

CCTV PRIVACY IMPACT ASSESSMENT 2020

Plymouth Highways



I Plymouth CCTV – Privacy Impact Assessment

- 1.0 Using CCTV can be privacy intrusive, because it is capable of putting law-abiding people under surveillance and recording their movements as they go about their day to day lawful activities. Careful consideration should be used whether to use it, or not; the fact that it is possible, affordable and has public support should not be the primary motivating factor. The authority should take into account what benefits can be gained, whether better solutions exist, and what effect it may have on individuals.
- 1.1 Plymouth City Council considers these matters objectively as part of an assessment of the scheme's impact on people's privacy.
- 1.2 Plymouth City Council owns and operates a CCTV surveillance system in its city centre & surrounding areas. The system was installed in 1990 onwards and has expanded since then to form the large system it is today. The City Council now acts in partnership with Devon & Cornwall police. There are various questions that need to be answered to successfully provide a privacy impact assessment; those questions are outlined below in a table format.
- 1.3 Where the system will be operated by or on behalf of a public authority, the authority will also need to consider wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life). If this is not the case then it would not be appropriate to use CCTV

CCTV – Privacy Impact Assessment Plymouth City Council

Date of Assessment: 16 Mar 2020

Person responsible: Darren Stoneman

Considerations:

1. Organisation's purpose for using CCTV and the issues the system aims to address.
 - A. Anti-Social Behaviour, crime, violent behaviour, community safety.

2. Can CCTV technology realistically deliver these benefits?
 - B. In part when combined with other measures which may include but are not restricted to police response, lighting control, licencing control, enforcement officers, PCSO involvement, Plymouth Against Retail Crime and pub watch etc.

3. What are the views of those under surveillance?
 - C. All installations are inherited and it is not known what public consultation, if any, took place. Hence these cameras are being re-assessed on the basis of current public expectations and perceptions. For example if cameras are installed in an area where there is a vibrant night time economy and have been in position for many years we will not seek public consultation but **will** fully assess them to ensure they are still fit for what is deemed their original purpose.

4. Have other less privacy-intrusive solutions such as improved lighting been considered?
 - D. Improved, (or reducing) lighting has been included in the assessment.
 - E. More intensive police patrolling
 - F. Licencing incentives,
 - G. Cameras which do not stray from the area of objectivity
 - H. Privacy zones on cameras

5. What are the benefits to be gained by using CCTV?
- I. Reduction in most crime types
 - J. Feeling of safety, (public confidence)
 - K. Deterrence of crime
 - L. Protection of Property, (public & private)
 - M. Increase in prosperity of the area, (a safer place is more likely to be patronised)
6. What are the privacy issues arising from this surveillance camera system
- N. Consideration that the specific camera does not have the capability to intrude beyond that which is for its specific purpose.
 - O. That private dwellings are protected from cameras having the ability to look, for example into bedroom windows or back gardens, (noting the expectation of privacy is normally less to the frontage of a property which is continually exposed in any event).
 - P. Signage has to be prevalent to advise all users of the areas where CCTV is in use
7. What privacy design features will be adopted to reduce privacy intrusion.
- Q. Auditing by the CCTV Operations Manager along with secondary record, all staff have individual log ins to enable accurate detection of a breach in privacy or to deal with any complaints
8. What organisations will be using the CCTV images and who will take legal responsibility for the data under the Data Protection Act 2018?
- S. All CCTV images are controlled under current legislation in accordance with the Data Protection Act 2018 and all data movement is fully documented. Organisations are not limited to the police and can include other bodies with enforcement powers, (such as customs and excise and some council departments). Footage will also be provided in a recorded or redacted form upon an appropriate request from a member of the public or agent acting on the behalf of such an individual
9. Do the images need to be able to identify individuals, or could the scheme use other images not capable of identifying individuals?
- T. Cameras have been assessed to be 'fit for purpose'. For example if a camera is being used in a park where there is no lighting or it is poor, white lighting or infra-red is deployed.
 - U. The criteria to enable the identification is dictated by home office recommendation, (10% detection, 25% observation, 50% recognition & 100% identification). Cameras are assessed to have the ability to meet the objectives of each of the four stages.
10. Will the CCTV equipment being installed and the system work being adopted be sustainable? Is there sufficient funding for the scheme?
- V. Any new installation is assessed for both compatibility with the existing system and as advanced as can be afforded but still considers the objectives. Cameras will not be specified that, (as far as can be ascertained) are likely to be obsolete or become unfit for purpose in the near future.

- W.** No new installation will take place unless there is an existing revenue or identifiable revenue stream to support it.
- I1.** Will the particular system/equipment being considered deliver the desired benefit now and remain suitable in the future?
- X.** New installations are assessed to be fit for the purposes, (pressing need) for which they are being installed. (Or in the case of the older inherited cameras what it was deemed they were originally installed for).
- Y.** A new installation, (from individual cameras to the entire infrastructure) is assessed and risk managed by adopting 'industry standards' and the use of common platforms.
- I2.** What future demands may arise for wider use of images and how will these be addressed?
- Z.** All existing cameras are assessed on the current objectives which derive from the current pressing need. As, (and if) future demands change a new assessment will take place to determine the suitability of any equipment specified.

Section 2 Human Rights Act 1998

1. Is the system established on a proper legal basis and is it operated in accordance with the law?

Comment: How the CCTV system operates is fully documented and documentation is fully available to auditing commissioners.

The authority also publishes and distributes, (libraries and on its website) a public 'CCTV Code of Practice' which sets out how public space surveillance is carried out and how the data it captures is used.

This assessment includes a review of the 'CCTV Code of Practice' and will make any appropriate alterations as a consequence of changing legislation or improved working practices.

2. Is the system necessary to address a pressing need, such as public safety, crime prevention or National security?

Comment: The assessment process as is documented here is carried out to ensure that the pressing needs for the system in its entirety, groups of or individual cameras was originally introduced are still valid.

Completion of this assessment confirms the necessity of the system to address pressing needs such as public safety, crime prevention and National Security.

3. Is it justified in the circumstances?

Comment: The severity of the circumstances will vary but this assessment seeks to determine if the use of CCTV is proportionate. (See 4 below).

4. Is it proportional to the problem that it is designed to deal with?

Comment: This is determined by the results of the assessment. However a problem is subjective. For example one person may find a group of 50 motorcyclists gathering on a playing field every Sunday is upsetting and feels CCTV should be employed but others feel that as its one day a week it doesn't worry them. Therefore the assessment should look at using the CCTV *just* on the Sunday, (if at all) as it's not meeting its objectives the other six days of the week but is still recording innocent and legal users of the playing field. The assessment may also determine that measures other than CCTV could resolve the issue, such as locking the gate to the field or prohibiting motor vehicles. Thus, concluding that CCTV is not proportionate.

5. Do any of these measures discriminate against any particular section of the community?

Comment: The assessment considers all Equality & Diversity implications. Part of the PIA is public consultation and no strata of society are excluded at any stage. Crime statistics are obtained to help determine the appropriateness of CCTV and on no occasion is race, creed or colour a deciding factor.

If a crime is being committed and recorded on CCTV it is the crime itself that is being recorded and not the perpetrator or victim.

The assessment may consider an area of high crime, (determined statistically) might benefit from CCTV, with or without other measures. That the area might be one of high crime would be one of the deciding factors and if the majority of residents were of a particular creed or colour it would have no bearing on the assessment.

This also applies to areas of deprivation. The assessment considers only the pressing need and does not include deprivation as a reason to introduce CCTV.

The crime statistics are listed with links to updated figures from Devon & Cornwall Police Website throughout this document

Assessments should be at least annually and kept on file for as long as the system is in use.

Assessments should be made when there is a change. You should not wait until a year has expired since the last one. This is especially important if a camera is changed as it is often likely to be of a different type and may stray from your original objectives or become more intrusive.

Privacy Impact Assessment for CCTV in the city of Plymouth and surrounding areas.

Date: April 2019

Review Date: Mar 2020

Manager conducting Assessment: Darren Stoneman, PCC Civil Enforcement Manager

DPA 2020	
<p>What organisations will be using the CCTV images? Who will take legal responsibility under the Data Protection Act?</p>	<p>Plymouth City Council (PCC) and Devon & Cornwall Constabulary are the main users of the CCTV system. PCC will be the Data Controller at the point of images being recorded, however, if these images are seized by the Constabulary or any other statutory body then the legal responsibility will be transferred to that body as the data controller for the images that have been seized</p>
<p>What is the organisation's purpose for using CCTV? What are the issues that the system aims to address?</p>	<p>The Council's CCTV Service was created in 1990 to combat public order offences and violent crimes in the city and surrounding areas. The introduction of the initial cameras to cover Plymouth's City Centre proved an overwhelming success. This success, coupled with central government funding, resulted in expansion soon after. Cameras were added in surrounding areas.</p> <p>The introduction of the Crime and Disorder Act placed a direct responsibility on local authorities to combat crime and anti-social behaviour through Section 17, which states: <i>"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".</i></p> <p>Section 17 was intended to provide the impetus for authorities to consider how their services could contribute to reducing crime and disorder, as well as their impact on social and community factors that affect crime levels. To deliver against these requirements, further government funding was made available and most authorities chose to expand their CCTV services.</p>

<p>What are the benefits to be gained from using CCTV</p>	<p>CCTV is a proven tool in detecting crimes, and the perpetrators of it. Using CCTV can significantly reduce the time and cost on the police service in investigating allegations. It is also known that false allegations are made and CCTV is a useful tool in disproving some allegations. CCTV captures actual events and is not influenced by interpretation, or events, as seen by people who are under the influence of alcohol or drugs</p>
<p>Can CCTV realistically deliver these benefits?</p>	<p>Yes, and consistently do</p>
<p>Can less privacy-intrusive solutions, such as improved lighting, achieve the same objectives?</p>	<p>There is a general agreement and belief that other solutions could help. This is certainly the case for smaller confined areas where lighting or fencing could be a more productive solution than CCTV. However, for city centre areas CCTV is still the best solution.</p> <p>PCC do inform members of the public that CCTV is in use by installing signs detailing the scheme and its purpose, along with a contact telephone number.</p>
<p>Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying the individual?</p>	<p>It is of paramount importance that the system is capable of identifying individuals. Footage from the system will be used in court. If the persons were not identifiable then the system would not be fit for purpose.</p>
<p>Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?</p>	<p>Plymouth City Council's method of work is unlikely to change. The service will remain a manned one for the foreseeable future and will be provided by dedicated and trained, SIA licenced CCTV operators.</p> <p>PCC are always looking at new technologies and how these will help us to deliver a service in the most productive and cost-effective manner. Being up to date on new technology and legislation is very important to us.</p>

<p>What future demands may arise for wider use of images and how will you address these?</p>	<p>Legislation can and does change. We will therefore comply with all future regulations placed upon us.</p> <p>As populations increase, it is realistic to assume that pressures will be put on the department to supply images to wider audiences. These include blue light services solicitors, insurance companies and law enforcement agencies such as HRMC, and the Environment Agency.</p>
<p>What are the views of those under surveillance?</p>	<p>The general feeling is that people who are not involved in crime are happy to be in an area that is monitored by CCTV cameras. There are some members of society both law abiding and those who are not, who have issues with being in areas covered by CCTV cameras. By abiding with current legislation, we aim to show that the CCTV system is only used for crime reduction/detection purposes and those activities that assist the public either by locating vehicles or missing persons.</p>
<p>HRA</p>	
<p>What could we do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?</p> <p>Is the system established on a proper legal basis and operated in accordance with the law?</p>	<p>Most camera systems have an inbuilt location privacy setting, this is not the case on the system purchased by Plymouth City Council.</p> <p>Therefore to ensure privacy is maintained officers are trained and monitored and have the following audit methods built into the process</p> <ul style="list-style-type: none"> ● All officers have individual auditable log ins ● CCTV Manager undertakes spot checks ● Night operators are visited by out of hours patrol manager ● CCTV installed into control room to monitor the activity and use of cameras

<p>Is it necessary to address a pressing need, such as public safety, crime prevention or national security?</p>	<p>Yes. Most town centres suffer high instances of crime and ASB and we are no different. When the system was installed in 1996, PCC had high rates of crime and the CCTV system was installed to combat the rise in crime, working in partnership with the police.</p> <p>Since the scheme was a huge success the system has grown to help combat crime in other areas.</p>
<p>Is it justified in the circumstances?</p>	<p>Yes the attached links to Crime statistics prove the requirement</p> <p>https://www.police.uk/devon-and-cornwall/PLY.4028/crime/</p> <p>https://www.police.uk/devon-and-cornwall/PLY.4028/performance/compare-your-area/</p>
<p>Is it proportionate to the problem that it is designed to deal with?</p>	<p>Yes. CCTV is used to detect crime and complies with the current legislation.</p>

1. INTRODUCTION

1.1 This Privacy Impact Assessment (PIA) CCTV is recommended in the Surveillance Camera Code of Practice, issued by the Surveillance Camera

Commissioner in June 2013 in accordance with Section 30 (1) (a) of The Protection of Freedom Act 2012. The purpose of the PIA is to ensure that privacy risks are minimised while allowing the aims of the project to be met whenever possible.

1.2 Guidance is based on the ICO's Privacy Impact Assessment Handbook.

The four areas which are highlighted by ICO as potential areas for loss of privacy in relation to personal data are;

- the privacy of personal information;
- the privacy of the person;
- the privacy of personal behaviour;
- the privacy of personal communications

1.3 'Personal data' as defined by Section 1 of the Data Protection Act means data which relates to a living individual who can be identified:

(a) From those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

1.4 When considering the installation of a camera an Operational Requirement (OR) must be produced. The OR must be referred to as part of the installation and camera review process to ensure it meets and continues to be effective in addressing the purpose for which it was installed.

2. RESPONSIBLE PERSON CONTACT DETAILS

Below are the contact details of the person most qualified to respond to questions regarding this Privacy Impact Assessment.:

Name: Darren Stoneman

Title: Civil Enforcement Manager

Organisation: Plymouth City Council

Email: [Darren.Stoneman Civil Enforcement Manager](mailto:Darren.Stoneman@plymouth.gov.uk)

Telephone: 01752 304194

3. DATA STORAGE & CONTROL

I	Why a Privacy Impact Assessment is Required
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<u>I.I</u>	What is the aim of the surveillance system?	<p>The use of the system shall be for the purpose of:-</p> <ul style="list-style-type: none"> a) Providing Plymouth City Council and Devon & Cornwall Constabulary with evidence to take criminal and civil action in the Courts; b) Reducing the fear of crime and providing reassurance to the public; c) Providing assistance in the detection and prevention of crime (including countering terrorism); d) Assisting with the maintenance of public order; e) Deterring or reducing the incidence of vandalism, graffiti, and other environmental crime; f) Deterring persons from committing crimes and to enhance the opportunities for detecting those who do; g) Improving the safety and security of residents, visitors and the business community; h) Discouraging anti-social behaviour including alcohol and drug-related elements; i) Assisting in all aspects of City Centre Management. j) To assist in monitoring any Civil Contingencies Operations <p>The cameras are used as a proportionate response for crime, disorder and wider community safety purposes. The introduction of the Crime and Disorder Act 1998 placed a direct responsibility on local authorities to combat crime and anti-social behaviour through section 17. Section 17 was intended to provide the impetus for authorities to consider how their services could contribute to reducing crime and disorder,</p>
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		as well as their impact on social and community factors that affect crime levels. To deliver against these requirements, further Government funding was made available and most authorities chose to expand their CCTV systems
<u>1.2</u>	What organisations will have access to CCTV images? Who will take legal responsibility under the Data Protection Act?	Plymouth City Council and Devon & Cornwall Constabulary are the main users of the CCTV system, However, other Police Forces and law enforcement agencies such as The National Crime Agency along with Devon & Somerset Fire and Rescue Service will be granted access to the system if a legitimate request is received. Plymouth City Council will be the Data Controller at the point of images being recorded, however if any images are released to any of the authorised organisations, then the legal responsibility will be transferred to that organisation in relation to the images that have been released.
<u>1.3</u>	What are the benefits to be gained from the system and who will benefit?	From improved public safety, and reductions in crime. CCTV is a proven tool in detecting crimes, and the perpetrators of it. Using CCTV can significantly reduce the time and cost on the Police service in investigating allegations. It is known that false allegations are made and CCTV is also useful in disproving some allegations. CCTV captures actual events and is not influenced by interpretation, or events, as seen by people who are under the influence of alcohol or drugs.

<u>2</u>	Information Flow	
<u>2.1</u>	How is information collected?	The system provides on street video pictures, which are transmitted from cameras positioned in various locations throughout the City's. The transmissions are received in the CCTV Control Room in Plymouth. Some cameras are fixed on a particular scene; others are equipped with pan, tilt and zoom facilities allowing free movement through 360 degrees.
<u>2.2</u>	Where are the real time images from the camera displayed?	Any real-time images that are displayed in the secure control room environment are presented on the video wall. There are monitors located at each operator work station enabling them to monitor incidents.
<u>2.3</u>	Who has operational access and ability to move	Only trained and vetted staff who are employed to work within in the Plymouth City Councils CCTV control

	the CCTV camera?	room, have full operational access including moving of cameras. Devon & Cornwall Police Control have the ability to request live video streams, and are able to take control of cameras should a live incident be taking place on at the secured location
<u>2.4</u>	How are the images recorded?	Each camera signal is continuously recorded by way of a Digital Video Recorder
<u>2.5</u>	Where are the recorded images stored?	On the Hard Drives of Digital Video Recorders, which are housed within a secure remote communication room at each control centre location
<u>2.6</u>	How is information stored?	A digital recording and data management system is in place which covers all data collected by the Plymouth City Councils CCTV surveillance system
<u>2.7</u>	What measures are in place to control access to the area in which the recorded images are stored?	Access to the Control Room is restricted by an access control system. Access at the remote sites is again restricted by an access control system to each room.
<u>2.8</u>	How is information used	Information is used to monitor public safety, and prevent and detect crimes. Evidence is provided for investigation and enforcement. Individuals can request copies of CCTV data which contains their personal information. Disclosure of data is covered by internal processes which are fully compliant with relevant legislation and codes of practice
<u>2.9</u>	How is access gained to the recorded images?	Data management control levels established on system. Hard copy requests for images required.
<u>2.10</u>	How long are the images retained?	28 days
<u>2.11</u>	How is information deleted	The data management system automatically deletes information after 28 days.
<u>2.12</u>	When data is downloaded or copied for release to a third party, how is information recorded?	CD ROM, DVD or portable hard drive
<u>2.13</u>	What processes are in place to ensure that data	Each request for data must be requested in person. In the case of the Police this is authorised by a person at

	protection responsibilities are understood by persons receiving the data?	the rank of Sergeant or above. No data is released without signatures.
2.14	What precautions are in place to ensure that data will continue to be collected e.g. in the event of a failure of power to cameras and DVR (?)	UPS system in operation and backup generator
3.	DATA PROTECTION ACT	
3.1	Can less privacy intrusive solutions achieve the same objectives?	<p>There is a general consensus that other solutions could be effective, such as erecting security fencing or improved lighting. However, for our city centre areas CCTV is the best possible solution and works hand in hand with improved street lighting.</p> <p>We do inform members of the public that CCTV is in use by installing signs detailing the scheme and its purpose, along with a contact telephone number.</p>
3.2	Are images of identifiable individuals required or could the scheme use other technology not cable of identifying individuals?	<p>The system must be capable of identifying individuals, as footage from the system will be used in both criminal and civil court cases.</p> <p>If the system did not have this capability it would not be fit for purpose.</p>
3.3	Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?	<p>Yes. Plymouth City Council's working methods are unlikely to change.</p> <p>The service will remain a manned service for the foreseeable future and will be delivered by dedicated, trained, vetted and SIA licensed staff who are employed directly by Enigma Security Solutions Ltd</p> <p>We are constantly looking at new technologies and how these will help us to improve on service delivery.</p>
3.4	What future demands may arise for wider use	Legislation can and does change. We will comply with all future regulations placed upon us. As populations increase, it is realistic to assume that pressure will be

	of images and how will you address these?	put on the department to supply images to wider audiences. These include emergency services, solicitors, insurance companies and law enforcement agencies such as HMRC, DWP and the National Crime Agency.
4.	SURVEILLANCE CODE OF PRACTICE	
4.1	Do you regularly review the system against its objectives?	Yes. This is done to comply with our obligations.
4.2	Is the system being used for any other purpose other than those specified?	No
4.3	Does signage exist highlighting the use of surveillance cameras?	Yes
4.4	Does the signage highlight the point of contact?	Yes
4.5	Are all staff aware of their responsibilities?	Yes
4.6	Can a member of the public request footage?	Yes. The procedure of Data Subject Access can be requested by contacting the CCTV manager. It is also available in hard copy should they be requested. CCTV footage can only be supplied for up to 28 days from the date and time of an incident, after which time the images are automatically overwritten.
5.	RISKS	
5.1	Is the data shared with other organisations	Yes for investigation and enforcement
5.2	Is the system operated in full compliance with (i) DPA requirements (ii) ICO codes of practice (iii) SCC codes of practice	Yes

	(iv) Human Rights Act	
5.3	Do you have procedures in place to manage risks associated with the use of CCTV cameras	Yes
6.	PRIVACY SOLUTIONS	
6.1	Have you identified solutions to address any risks identified	The system is operated in line with relevant legislation and codes of practice. In addition, all staff operating/ using the system are fully trained and audited against compliance and SOP's (standard operating procedures) and an independent auditor

Camera Locations & Signage.

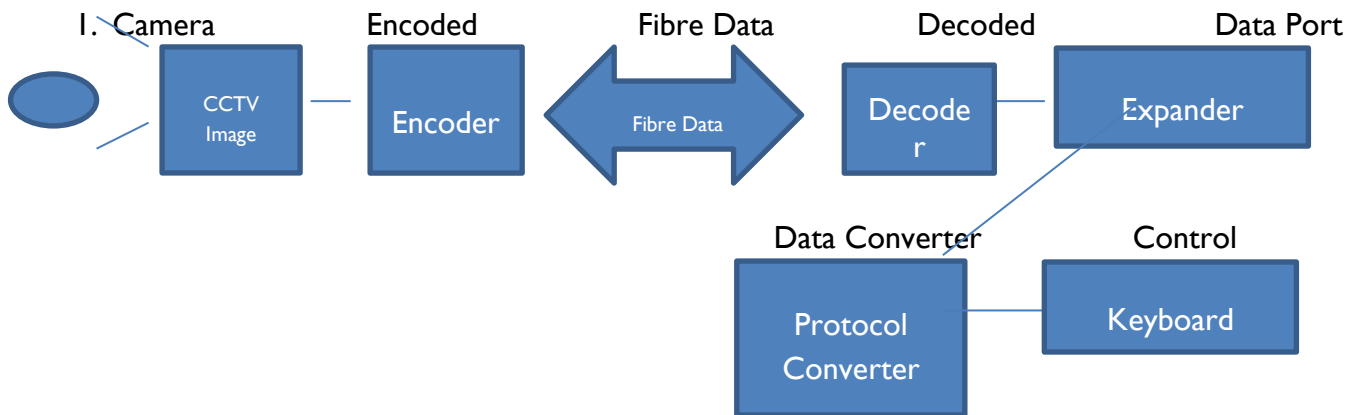
Plymouth

All operators are aware of their responsibilities and are under licence; they do not and will not use the cameras in an intrusive manner.

A map of full CCTV locations is produced and available to the public via the Plymouth City Council Website along with our code of conduct.

<https://www.plymouth.gov.uk/crimeandantisocialbehaviour/cctv>

Fibre Data flow



FIBRE DATA

- CCTV IMAGE TO THE ENCODED BT EXCHANGE
- DATA SENT THROUGH FIBRE CABLE
- DATA DECODED IN THE BT EXCHANGE
- DATA TO THE EXPANDER
- EXPANDER TO THE PROTOCOL CONVERTER, CONVERTING THE DATA TO IMAGES
- KEYBOARD TO CONVERTER CALLING UP IMAGES

