



South Tyneside Council

Date: 27/2/18

South Tyneside Council CCTV Unit Privacy Impact Assessment S.4 ICO COP

Report of the Acting Lead Officer for Community Safety

Purpose of Report

1. The purpose of this report is to primarily minimise the risk of informational privacy - the risk of harm through use or misuse of personal information gathered through the use of the Councils Public CCTV Surveillance System based in South Tyneside Councils CCTV Unit.

Contact Officer: Andrew Bailey CCTV and Systems Co-ordinator

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2. Introduction

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. South Tyneside Council considers these matters objectively as part of an assessment of the scheme's impact on people's privacy.

3. Impact Assessment

South Tyneside Council owns and operates a CCTV surveillance system with the Borough. The system was installed in the late 1990's and has expanded from a few static CCTV cameras covering the South Shields town centre bollards system to a large system covering a majority of South Shields Town Centre, a number of the housing estates, smaller shopping areas, the busy sea front, car parks, and high rise flats using mainly Pan Tilt Zoom (PTZ) cameras with a few static cameras. In the early 2000's South Tyneside Council went into partnership with Nexus and also monitor the CCTV within the Boroughs' 10 metro light rail stations. 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.

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.

Privacy Impact Assessment for South Tyneside Borough Public Space CCTV monitored by South Tyneside Council CCTV Unit.

Date: January 2018

Review Date: January 2021

Manager conducting Assessment: Andrew Bailey, Acting Lead officer for Community Safety.

DPA 1998	
<p>What organisations will be using the CCTV images? Who will take legal responsibility under the Data Protection Act?</p>	<p>South Tyneside Council, South Tyneside Homes and Northumbria Police are the main users of the CCTV system.</p> <p>South Tyneside Council 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 the late 1990's initially to monitor the health and safety implications with the access control bollards in the main shopping area in South Shields, King Street. This was further extended to combat shop theft, public order offences and vehicle crimes in the town centre, then out to outlying shopping areas and residential estates for crime and anti-social behaviour.</p> <p>The system is also used to help monitor community safety issues associated with emergency incidents such as flooding, fire etc and well as demonstrations and events. 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:</p> <p><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</p>

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	<p>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 town centre areas CCTV is still the best solution. 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>
<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>South Tyneside Council's method of work is unlikely to change. The service will remain a 24 hour one for the foreseeable future and will be provided by dedicated and trained, SIA licensed CCTV operators. We 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>

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<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. 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 giving out traffic reports, etc.</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? Is the system established on a proper legal basis and operated in accordance with the law?</p>	<p>Most cameras have installed into them electronic privacy zones that can be used when there is a need. The decision has been made after a number of incidents where cameras needed to be focused on domestic properties that these zones would not be used and we would rely on officers training to ensure that privacy was maintained. The system has been established on a proper and legal basis and we comply with the Data Protection Act, Human Rights Act and Protection of Freedoms Act.</p>
<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 1990's, South Tyneside had exceptionally high rates of crime and the CCTV system was installed to combat the rise in crime, working in partnership with the police. Since the scheme was a huge success the system has grown to help combat crime on some of the housing estates that have above average crime rates.</p>

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Is it justified in the circumstances?	Yes,
Is it proportionate to the problem that it is designed to deal with?	Yes. CCTV is used to detect crime and complies with the current legislation.

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The Privacy Impact Matrix for the CCTV cameras grouped by type.

Privacy Impact Assessment Feb 2018

Location Group	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Assets	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police, Community Wardens, Pub and Shopwatch.	The privacy level expectation in a public area is very low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and only managed by STC Staff
Car Park	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police, Community Wardens, Pub and Shopwatch and CEO's	The privacy level expectation in a carpark is very low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and only managed by STC Staff
Streetscape	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police, Community Wardens, Pub and Shopwatch and CEO's	The privacy level expectation in a public street within a town centre environment is very low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and only managed by STC Staff
Community Safety	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police, Community Wardens, Pub and Shopwatch and CEO's	The privacy level expectation in a the areas deployed is evaluated at the time of deployment as a majority of these cameras are re-deployable. The re-deployable cameras are reviewed on a 3 monthly basis and they are left in set default positions when not in use to avoid any collateral intrusion. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and only managed by STC Staff
South Tyneside Homes	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police and Community Wardens.	The privacy level expectation in a housing estate is medium. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and only managed by STC Staff. Privacy zones considered but due to incidents that have occurred within the flat blocks inc. arson, burglary and disorder, the decision was made not to implement, but to instead rely on the training of staff and their own decision making skills.

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Concierge	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police and Community Wardens and residents of the flat blocks.	The privacy level expectation the public areas within a residential flat block is low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. Most cameras are static and are directed towards entrances to the buildings. There are however a number of PTZ cameras on the rooves of the blocks. Privacy zones considered but due to incidents that have occurred within the flat blocks inc. arson, burglary and disorder, the decision was made not to implement, but to instead rely on the training of staff and their own decision making skills. However all recording and evidence downloads are locked down and only managed by STC Staff.
Hebburn Shopping Centre	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police, Community Wardens, and Shopwatch.	The privacy level expectation in a public street within a town centre environment is very low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and only managed by STC Staff
Culture and Leisure Services	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police and Community Wardens and premises staff.	The privacy level expectation in a public building within is very low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. All cameras are static within the building pointing at areas of high asset value, entrances etc. However all recording and evidence downloads are locked down and only managed by STC Staff
Nexus	24 hrs	24hrs – regular camera patrols based upon risk and intelligence information. Responding to incidents reported Via Police and Community Wardens and Nexus staff.	The privacy level expectation in a public light railway station is very low. These areas are well signed with appropriate signage for CCTV its use and purpose with contact details. However all recording and evidence downloads are locked down and are managed by STC Staff and other contracted local authorities plus Nexus staff within their own control room.

background papers background papers background papers

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The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	Author	Published
Conducting privacy impact assessments code of practice	ICO	2014
In the picture: A data protection code of practice for surveillance cameras and personal information	ICO	2014
Code of Practice for the Operation and Management of South Tyneside Council Central Public Space CCTV Control Centre	Andy Bailey, STC	2013
CCTV code of practice	ICO	2008

Contact Officer: Andrew Bailey

background papers background papers background papers