



**SURVEILLANCE CAMERA  
COMMISSIONER**

# **PRIVACY IMPACT ASSESSMENT**

**CONDUCTING A PRIVACY IMPACT ASSESSMENT ON  
SURVEILLANCE CAMERA SYSTEMS (CCTV)**

Principle 2 of the surveillance camera code of practice states that the use of a surveillance camera system must take into account the effect on individuals and their privacy, with regular reviews to ensure its use remains justified. The best way to ensure this is by conducting a privacy impact assessment before the system is installed and when a new camera is being added on to an existing system. This will assist in managing any privacy issues the use of the surveillance system might have.

A privacy impact assessment (PIA) enables operators to unpick risks to compliance with the Data Protection Act 1988 and the Human Rights Act 1998. The PIA should initially consider the pressing need that the system seeks to address and the impact that recording may have on individual's privacy. It is important to decide whether the proposed system can be justified as proportionate to the reason it is needed.

In undertaking a privacy impact assessment you must take into consideration your obligations under the Data Protection Act 1998 and follow the guidance provided in the Information Commissioner's Office's (ICO) **CCTV code of practice**.

This privacy impact assessment template is specifically for those organisations that must have regard to the surveillance camera code of practice under the Protection of Freedoms Act 2012. It also helps organisations to address their data protection and human rights obligations.

A PIA does not always have to be conducted as a completely separate exercise and it can be incorporated into project planning or other management and review activities.

In deciding whether to conduct a PIA and its scope, consideration must be given to the nature and scope of the surveillance camera activities and their potential to impact on the privacy rights of individuals.

A PIA should be considered when you are reviewing your surveillance camera systems and when you are considering introducing new technology connected to them.

A privacy impact assessment should be considered when any of the following apply:

- When you are introducing a new surveillance camera system.
- If you are considering introducing new or additional technology that may affect privacy (e.g. automatic number plate recognition (ANPR), body worn cameras, unmanned aerial vehicles (drones), megapixel or multi sensor very high resolution cameras).
- When you are changing the location or field of view of a camera or other such change that may raise privacy concerns.
- When you are reviewing your system to ensure that it is still justified. It is recommended that you review your system annually (see ICO CCTV Code of Practice and Surveillance Camera Code of Practice Principle 10).
- If you are considering the capture of an additional identifier such as vehicle registration mark to enable ANPR.
- The activity or change will engage heightened privacy concerns such as voice recording and biometric recognition such as facial and gait recognition.
- If your system involves any form of cross referencing to other collections of personal information.
- If your system involves more than one company or agency undertaking activities either on your behalf or in their own right.
- When you change the way in which the recorded images and information is handled, used or disclosed.
- When you increase the area captured by your surveillance camera system.
- When you change or add an end user or recipient for the recorded information or information derived from it.

## Description of proposed surveillance camera system

### Provide an overview of the proposed surveillance camera system

This should include the following information:

- An outline of the problem the surveillance camera system is trying to resolve.
- Why a surveillance camera system is considered to be the most effective way to solve the issues.
- How the surveillance camera system will be used to address the problem (identified above).
- How success will be measured (i.e. evaluation: reduction in crime, reduction of fear, increased detection etc).

In addition, consideration must be given to proportionality, legality, accountability and necessity. Any interference by a public authority of an individual's rights must be justified.

Therefore the following questions must be considered as part of a PIA:

- Is the surveillance activity established on a proper legal basis and is it undertaken in accordance with the law?
- Is the surveillance activity necessary to address a pressing need, such as public safety, crime prevention or national security?
- Is it justified in the circumstances?
- Is it proportionate to the problem that it is designed to deal with?

**If the answer to any of these questions is no, then the use of surveillance cameras is not appropriate.**

**Otherwise please proceed to complete the template below.**

# PRIVACY IMPACT ASSESSMENT TEMPLATE

The privacy impact assessment template comprises two parts.

Level one considers the general details of the surveillance camera system and supporting business processes, level two considers the specific implications for the installation and use of cameras

## Template – Level One

Location of surveillance camera system being assessed:

Proposal for CCTV Camera Level 2 Bridgeway Car Park. Monitoring parking payment machine

Date of assessment

Tuesday 29<sup>th</sup> May 2018

Review date

29/05/19

Name of person responsible

Stuart Danskin

## Data Protection Act 1998 and Surveillance Camera Code of Practice 2013

**1. What is the organisation's purpose for using the surveillance camera system and what are the issues that the system aims to address?** Evidence should be provided which should include relevant available information, such as crime statistics for the previous 12 months, the type, location, times and numbers of crime offences, housing issues relevant at the time, community issues relevant at the time and any environment issues relevant at the time.

Static IP CCTV camera on Level 2 Bridgeway Car Park in Stratford-upon-Avon. This camera will be an extension of the CCTV scheme in Bridgeway Car Park. Car Park has had new pay stations installed in different locations and previous machines withdrawn. This new camera will be installed above the ramp on Level 2 adjacent to Shopmobily's wall. Proposed CCTV camera is a vandal proof IP mini dome with a static view of the pay machine. As with all cameras in the Stratford-on-Avon District Council scheme, this new camera will provide those users of the car park with reassurance and be appropriately used to detect and prevent crime.

**2. Can a surveillance camera technology realistically deliver these benefits?** State why the use of surveillance cameras will deliver these benefits in practice including evidence to justify why that would be likely to be the case.

Yes. CCTV cameras at Bridgeway Car Park have previously prevented and detected theft from payment machines and criminal damage in the last 5 years.

Use of CCTV does provide evidential and other data that can be used to detect and or provide independent evidence for criminal or civil matters.

**3. What are the views of those who will be under surveillance?** Please outline the main comments from the public resulting from your consultation – some consultation should be undertaken in the area being considered for a surveillance camera scheme. This can often be achieved by existing local consultation mechanisms such as local area committees, police beat meetings; but, if necessary depending on the privacy intrusion of the surveillance in question, other mechanisms could be considered such as face to face interviews, questionnaires being sent to residents/businesses and addressing focus groups, crime & disorder partnerships and community forums.

The privacy level expectation in a public car park is very low. Bridgeway Car Park is owned by Stratford-on-Avon District Council. External consultation not deemed necessary. Camera installation was discussed at a service meeting highlighting existing and potential problems relevant to car park..

**4. Have other less privacy-intrusive solutions such as improved lighting been considered?** There is a need to consider other options prior to the use of cameras. For example, could improved lighting deliver the same benefit? Does the camera operation need to be 24/7? Where these types of restrictions have been considered, provide reasons for not adopting them and opting to use surveillance cameras as specified.

New camera will be a static IP dome camera. This ensures the specific purpose of monitoring the bank of pay stations is met. Bridgeway car park is accessible 24/7, so camera will be operational at all times. Lighting is already good and improvement will not achieve same benefit as CCTV.

**5. What are the benefits to be gained from using surveillance cameras?** Give specific reasons why this is necessary compared to other alternatives. Consider if there is a specific need to prevent/detect crime in the area. Consider if there would be a need to reduce the fear of crime in the area, and be prepared to evaluate.

CCTV as a form of evidence is used on a frequent basis and with the equipment regularly maintained and operated professionally provides high quality primary and secondary evidence for all those requiring it.

**6. What are the privacy issues arising from this surveillance camera system?** State the main privacy issues relating to this particular system. For example, the extent of information recorded, whether it will be only on those who are suspects or include those who are not, concerns arising from its use, retention and disclosure, likely expectations of those under surveillance and impact on their behaviour, level of intrusion into their lives, effects on privacy if safeguards are not effective.

Privacy issues for new camera are as follows;

Recording of personal data  
Retention and deletion of data  
Excessive or inappropriate monitoring  
Data handling and provision

**7. Have any privacy by design features been adopted to reduce privacy intrusion? Could any features be introduced as enhancements?** State the privacy enhancing technical and other features that have been identified, considered and accepted or rejected. For example, has consideration been given to the use of technical measures to limit the acquisition of images, such as privacy zones installed on cameras that overlook residential properties, etc? If these have not been adopted, provide a reason.

New camera will remain within a public car park so privacy blocks are not necessary. Again, The privacy level expectation in a public car park is very low

**8. What organisations will be using the CCTV images and where is data controller responsibility under the Data Protection Act 1998?** List the organisation(s) that will use the data derived from the camera system and identify their responsibilities, giving the name of the data controller(s). Specify any data sharing agreements you have with these organisations.

Access to images by third parties will only be allowed in limited and prescribed circumstances. In the case of Camera 88, disclosure will be limited to the following:-

- a) law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- b) prosecution agencies
- c) legal representatives
- d) The media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be taken into account.
- e) The people whose images have been recorded and retained (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.

**9. Do the images need to be able to identify individuals, or could the scheme use other images not capable of identifying individuals?** Explain why images that can identify people are necessary in practice. For example cameras deployed for the purpose of ensuring traffic flows freely in a town centre may not need to be able to record images of identifiable individuals, whereas cameras justified on the basis of dealing with problems reflected in documents showing the current crime hotspots may need to capture images of identifiable individuals.

Images relayed by camera must be able to identify individuals. The CCTV camera must be able to provide high quality evidence which may assist in the detection of crime and the apprehension and prosecution of offenders

**10. Will the surveillance camera equipment being installed and the system of work being adopted be sustainable? Is there sufficient funding for the scheme?** Consideration should be given as to how the revenue costs (e.g. monitoring, transmission) are going to be met, to ensure that the system remains effective and justified over its projected lifespan. State how long funding has been secured for.

The new camera will be funded by Parking Services Department. Maintenance and repair will be added to the maintenance contract currently in place for whole scheme

**11. Will the particular system/equipment being considered deliver the desired benefit now and in the future?** State how the system will continue to meet current and future needs, including your review policy and how you will ensure that your system is up to date. It is recommended that you conduct a minimum of an annual review of your system in order to consider whether it is still appropriate and able to meet the specified need it was set up to deliver.

An annual review of the system and operating procedures is carried out.

**12. What future demands may arise for wider use of images and how will these be addressed?** Consider whether it is possible that the images from the surveillance camera scheme will be used for any other purpose (e.g. traffic monitoring, enforcement, ANPR) in future and how such possibilities will be addressed. Will the cameras have a future dual function?

Location of new camera means that traffic monitoring, enforcement or ANPR would not be possibilities or necessary.

## Human Rights Act 1998

Section 6(1) of the Human Rights Act 1998 (HRA) provides that it is unlawful for a public authority to act in a way which is contrary to the rights guaranteed by the European Convention on Human Rights. Therefore in addition to the above, if you are a public authority, you must make sure that your system complies with the requirements under the HRA.

**1. Is the system established on a proper legal basis and is it operated in accordance with the law?** State the statutory or other powers which provides the basis for the activity.

ICO Registration Number; Z6970487

The authority annually reviews and publishes its 'CCTV Code of Practice' which sets out how public space surveillance is carried out and how personal information it records is used and managed securely

The CCTV system has also British Standard 7958 certification since 2007.

**2. Is the system necessary to address a pressing need, such as public safety, crime prevention or national security?** Articulate the problem and why this is a pressing concern.

The operational requirement of the new camera is the protection of Stratford-on-Avon District Council property and the detection and prevention of crime. The system is considered necessary

**3. Is it justified in the circumstances?** Provide the justification.

Privacy intrusion is considered low in respect to this camera. Car park is owned by Stratford-on-Avon District Council and appropriate signage is already in place due to being part of a legacy system. The need for the CCTV camera is met with little privacy intrusion

**4. Is it proportionate to the problem that it is designed to deal with?** Explain why the level of privacy interference is proportionate to the overall privacy impact.

The privacy level expectation in a public car park is very low. The new camera will be a static dome with no PTZ capability contributing to an even lower risk of privacy interference

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

Detail whether the proposed surveillance will have a potential discriminatory or disproportionate impact on a section of the community. For example establishing a surveillance camera system in an area with a high density of one particular religious or ethnic group.

No. The new camera is located in a public car park used by all sections of the community.

## PRIVACY IMPACT ASSESSMENT LEVEL TWO

The Level 2 privacy impact assessment template is designed to give organisations a simple and easy to use document to record various placements and devices on their surveillance camera system and to demonstrate the recognition and reduction of 'risk' to privacy impact across their network or system.

This document seeks to satisfy the privacy impact assessment in principle two of the Surveillance Camera Code of Practice.

### **Principle 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.**

When looking at the obligation under the code a risk assessment methodology has been developed to help organisations identify any privacy risks to individual or specific group of individuals (e.g. children, vulnerable people), compliance risks, reputational risks to the organisation and non-compliance with the Protection of Freedoms Act and/or the Data Protection Act.

A system that consists of static cameras in a residential housing block will generally present a lower risk than a system that has multiple High Definition Pan Tilt and Zoom (PTZ) cameras. However, the privacy impact assessment should help identify those cameras (irrespective of the type) that may be directed at a more vulnerable area (e.g. a children's play area) and therefore presenting a higher privacy risk. This approach allows the organisation to document a generic approach to the intrusion into privacy, catalogue your cameras by type and location, and finally identify any cameras that present specific privacy risks and document the mitigation you have taken.

An example of a risk assessment guide is shown in Appendix One

When undertaking a privacy impact assessment, it is important to be able to confirm where the organisation's cameras are sited. The system asset it is considered to be good practice for all organisations to maintain an asset register for all of their devices. This allows the system owner to record each site and equipment installed therein categorised in a manner to lead into the level two process.

If any new site or installation sits outside of the pre-defined fields, then new categories can be added as required

Overall step one and step two will cover the uses of devices of the system. However, it may not be practicable to publically list or categorise each individual asset.

A register can be developed to capture the information required.



## Template – Level Two

### Step 1 (definition of camera types utilised)

**Cameras Specification:** System operator owner should include below all camera types and system capabilities (e.g. static, PTZ, panoramic, ANPR) and their likely application and expected use. This will differ by organisation, but should be able to reflect a change in the cameras ability due to upgrade.

Please see example below:

ID	Camera types	Makes and models used	Amount	Description	Justification and expected use
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

### Step 2 (location assessment)

**Location:** Each system operator/owner should list and categorise the different areas covered by surveillance on their system. This list should use the specifications above which ID (types) are used at each specific location.

CAT	Location type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
A.						
B.						
C.						
D.						
E.						
F.						
G.						
H.						
I.						
J.						
K.						
L.						

### Step 3 (Cameras where additional mitigation required)

**Asset register:** It is considered to be good practice for all organisations to maintain an asset register for all of their devices. This allows the system owner to record each site and equipment installed therein categorised in a manner to lead into the level two process.

If any new site or installation sits outside of the pre-defined fields, then new categories can be added as required

Overall step one and step two will cover the uses of devices of the system. However, it may not be practicable to publically list or categorise each individual asset.

Please document here any additional mitigation taken on a camera or system to ensure that privacy is in line with the ECHR requirements.

Camera number	Reviewed	Camera type	Location category	Further mitigation/ comments (optional)

### Step 4 (Mitigation for specific cameras that have high privacy risks)

For the occasion where there is a very high impact an Authority may wish to conduct an extensive PIA of specific installations and the site and have it fully documented.

**PIA for specific installations**

Camera number

Camera location

Privacy risk(s)	Solution	Outcome (Is the risk removed, reduced or accepted)	Justification (Is the impact after implementing each solution justified, compliant and proportionate to the aim of the camera?)

Privacy risk(s)	Solution	Outcome (Is the risk removed, reduced or accepted)	Justification (Is the impact after implementing each solution justified, compliant and proportionate to the aim of the camera?)

Agreed with:

Signature

Date

Review date

## APPENDIX ONE: PRIVACY RISK ASSESSMENT MATRIX

Scoring could be used to highlight the risk factor associated with each site if done utilising the risk matrix example shown below.

### Matrix Example:

	Camera Types (low number low impact – High number, High Impact)									
	→									
Location Types A (low impact)  Z (high impact)										

## APPENDIX TWO: STEPS INVOLVED IN CONDUCTING A PRIVACY IMPACT ASSESSMENT

