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SECTION 1 – INTRODUCTION

Newcastleton Public Space Close Circuit TV (CCTV) system are operated by Newcastleton & District Community Council (NDCC). The scheme covers key local assets and roadways at:

- Western Roadside Entrance to village
- Dalkeith House (covers Langholm Road entrance to village)
- The Grapes Hotel
- The Spar retail shop and Post Office
- Newcastleton Primary School
- Whithaugh Pool on riverside
- Eastern Roadside Entrance to village

Objectives of the System

The 'System' is all activities, processes, procedures that incorporate the management, monitoring, reviewing, and storing of CCTV images.

The objectives of the system as determined by NDCC forming the lawful basis for the processing of this data are:

- For the purposes of monitoring river levels for flood prevention
- Water safety and management
- Prevention, investigation, and detection of crime
- To help with the apprehending and prosecution of offenders
- Increase in public safety and public reassurance

NDCC believes CCTV is an essential tool it can use to help enhance local flood prevention, provide public reassurance as well as support crime detection and prevention. Our remote rural location can be a magnet for rural crime, our roadways and forest tracks are often used as a gateway to cross from England into Scotland and vice versa.

The public space CCTV provisions across the community also support Scottish Government aspirations that together deliver the commitment to ensuring our communities continue to be 'safer, better, cleaner and thriving' for all residents and visitors.

- Newcastleton & District Community Council is the owner of the System
- Newcastleton & District Community Council is the Data Controller
- The Newcastleton & District Community Council System has been notified to the Information Commissioners Office and is identified by registration number Z2914994

SECTION 2 - GOOD PRACTICE

NDCC has considered relevant principles in relation to the scope and purpose of utilising CCTV, notably that the system will be operated fairly, in accordance with applicable legislation, and only for the purpose for which it is established or agreed in accordance with this Code of Practice. The CCTV System will always be operated with due regard to the privacy of the individual.

NDCC recognises that public authorities and those organisations carrying on the functions of a public service nature are required to observe the obligations imposed by the Human Rights Act 1998 and consider that the use of CCTV is a necessary, proportionate, and suitable tool to monitor rivers levels, help reduce crime, reduce the fear of crime, and improve public safety.

The Code of Practice and observance of the operational procedures contained in the Operations Manual shall ensure that evidence is secured, retained, and made available as required.

SECTION 3 – PURPOSE AND PRINCIPLES

In developing this document, NDCC has incorporated the standards and practices from the Information Commissioner’s Office (ICO) Code of Practice covering CCTV and A National Strategy for Public Space CCTV in Scotland (2011) to ensure we work within the law and develop a model of best practice and standards that is consistent to those delivered across the United Kingdom.

This Code of Practice is supplemented by processes and operations contained in the Operations Manual which provides guidelines on all aspects of the day-to-day operation of the System. To ensure the purpose and principles of the CCTV System are realised, the Operations Manual is based upon and expands the contents of the Code.

General Principles of Operation

- The System will be operated in accordance with all the requirements and the principles of the Human Rights Act 1998.
- The System will be operated in accordance with the Data Protection Act 2018 at all times.
- The System will be operated fairly, within the law, and only for the purposes for which it was established and are identified within this Code, or which are subsequently agreed in accordance with this Code of Practice.
- The System will be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and their home.
- The public interest in the operation of the System will be recognised by ensuring the security and integrity of operational procedures.

Throughout this Code of Practice, it is intended, as far as reasonably possible, to balance the objectives of the CCTV System with the need to safeguard the individual’s rights. Every effort has been made throughout the Code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be identified that the System is not only accountable, but is seen to be accountable.

Cameras and Area Coverage

The areas covered by CCTV to which this Code of Practice refers are key areas within the area of NDCC.

Cameras offer a view best suited to its purpose at that location.

None of the cameras forming part of the System will be installed in a covert manner.

Monitoring & Recording Facilities

Newcastleton CCTV system can only be viewed by appointed and trained NDCC appointees.

NDCC appointees will be

Chair of NDCC – Presently Greg Cuthbert

Chair of Newcastleton Resilience Group – Presently Pauline Elliot

Data Controller of NDCC – Presently Barbara Elborn

Viewing will be made by the nominated individuals for reasons detailed in the “Objectives of the system” in Section 1 of this document and in the case of a potential flooding incident Scottish Borders Emergency Planning Services may be included in the viewing. Cameras record over a period of 24 hours per day/seven days per week.

This Code is intended to provide a framework for the delivery of good practice for NDCC and appointees who are involved in managing and operating Public Space CCTV.

CCTV operators can record images, produce copies of recorded images, replay, or copy any pre-recorded data at their discretion (with authorisation) and in accordance with the Code of Practice. All viewing and recording equipment shall only be operated by trained and authorised users.

Information that relates to a living person is deemed as personal data as such the management of this data is subject to the protection and provisions of the Data Protection Act 2018 (DPA) updated 2020 and the exemptions therein.

Management of CCTV data complies fully with the legal requirements of the DPA.

Human Resources

Unauthorised persons will not have access without an authorised member of NDCC being present.

Monitoring shall be undertaken by trained operators in accordance with the industry and accreditation standards.

All operators shall receive training relevant to their role in the requirements of the relevant legislation and the Codes of Practice and Operations Manual. Further training will be provided as necessary.

Processing and Handling of Recorded Material

Every request for the release of personal data generated by this CCTV System will be channelled through the appointed Data Controller.

In complying with the national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- Recorded material shall be processed lawfully and fairly and used only for the purposes defined in this Code of Practice.
- All recorded material will be processed and handled strictly in accordance with this Code of Practice and the Operations Manual.
- Recorded data will be used only for the purposes defined in the Code of Practice and relevant legislative requirements.
- Recorded data will be kept for a maximum of 28 days before being erased unless required for a specific enquiry or for archiving the monitoring of river levels (in this instance 90 days before erasing)
- Access to recorded data will only take place as defined in the Code of Practice and relevant legislation.
- In particular, recorded personal data will not be sold or used for commercial purposes or the provision of entertainment.
- The type of data recording for storage used is digital hard drives.

Several legally enforceable principles apply to this section, notably:

- Recorded data may be used in court as evidence. It must be of good quality and be accurate in content. Recorded data must be treated according to defined procedures to provide continuity of evidence and to avoid contamination of this evidence.
- Appropriate security measures shall be taken against the unauthorised access to, alteration of, disclosure of and against accidental loss or destruction of, recorded data.
- Recorded data should be held only for the purposes provided by this Code of Practice and

relevant legislation.

- Information recorded should be accurate, adequate, and relevant and not exceed that necessary to fulfil the purposes and key objectives of this Code of Practice.
- Recorded data shall be kept no longer than is necessary for the purposes and key objectives of the scheme. It must then be securely destroyed.
- Members of the public must be confident that information recorded about their ordinary activities in the area covered by the cameras is treated with due regard to their individual privacy.

Data Management

- All the CCTV footage is stored in a secure location.
- All data is automatically erased after the required retention period, with the exception of river level monitoring data as detailed.
- Relevant security protocols and levels are applied to all CCTV footage.
- Any images transferred to Police Scotland or other relevant agency is done so in a secure and proportionate manner.

Operators Instructions

Technical instructions on the use of equipment housed within the monitoring stations are contained in a separate manual provided by the equipment suppliers.

SECTION 4 – PRIVACY AND DATA PROTECTION

Information Commissioner's Office

Newcastleton & District Community Council is registered with the Information Commissioner's Office (ICO) as the data controller for the information gathered and managed through the Public Space CCTV System. ICO Registration Number Z2914994

Data Protection Legislation

NDCC delivers the management of data in compliance with the Data Protection Act 2018 (DPA). Key principles of the DPA concerning the processing of data include the following:

- All personal data will be obtained and processed fairly and lawfully.
- Personal data will be held only for the purposes specified.
- Personal data will be used only for the purposes, and disclosed only to the people, shown within these codes of practice.
- Only personal data will be held which is adequate, relevant and not excessive in relation to the purpose for which the data is held.
- Steps will be taken to ensure that personal data is accurate and where necessary, kept up to date.
- Personal data will be held for no longer than is necessary.
- Individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it.
- Procedures will be implemented to put in place security measures to prevent unauthorised or accidental access to, alteration, disclosure or loss and destruction of information.

Personal Data

NDCC is fully compliant with the lawful reasons for processing Personal Data, as detailed under Schedule 2 of the Data Protection Act 2018:

Procedures will be implemented to deliver security measures to prevent unauthorised or accidental access to, alteration, disclosure or loss and destruction of information.

- The Data Subject has consented (appropriate signage erected to denote CCTV coverage).
- Processing is necessary for the purposes of legitimate interests pursued by the appointed Data Controller and third-party discloser's and does not prejudice the rights and freedoms and legitimate interests of others and with the lawful reasons for processing Sensitive Personal Data, under Schedule 3 of the Act, wherein the process:
 - Is in the substantive public interest.
 - Is necessary for the purposes of the prevention and detection of any unlawful act.
 - Must necessarily be carried out without the explicit consent of the data subjects so as not to prejudice those purposes.

CCTV Data

NDCC will use the CCTV and the data collected therein, for the following approved purposes:

- For the purposes of monitoring river levels for flood prevention.
- Water safety and management.
- Prevention, investigation, and detection of crime.
- To help with the increased apprehending and prosecution of offenders.
- Risk management and environmental concerns.

- Increase in public safety and public reassurance.

The storage, security and processing of the data will be strictly in accordance with the requirements of the Data Protection Act 2018 and additional locally agreed procedures.

Note: 'Processing' means obtaining, recording, or holding the information or data or carrying out any operation or set of operations on the information or data, including.

1. Organisation, adaptation or alteration of the information or data.
2. Retrieval, consultation or use of the information or data.
3. Disclosure of the information or data by transmission, dissemination or otherwise making available, or
4. Alignment, combination, blocking, erasure, or destruction of the information.

Disclosure

Disclosure of images from CCTV will be controlled and consistent with the purpose for which the System was established.

NDCC will ensure that any external agency that receives disclosed information are fully aware of and accept their responsibilities as outlined in the Data Protection Act 2018.

Responsibilities

NDCC is the data controller for the data collected through the Public Space CCTV System. All nominated staff will be Disclosure Checked in accordance with current Legislation and training will be given on GDPR.

Making a request for CCTV footage

Individuals whose images are recorded have a right to request access to view relevant footage and, where appropriate, to be provided with a copy of the images in a still or virtual format.

Should a data subject or his/her authorised representative believe that NDCC may hold CCTV footage of them, they are entitled to request access to this data under Schedule 2 of the DPA. To access to CCTV footage, an individual must:

- make the request in writing providing a reason for accessing the data
- supply appropriate information to help locate the required footage.

Processing a request

In the first instance, an authorised person will check whether the area in question is covered by the Public Space CCTV. If the area is not covered, the requestor will be informed as soon as possible, and the case will be closed.

If the area is covered by Public Space CCTV, the requestor will be provided with a Subject Access Request form. The Subject Access Request seeks evidence of your identity. An application must be accompanied by TWO pieces of ID (e.g. driving licence/passport containing a photograph); one of these must show your current address as well as provide the details regarding the footage they wish to access (e.g. time, date, location, reason).

At this stage, the requestor will also be advised that CCTV footage is held for a maximum period of 28 days before it is considered for disposal, unless there is a specific reason to retain it for an extended period. The individual can decide whether to proceed or not, depending on the time elapsed since the

incident of which footage is sought.

A fully completed Subject Access Request form, along with documentation is required within 14 days of issue or the case will be closed.

The Data Controller will consider extensions on a case- by-case basis.

A search for footage will commence on receipt of all necessary documents and a response will be provided to the requestor within 40 calendar days. Possible outcomes are:

- Footage found
- Footage not found
- Out of time (footage deleted after a maximum of 28 days)
- Footage already passed to Police/Procurator Fiscal
- Camera non-functional

Providing access to footage

If footage is found the Data Controller will decide if any of the footage contains images of third parties and whether access to or release of the footage would violate the data protection rights of the third party or parties.

Where it has been deemed appropriate to allow access to the footage, the data subject, or their representative, will be invited to view the footage at a location decided by NDCC. Where it has not been deemed appropriate to allow footage to be viewed, the data subject may be provided with a narrative of the footage content or a still photographic form, where appropriate.

If access is denied completely, the Data Controller will inform the data subject of the decision and the reason, in writing. They will also be informed of:

- Any process available to him/her to appeal this decision.
- How to make a complaint to the Information Commissioner's Officer, in addition to processing an appeal.

Contact details:

secretary@newcastletoncommunitytrust.co.uk

Freedom of information (FOI)

As a public body, Newcastleton & District Community Council is subject to the Freedom of Information (Scotland) Act 2002 (FOISA).

FOI requests to Secretary in relation to Public Space CCTV provision can include information on where cameras are sited, functionality, and whether they were operational over particular periods.

All FOI requests have to be in a permanent format either by letter / email or via the Secretary of Newcastleton & District Community Council.

The contact details for the FOI officer are:

Freedom of Information Officer

Email: secretary@newcastletoncommunitytrust.co.uk

Website: <https://www.visitnewcastleton.com/>



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Requests for information are processed within 20 working days from the acknowledgment of an appropriate request.

Access to CCTV images captured may be subject to an exemption under Section 38 of the Freedom of Information (Scotland) Act 2018.

SECTION 5 – TRANSPARENCY

Newcastleton & District Community Council will ensure the recording and retention of images (sensitive personal data) of people in public places shall be undertaken fairly and lawfully in accordance with Data Protection Act 2018 (DPA).

NDCC will ensure that the public are aware that their image is being recorded through static cameras and that the identity of the owner of the System (NDCC) is clearly visible.

The visibility of ownership and purpose of the cameras will be provided by ensuring:

Prominent signs are placed where the CCTV cameras are in operation with relevant details on how NDCC can be contacted. Signage will be:

- Clearly visible and readable and appropriate in size.
- Contains contact information.
- Indicates that CCTV cameras are in operation and is displayed at appropriate locations covered by the scheme to allow people entering the area to make an appropriate approximation of the CCTV camera coverage area.
- If vandalised or removed the signs will be replaced as soon as reasonably possible.

All persons operating the cameras must adhere to this Code of Practice and requirements of the Data Protection Act 2018.

Only approved Newcastleton & District Community Council appointees or persons who have SIA CCTV accreditation will operate the cameras (there will be exception for Police Scotland officers trained in the use of CCTV)

Every use of the camera will accord with the purpose and key objectives of the System and shall be compliant with this code.

Cameras will not be used to investigate private residential property.

Where the equipment permits and if required 'privacy zones' will be programmed into the System.

Newcastleton & District Community Council will adhere to the following core principles:

Guiding Principles

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 consider 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.

SECTION 6 – CONTROL AND OPERATION OF CAMERAS

Primary Control

Only those trained and authorised by Newcastleton & District Community Council with responsibility for using the CCTV equipment will have access to the operating controls, those operators have primacy of control at all times.

Maintenance of the System

To ensure compliance with the Information Commissioners Office Code of Practice and that images recorded continue to be of appropriate evidential quality, the CCTV System shall be maintained in accordance with the manufacturer's requirements.

Maintenance schedule will make provision for regular/ periodic service checks on the equipment which will include cleaning of any all-weather domes or housings, checks on the functioning of the equipment, and any minor adjustments that need to be made to the equipment settings to maintain picture quality.

The maintenance will also include regular periodic overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life.

It is the responsibility of the operator to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the maintenance organisation.

Authorised Access

Only authorised personnel will operate the equipment located within the control room or equipment associated with the System.

Public Access

Public access to the System will be prohibited except for lawful, proper, and sufficient reasons. Any such visits will be conducted and recorded in accordance with the procedure manual.

Security

Authorised personnel will be always present when images are viewed. The monitoring facility is to be secured at all times. In accordance with the legal responsibilities, of the Data Protection Act 2018 and Regulation of Investigatory Powers (Scotland) Act 2000:

- The operation and management of the public space CCTV provision, along with the process for collection, management and securing of personal data collected through this provision is registered with the Information Commissioners Office annually.
- The CCTV System is operated in compliance with the current Code of Practice issued by the Information Commissioner in respect of the operation of CCTV in public places.
- We will erect appropriate signs to notify the public of the presence of CCTV cameras and recording equipment. These signs will carry the necessary information prescribed in the Information Commissioner's Code of Practice.
- We will undertake an annual audit of CCTV practises to ensure compliance with the Data Protection Act 2018 and Information Commissioners Office (ICO) Code of Practice

Effective management of the CCTV System requires that:

- Access to all the data held, and the CCTV equipment, should comply with specific guidelines as highlighted in this code.
- The Operational Manual and documentation required to run this scheme must be developed from, and specifically linked to, this Code of Practice.

- All incidents witnessed on the CCTV System or on review of a recording will be logged.
- Data shall be stored for a maximum of 28 days before being digitally erased unless required for a specific enquiry (Flood management data will be stored for 90 days)
- All CCTV equipment will be kept in good working order and be serviced according to manufacturer recommendations.
- When a fault develops on the CCTV System, it shall be recorded on the fault management system (AMX) and the appropriate action taken to ensure a speedy repair.
- All CCTV equipment shall be secured to prevent interference from unauthorised personnel. This means that recording equipment shall be kept in a secure environment, which is a controlled and secure location.
- CCTV data shall be afforded a high level of security. Access to recordings shall be limited to Newcastleton & District Community Council appointees authorised by the Data Controller.
- All CCTV data will be stored in a secure environment to prevent unauthorised or unlawful processing of personal data and against accidental loss, damage, or destruction of personal data.

Effective management of the CCTV System requires that:

- Any data held for evidential purposes will be kept away from other personal data in a secure location.
- No unauthorised copies will be made of any personal data except with the permission of the Newcastleton & District Community Council Data Controller. They shall record the reason and ensure that all copies are numbered and that they are only disclosed to authorised parties. The Data Controller shall also ensure such personal data is not kept for longer than is necessary and is destroyed as if it were an original recording.
- No guarantee is given or implied that any incident will be observed and recorded by the System. However, all CCTV Operators and management will endeavour to provide a level of coverage based on up-to-date information concerning incidents and activities commensurate within the purposes of the CCTV System.

Cameras will not be used to view into private residential property.

Where the equipment permits it 'privacy Zones' and blackouts will be programmed into the System as required, in order to ensure that the interior of any private residential property within the range of the System is not surveyed by the cameras. All operators are fully trained in privacy issues and requirements.

It should also be acknowledged that constraints are placed upon every CCTV system by the limits of current technology.

SECTION 7 - ACCOUNTABILITY AND RESPONSIBILITIES

Newcastleton & District Community Council Authorised Appointees will have unrestricted access to the control stations and System.

The Newcastleton & District Community Council Authorised Appointees will ensure that any issues, concerns of complaint are dealt with in an appropriate and timely manner.

Newcastleton & District Community Council will have day to day responsibility for the management and maintenance of the System.

The System will be subject to regular reviews and audits.

Human resources

Newcastleton & District Community Council Authorised Appointees are fully trained in the use of the CCTV System and must adhere to the regulations and governance in place.

A regular review of SIA regulatory guidance will be undertaken.

All appointees will be provided with copies of this code and relevant documents to ensure adherence with the code and associated procedures.

Each individual (having responsibility under the terms of this code) who is involved with the system to which it refers will be subject to the organisations policies and procedures. Any breach of this code or any aspect of confidentiality will be dealt with in accordance with the relevant policy.

SECTION 8 - ACCESS AND SECURITY

Authorised Access

Only trained and authorised personnel will operate any of the equipment located within the CCTV monitoring stations, (or equipment associated with the CCTV System).

Public access

Public access to the monitoring and recording facility is restricted except for lawful, proper, and sufficient reasons and only then with the personal authority of the Newcastleton & District Community Council. Any such visits will be conducted and recorded in accordance with the Operations Manual.

Security

Authorised personnel will be always present when the equipment is in use. If the monitoring facility is to be left unattended for any reason it will be secured.

Appendix A

Supportive Information

The Information Commissioners Office (ICO)

The ICO is responsible for ensuring Data Protection Rights are observed across the United Kingdom.
The contact details for the ICO are:

Information Commissioner's Office (Scotland) 45 Melville Street, Edinburgh, EH3 7HL

Tel: 0131 244 9001

Helpline: 0303 123 1113

Email: scotland@ico.gsi.gov.uk Web site:

<https://www.ico.gov.uk/> Use of CCTV Provisions and Data Protection

Information is available to the general public on their rights at <https://ico.org.uk/for-the-public/>

Appendix B

Owner Information

Data Controller

Newcastleton District Community Council

Authorised System Owners/System Maintenance

Newcastleton District Community Council

Contact details:

secretary@newcastletoncommunitytrust.co.uk

<https://www.visitnewcastleton.com/>