

## **Privacy impact assessment on use of CCTV**

### **(Strabane Town Centre)**

Crime and Anti-social Behaviour (ASB) is a community concern across the Derry and Strabane Council area. Whilst ASB is not a crime it can have a major impact on quality of life and may put individuals off using certain amenities or frequenting particular locations. Crimes such as shoplifting, violence against the person and criminal damage are often committed in town and city centres with some crime types associated with the night-time economy.

The term anti-social behaviour is used to describe a wide range of inconsiderate and nuisance behaviour, such as excessive noise, graffiti, littering and disputes with neighbours. While this type of behaviour may not, in itself, fall within the scope of the criminal law, it can have an equally adverse effect on the quality of life of individuals and communities. It is therefore important to address concerns about anti-social behaviour at an early stage, before a problem appears to be getting needlessly out of control.

Crimes associated with the commercial business district of a town and city can also have a negative influence of people wishing to frequent these areas especially at weekend nights, leading to low business confidence, closure of shops, restaurants and bars and a general degradation of town/city centres. Reducing police resources also mean that the safety needs of these areas need to be addressed in a more innovative manner. The use of CCTV in Derry City Centre has proved highly successful in improving the safety of visitors, residents and workers in the area. It has helped reduce crime and enhanced PSNI ability to make arrests and secure convictions where crimes have been committed.

### **Background**

Close Circuit Television (CCTV) is visual surveillance technology designed to monitor a variety of environments and activity. The Data Protection Act 1998 regulates the processing of personal and sensitive personal data. The Act impacts upon the use of CCTV if images that focus on an individual are recorded. These must be aimed at identifying a particular person or learning about their behaviour.

CCTV can be used to combat a variety of offending activity; including acting as a deterrent. In this instance, the focus will be on the reduction and detection of crime and ASB related to Strabane Town Centre. However, the installation of CCTV can also have other important uses such as the identification and location of missing persons and the management and control of festivals, events and parades taking place in the designated area. Council may also use CCTV to combat other forms of nuisance and criminal behaviour in the area such as littering, noise pollution, dangerous driving, speeding etc.

The Information Commissioner's Office (ICO) has issued a Code of Practice (COP) relating to CCTV and this provides standards the ICO considers good practice on the processing of images and footage. It sets out how a Data Controller should manage the overall processing of CCTV data. This is a very important part of meeting compliance with the Act and the COP has been considered in the development of this document.

The personal data processed as part of the CCTV system is controlled by City Centre Initiative who act as the Data Controller of the personal data recorded for this purpose by these cameras.

The issue of criminal activity and ASB in Strabane Town Centre can be tackled by *"improving town centre safety from daytime through to night-time economy"*. The Strabane Business Improvement District (BID) Business Plan 2016-2021 states that:

....many members have 'reported that low-level shoplifting, street drinking, low level property damage and graffiti. There are also some areas of the town that are unwelcoming especially in the evening due to poor lighting and all of these can be off putting to customers. BID in Strabane will work with local statutory agencies to advance town centre safety and tackle issues by encouraging a joint up approach. We will explore the possibility of installing CCTV in certain problematic areas as well as initiative's such as improved street lighting, extending the existing radio link scheme to day-time economy businesses or implementing a pub watch or purple flag scheme for the evening economy.

The above situation if not addressed has the potential to impacted negatively on the level of confidence of visitors, business owners and workers in the town. The proposed installation of CCTV in the town centre will increase confidence in the area, reduce crime and increase detection especially in relation to those issues associated with the night time economy.

Council intends to install 5 CCTV cameras at agreed locations in Strabane Town Centre with the appropriate signage in order to deter and reduce/eradicate this unacceptable behaviour and assist with identifying offenders who could potentially face prosecution. The installation of these cameras is part of a number of measures to deter crime and ASB in the Strabane Town Centre in an effort to design out these actions.

### **Information flows**

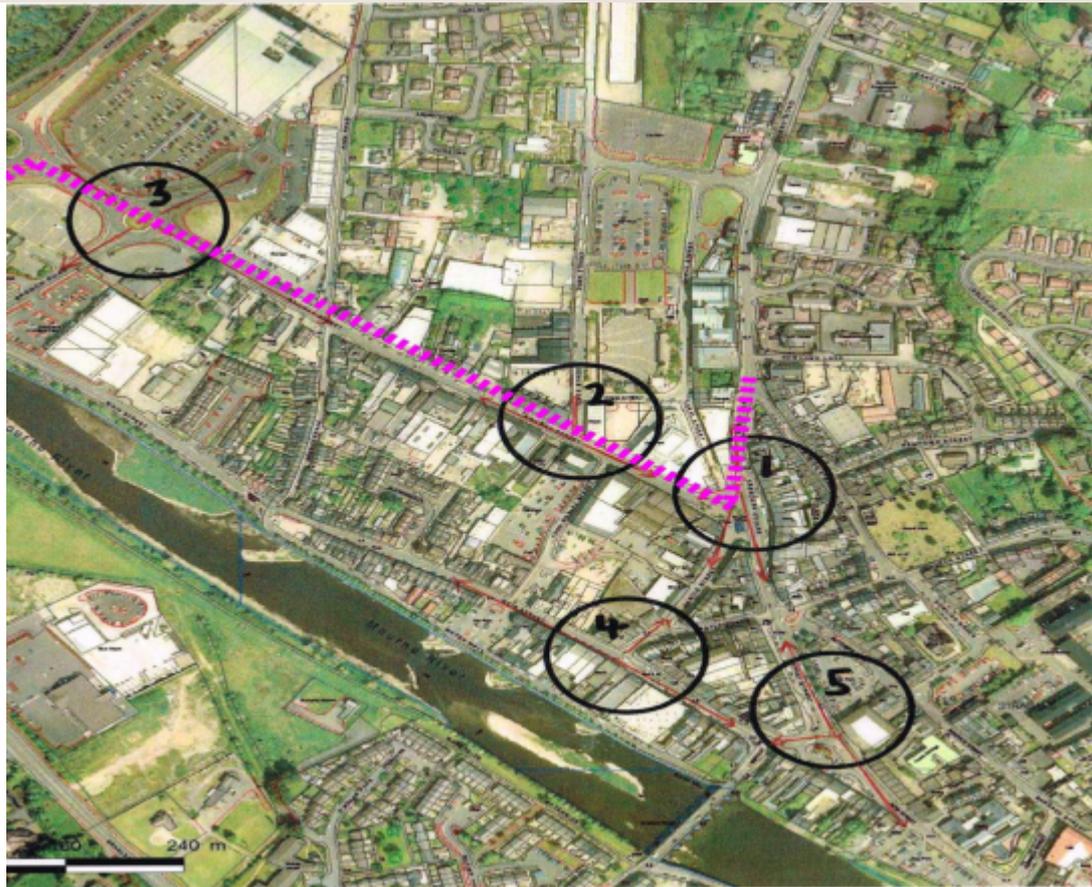
The use of CCTV cameras will fall into the category of “**overt recording**” and is not subject to the Regulation of Investigatory Powers Act 2000 (RIPA). They are not to be used in a hidden or covert manner.

CCTV will capture individuals using Strabane Town Centre where BID members have raised concerns about low level criminal activity and ASB as outlined above.

**Location:** 5 permanent pan, tilt, zoom (PTZ) CCTV cameras will be located at the following locations as agreed with PSNI

- 1.** Strabane Weekly News Building, 31 Abercorn Square Strabane BT82 8AQ.
- 2.** ASDA site, 2 Branch Road Strabane BT82 8EQ
- 3.** Customised Training Services Building, 23 Main Street, Strabane BT82 8AS
- 4.** Gormley’s Opticians, 2 Castle Place, Strabane BT82 8AB
- 5.** BUPA Dental Building, Unit 1, 18a John Wesley Street, Strabane BT82 8EF.

The cameras will provide optimum coverage of Strabane Town Centre as shown on the image below.



#### Details:

- The 5 PTZ CCTV cameras will be located on the 4 buildings outlined above with the camera located at the ASDA site fixed to a stand-alone column to ensure optimum coverage. Appropriate signage will also be installed to enable members of the public to see both the camera and read the signage advising them what organisation installed the camera, its purpose and the contact number of the data controller.
- The 5 cameras will be permanent with the ability to pan, tilt and zoom as required. The cameras will be operated by the monitoring staff based at the CCTV Control Centre with the ability to cover the areas where offences have occurred or are likely to reoccur.
- The cameras will observe members of the public using Strabane Town Centre.

- The cameras will have sight of individuals and vehicles approaching the town.
- Cameras may also capture images of houses but the Code of Practice ensures that surveillance will not be used to invade the privacy of individuals, to survey the interior of private or business premises or to harass or intimidate any individual or group.

### **CCTV Public Surveillance Cameras Controlled by the CCTV Control Centre**

Location: 5 locations in Strabane Town Centre

Number of Cameras	5
Age of System	New
Temporary or Permanent	Permanent
Type of Camera	Monitored 24/7/365
Record or Download	Record
Overwrite Time	31 days

Location of Control Unit: BHP Ltd. 20 Ballinska Road, Springtown Industrial Estate, Derry BT48 0LY

Who Has Access: Trained operators with responsibility for using the equipment housed within the CCTV Control Centre



Who authorises the release of CCTV footage	Data Controller, Jim Roddy (CCI)
Who is resp for storage of the information	BHP Alarms Ltd.
Who is resp for deletion of the information	BHP Alarms Ltd.

### Consultation requirements

The use of CCTV has been discussed with council and its partners as a tool to create a safe and secure environment for all those who visit, live, work and do business in the Strabane Town Centre. CCTV is a method of reducing fear of crime/reassuring the public, helping prevent crime, deterring and detecting crime, helping to identify, apprehend and prosecute offenders, providing evidence for criminal and civil action in the courts, helping maintain public order, assisting in management and policing of large scale events, providing assistance to emergency services, assisting in improving the town centre environment.

The use of CCTV has also been discussed at a number of Strabane BID meetings and Policing and Community Safety Partnership (PCSP) meetings. The Strabane BID Manager will consult with members through a pre and post installation questionnaire as required by Department for Communities.

**What is the organisation's purpose for using CCTV? What are the problems it is meant to address?**

To help reduce and deter crime and related ASB in Strabane Town Centre. Increase detections of criminal activity, increase confidence and reduce fear of crime for those using the town centre

### **What are the views of those who will be under surveillance?**

The general feeling is that people who are not involved in crime are happy to be in an area that is monitored by CCTV cameras. There are some members of society both law abiding and those who are not, who have issues with being in areas covered by CCTV cameras. There has been CCTV in Derry City Centre since 2000 and the CCTV footprint has recently been extended with additional cameras added along the riverfront and on Foyle Bridge. By adhering to current legislation the CCTV system is only used for agreed purposes and but it may also discourage other forms of unacceptable behaviour and crime.

4 cameras will be located on private property and signage indicating the presence of the camera system and their purpose, will be publicly visible in the area for the public to see. The camera at the ASDA site will be affixed to a CCTV column and also have the relevant signage. CCI contact details will also be provided should members of the public wish to seek further information on the purpose of the CCTV cameras.

### **What are the benefits to be gained from its use?**

Residents, visitors and businesses will benefit from improved detection of crime, ASB and associated criminal activity. The installation of these cameras and their integration into the existing system will improve the quality of life for residents and business owners in the area and reduce instances ASB and crime.

CCTV is a proven tool in detecting offences, and the perpetrators of it. Using CCTV will significantly reduce the time and cost on the PSNI in investigating allegations. CCTV captures actual events and is not influenced by interpretation. CCTV also helps prevent offences.

Due to the location of the of the CCTV cameras coverage of the area will be enhanced and images from the cameras will assist PSNI and its partners to provide a more targeted approach which will complement the patrols and

investigations carried out by officers. CCTV will also provide additional reassurance that monitoring is taking place in an area where offences have occurred or are likely to reoccur.

The deployment of CCTV camera technology will produce a number of benefits for those using the town centre including:

- Reducing the fear of crime and reassuring the public, especially residents/business owners in the area
- Helping prevent crime
- Deterring and detecting crime
- Helping to identify, apprehend and prosecute offenders
- Providing evidence for criminal and civil action in the courts
- Helping to maintain public order
- Assist in the management and policing of large scale events
- Providing assistance to emergency services especially in the identification and location of missing persons.

**What could you do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?**

Public surveillance CCTV located in the Derry City and Strabane District Council are is governed by a Code of Practice (June 2017) which commits to the highest standards of professionalism and integrity with regard to safeguarding individual rights and privacy. The Code of Practice states that CCTV surveillance will not be used to invade the privacy of individuals, to surveil the interior of private premises or to harass and intimidate any individual or group. All employees monitoring in the Control Station are fully accredited. The new CCTV cameras will be used on a proper and legal basis, comply with the Data Protection Act and regular reviews of camera performance will be undertaken to justify their need.

**Can CCTV technology realistically deliver these benefits?**

Yes. The cameras proposed for Strabane Town Centre will be integrated into the existing CCTV system. The existing cameras have consistently deterred crime, enhanced public safety, detected crime, assisted in the

prosecution of offenders, prevented suicides, located missing persons, maintained public order and supported emergency services.

**Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying the individual?**

The PTZ cameras will be capable of identifying individuals, as footage from the system may be used for enforcement and prosecution by PSNI in relation to crime and nuisance behaviour. The camera requires this capability to ensure it is fit for purpose.

**Will the particular equipment/system of work being considered deliver the desired benefits now and remain suitable in the future?**

Yes, although these cameras will be added to the replacement camera schedule and will be replaced when they are aged over 7 years.

**What future demands may arise for wider use of images and how will you address these?**

Legislation may change and we will comply with all future regulations placed upon Council. Any request to use the images captured will be made in writing to the Data Controller and these requests are considered in line with the Council's Data Protection Policy and CCTV policy.

Due to the overt nature of CCTV, the signage displayed and the information provided individuals will be aware of the location/positioning of CCTV cameras in the city/town centre.

## Identify the privacy and related risks

Annex three was used to help identify the DPA related compliance risks.

Privacy issue	Risk to individuals	Compliance risk	Associated organisation / corporate risk
Inadequate disclosure controls	Increase the likelihood of Information/images on the general public being shared inappropriately.	Non-compliance with the DPA.  Non-compliance with the Privacy and Electronic Communications Regulations (PECR).	Council/CCI/PSNI reputation and possible litigation  Non-compliance with the DPA or other legislation can lead to sanctions, fines, legal challenges and reputational damage.
The information being used for a different purpose	The context in which information is used or disclosed can change over time, leading to it being used for different purposes without people's knowledge.  Could lead to an unjustified intrusion on people's privacy.	Non-compliance with sector specific legislation or standards.  Non-compliance with human rights legislation.	Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, is less useful to the business.  Public distrust about how information is used can damage an organisation's reputation and lead to loss of business/engagement.
CCTV surveillance methods and measures are unnecessary	The sharing and merging of datasets can allow organisations to collect a much wider set of		Data losses which damage individuals could lead to claims for compensation.

<p>Inappropriate use and sharing of information.</p>	<p>information than individuals might expect.</p> <p>Vulnerable people at risk may be particularly concerned about the risks of identification or the disclosure of information.</p>		
<p>Disclosure of information capturing Vulnerable/At Risk Individuals</p>	<p>Information which is collected and stored unnecessarily, or is not properly managed so that duplicate records are created, presents an increased security risk.</p>		
<p>Inappropriate storage or duplication of collected information.</p>	<p>If a retention period is not established information might be used for longer than necessary</p>		
<p>Collected information being retained for too long.</p>			

## Identify privacy solutions

<b>Risk</b>	<b>Solution(s)</b>	<b>Result:</b> is the risk eliminated, reduced, or accepted?	<b>Evaluation:</b> is the final impact on individuals after implementing each solution a justified, compliant and proportionate response to the aims of the project?
Inadequate disclosure controls	Controls put in place in accordance with Council's CCTV policy, DPA, PECR and CCTV Code of Practice to ensure that information on the general public is not shared inappropriately. Those monitoring the images are also fully accredited and the Control Centre conforms to BS5979	Eliminated	Yes

<p>The information being used for a different purpose</p>	<p>Controls put in place in accordance with Council's CCTV policy, DPA, PECR and CCTV Code of Practice to ensure that information on the general public is not shared inappropriately. Those monitoring the images are also fully accredited and the Control Centre conforms to BS5979</p> <p>Legislation may change and we will comply with all future regulations. The demand for wider use of images is regulated by the Data Controller with all requests submitted in writing.</p> <p>PSNI must also submit a viewing request to the Data</p>	<p>Reduced</p>	<p>Yes</p>
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<p>CCTV surveillance methods and measures are unnecessary</p>	<p>Controller before any access to the images is granted. The City Centre Initiative Manager is the Data Controller who decides if images are released to any organisations. As Data Controller for the system, City Centre Initiative has the legal responsibility in relation to images authorised for release.</p> <p>CCTV will only be used in areas where there is a problem of nuisance and crime when all other methods/interventions have been exhausted, tried or deemed ineffective. Problem areas will be</p>	<p>Eliminated</p>	<p>Yes</p>
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<p>Inappropriate use and sharing of information</p>	<p>identified by PSNI and its partners and through the number of complaints from members of the public or civic representatives.</p> <p>CCTV information will only be shared when authorised by the Data Controller for the purposes preventing and deterring unacceptable behaviour and crime.</p> <p>Images are recorded 24/7/365 and will only be released to other law enforcement agencies such as the PSNI if the Data Controller deems that a legitimate request has been received.</p>	<p>Eliminated</p>	<p>Yes</p>
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Disclosure of information capturing Vulnerable people	<p>The City Centre initiative Manager will be the Data Controller at the point of images being recorded, however if any images are released to any of the authorised organisations, then the legal responsibility will be transferred to that organisation in relation to the images that have been released.</p> <p>Controls put in place in accordance with Council's CCTV policy, DPA, PECR and CCTV Code of Practice to ensure that information relating to vulnerable</p>	Eliminated	Yes
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	<p>people is not shared inappropriately. Those monitoring the images are also fully accredited and the Control Centre conforms to BS5979</p>		
<p>Inappropriate storage or duplication of collected information.</p>	<p>Controls put in place in accordance with Council's CCTV policy, DPA, PECR and CCTV Code of Practice to ensure that all images are stored appropriately. Those monitoring the images are also fully accredited and the Control Centre conforms to BS5979. Images stored on HD-CCTV DVR HD1600F-R</p>	<p>Eliminated</p>	<p>Yes</p>
<p>Collected information being retained for too long.</p>	<p>All CCTV images are recorded and held for 31 days. Relevant information/images held</p>	<p>Eliminated</p>	<p>Yes</p>

	pending investigation and prosecution are retained for periods recommended under the Code of Practice.		
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### Sign off and record the PIA outcomes

Who has approved the privacy risks involved in the project? What solutions need to be implemented?

Risks	Approved solutions	Approved by
Inadequate disclosure controls	Controls put in place in accordance with Council's CCTV policy, DPA, PECR and CCTV Code of Practice to ensure that: Information of general public, vulnerable people is not shared inappropriately. Information is not collected and stored unnecessarily.	Barry O'Hagan, Head of Community Development & Leisure  Karen McFarland, Director of Health & Community
The information being used for a different purpose	Information is properly managed to avoid the creation of duplicate records.	
CCTV surveillance methods and measures are unnecessary	Information/images are deleted after 31 days, relevant information is held pending investigation and prosecution	
Inappropriate use and sharing of information		
Disclosure of information capturing Vulnerable people	Controls put in place in accordance with Council's CCTV policy, DPA, PECR and CCTV	

<p>Inappropriate storage or duplication of collected information.</p> <p>Collected information being retained for too long.</p>	<p>Code of Practice to ensure that: Information of general public, vulnerable people is not shared inappropriately.</p> <p>Information is not collected and stored unnecessarily.</p> <p>Information is properly managed to avoid the creation of duplicate records.</p> <p>Images will only be held for 31 days</p>	
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**Integrate the PIA outcomes back into the project plan**

Action to be taken	Date for completion of actions	Responsibility for action
Integrate the PIA outcomes back into the project plan and update any project management paperwork	28 February 2019	Barry O'Hagan and Dermot Harrigan

Contact point for future privacy concerns

Barry O'Hagan

## Annex three

### Linking the PIA to the data protection principles

Answering these questions during the PIA process will help you to identify where there is a risk that the project will fail to comply with the DPA or other relevant legislation, for example the Human Rights Act.

#### **Principle 1**

**Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:**

- a) at least one of the conditions in Schedule 2 is met, and**
- b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.**

Have you identified the purpose of the project?

How will you tell individuals about the use of their personal data?

Do you need to amend your privacy notices?

Have you established which conditions for processing apply?

If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

If your organisation is subject to the Human Rights Act, you also need to consider:

Will your actions interfere with the right to privacy under Article 8?

Have you identified the social need and aims of the project?

Are your actions a proportionate response to the social need?

#### **Principle 2**

**Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**

Does your project plan cover all of the purposes for processing personal data?

Have you identified potential new purposes as the scope of the project expands?

### **Principle 3**

**Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**

Is the quality of the information good enough for the purposes it is used?

Which personal data could you not use, without compromising the needs of the project?

### **Principle 4**

**Personal data shall be accurate and, where necessary, kept up to date.**

If you are procuring new software does it allow you to amend data when necessary?

How are you ensuring that personal data obtained from individuals or other organisations is accurate?

### **Principle 5**

**Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.**

What retention periods are suitable for the personal data you will be processing?

Are you procuring software that will allow you to delete information in line with your retention periods?

### **Principle 6**

**Personal data shall be processed in accordance with the rights of data subjects under this Act.**

Will the systems you are putting in place allow you to respond to subject access requests more easily?

If the project involves marketing, have you got a procedure for individuals to opt out of their information being used for that purpose?

## **Principle 7**

**Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

Do any new systems provide protection against the security risks you have identified?

What training and instructions are necessary to ensure that staff know how to operate a new system securely?

## **Principle 8**

**Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

Will the project require you to transfer data outside of the EEA?

If you will be making transfers, how will you ensure that the data is adequately protected?