

# **DURHAM COUNTY COUNCIL**

## **REGULATION OF INVESTIGATORY POWERS ACT 2000**

### **CCTV SYSTEM PROTOCOL**

#### **1.0 Introduction**

- 1.1 Durham County Council has installed Closed Circuit Television Systems (CCTV) into a number of County Council establishments. The primary purpose of these systems being to protect public safety, prevent and detect crime which may affect the premises and individuals frequenting such premises. At Annfield Plain Junior School we have CCTV in the school yards for this reason. It is not used during the day when children are in school but for out of school time when school is not in use.
- 1.2 It is recognised that CCTV systems may be employed to observe and record the activities of individuals, which clearly has implications under the Human Rights Act 1988 and the Regulation of Investigatory Powers Act 2000, (RIPA) in terms of intrusion into the privacy of individuals.
- 1.3 This protocol is a separate document to any procedure produced by Durham County Council in response to the code of practice issued by the Information Commissioner to ensure compliance with the Data Protection Act 1998. Officers seeking to make use of CCTV systems and recordings should, however, have regard to the requirements of any such procedure.
- 1.4 This protocol serves to establish safeguards for the potential use of CCTV systems to specifically target individuals to observe and/or record their activities. Such planned activities will fall within the scope of Directed Surveillance and are subject to the controls established by RIPA to ensure that the activity is necessary, proportionate and authorised by a suitable senior officer of the authority.
- 1.5 Durham County Council is committed to promoting a just society that gives everyone an equal chance to live, work and live free from discrimination and prejudice. This protocol, demonstrates our concern for human rights, and therefore contributes to our diversity agenda.

#### **2.0 Authorised Activities**

- 2.1 General, non-directed recording of events and people, through the use of overt CCTV systems, will not infringe the rights of the individual. This activity does not, therefore, need to be authorised, through the RIPA process.
- 2.2 The retrospective viewing of CCTV footage, to gain evidence of actual or potential criminal activity, does not fall within the definition of covert surveillance and would, similarly, not require any form of authorisation. An approach should be made to the County Hall Facilities Manager, for permission to view. Similarly

for sites other than County Hall, the officer in charge of the premises should be approached in the first instance.

- 2.3 The processing of such data is, however, subject to the Information Commissioner's Code, issued under the Data Protection Act 1998.
- 2.4 Provision also exists within the RIPA framework, to react to immediate events, without the need to obtain an authorisation. For example, should a CCTV operative witness an attempted break-in of any property, it would be completely in order to re-focus or target the camera on that particular activity.
- 2.5 However, on occasions, it can be useful to use this equipment to detect or prevent crime, by means of a planned operation to record the activities of known or unknown persons. This could be, for example, concerning alleged thefts by staff members, or fraudulent use of the Flexi-time Scheme. A comprehensive, corporate guidance document exists, to clearly define the processes and procedures that must be followed if such use is to be contemplated.
- 2.6 In these instances, CCTV operatives must not carry out this targeted, planned surveillance, without an appropriate authorisation from a nominated, senior officer of the County Council. Attached to this protocol, is a current list of these officers. However, in nearly all circumstances, the Head of Internal Audit will be the nominated authorising officer.
- 2.7 It is not the responsibility of the CCTV operative to obtain such authorisation, which must **always** be in existence **prior** to any such activity commencing. Any individual approaching a CCTV operative without such an authorisation, should be referred to The Director of Corporate Services and be advised that any unauthorised use of the CCTV system would be unlawful and may give rise to a claim against the authority.
- 2.8 On occasions, the authority may be approached by an outside law enforcement agency to help in their enquiry, by utilising the authorities CCTV equipment, to undertake planned covert surveillance. Any approach of this nature, must be referred to The Director of Corporate Services.
- 2.9 Should an outside agency wish to examine old CCTV footage, this would not infringe human rights, as in Para 2.2 above. The applicant, should, similarly, be referred to the County Hall Facilities Manager, or officer in charge of the premises depending upon the establishment concerned.

### 3.0 Declaration

3.1 I have read this protocol and agree to abide by the following conditions and the protection that they provide:

- \* I will not use CCTV equipment for non-County Council purposes.
- \* No unauthorised covert directed surveillance activity will be knowingly carried out during my periods of usage.
- \* Any unauthorised requests for covert surveillance tasks will be refused and reported to the Director of Corporate Services.

I understand that I will not face any disciplinary action in refusing to perform any unlawful activity, following a request from a more senior officer or member of the County Council.

### SIGNED



**Acting Director of Corporate and Legal Services**

The original copy of this form should be forwarded, after signature to:  
The Head of Administration  
(RIPA Central Record)  
Corporate Services  
County Hall  
Durham

Please retain a copy for your own records

This document can be provided in different formats and languages on request. Please call Bill McKibbin on 0191 3833486 or Allison Mallabar on 0191 3835580.

For further information on surveillance issues see the contact list below:

<b>SERVICE CONTACTS</b>	<b>CORPORATE AUTHORISING OFFICERS/DESIGNATED PERSONS</b>
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<b>Corporate Services</b>	
Bill McKibbin (Central Record) Ext 3486	Phillip Holman Ext 3391
<b>Environment</b>	
Trading Standards Craig Hudson Ext 3707	Phillip Holman Ext 3391  Peter Fleming Ext 3584
Highways and Countryside Pat Taylor Ext 4111	Phillip Holman Ext 3391
Planning Graham Kirkham Ext 3363	Phillip Holman Ext 3391
<b>Treasurers (Internal Audit)</b>	
<b>For Matters relating to investigations into the activities of staff</b>	
Paul Monaghan Ext 3609	Keith Thompson Ext 3537
<b>Education</b>	
Ian Shanks 0191 383 3302	Neil Charlton Ext 3301
<b>Social Care and Health</b>	
Carl Docking Ext 3323	Phillip Holman Ext 3391