



**Elmbridge**  
Borough Council  
*... bridging the communities ...*

# Elmbridge Borough Council CCTV Privacy Impact Assessment 2015/16

<b>Date:</b>	4/11/2015	<b>Release:</b>	Final
<b>Author:</b>	Nicholas Martin		
<b>Document number</b>	1		
<b>Document Review date</b>	March 31 <sup>st</sup> 2016		
<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of changes</b>	<b>Changes Marked</b>

## Elmbridge Borough Council – Privacy Impact Assessment

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 applied when deciding 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.

(ICO, 2015: 8)

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

Using a privacy impact assessment, a review should be undertaken of whether or not a surveillance system is the most appropriate means of addressing pressing need. Principle 2 of the ICO Guidance states:

*This principle points to the need for a privacy impact assessment process to be undertaken whenever the development or review of a surveillance camera system is being considered to ensure that the purpose of the system is and remains justifiable, there is consultation with those most likely to be affected, and the impact on their privacy is assessed and any appropriate safeguards can be put in place. Where such an assessment follows a formal and documented process, such processes help to ensure that sound decisions are reached on implementation and on any necessary measures to safeguard against disproportionate interference with privacy. In the case of a public authority, this also demonstrates that both the necessity and extent of any interference with Article 8 rights has been considered.*

(ICO, 2015)

### **Background**

Elmbridge Borough Council's overall aim was to reduce crime and the fear of crime by establishing a nationally recognised Borough wide CCTV Scheme encompassing all the elements of best practice.

In doing so, Elmbridge, with other agencies, sought to improve the quality of life for local residents, businesses and visitors to the Borough through the proactive and appropriate use of surveillance equipment. The cameras are used as a proportionate response for crime, disorder and wider community safety purposes, and are actively promoted as one of the many community resources in the Borough.

In 2001, EBC successfully bid for £845,000 of Home Office funds for the installation of a Closed Circuit Television (CCTV) Scheme in the town centres of Cobham, Molesey, Walton-on-Thames, and Weybridge. Further financial contributions to the £1.1m scheme were made by local businesses, Elmbridge Borough Council, Surrey County Council and Surrey Police.

In 2011 the CCTV service was reviewed to ensure it continued to provide value for money. As well as the need to upgrade and replace equipment, the building where the CCTV control room was based was also due to be sold. As a result a procurement exercise was undertaken for the monitoring of CCTV.

In April 2012 a five year contract was awarded to Safer Runnymede for the monitoring and recording of the public space CCTV images for Elmbridge and Epsom & Ewell Borough Councils.

There are currently fifty-one cameras in Elmbridge, which includes seven in Council car parks. A further 20 that are located across Epsom and Ewell are also managed by Elmbridge Borough Council.

A shop safe radio system operates in Walton Town Centre, which enables shops to directly contact the CCTV control room.

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.

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.

Further information on the ICO Code of Practice can be found here:



cctv-code-of-practic  
e.pdf

**Privacy Impact Assessment for CCTV in the towns of Walton on Thames, Weybridge, Hersham, Claygate, Long Ditton, Molesey, Cobham and Esher.**

<b>Data Protection Act 1998</b>	
<p>What organisations will be using the CCTV images? Who will take legal responsibility under the Data Protection Act?</p>	<p>Safer Runnymede CCTV Control Room and Surrey Police are the main users of the CCTV system. Safer Runnymede will be the data controller at the point of images being recorded, however, if these images are seized by Surrey Police 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 organisations purpose for using CCTV? What are the issues that the system aims to address?</p>	<p>Its primary purpose is to support the Community Safety Strategy of the Council and its partners to reduce both the level of crime and fear of crime. It does this in a number of other areas including:</p> <ul style="list-style-type: none"> <li>• assisting the Police and others in the apprehension and prosecution of those committing crime and public disorder;</li> <li>• gathering evidence by a fair and accountable method;</li> <li>• improving confidence in law and order;</li> <li>• assisting in aspects of town centre and traffic management;</li> <li>• improving the safety and security of residents, visitors and the business community who use the facilities in the areas covered.</li> </ul> <p>The cameras are used as a proportionate response for crime, disorder and wider community safety purposes, and are actively promoted as one of the many community resources in the Borough.</p> <p>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.</p> <p>Section 17 was intended to provide the impetus for authorities to consider how</p>

	<p>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>The provision of CCTV is a discretionary service that supports our top priorities; a safe, caring and healthy Elmbridge; a vibrant and thriving Elmbridge; a unique, green and attractive Elmbridge.</p>
What are the benefits to be gained from using CCTV?	<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.</p> <p>It is also known that false allegations are made and CCTV is 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.</p>
Can CCTV realistically deliver these benefits?	Yes, and it consistently does.
Can less privacy intrusive solutions, such as improved lighting achieve the same objectives?	<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.</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>
Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying an individual?	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.
Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable	Yes. Most town centres suffer higher instances of crime and ASB and we are no different.

in the future?	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.
What future demands may arise for wider use of images and how will you address these?	<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 Safer Runnymede to supply images to wider audiences. These include blue light services solicitors, insurance companies and law enforcement.</p>
What are the views of those under surveillance?	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.
<b>Human Rights Act</b>	
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>The system has been established on a proper and legal basis and we comply with the DPA and HRA.</p> <p>Regular reviews of camera performance are undertaken to justify their need.</p>
Is it necessary to address a pressing need, such as public safety, crime prevention or national security?	Yes. Most town centres suffer instances of crime and ASB and Elmbridge is no different. CCTV has been a huge success in detecting, deterring and reducing crime and disorder in our town centres and on some of our housing estates.
Is it justified in the circumstances?	Yes. Violence is increasing across Elmbridge and nationally. Although incidents of burglary are decreasing nationally, shoplifting is increasing. CCTV also benefits Elmbridge in terms of police resource management.
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.

<b>Surveillance code of practice</b>	
Do you regularly review the system against its objectives?	<p>Yes. Elmbridge Borough Council receives weekly activity reports regarding the incidents that they receive requests for monitoring or that are monitored by the control room.</p> <p>Safer Runnymede provides a quarterly analysis of each camera in relation to the number of incidents and types of incidents that are recorded.</p> <p>EBC review each camera on a quarterly basis. The Overview and Scrutiny Community Safety Working group also monitor CCTV statistics.</p>
Is the system being used for any other purpose other than those specified?	No.
Does signage exist highlighting the use of surveillance cameras?	Yes. Signage was recently refreshed in Oct 2015 on the CCTV poles and on nearby lamp columns.
Does the signage highlight the point of contact?	Yes. The point of contact is Elmbridge Borough Council. A sticker displaying the contact details is on each CCTV column and some adjacent street furniture such as lamp columns.
Are all staff aware of their responsibilities?	Yes.
If jointly owned, is it clear what each partner organisation is responsible for and what the individual obligations are?	Yes. Elmbridge BC also manages 20 cameras for Epsom and Ewell.
Can a member of the public request footage?	Yes. CCTV footage can only be supplied for up to 31 days from the date and time of an incident, after which time the images are automatically overwritten.

**Key contacts:**

<b>Organisation</b>	<b>Tel / Email</b>
Elmbridge Borough Council	01372 474474, <a href="mailto:cctv@elmbridge.gov.uk">cctv@elmbridge.gov.uk</a>

**Useful websites:**

Surveillance camera code of practice:

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

Self-Assessment tool:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/436834/Self\\_assessment\\_tool\\_v3\\_WEB\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/436834/Self_assessment_tool_v3_WEB_2.pdf)