retention Periods

Storage Medium	Maximum Retention Periods
SD card and External storage drive	Up to 3 months
CC network (extracted footage)	<ul style="list-style-type: none"> <li>• Personal injury claims – 3 years</li> <li>• Property damage claims – 6 years</li> <li>• Criminal investigation – until such time as Devon &amp; Cornwall Police advise footage is no longer required or when the data has been passed to the police</li> </ul>

## 10. Data Access

Role	Organisation	Team/Position	Reason
<b>Data Controller</b>	Cornwall Council	Transport & Technology Manager	Service Manager responsibility

<b>Data Administration</b>	Cornwall Council	ITC Operations Team	Public facing support, footage extraction, Paragraph 2 DPA 2018 (formally S29, DPA 1998) compliance
		Technology Systems Engineer	In-house technical support
		Contract, Transport & Asset Systems Team	System support, data audits, Schedule 2, Part 1, Paragraph 2 DPA 2018 (formally S29, DPA 1998) compliance
	SSE	Operations team	System installation, maintenance, repair and on-street technical support
	Cormac Solutions Ltd (on behalf of Cornwall Council)	Transport Planning/Design Engineers	Review of footage to inform highway and network designs, improvements and claims against the Authority

- Data access permissions may deviate from those listed above where Cornwall Council is required by policy or law to fulfil or disclose information. Amendments to data access policies shall be formally requested and sent to the Data Controller for approval prior to any system access amendments.
- Where Cornwall Council is the Data Controller, they or their representatives, may restrict access to data held on their CCTV system, taking into account any organisational needs and the efficient operation of their systems.

## 11. Sharing Information

- Data will only be shared with official UK law enforcement or government agencies. Additional requests for sharing will be considered on a case-by-case basis.
- Data will only be shared with these partners where sufficient agreements detailing the use, storage, security and retention of information by that partner is in place.
- Data will not be sold, shared or distributed for marketing purposes.
- Data will not be transferred or stored outside of the United Kingdom

## 12. Data Controller

Cornwall Council is the Data Controller for the Highway CCTV infrastructure as described within this document and should be the primary contact for enquiries, requests etc.

The A30 and A38 are managed by Highways England (HE) and any information relating to equipment installed on their network should be made to HE directly. However, Cornwall Council may occasionally install and manage Cornwall Council equipment on the HE network (including CCTV) where agreed between the parties and in this scenario, Cornwall Council will remain the Data Controller.

Data may also be passed to third parties to fulfil legitimate purposes in line with current legislation and best practice eg. the police. To the extent that the data is shared and retained by both partners, data will be held by each as joint Data Controllers each with its own obligations, rationale and procedures for processing data. Chief characteristics of this status of joint Data Controller are:

- Overall the data is intended to be 'collected jointly' by both organisations in that neither has the resource to collect all the data it would wish to use for its purposes alone;
- Neither has the right to audit the other's processing of the data;
- When the data is shared/transferred to the other party that party becomes a joint data controller.

### **13. Other Sources of Information**

- Information Commissioners Office (ICO) - Data Protection – Privacy Notices Code of Practice, Information Commissioner's Office

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

- Home Office – Surveillance Camera Code of Practice, Crown Copyright, 2013

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/204775/Surveillance\\_Camera\\_Code\\_of\\_Practice\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf)

- Information Commissioners Office (ICO) - In the picture: A data protection code of practice for surveillance cameras and personal information

<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

- Protection of Freedoms Act 2012

<http://www.legislation.gov.uk/ukpga/2012/9/part/2/chapter/1>

- Data Protection Act 2018

<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

### **14. Requesting Further Information**

If you require further information, you can request it in the following ways:

- Online by completing a feedback form

<https://secure.cornwall.gov.uk/selfservice/citizenportal/form.aspx?form=Feedback&tmpl=Feedback>

- In person by calling into our one stop shops and many of our offices during working hours.
- By telephone:  
0300 1234 100

- By email:

[comments@cornwall.gov.uk](mailto:comments@cornwall.gov.uk)

- By post:

Compliments, Comments and Complaints  
Cornwall Council  
County Hall  
Treyew Road  
Truro  
TR1 3AY

## 15. Freedom of Information

If you wish to find out more about what information and/or personal data Cornwall Council retains, or request access to CCTV footage showing yourself or someone you represent, this can be requested using the appropriate form available from our Data Protection Act 2018 webpage:

<http://www.cornwall.gov.uk/council-and-democracy/data-protection-and-freedom-of-information/data-protection/>

## 16. Document Review

This document shall be reviewed on an annual basis by the Integrated Transport & Technology team.

Prepared by:

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If you would like this information in another format please contact:

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Truro  
TR1 3AY

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