



**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:

Street Lighting Column Number 3. Birmingham Road, Stratord-upon-Avon. CV37 0AA

Date of assessment

Review date

Name of person responsible

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.

Stratford-on-Avon District Council has an established CCTV scheme which is used to detect and prevent crime and provide public reassurance. The area where this camera is to be installed is a busy main arterial route directly in to the town centre, which is currently uncovered by CCTV. The camera will

Criminal Offences within the CCTV Zone (Annex A)

In total there were 219 offences recorded within the 300m CCTV zone during the examined period. October 2016 - September 2017. (Warwickshire Observatory) The recurring categories of offence were predominantly Shoplifting (55), Violence (50), Theft (48), Criminal Damage (28) and Public Order (14).

In April 2015 - January 2016 there were 189 criminal offences within the same zone. April 2014 to March 2015 there were 216. (Warwickshire Observatory)

On the 22nd June 2015 a violent offence took place which garnered national media coverage. Stratford-on-Avon Town Council requested the installation of a CCTV camera be looked at.

Nighttime economy in Stratford-upon-Avon has shifted significantly in the past three-four years due to the closure of 2 late licensed-venues. The immediate area which the camera covers will view 2 busy venues, which previously had very limited cover.

Additional crime statistics can be found online

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.

When used lawfully Public Space CCTV is an essential tool to collect evidence of crime for statutory prosecuting authorities which have a legal obligation to investigate it. This must also be used proportionately. As in section 1 CCTV cameras can detect and prevent crime, provide public reassurance, be used to manage large public events and tackle antisocial behaviour problems.

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.

Consultation meeting with Warwickshire Police Security by Design lead and representatives from Stratford Town Council and District Council held in March 2016 all of whom in favour of CCTV camera. Consultation questionnaire circulated in February / March 2018. 86 questionnaires distributed to residents and businesses received majority of positive response (Annex B)

UPDATED: Stratford-on-Avon District Council's budget consultation results in February 2019 highlight residents would like to see an increase in the CCTV and Crime Reduction provision. Similar consultation work was undertaken in last few years that showed a public desire to expand CCTV services (found online)

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.

Street Lighting is currently on and abundant in the area but is not a solution to detect or prevent types of offences happening in locality. Street Marshals operate on specific evenings of the year. Arterial route which sees heavy vehicle traffic and medium foot traffic and businesses with late entertainment licenses. New 24/7 restaurant which is now a gathering point and attracts ASB

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 when maintained and operated proportionally and legally can provide evidence on a regular basis. Stratford-upon-Avon is a popular and busy tourist destination through its culture and attracts millions of tourists per year.

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 relating to this camera revolve largely around residences to which the camera is able to see with its scope. Privacy blocks will be assessed and placed on these residences to guarantee privacy where it should be expected. All operators able to use this camera are fully trained and licensed. Signage exists already in the locality. Procedures are in place to manage the recording of personal data, retention and deletion of Data.

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.

Privacy block software to employed on camera to obscure private areas of residences. Operators are SIA trained and licensed. Cameras will be focusing on hot spot areas and busy arterial roads and footpaths. Audits of operator use will be constant to ensure compliance

UPDATED: Evaluation of camera scope has been carried out. 2 substantial privacy blocks have been permanently added to Avigilon camera to provide obscure views of upper windows

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 the Birmingham Road Camera, 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.

Future revenue, maintenance and costs will be funded by Stratford-on-Avon District Council's CCTV Department. Annual assessment of camera will be undertaken.

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.

Annual review is carried out on Stratford-on-Avon District Council's CCTV and is assessed yearly to British Standard 7958.

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?

All use of cameras will be in accordance with Stratford-on-Avon District Council CCTV Department Code of Practice.

Any major changes to this Code of Practice will take place only after consultation with the relevant management group and upon agreement of all organisations with a participatory role in the operation of the system.

Major changes to this code are defined as changes that affect its fundamental principles and shall be deemed to include:

- additions and omissions of cameras to the system
- matters which have privacy implications
- additions to permitted uses criteria e.g. purposes of the scheme
- changes in the right of access to personal data, except statutory requirements
- significant legal implications.

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.

UPDATED: GDPR Article 6(1)(e): Processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the controller.

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.

Problem is primarily public safety and crime prevention and detection as detailed in Section 1. Hot spot areas in Stratford-upon-Avon currently without any CCTV coverage

UPDATED: Stratford-on-Avon District Council's budget consultation results in February 2019 highlight residents would like to see an increase in the CCTV and Crime Reduction provision

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

The operation of the CCTV camera will take place in accordance with the list of objectives in the Stratford-on-Avon District Council Code of Practice. The use of CCTV is justified and expected by the public and partners. There is no conflict with Articles(8),(9),(10) or (11) of the HRA.

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.

Consideration has been carefully taken into privacy interference. Location and sighting of camera in conjunction with privacy blocks to be added to camera mitigate privacy concerns in an area where the expectation of privacy can be considered low. CCTV signage is also in place

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.

This CCTV camera does not discriminate against any particular 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.	T				
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.						

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

