



Code Of Practice

**Closed
Circuit
Television
(CCTV)**

Contents

- 1 Introduction
- 2 Definitions
- 3 The scope of the CCTV system
- 4 The operation of the CCTV system
- 5 Staffing of the CCTV control room
- 6 Control room access and security
- 7 Making enquiries or complaints about the system
- 8 Monitoring and evaluation of the system
- 9 Applying to view images

1. Introduction

What is the code of practice?

The Code of Practice is intended to address the legal requirements and operation of Magenta Living's Closed Circuit Television (CCTV) system currently in use at Partnership Building, Hamilton Street, Birkenhead, CH41 5AA. It explains how the public can request to view images or make complaints about how the system is managed as well as the legal requirements which must be adhered to by the CCTV operators.

The purpose of the CCTV system

The purpose of the CCTV system is to:

- help make the area safe for those people who live, work and trade in the local area
- help to prevent, detect and reduce crime and disorder in the area
- reduce the fear of crime and provide reassurance to the public
- assist in crime prevention, help to identify/apprehend/prosecute offenders and to provide the police and other enforcement teams with evidence to take criminal and civil action in the courts
- assist the local authority in its enforcement and regulatory functions within Wirral and Ellesmere Port.

The principles of the code of practice

The principles of the code of practice are that:

1. Personal data shall be processed fairly and lawfully in accordance with the General Data Protection Regulation (GDPR).
2. Personal data shall be processed for limited purposes, specified and lawful
3. Personal data processed for any purpose or purposes shall not be kept longer than is necessary.
4. The system is operated fairly and within the law
5. The system is operated only for the purpose it was set up, or agreed later
6. Public interest in the system's operation will be recognised by ensuring that the CCTV Policy is truthful and secure.

Applying the code of practice

Every user of the system will ensure that these purposes and principles are upheld at all times. Everyone with responsibility under the terms of this code of practice and who has any involvement with the system will be required to sign a Declaration of Confidentiality. Any proposed changes to this code of practice will be reported to Magenta Living's Executive Leadership Team.

A copy of this code of practice is available on the Magenta Living Website. If you would like a copy please write to the Emergency Response Manager, Magenta Living, Partnership Building, Hamilton Street, Birkenhead, Wirral, CH41 5AA.

2. Definitions

The code of practice is an important document and this section defines specifically the different elements and parties to the Magenta Living CCTV system.

2.1 The Owner of the system at Partnership Building, Hamilton Street, Birkenhead, Wirral, CH41 5AA is Magenta Living who have overall responsibility for the entire systems' operation.

2.2 Magenta Livings Assistant Director of Business Excellence is also the Data Controller and can be contacted at:

Magenta Living
Partnership Building
Hamilton Street
Birkenhead
Wirral
CH41 5AA
Tel: 0808 100 9596

The Data Protection Officer can be contacted via contactus@magentaliving.org.uk

2.3 The System Manager is the Emergency Response Manager or Emergency Response Team Leader.

The Emergency Response Manager can be contacted at:

Magenta Living
Partnership Building
Hamilton Street
Birkenhead
Wirral
CH41 5AA
Tel: 0808 100 9596

2.4 The CCTV Operator (which includes the Emergency Response Manager and Emergency Response Team Leader) is the duty operator(s) employed by Magenta Living and have been trained to operate the system equipment.

2.5 The equipment maintenance contractor is the organisation contracted to maintain the system equipment.

Cameras, monitors and control room equipment (including DVR Recorders) are currently maintained by:

Open View Security Solutions
Unit 6-8
Wharfside Rounds
Green Road
Oldbury
B69 2BU

Transmission equipment used in connection with the system is currently maintained by British Telecommunications PLC.

2.6 The System Auditor is Magenta Livings appointed manager within the Business Excellence Team for internal audit and the investigation of all cases of fraud and irregularities will be conducted via Magenta Living's HR department.

2.7 The system comprises of fixed cameras (PTZ and static), real time monitors, time lapse and real time recording (including playing and ancillary) equipment used to transmit data from the cameras to the control room and GDX door entry software. The system is registered under the GDPR and is used in accordance with:

- The Police and Criminal Evidence Act 1984
- The Criminal Procedures & Investigations Act 1996
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000.

2.8 The CCTV Control Room is located at Magenta Livings head office, Partnership Building.

2.9 Recorded material means any material recorded, either in digital or analogue format, or as a hard copy print, by or as the result of the technical equipment which forms part of the Magenta Living CCTV system but specifically relates to images recorded onto CD, hard drive or other media. The recorded material is the property of Magenta Living who also holds copyright in the recorded material.

2.10 Investigating Officers are relevant internal Magenta Living staff, officers employed by the police (including British Transport Police, Ministry of Defence Police and Military Police), or by a statutory authority with powers of enforcement, such as the Customs and Excise and Trading Standards.

3. The scope of the CCTV system

3.1 Locations

Currently, there are a total of 145 fixed cameras located in Wirral and Ellesmere Port which are monitored 24/7 from the CCTV Control Room.

Signs explaining that continuous CCTV monitoring is taking place are displayed in all areas covered by the cameras.

3.2 Data transmission

The cameras transmit data back to the CCTV control room at Partnership Building. In the future, further cameras may be used in the area that can transmit data back to the control room. Any additional cameras will be installed in compliance of the 'Surveillance Camera Code of Practice Pursuant to Section 29 of the Protection of Freedoms Act 2012'.

3.3 Camera operation

The cameras are fully operational with 'Pan Tilt Zoom' facilities. Cameras will not be used to look into private property within the range of the system unless authorised under statute and agreed by the system owner. All areas of private property are 'masked' using privacy zones which block the CCTV operator from viewing these areas. Images will be recorded for a maximum of 28 days and directly on to hard drives, unless seized as evidence by organisations with enforcing powers, (for example, police, customs and excise, environmental officers etc). The system equipment does not record sound and there will be no possibility of recording private conversations.

4. The operation of the CCTV system

4.1 Privacy

The privacy of tenants, staff and visitors while in their residence or within Magenta Living Partnership Building is of paramount importance. Wherever possible, surveillance equipment will be sited to prevent undue or unnecessary intrusions to the privacy of the above, and to members of the public who live adjacent to any Magenta Living properties or who pass through the range of the camera.

The Emergency Response Manager will safeguard individuals' privacy and will not allow the system to be used to invade the privacy of any individual in residential, business or other private premises, buildings or land. This will be achieved by ensuring that a formal CCTV Policy is in place and that all parties are aware of their responsibilities. Any staff member found to be breaching privacy guidance will be dealt with formally by Magenta Livings HR department in line with the organisations Data Protection Policy.

4.2 CCTV Policy

The CCTV Policy will ensure that:

- the code of practice is adhered to
- the system equipment, images and system documents are secure
- access to the control room is authorised
- visits to the control room are recorded and supervised
- all parties understand their role and responsibilities
- images, or access to images, are secured and handled in line with legal requirements, so as not to prejudice any subsequent court proceedings
- there is a clear audit trail for images.

4.3 Supporting systems

There are systems in place to achieve this and these are summarised below. The CCTV Operators' primary role is one of continuous monitoring, review and response to incidents witnessed via the CCTV cameras.

The Emergency Response Team Leaders primary role is to manage the day to day functions of the control room ensuring that the operation is run in accordance with Magenta Living's code of practice and CCTV Policy. There will be an electronic CCTV daily log kept of all events during the normal working day. This will include details of:

- operator on and off duty times, breaks etc
- incidents that are reported or seen on camera by the CCTV Operator(s)
- action taken by the CCTV Operator(s) throughout his or her shift.

All visitor's to the control room will be recorded on the CCTV VTAS software with details including:

- Name
- Visitors organisation (where applicable)
- arrival time
- reason for the visit
- departure time

To ensure security and confidentiality, visits to the CCTV control room are restricted and will only be allowed with the agreement of the Emergency Response Manager and/or Emergency Response Team Leader. Such visits will be made under the supervision of the CCTV Operator and will be recorded on the VTAS software. The removal of any images from the control room for use in legal proceedings will be fully documented.

Any still photograph produced from the system will not be retained for longer than necessary unless required for evidential purposes. Recorded material, including photographs, will not be copied, sold or used for commercial or entertainment purposes under any circumstances.

Staff are responsible for bringing any faults or misuse of the equipment to the Emergency Response Team Leader or Managers attention immediately.

A maintenance and fault reporting system will be kept which will record details of any maintenance and faults in the equipment, when they are reported and when they have been rectified.

All documents referred to above will be kept locked in a secure cabinet within the control room and will be retained for no longer than necessary.

4.4 Incidents

In the event of an incident being witnessed by a CCTV Operator, they will record the incident, and, where necessary, contact the relevant body to deal with the incident. This could include Police, Emergency Response Team or on site SMO at the high rise locations. The Operator will contact the Police if they see a criminal act taking place or a person acting in a suspicious manner and will use the camera systems full capability to obtain the best possible evidence.

5. Staffing of the CCTV control room

Only CCTV Operators and persons authorised by the Emergency Response Manager or Emergency Response Team Leader will operate any of the equipment located within the CCTV control room.

Before performing the role of CCTV Operator, personnel will be subjected to full security screening, via the Security Industry Authority (SIA). Magenta Livings Human Resource department will also be responsible for vetting staff.

The Emergency Response Team Leader will make each CCTV Operator aware of the code of practice and the CCTV Policy and any new starters will be fully briefed on the document. Each CCTV Operator will be expected to comply with the code of practice and CCTV Policy as far as is reasonably practical, at all times.

The Emergency Response Manager will accept responsibility for ensuring there is no breach of security and CCTV Operators comply with the code of practice and the CCTV Policy.

5.1 Training

All CCTV operators working within the CCTV Control Room, permanently, have been trained in line with SIA guidelines and hold a CCTV Public Space Surveillance licence. The only exception to this is when new starters are training in their role, so have a requirement to be present in the room and their SIA training is scheduled in for a future date. All new starters are required to sign a Confidentiality Agreement prior to being allowed in to the Control Room.

6. Control room access and security

For reasons of security and confidentiality access to the control room is restricted. Only Magenta Living staff who hold a Public Space Surveillance (CCTV) licence or have been the subject of an enhanced DBS check are permitted access to the control room without permission. Entry is not allowed without proper and sufficient reason and it is the responsibility of the Emergency Response Manager to ensure this is enforced. The Emergency Response Manager is responsible for authorising access to the control room and this is given in accordance with the code of practice and the operational procedures.

7. Making enquiries or complaints about the system

Any enquiries or complaints should be made to:

Emergency Response Manager
Magenta Living
Partnership Building
Hamilton Street
Birkenhead
Wirral
CH41 5AA

Any complaints will be dealt with in accordance with Magenta Living's complaints policy. Copies of the complaints policy are available on Magenta Living's website.

The Customer Experience Team will record all written complaints and report them to the Magenta Living board quarterly. These in turn will be included in the Annual Report to the Standards Committee. If you are not happy with the reply to your complaint from the Emergency Response Manager, you may submit your appeal in writing to the Customer Experience Manager within 14 days of the decision, who will investigate the matter on your behalf.

If you are still not satisfied with the Customer Experience Managers response you can contact :

Information Commissioner's Office.
www.ico.org.uk
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

8. Monitoring and evaluation of the system

The Emergency Response Team Leader will carry out regular checks on the documents created by the CCTV operator to ensure that the CCTV Policy is being complied with. Any discrepancies identified shall be dealt with in accordance with Magenta Living's disciplinary policy.

9. Applying to view/copy media

9.1 Sources of applications

Organisations which may have a valid reason for viewing images and to whom a request to view will normally be granted include:

- Police (which may include British Transport, Ministry of Defence or Military Police)
- statutory authorities with powers to prosecute (for example, Customs and Excise, Trading Standards, Environmental Health etc)
- solicitors/legal representatives in criminal or civil proceedings.
- Magenta Living's Tenancy Enforcement Team
- Magenta Living's Neighbourhood Management Team

9.2 Requests to view images under 'Subject Access'

All requests to view or obtain a copy of images must be made in writing to:

Data Protection Officer
Magenta Living
Partnership Building
Hamilton Street

Birkenhead
Wirral
CH41 5AA

Information required must include:

- the time
- the date
- the location
- the reason

The Magenta Living Data Controller may refuse any request where the information provided is insufficient. There is no charge for the production of data which will be provided in a readable format.

Any request for information which is being dealt with by Police or solicitors should be requested through these channels and not come directly from the individual. If the Police or solicitor feel that the information held by Magenta Living will assist them then they must request the information, not the individual.

Magenta Living reserves the right to refuse a subject access request for CCTV footage from any individual for whom the Data Controller does not feel that there is sufficient justification for the information to be released.

Enforcement agencies are not permitted to trawl the CCTV system on the off chance of detecting a crime or wrong doing. They are required to provide the SPOC/Emergency Response Manager or operator acting on his/her behalf with suitable information to cover Magenta Livings responsibilities under the General Data Protection Regulation 2018.

The release of evidence or permission to view images may only be authorised by the SPOC/Emergency Response Manager or relevant Team Leader in his/her absence. Where an enforcement agency requests copies of an image, one copy is to be made but there is no requirement for the SPOC/Emergency Response Manager or relevant Team Leader acting on his/her behalf to retain or produce any further copies.

The Emergency Response Manager or relevant Team Leader acting on his/her behalf will then hold the relevant footage on the computer's hard drive (but not copy it to disc) and then seek authority to release the images from the Head of Service, Assistant Director or Departmental Director.

This process should take place as quickly as reasonably possible so that the investigation is not unnecessarily delayed. To ensure the images are not lost due to retention time, the Investigating Officer can formally ask the SPOC/Emergency Response Manager to retain the images until the viewing/release of evidence process has been completed.

Once authorised, arrangements will be made to enable the Investigating Officer to view the images and if necessary be issued with two copies of recorded material on suitable recording media. Note: Only the Investigating Officer is permitted to view the images at this stage.

Staff who are subject to disciplinary, complaints or grievance procedures have the right to request that footage be retained if they believe it will support their defence. The process will be exactly the same as that shown above for the Investigating Officer.

9.3 Responding to requests

Magenta Living will aim to respond to your request within ten working days. The Magenta Living CCTV System is registered under the General Data Protection Regulation.

Use of the system must also comply with the Human Rights Act 1998 and the General Data Protection Regulation (GDPR), therefore, all release of information will be in accordance with this legislation. For security reasons or where details of any other person or vehicle are visible then viewing will be refused and an edited version of the images may be provided instead.

The Emergency Response Manager will arrange a convenient time and date for the viewing to take place that will be supervised by the Emergency Response Team Leader or other manager where necessary.

Applicants should be aware that CCTV images are normally only kept for 28 days.

Where images have been seized by the police, as a result of a criminal investigation/proceedings, then applications to view images must be made to the police, normally via the Crown Prosecution Service.

9.4 Overall Liability

While every effort will be made to proactively monitor the system by the presence of dedicated CCTV Operators, Magenta Living will not accept liability for any occurrence which is not observed by an operator.

N.B. This does not create implied liability for any observed incidents. All consequential actions will be carried out in good faith and within current agreed management and operational deployment guidelines.

9.5 Insurance claims against Magenta Living

CCTV cameras may be able to assist in incidents that could result in a claim against Magenta Living. When a report is received which may result in a claim, the officer responsible for dealing with the incident should consider whether CCTV covers the area. If so they should then ask the CCTV systems Responsible Officer to hold images for that period but this must be done within 28 days from the date of the incident.

If evidence is issued to the officer dealing with the incident, they become responsible for the security, safety and integrity of the images. All recorded media must be stored in a secure place with access limited only to those people involved in the subsequent claim. At the end of the waiting period or after any claim has been dealt with this officer will be responsible for the destruction of the recorded media by shredding and a record in the form of a signed memo to that effect will be kept for a period of 12 months.

If the incident was not caught on camera the officer dealing with the incident should be contacted and informed of this.

10. Installation of new CCTV Cameras

Authorisation for the purchase and installation of CCTV cameras must be approved by the Head of Service who will consult the SPOC/Emergency Response Manager. Proof, where appropriate, of consultation with staff, Trade Union representatives and other stake holders has taken place will also be required by the Head of Service before a final recommendation is made.

The Emergency Response Manager will be available to give advice at each stage of the above process.

Once authorisation is given to purchase CCTV cameras, advice will be sought from the Magenta Living Procurement Team to ensure that correct procedures are followed.

Officers are not permitted to purchase cameras that can monitor conversation or be used to talk to individuals as this is seen as an unnecessary invasion of privacy.

Once new cameras have been installed a copy of a map or building plan showing the location of the CCTV cameras will be sent to the SPOC/Emergency Response Manager for inclusion in the VTAS system.

Magenta Living documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require Magenta Living information in languages other than English.

For more information call **0808 100 9596** or email

contactus@magentalive.org.uk

28257 0518