SURVEILLANCE CAMERA COMMISSIONER

DATA PROTECTION IMPACT ASSESSMENT

CARRYING OUT A DATA PROTECTION IMPACT ASSESSMENT ON SURVEILLANCE CAMERA SYSTEMS

Purpose of this advice and template

Principle 2 of the surveillance camera code of practice[1] 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 carrying out a data protection impact assessment (DPIA) before any surveillance camera system is installed, whenever a new technology or functionality is being added on to an existing system, or whenever there are plans to process more sensitive data or capture images from a different location. This will assist in assessing and mitigating any privacy issues linked to the use of a surveillance system.

A DPIA is one of the ways that a data controller can check and demonstrate that their processing of personal data is compliant with the General Data Protection Regulation (GDPR)[2] and the Data Protection Act (DPA) 2018. There are statutory requirements to carry out a DPIA in Section 64 DPA 2018 and article 35 of the GDPR.

The Information Commissioner has responsibility for regulating and enforcing data protection law, and has published detailed general guidance on how to approach your data protection impact assessment. In many cases under data protection law, a DPIA is a mandatory requirement. The Surveillance Camera Commissioner (SCC) and the Information Commissioner's Office (ICO) has worked together on this advice, which is tailored to the processing of personal data by surveillance camera systems.

Suggested steps involved in carrying out a DPIA are shown in **Appendix One.**

A further benefit of carrying out a DPIA using this template is that it will help to address statutory requirements under the Human Rights Act 1998 (HRA). Section 6(1) 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 (ECHR). Therefore, in addition to the above, as a public body or any other body that performs public functions you must make sure that your system complies with HRA requirements. Whilst the particular human rights concerns associated with surveillance tend to be those arising from Article 8 which sets out a right to respect for privacy, surveillance does also have the potential to interfere with rights granted under other Articles of the ECHR such as conscience and religion (Article 9), expression (Article 10) or association (Article 11).

If you identify a high risk to privacy that you cannot mitigate adequately, data protection law requires that you must consult the ICO before starting to process personal data. Use of any surveillance camera system with biometric capabilities, such as Automated Facial Recognition technology, is always likely to result in a high risk to the rights and freedoms of individuals and therefore a DPIA must always be carried out in respect of those systems before you process any personal data. There is a risk matrix at **Appendix Two** that can help you to identify these risks.

Who is this template for?

To complement the ICO's detailed general guidance for DPIAs, the SCC has worked with the ICO to prepare this template specifically for those organisations in England and Wales that must have regard to the Surveillance Camera Code of Practice under Section 33(5) of the Protection of Freedoms Act 2012. This template helps such organisations to address their data protection and human rights obligations in the specific context of operating surveillance cameras.

This surveillance camera specific DPIA is also intended to be of value to the wider community of public authorities and any other bodies, whether public or private, who perform public functions. This secondary audience is subject to the same legal obligations under data protection and human rights legislation, and

[1] Surveillance Camera Code of Practice issued by the Home Secretary in June 2013 under Section 30(1)(a) Protection of Freedoms Act 2012

[2] Regulation (EU) 2016/679 of the European Parliament and European Council, also known as the General Data Protection Regulation, was transposed into UK law through the Data Protection Act 2018. Any processing of personal data by competent authorities for the prevention, investigation, detection or prosecution of criminal offences is regulated under Part 3 of the Data Protection Act 2018 which transposes Directive (EU) 2016/680, also known as the Law Enforcement Directive, into UK law.

is encouraged by the SCC to follow guidance in the Surveillance Camera Code of Practice on a voluntary basis.

When should you carry out the DPIA process for a surveillance camera system?

- Before any system is installed.
- Whenever a new technology or functionality is being added on to an existing system.
- Whenever there are plans to process more sensitive data or capture images from a different location.

In deciding whether to carry out a DPIA and its scope, consideration must be given to the nature and scope of the surveillance camera activities and their potential to interfere with the privacy rights of individuals.

You **must** carry out a DPIA for any processing of surveillance camera data that is likely to result in a high risk to individual privacy. The GDPR states that a DPIA "shall in particular be required in the case of ……. systematic monitoring of publicly accessible places on a large scale" (Article 35).

Furthermore, as a controller in relation to the processing of personal data, you must seek the advice of a designated Data Protection Officer when carrying out a DPIA.

To assess the level of risk, you must consider both the likelihood and the severity of any impact on individuals. High risk could result from either a high probability of some harm, or a lower possibility of serious harm. It is important to embed DPIAs into your organisational processes such as project planning and other management and review activities, and ensure the outcome can influence your plans. A DPIA is not a one-off exercise and you should see it as an ongoing process, and regularly review it.

As part of an ongoing process, your DPIA should be updated whenever you review your surveillance camera systems, it is good practice to do so at least annually, and whenever you are considering introducing new technology or functionality connected to them.

The situations when a DPIA should be carried out, include the following:

- 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 facial recognition, automatic number plate recognition (ANPR), audio recording, 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. Both the Surveillance Camera Code of Practice and the ICO recommend that you review your system annually.
- 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.

If you decide that a DPIA is not necessary for your surveillance camera system, then you must record your decision together with the supporting rationale for your decision.

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(s) the surveillance camera system is trying to resolve.
- Why a surveillance camera system is considered to be part of the most effective solution.
- 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 the lawful basis for surveillance, the necessity of mitigating the problem, the proportionality of any solution, and the governance and accountability arrangements for any surveillance camera system and the data it processes.

The following questions must be considered as part of a DPIA:

- Do you have a lawful basis for any surveillance activity?
- Is the surveillance activity necessary to address a pressing need, for example: public safety; the prevention, investigation, detection or prosecution of criminal offences; or, national security?
- Is surveillance proportionate to the problem that it is designed to mitigate?

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, where your initial answers to these questions can also be recorded.

DATA PROTECTION IMPACT ASSESSMENT TEMPLATE

Statutory requirements in Section 64 DPA 2018 and article 35 of the GDPR are that your DPIA **must**:

- describe the nature, scope, context and purposes of the processing;
- assess necessity, proportionality and compliance measures;
- identify and assess risks to individuals; and
- identify any additional measures to mitigate those risks.

Statutory requirements in Sections 69-71 DPA 2018 and articles 37-39 of the GDPR are that if you are a public authority, or if you carry out certain types of processing activities, you **must** designate a Data Protection Officer (DPO) and always seek their advice when carrying out a DPIA. The ICO provides guidance on the requirement to appoint a DPO. If you decide that you don't need to appoint a DPO you should record your decision and your supporting rationale. In the performance of their role, a DPO must report to the highest management level within the controller.

These statutory requirements indicate that a DPIA should be reviewed and signed off at the highest level of governance within an organisation.

To help you follow these requirements this template comprises two parts.

Level One considers the general details of the surveillance camera system and supporting business processes, including any use of integrated surveillance technologies such as automatic facial recognition. It is supported by **Appendix Three** which helps to capture detail when describing the information flows. The SCC's Passport to Compliance provides detailed guidance on identifying your lawful basis for surveillance, approach to consultation, transparency and so on.

Level Two considers the specific implications for the installation and use of each camera and the functionality of the system.

Template – Level One

Location of surveillance camera system being assessed:

North East Lincolnshire Council Public Space CCTV System Consisting of 48 PTZ cameras, 23 fixed cameras and 32 Rapid Deployable Cameras

Date of assessment	August 2020
Review date	September 2021
Name of person responsible	Kevin Hynes
Name of Data Protection Officer	Paul Ellis

GDPR and Data Protection Act 2018 and Surveillance Camera Code of Practice

1. What are the problems that you need to address in defining your purpose for using the surveillance camera system? Evidence should be provided which includes 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.

• Deterring crime and assisting in the detection of criminal offences. • Deterring anti-social behaviour and assisting in the detection of anti-social behaviour incidents. • Reducing the fear of crime and anti-social behaviour. • Improving the safety and security of residents, visitors, businesses and properties. • Assisting the emergency services in the location of missing persons.

2. Can surveillance camera technology realistically mitigate the risks attached to those problems? State why the use of surveillance cameras can mitigate the risks in practice, including evidence to justify why that would be likely to be the case.

A Public Space CCTV system that is maintained and operated to a high standard is a proven tool in detection and identification of the perpetrators of anti-social behaviour and crime that operates and is monitored 24 hours a day, 7 days a week, 365 days year. North East Lincolnshire Council's CCTV cameras are used within the borough to enhance public safety and reduce the fear of crime. CCTV can also reduce the time and cost on law enforcement investigating allegations of crime and anti-social behaviour by providing high quality Primary and Secondary evidence for all that require it. The areas covered by the CCTV System are those locations were crime and Anti-Social Behaviour is most likely to occur e.g. Town Centres.

3. What other less privacy-intrusive solutions such as improved lighting have been considered? There is a need to consider other options prior to any decision to use surveillance camera systems. For example, could better lighting or improved physical security measures adequately mitigate the risk? Does the camera operation need to be 24/7? Where these types of restrictions have been considered, provide your reasons for not relying on them and opting to use surveillance cameras as specified.

It is recognised that CCTV alone is not a single solution to reducing crime, environmental crime and anti-social behaviour, it does provide public re-assurance and should be utilised in partnership as one of a range of measures to address issues in our town centre, resort and local communities. Non-CCTV solutions are always considered such as changing the landscape, improving lighting, gate and other barriers.

CCTV solutions are only implemented following extensive public consultation which confirms that the local community is in favour and detailed crime patterns analysis indicate CCTV is the most effective way of addressing the problems identified.

Privacy Zones, which cannot be overridden by operators, can be set on cameras particularly were camera views cover residential properties which would result in a disproportionate intrusion of an individuals privacy.

4. What is the lawful basis for using the surveillance camera system? State which lawful basis for processing set out in Article 6 of the GDPR or under Part 3 of DPA 2018 applies when you process the personal data that will be captured through your surveillance camera system.

GDPR Article 6 1 (e) processing is necessery for the performance of a task carried out in the public interest or in the exercise of official authority vedsted in the controller applies for the use of the CCTV system.

5. Can you describe the information flows? State how data will be captured, whether it will include audio data, the form of transmission, if there is live monitoring or whether data will be recorded, whether any integrated surveillance technologies such as automatic facial recognition is used, if there is auto deletion after the retention period, written procedures for retention in line with stated purpose, written procedures for sharing data with an approved third party, record keeping requirements, cyber security arrangements and what induction and ongoing training is provided to operating staff. Specific template questions to assist in this description are included in **Appendix Three**.

CCTV images are captured (no audio) and recorded onto specific electronic storage devices. These images may be viewed by the CCTV operators (Council / Engie staff), the police or those submitting appropriate requests for information.

If a request for viewing or a copy is received, the relevant form must be submitted. This is then logged and the request passed to the CCTV Supervisor. The images are retrieved and downloaded to a password protected CD/DVD.

Please see Appendix 3 for further detals.

6. What are the views of those who will be under surveillance? Please outline the main comments from the public resulting from your consultation – as part of a DPIA, the data controller should seek the views of those subjects who are likely to come under surveillance or their representatives on the proposition, without prejudice to the protection of commercial or public interests or the security of processing operations. This can often be achieved by existing local consultation mechanisms such as local area committees or safer neighbourhood team meetings; but, if necessary depending on the privacy intrusion of the surveillance in question, other methods could be considered such as face to face interviews, online surveys, questionnaires being sent to residents/businesses and addressing focus groups, crime & disorder partnerships and community forums. The Data Protection Officer may be able to offer advice on how to carry out consultation.

The Public Space CCTV strategy has been subject to a public and local business consultation with the following headlines:

• 98.7% of respondents wanted CCTV in areas where there were ongoing issues or threat.
• 66.4% of the respondents thought there were insufficient cameras and wanted to see greater and better coverage.
• 36.2% wanted to see more sharing of CCTV footage to identify perpetrators and reflect success.
• 32.5% wanted to see greater use of temporary cameras in hotspot locations.
• 54.5% of businesses who had CCTV said they would be willing to work in partnership to improve and reduce the number of incidents in the shopping areas.

7. 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.

The deployment of an overt CCTV system will have benefits in the detection of crime by providing high-quality evidence of those involved in criminal or anti-social behaviour and may deter individuals from participating in these activities in the future.

Overt cameras will also have the benefit of providing some reassurance for local residents and reduce the fear of crime. However, there is a clear understanding that its success can only be realised when its application is integrated into and complemented by other crime and disorder initiatives adopted by North East Lincolnshire Community Safety Partnership (CSP).

8. What are the privacy risks arising from this surveillance camera system? State the main privacy risks relating to this particular system. For example, who is being recorded; will it only be subjects of interests? How long will recordings be retained? Will they be shared? What are the expectations of those under surveillance and impact on their behaviour, level of intrusion into their lives, effects on privacy if safeguards are not effective? What is your assessment of both the likelihood and the severity of any impact on individuals?

1. Individuals do not know they are being recorded – All areas where CCTV cameras are operating have clear signage in place to ensure individuals are aware that they are entering an area covered by CCTV or are still in an area covered by CCTV. The measures in place should reduce the likelihood and severity of any impact on individuals.

2. Intrusive surveillance – The placement of cameras in the town centre, resort and local communities brings with it a level of collateral intrusion from the recording of individuals in the course of their everyday activities. As for privacy risk 1, individuals will be made aware that they are in an area covered by CCTV through clear signage. The cameras are positioned to minimise the potential of intrusion and were this is not eliminated privacy zones have been deployed. All CCTV staff are trained, qualified and hold a current CCTV, Security Industry Authority (SIA) licence. Individuals can submit a subject access request to view or receive footage of themselves which will provide assurance that there has not been any undue intrusion of their privacy. The measures in place should reduce the likelihood and severity of any impact on individuals.

3. Personal data is retained for longer than necessary – Recordings are retained for 31 days unless the authority is notified before deletion that there is a need to keep them e.g. a request is made by an appropriate party such as the police, the data subject, insurance company. The measures in place should reduce the likelihood and severity of any impact on individuals.

4. Unauthorised third party access to images – Measures are in place to prevent unauthorised access to the CCTV Control Room and use of the CCTV system equipment. The measures in place should reduce the likelihood and severity of any impact on individuals.

5. Disclosure of personal data to unauthorised persons or agencies – North East Lincolnshire Council have processes in place for the handling of requests for CCTV footage and only release footage where it is permitted by data protection legislation. The Council will never release CCTV footage for entertainment purposes. The measures in place should reduce the likelihood and severity of any impact on individuals.

9. Have any data protection by design and default features been adopted to reduce privacy intrusion? Could any features be introduced as enhancements? State the privacy enhancing techniques 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 masking on cameras that overlook residential properties? If these have not been adopted, provide a reason.

Controls, including Privacy Zones, which cannot be overridden by Operators, are maintained to ensure the system does not record what is happening within residential premises. Operators have clear guidelines on the use of the cameras and any inadvertent contraventions are recorded and investigated.

Access to the CCTV Control Room is restricted to those authorised, with visitors only admitted by appointment after appropriate checks and then escorted at all times.

Access to all CCTV equipment is on the basis of least privelege and password protected.

As part of the Council's committed to investing in the upgrade of the current CCTV system, further opportunities for the adoption of data protection by design and default will be reviewed

10. What organisations will be using the surveillance camera images, and where is the controller responsibility under the GDPR and Data Protection Act 2018? 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) and any data processors. Specify any data sharing agreements you have with these organisations.

North East Lincolnshire Council are the data controller for the Public Space CCTV System

Engie Services, the Council's Regeneration Partner who are responsible for the operation of the Public Space CCTV System.

Humberside Police are the principal agency that will use the CCTV images from the system for the purposes of the prevention and detection of crime and anti-social behaviour.

Other organisations and North East Lincolnshire Council services (such as Community Services and Regualtory Services) with investigation and enforcement powers may make use of CCTV images from the system.

Organisations and individuals can request CCTV images from the system under appropriate legislation.

Any organisation or individual removing CCTV footage from the Control Room becomes the Data Controller for those images.

11. Do the images need to be able to recognise or identify individuals, or could the purpose be met using images in which individuals cannot be identified? Explain why images that can recognise or 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 capable of capturing images of identifiable individuals, whereas cameras justified on the basis of dealing with problems reflected in assessments showing the current crime hotspots may need to capture images in which individuals can be identified.

For the purposes of the prevention, detection and investigation of crime or any Anti-Social Behaviour, all recorded images should be capable of identifying individuals who may be suspects, or victims or witnesses of a criminal offence.

Identifying factors required for evidential purposes would include location, stature, IC code, clothing and/or distinctive features or items being carried together with any vehicle make, model, type, colour together with any visible vehicle registration number.

The CCTV system must therefore be capable of providing images which are capable of identifying individuals as footage will be used in Court as evidence. If individuals were not identifiable in the images from the system, then the system would not be fit for purpose.

12. How will you inform people that they are under surveillance and respond to any Subject Access Requests, the exercise of any other rights of data subjects, complaints or requests for information? State what privacy notices will be made available and your approach to making more detailed information available about your surveillance camera system and the images it processes. In addition, you must have procedures in place to respond to requests for camera footage in which a subject appears, and to respond to any other request to meet data protection rights and obligations.

North East Lincolnshire Council have developed and adopted a Public Space CCTV Strategy and a CCTV Policy. The Policy includes a section on signage, and all areas where CCTV is in use will have clear signage informing individuals they are about to enter or remind them that they are in an area covered by CCTV cameras. The signs are also inended to act as an additional deterrent. The signs explain why the CCTV cameras are there, who operates them and contact details to obtain further information about them. CCTV signs are displayed in areas which do not have CCTV cameras.

Information about the Council's CCTV system is published on our webite (https://www.safernel.co.uk/staying-safe-and-prevention/closed-circuit-television-cctv/)

Procedures are in place and promoted through the Council's website to allow individuals to request CCTV footage and other data protection rights (https://www.nelincs.gov.uk/council-information-partnerships/information-governance/data-protection/) and to provide suggestions, comments and make complaints about the CCTV system and its operation through the Corporate Feedback Policy (https://www.nelincs.gov.uk/council-information-partnerships/complaints-compliments-and-suggestions/). Forms can also be requested and issues raised through the Security and CCTV Manager and / or the Information Governance and Complaints Team.

It must be noted that individuals only have 31 days in which to make a request for footage, before it is automatically deleted.

13. How will you know if the particular camera system/hardware/software/firmware being considered does deliver the desired benefits now and in the future? It is good practice to review the continued use of your system on a regular basis, at least annually, to ensure it remains necessary, proportionate and effective in meeting its stated purpose. State how the system will continue to meet current and future needs, including your review policy and how you will ensure that your system and procedures are up to date in mitigating the risks linked to the problem.

The procurement of the CCTV system includes a quality assessment to ensure that the system meet all required standards. ENGIE Services Limited are responsible for the ongoing maintenance of the CCTV system. The recording equipment is tested for correct operation and the accurate date / time is confirmed at the start of each shift;

In accordance with the Council's Policy the North East Lincolnshire Community Safety Partnership (CSP) is responsible for approving the deployment of all CCTV cameras. This is informed by monthly CCTV stats demonstrating areas of high activity or requirements. Prior to the deployment of any new cameras, other options are considered and the risks assessed, this includes the use of Privacy Zones were appropriate.

14. 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 system will be processed for any other purpose or with additional technical factors (e.g. face identification, traffic monitoring or enforcement, automatic number plate recognition, body worn cameras) in future and how such possibilities will be addressed. Will the camera system have a future dual function or dual purpose?

The Council recognises that over time legislation and codes of practice can change; technology will develop new functionality, image quality will improve and associated costs reduce; and operational requirements and priorites will change.

The strategy, policies and procedures that have been put in place, together with the effective system management and operation of the system, ensure that the use of the CCTV system and the images produced are in compliance with legislative requirements.

Where changes are proposed to the use of images or the operation of the CCTV system, this will be review and approved in accordance with established Council arrangeents.

15. Have you considered the extent to which your surveillance camera system may interfere with the rights and freedoms conferred under the European Convention on Human Rights? When we consider data protection, our focus tends to be upon the potential to interfere with the Article 8 right to respect for private and family life. Surveillance undertaken in accordance with the law could, however, interfere with other rights and freedoms such as those of conscience and religion (Article 9), expression (Article 10) or association (Article 11). Summarise your assessment of the extent to which you might interfere with ECHR rights and freedoms, and what measures you need to take to ensure that any interference is necessary and proportionate.

We acknowledge that our CCTV cameras are installed within public areas, which include shopping and recreation areas and sites of religious worship. Areas covered by CCTV are clearly signed to show CCTV is in operation within them, informing the privacy expectations of individuals in these areas.

In the installation of CCTV cameras the impact on individual privacy is considered and addressed in the positioning of cameras and the use of Privacy Zones particularly where residential areas are in the view of the camera.

Any use of the system for Covert Directed Surveillacnce will only take place in accordance with the Regulation of Investory Powers Act 2000 (RIPA).

The use of CCTV is considered to be proportionate and necessary to achieve its stated objectives to prevent, detect and investigate crime and anti-social behaviour, and unlikely to interfere or have a negative impact on the rights and freedoms of any individuals as conferred by Articles 8, 9, 10 and 11 of the ECHR.

All control room operators have been trained and are aware of their responsibilities with regard to privacy restrictions on the scope and use of public area CCTV surveillance, and are qualified and hold a current CCTV, Security Industry Authority (SIA) licence.

16. Do any of these measures discriminate against any particular sections of the community? Article 14 of the ECHR prohibits discrimination with respect to rights under the Convention. 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.

North East Lincolnshire Council considers there will be no intentional discriminatory or disproportionate impact on any individual or section of the community arising from the operation of the Public Space CCTV system.

Template Level Two

This Level 2 template is designed to give organisations a simple and easy to use format for recording camera locations, other hardware, software and firmware on their surveillance camera system, and demonstrating an assessment of risk to privacy across their system and the steps taken to mitigate that risk.

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 2012 and/or the Data Protection Act 2018.

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 DPIA should help identify any cameras (irrespective of the type) that may be directed at a more vulnerable area (e.g. a children's play area) and thus presenting a higher privacy risk. This approach allows the organisation to document a generic and methodical approach to any 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. It also allows you to consider the risks associated with any integrated surveillance technology such as automatic facial recognition systems, along with security measures against cyber disruption of your system,

As an organisation that operates a surveillance camera system you will also be the controller of the personal data captured by its cameras. Under DPA 2018 (Sections 69-71), a data controller is under a legal obligation to designate and resource a data protection officer and to seek their advice when carrying out a DPIA.

An example of a risk assessment matrix is shown in **Appendix Two**.

When undertaking a DPIA, it is essential to be able to confirm where the organisation's cameras are sited. It is good practice for all organisations to maintain an asset register for all of their hardware (including cameras), software and firmware. This allows the system operator to record each site and system component in a manner to lead into the level two process.

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

Overall step one and step two will cover the uses of hardware, software and firmware of the system. However, it may be contrary to the purpose of your surveillance camera system to publically list or categorise each individual asset.

Template – Level Two

Step 1 (definition of hardware, software and firmware including 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 camera ability or system functionality due to upgrade.

Please see example below:

ID	Camera types	Makes and models used	Amount	Description	Justification and expected use
1.	standard PTZ domes and shoebox	MIC400/550, Predator, Panasonic	33	full pan,tilt & zoom function, standard definition	Public space monitoring from CCTV control room 24 hours a day 365 days a year
2.	HD Domes PTZ	Axis	15	ull pan,tilt & zoom function, High definition	Public space monitoring from CCTV control room 24 hours a day 365 days a year
3.	Rapid Deployable domes	WCCTV speed domes	16	full pan,tilt & zoom function, standard definition	Deployed on priority basis, decided by Police and Safer Communities, ASB
4.	Rapid Deployable static	IC2, 360 fisheye with 2 x static	16	static unit with 3 x cameras, fixed views	8 deployed for fly tipping 3 deployed to car parks 5 deployed to ASB
5.	Fixed Dome	HikVision	23	anti vandal Static fixed dome style cameras	Public space monitoring from CCTV control room 24 hours a day 365 days a year, deployed into multi sory car park

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.	Grimsby & Cleethorpes Town centre	1, 2	38	24hrs	24hrs (only maximum 3 operators) – likely average patrol high hourly	The privacy level expectation in a town centre is very low; our town centres are well signed with appropriate signage for CCTV its use and purpose with contact details.
B.	Public car parks	1, 4	24	24hrs	24hrs (only maximum 3 operators) – likely average patrol 4 x 24hrs	The privacy level expectation in a town centre car park is very low; our car parks are well signed with appropriate signage for CCTV its use and purpose with contact details.
C.	Parks	1	2	24hrs	24hrs (only maximum 3 operators) – likely average patrol 4 x 24hrs	The privacy level expectation in the local parks is very low; our parks are well signed with appropriate signage for CCTV its use and purpose with contact details.
D.	Residential street	3, 4	32	24hrs	24hrs (only maximum 3 operators) – likely average patrol 4 x 24hrs	Cameras are install here to respond to high crime trends, deal with the fear of crime on a priority basis, the privacy level expectation in these areas is high; our cams are overt, are signed with appropriate signage for CCTV its use and purpose with contact details.

Step 3 (Cameras or functionality where additional mitigation required)

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

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

Asset number	Camera type	Location category	Further mitigation/ comments (optional)
09	1	A	Camera view is of a main car park with residential properties along the north side, to reduce the risk of intrusion a privacy zone has been implemetnted
27	1	A	Camera view is of a small shoppoing centre surrounded with residential flats/houses. camera is a shoe box style camera at a distance and height reducing the risk of intrusion however does oversee private gardens. end stops added to the camera to reduce the risk of intrusion
58	1	A	Camera views a main car park, large office and residential roads, to reduce the risk of intrusion into private dwellings the camera has been programmed with a privacy mask screening the view of properties
6	1	A	Camera view is of a main car park and NELC works depot entrance, camera is a shoebox style camera, end stops programmed to remove the ability to view private dwellings
14	1	A	Camera view is of sea front, artitial roads, shopping street and residential flats, camera has been programmed to height stop to remove the abiity to view the opposite residential flats

Step 4 (Mitigation for specific cameras and any integrated surveillance functionality that have high privacy risks)

Where there is a very high risk to privacy you may wish to conduct an extensive DPIA of specific installations or functionality and have it fully documented. Where you are unable to mitigate the risk adequately you **must** refer your DPIA to the ICO for review.

DPIA for specific installations or functionality

Camera number	09, 14, 58, 6, 27
Camera location	Cleethorpes High St, Cleethorpes Sea View St

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?)
Cam 09, view of residential and private dwellings	programme privacy zone. regular Management and Supervisory inspections of footagfe	Accepted	Yes, allows for view of main car park and road including pubs, clubs but removes the view of the local residential properties
Cam 14, view of residential flats frontage opposite iesure centre	camera operations set below residential area. regualer mangement & supervisory inspections of footage	Accepted	Yes, allows views of Sea View St, bank, car park, promenade areas, unable to view residential properties opposite main road
Cam 27, view of shoppong area, 15 mtre column allows overview of flats and private gardens	Mechanical end stops added to the camera, regualer mangement & supervisory inspections of footage	Accepted	Yes, allows views of shopping area, main artirial roads and car parking areas
cam 58, views a main car park, large office and residential roads	Privacy mask programmed on to camera, regualer mangement & supervisory inspections of footage	Accepted	Yes, allows required views of man car park, underpass, artirial roads and traffic junction, unable to view private dwellings
Cam 6, view is of a main car park and NELC works depot entrance, able to oversee residential dwellings on opposite side of the road	camera is a shoebox style camera, end stops programmed to remove the ability to view private dwellings,regualer mangement & supervisory inspections of footage	Accepted	Yes, allows the view of the car park, the depot entracne, limited view of opposite multi storey car park and rail line

Measures approved by:
Integrate actions back into project plan, with date and responsibility for completion

Name	Kevin Hynes, Security and CCTV Manager
Date	06/08/2020

Residual risks approved by:
If you identify a high risk that you cannot mitigate adequately, you must consult the ICO before starting to capture and process images

Name	Not Applicable
Date	TBC

DPO advice provided:
DPO should advise on compliance and whether processing can proceed

Name	Paul Ellis
Date	10/08/2020
Summary of DPO advice	Processing can proceed. Appropriate procedures in place for the management of the system and the mitigation of privacy risks.

DPO advice accepted or overruled by:
If overruled, you must explain your reasons

Name	Spencer Hunt
Date	20/08/2020
Comments	Advice accepted

Consultation responses reviewed by:
If your decision departs from individuals' views, you must explain your reasons

Name	Spencer Hunt
Date	20/08/2020
Comments	Decision supports individual's views.

This DPIA will kept under review by:
The DPO should also review ongoing compliance with DPIA

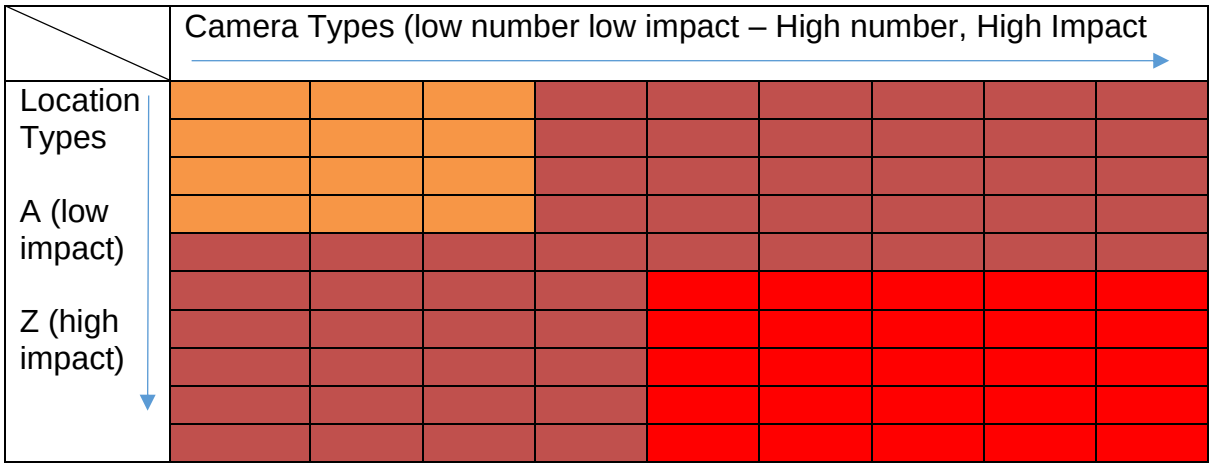
Name	Kevin Hynes, Security and CCTV Manager
Date	September 2021

APPENDIX ONE: STEPS IN CARRYING OUT A DPIA

APPENDIX TWO: DATA PROTECTION RISK ASSESSMENT MATRIX

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

Matrix Example:



Be aware that use of any surveillance camera system with biometric capabilities, such as Automated Facial Recognition technology, is always likely to result in a high risk to the rights and freedoms of individuals and therefore a DPIA must always be carried out in respect of those systems before you process any personal data.

APPENDIX THREE: LEVEL 1

DESCRIBE THE INFORMATION FLOWS

Optional questions to help describe the collection, use and deletion of personal data.

It may also be useful to refer to a flow diagram or another way of explaining data flows.

5.1 How is information collected?

- ☐ CCTV camera
- ☐ Body Worn Video
- ☐ ANPR
- ☐ Unmanned aerial systems (drones)
- ☐ Stand-alone cameras
- ☐ Real time monitoring
- ☐ Other (please specify)

5.2 Does the system's technology enable recording?

- ☐ Yes
- ☐ No

Please state where the recording will be undertaken (no need to stipulate address just Local Authority CCTV Control room or on-site would suffice for stand-alone camera or BWV), and whether it also enables audio recording.

Is the recording and associated equipment secure and restricted to authorised person(s)? (Please specify, e.g. in secure control room accessed restricted to authorised personnel)

5.3 What type of transmission is used for the installation subject of this PIA (tick multiple options if necessary)

- ☐ Fibre optic
- ☐ Wireless (please specify below)
- ☐ Hard wired (apart from fibre optic, please specify)
- ☐ Broadband
- ☐ Other (please specify)

5.4 What security features are there to protect transmission data e.g. encryption (please specify)

5.5 Where will the information be collected from?

☐ Public places (please specify)
☐ Car parks
☐ Buildings/premises (external)
☐ Buildings/premises (internal public areas) (please specify)

☐ Other (please specify)

5.6 From whom/what is the information collected?

☐ General public in monitored areas (general observation)
☐ Vehicles
☐ Target individuals or activities (suspicious persons/incidents)
☐ Visitors
☐ Other (please specify)

5.7 What measures are in place to mitigate the risk of cyber attacks which interrupt service or lead to the unauthorised disclosure of images and information?

5.8 How is the information used? (tick multiple options if necessary)

- ☐ Monitored in real time to detect and respond to unlawful activities
- ☐ Monitored in real time to track suspicious persons/activity
- ☐ Compared with reference data of persons of interest through Automatic Facial Recognition software
- ☐ Compared with reference data for vehicles of interest through Automatic Number Plate Recognition software
- ☐ Used to search for vulnerable persons
- ☐ Used to search for wanted persons
- ☐ Recorded data disclosed to authorised agencies to support post incident investigation by, including law enforcement agencies
- ☐ Recorded data disclosed to authorised agencies to provide intelligence
- ☐ Other (please specify)

5.9 How long is footage stored? (please state retention period)

5.10 Retention Procedure

- ☐ Footage automatically deleted after retention period
- ☐ System operator required to initiate deletion
- ☐ Under certain circumstances authorised persons may override the retention period e.g. retained for prosecution agency (please explain your procedure)

5.11 With which external agencies/bodies is the information/footage shared?

- ☐ Statutory prosecution agencies
- ☐ Local Government agencies
- ☐ Judicial system
- ☐ Legal representatives
- ☐ Data subjects
- ☐ Other (please specify)

5.12 How is the information disclosed to the authorised agencies

☐ Only by onsite visiting

☐ Copies of the footage released to those mentioned above (please specify below how released e.g. sent by post, courier, etc)

☐ Offsite from remote server

☐ Other (please specify)

5.13 Is there a written policy specifying the following? (tick multiple boxes if applicable)

☐ Which agencies are granted access

☐ How information is disclosed

☐ How information is handled

☐ Recipients of information become Data Controllers of the copy disclosed

Are these procedures made public? ☐ Yes ☐ No

Are there auditing mechanisms? ☐ Yes ☐ No

If so, please specify what is audited (e.g., disclosure, production, accessed, handled, received, stored information)

5.14 Do operating staff receive appropriate training to include the following?

☐ Legislation issues

☐ Monitoring, handling, disclosing, storage, deletion of information

☐ Disciplinary procedures

☐ Incident procedures

☐ Limits on system uses

☐ Other (please specify)

5.15 Do CCTV operators receive ongoing training?

☐ Yes ☐ No

5.16 Are there appropriate signs which inform the public when they are in an area covered by surveillance camera systems?

☐ Yes ☐ No