

Manchester City Council
Report for Resolution

Report to: Executive – 11 September 2019

Subject: CCTV Code of Practice

Report of: The City Solicitor

Summary

The report advises the Executive about recent developments in the area of the use of surveillance cameras which have necessitated the updating of the Council Code of Practice (COP) in relation to the use of CCTV.

Recommendation

To approve the updated Manchester City Council CCTV Code of Practice.

Wards Affected: All

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Amongst the defined purposes for which the CCTV camera system is used in Manchester as outlined in the COP are: i) to increase public safety for those who live, work, trade within, and visit Manchester and ii) to assist in developing the economic wellbeing of the Manchester area and to encourage greater use of the City Centre.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Not directly applicable
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Not directly applicable
A liveable and low carbon city: a destination of choice to live, visit, work	The effective use of the CCTV system has a significant role to play in promoting Manchester as destination of choice through other defined purposes which include the deterrence and detection of crime, disorder and anti-social behaviour, enhancing community safety and assisting in overall management of public places.

A connected city: world class infrastructure and connectivity to drive growth	Not directly applicable
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Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
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Financial Consequences – Revenue

None directly

Financial Consequences – Capital

None

Contact Officers:

Name: Fiona Ledden
 Position: City Solicitor
 Telephone: 0161 234 3087
 E-mail: f.ledden@manchester.gov.uk

Name: Steve Robinson
 Position: Director of Highways
 Telephone: 0161 234 4828
 E-mail: steve.robinson@manchester.gov.uk

Name: Patricia Wilkinson
 Position: Contract Manager
 Telephone: 0161 234 4434
 E-mail: p.wilkinson1@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1. Home Office – Surveillance Camera Code of Practice issued June 2013
2. Information Commissioner's Office – 'In the Picture: A data protection code of practice for surveillance cameras and personal information' issued May 2015

3. National Surveillance Camera Strategy for England and Wales

4. Manchester City Council CCTV Code of Practice version 1.1 issued June 2008 as amended in 2013.

1.0 Introduction

- 1.1 The Council operates a public area closed circuit television (CCTV) system in Manchester in partnership with NCP (Manchester) Ltd. The System comprises a number of cameras installed at strategic locations including the City Centre, the A6 corridor, the Wilmslow Road area and areas of east and north Manchester. The public area system is operated from the CCTV Control Room in the City Centre where the images are monitored and recorded.
- 1.2 The Council also operates CCTV at its premises. These are usually standalone systems operated from discrete locations.
- 1.3 Most CCTV footage is sufficiently detailed to enable the identification of individuals. Images of individuals are their own personal data and are subject to the provisions of the General Data Protection Regulation ('GDPR') and the Data Protection Act 2018 (the DPA).
- 1.4 The operation of CCTV systems therefore can create tensions between the privacy rights of individuals and the interests of protecting the public. This is reflected in the body of legislation that covers their use: not only the GDPR and the DPA but also the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, the Freedom of Information Act 2000 and the Protection of Freedoms Act 2012. The proposed COP is intended to provide comfort to the public that the Council's CCTV systems are operated properly within the legislative framework and that the public's rights to privacy are balanced with public protection.

2.0 Developments

The Surveillance Camera Code of Practice

- 2.1 The Protection of Freedoms Act 2012 ('the 2012 Act') requires the Secretary of State to provide a code of practice containing guidance about surveillance camera systems. The 2012 Act also created the role of the Surveillance Camera Commissioner, whose main responsibility is to encourage compliance with the statutory Surveillance Camera Code of Practice (the Surveillance Code) which came into force on 12 August 2013.
- 2.2 The Surveillance Code recommends that a single set of guiding principles should be adopted as applicable to all surveillance camera systems in public places. The 12 guiding principles are:
 1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
 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.

3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

The Information Commissioner's Office (ICO) Code of Practice

- 2.3. The ICO Code provides good practice advice for those involved in operating CCTV that view or record individuals and the recommendations are based on the data protection principles (reproduced at Appendix 1 of the proposed Manchester City Council CCTV Code of Practice).

- 2.4 The ICO considers that following the recommendations in the ICO Code will have a number of benefits including reducing reputational risk by staying within the law and avoiding regulatory action and penalties and helping inspire wider public trust and confidence in the use of CCTV.

The National Surveillance Camera Strategy for England and Wales ('the National Strategy')

- 2.5 The National Strategy aims to achieve 11 high level objectives leading to an integrated approach to CCTV bringing together manufacturers, installers and operators to ensure good practice and compliance with legal requirements, certification of recognised standards, dissemination of training information, promoting adoption of the Surveillance code, publication of a digital portal housing information about regulation, achieving compliance and individuals' rights, etc.
- 2.6 One objective relates specifically to local authorities, "Local authorities proactively share information about their operation of surveillance cameras and use of data." The adoption and publication of the COP will directly engage with this objective.

3.0 The updated Manchester City Council CCTV Code of Practice

- 3.1 The Manchester City Council CCTV Code of Practice ('the Code') has not been substantively updated since it was written in June 2008.
- 3.2 The substantially revised version at the Appendix reflects the advice and guidance in the National Strategy, the Surveillance Code and ICO Code.
- 3.3 The purposes for which the CCTV systems are used are stated in paragraph 2.1 of the Code.

The Council's objectives in using CCTV cameras are:

- To assist in the deterrence and detection of crime (including environmental crime), disorder and anti-social behaviour in Manchester; and in the upholding of legal rights. This will include:
 - Helping to identify, apprehend and prosecute offenders
 - Providing evidence for criminal and civil action in the courts including preliminary investigation of claims
 - Counteracting terrorism
- To help reduce the fear of crime and provide reassurance to the public
- To increase safety for those people who live, work, trade within and visit Manchester including monitoring for security and safety purposes of Council staff and visitors in Council premises
- To assist in the overall management of public places
- To assist in developing the economic wellbeing of the Manchester area and encourage greater use of the City Centre

- To assist the Council in carrying out its regulatory functions in relation to environmental health and protection, pollution control, contaminated land, health and safety, food safety, animal welfare, consumer protection, weights and measures and licensing.
- To provide traffic management support and enforce bus lane and parking restrictions
- To provide assistance and direction in the event of a major emergency in Manchester

- 3.4 The revised Code has been considered and approved by the Council's Corporate Information Assurance Risk Group, comprising the Council's Senior Information Risk Owner (SIRO), a role fulfilled by the Council's Monitoring Officer, and Directorate SIROs.
- 3.5. The effective use of the CCTV system has a significant role to play in promoting neighbourhoods of choice through other defined purposes which include the deterrence and detection of crime, disorder and anti-social behaviour, enhancing community safety and assisting in overall management of the public place.

4.0 Alignment to the Our Manchester Strategy Outcomes

(a) A thriving and sustainable city

Amongst the defined purposes for which the CCTV camera system is used in Manchester as outlined in the COP are:

- i) To increase public safety for those who live, work, trade within and visit Manchester
- ii) to assist in developing the economic wellbeing of the Manchester area and to encourage greater use of the City Centre.

(b) A highly skilled city

Not directly applicable.

(c) A progressive and equitable city

Not directly applicable.

(d) A liveable and low carbon city

The effective use of the CCTV system has a significant role to play in promoting Manchester as destination of choice through other defined purposes which include the deterrence and detection of crime, disorder and anti-social behaviour, enhancing community safety and assisting in overall management of public places.

(e) A connected city

Not directly applicable.

5. Key Policies and Considerations

(a) Equal Opportunities

- 5.1 None.

(b) Risk Management

- 5.2 The CCTV Code of Practice addresses the legal and policy issues which should ensure that the system operates within a lawful framework including accountability, assessment, monitoring and review of the CCTV system.

(c) Legal Considerations

- 5.3 Have been addressed in the body of this report and in the CCTV Code of Practice which is the subject to this report.