

	Title	ASB03 CCTV Policy and Procedure		
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1. Purpose and scope

1.1 This policy encompasses all forms of CCTV operated, managed or overseen in any way by NCHA colleagues and the use of private CCTV systems installed by customers in our properties.

This includes:

- the use of overt fixed CCTV systems installed at NCHA properties used to evidence instances of crime and ASB committed by NCHA residents at those sites, visitors to the properties or members of the general public within the vicinity;
- the use of temporary covert CCTV installed by members of the Community Safety Team to evidence specific allegations of criminal and anti-social behaviour by a named customer or at an identified property;
- advice and guidance given to customers who have, or wish to install their own CCTV system to protect their property;
- that the use of Closed Circuit Television (CCTV) adheres to the principles of the Data Protection Act 1998, Human Rights Act 1998 and other relevant legislation;
- that any CCTV system is not abused;
- that CCTV is correctly and efficiently operated;
- that NCHA complies with all relevant legislation and guidance regarding use of CCTV systems.

1.2 This policy contributes to NCHA's Mission and Vision to provide Great Services and Better Lives

1.3 This policy applies to all NCHA staff involved in the operation of CCTV systems. Relevant staff will be briefed on the content of this policy and given the appropriate training.

2. Responsibilities and risk

2.1 Head of Homes and Wellbeing
Head of Communities
Senior ASB Officer
ASB Officers
Estate Officers

2.2 It is the responsibility of NCHA as the Data Controller to be the overall owner of the CCTV scheme:

- To ensure compliance with the policy.
- To ensure compliance with the operating procedure at all times.
- To ensure that the key objectives of the scheme are not exceeded.
- To notify all persons on the property and in the locality that a CCTV scheme is in operation.
- To facilitate formal subject access requests of any images captured under the terms of the General Data Protection Regulation.

3. Procedure details and guidance

3.1 Closed Circuit Television (CCTV) can operate in three forms.

3.1.1 Overt

Overt surveillance is carried out with the full knowledge of staff, customers and local people. The cameras are on open display and there are signs around the buildings advertising their use. This is a common method of deterring vandalism theft or anti-social behaviour. Images are recorded on an ongoing basis, are not routinely monitored and are not stored for longer than necessary; (enough time to detect that a crime has taken place usually 30 days). The images will only be viewed should an incident occur, or to monitor compliance with court

orders and alleged perpetrators of ASB as an aid to the identification of the perpetrator and evidence in any subsequent warnings or prosecutions.

3.1.2 NCHA carry out overt surveillance on a number of its premises. The cameras are in full view and signs are erected to inform customers and local people that their images are being captured. In line with the guidance, these images will only be viewed by specific named individuals as per paragraph 2.1 above.

3.2 **Covert**

3.2.1 Covert surveillance is when the cameras are not advertised and are hidden from view. Images are captured without the knowledge of customers or local people and are usually monitored as an ongoing process. Routine covert surveillance is not carried out by NCHA.

3.3 **Directed covert**

3.3.1 Directed covert surveillance, is when a camera is secretly put in place and hidden from view. There are no signs displayed to inform the customers or local people that cameras are in operation. It is usually carried out in response to a serious or ongoing problem of criminal or anti-social behaviour (ASB) activity. In this case, cameras are installed for a fixed period of time, as an attempt to gather evidence. The images will be monitored at the end of the fixed period, to see if evidence of the ASB or criminal activity has been captured.

3.3.2 Directed covert surveillance is occasionally carried out by NCHA's Estates/ASB Team in relation to Anti-Social Behaviour or criminal activity. This may or may not be in conjunction with the police. Whenever directed covert surveillance is used, the guidance set out in "The Regulation of Investigatory Powers Act 2000" (RIPA) is followed.

3.4 **The Regulation of Investigatory Powers Act 2000**

The Act and accompanying Home Office Guidance is aimed at public authorities charged with the responsibility of identifying individuals and gathering evidence. It seeks to regulate what is expected of those public authorities as regards intrusive surveillance.

3.4.1 Whilst there is no legal requirement for a housing association to conform to the RIPA guidelines, it is seen as good practice to do so and NCHA always follow these guidelines and where appropriate works closely with the local police.

3.4.2 NCHA will identify that we use CCTV within the annual 'Notification' process required by the Data Protection Act 2018.

3.4.3 All schemes will operate within the guidelines set out in the 'CCTV Code of Practice Revised Edition v1.2' and any additional guidance published by the Information Commissioner and available from the Data Protection Officer.

3.5 **Overt surveillance & Data Protection Legislation**

NCHA must adhere to the following guidelines in order to conform to the code of practice:

- A named individual has responsibility for the management of the CCTV system/s.
- Cameras will not be hidden from view and signage informs the public of the presence, the purpose and ownership of the system.

- Cameras have been positioned to avoid impinging on the privacy of individuals not visiting the premises and not involved in unlawful activity.
- The systems are not subject to live monitoring or control under normal circumstances.
- Images recorded are retained for a maximum period of 30 days, and are only viewed as at paragraph 1.2 above.
- Images recorded are secured safely, and can only be viewed by authorised persons.
- Privacy Impact assessments will be carried out on all existing systems and all new systems will be configured with privacy zones where necessary.

3.6 **Key Objectives**

The principal objectives of the NCHA CCTV scheme are:

- To assist in the prevention and detection of crime and anti-social behaviour against both persons and property.
- To facilitate the identification, apprehension and prosecution of offenders in relation to crime and anti-social behaviour.
- To help reduce the fear of crime & ASB for customers, service users and support staff, particularly for those entering and leaving premises during the hours of darkness.

3.7 **Operation of CCTV Cameras**

3.7.1 NCHA will operate all CCTV Cameras. All cameras and recording equipment will be routinely checked every 6 months by a named individual staff member, and further checked and maintained by an appropriate servicing company.

3.7.2 Once any manufacturer's guarantees have ended NCHA will take over responsibility for maintaining the equipment and/or will negotiate the maintenance contracts with an appropriate servicing company.

3.7.3 The Data Protection Officer for NCHA will monitor the use of CCTV and the number of instances where CCTV images have been requested.

3.8 **Accountability**

3.8.1 NCHA as the Data Controller, has overall responsibility for monitoring the effectiveness of this policy.

3.8.2 The ASB Team will approve requests for the release of captured images following an incident of criminal activity, ASB or staff conduct, involving general needs or IHT properties.

3.8.3 The Duty Manager of SMART will approve requests for the release of captured images following an incident of criminal activity, ASB or staff conduct involving Care and Support properties.

3.8.4 To ensure that we comply with the General Data Protection Regulation all Subject Access Requests must be shared with the Data Protection Officer including:

- Police incidents
- Solicitors incidents
- Subject incidents
- Insurance company incidents or internal incidents

3.9 **Directed covert surveillance and Data Protection legislation**

3.9.1 Directed covert surveillance is justified in the following instances:

- i. Preventing/detecting crime or preventing disorder.
- ii. In the interests of national security.
- iii. In the interest of public safety.
- iv. For the purpose of protecting public health.
- v. RIPA.

3.9.2 The principal objectives in a directed covert surveillance operation would be to gather evidence of a crime which is of sufficiently good quality that it could be used as evidence in any court proceedings, where there is the potential for a custodial sentence of not less than 6 months.

3.9.3 Therefore the set up and provisions for directed covert surveillance vary in key important points from those for overt surveillance as set out above. The guidance for such an operation is set out below.

3.10 **Guidance for directed covert surveillance- The Regulation of Investigatory Powers Act 2000**

3.10.1 Part 1 of the Act relates to unlawful and authorised interception (e.g. entering people's homes and installing listening devices) Part 2 relates to surveillance and covert human intelligence sources.

3.10.2 Nottingham Community Housing Association has not and does not intend to engage in interception as defined by the Act. This guidance, therefore, concentrates on the practical application of Part 2 of the Act.

3.10.3 Public Authorities for the purpose of the Act include:

- Police Forces
- Intelligence Services
- The Armed Forces
- Revenue Departments (e.g. Customs and Excise)
- Government Departments
- National Assembly for Wales
- Local Authorities
- The Post Office
- The Environmental Agency
- The Food Standards Agency
- The Financial Services Authority
- The Intervention Board for Agricultural Produce
- The Personal Investment Authority

3.10.4 Home Office Covert Surveillance Code of Practice 2018 states "Covert surveillance means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place."

3.10.5 The Covert Surveillance Code of Practice 2018 distinguishes between intrusive surveillance and directed surveillance and proceeds to define the 2 categories and the authorisation procedures required for each.

3.11 **Intrusive surveillance**

3.11.1 Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle, and involves the presence of an individual on the premises or in the vehicle or by means of a surveillance device.

3.11.2 NCHA will not engage in intrusive surveillance operations.

3.12 **Directed covert surveillance**

3.12.1 Covert surveillance is directed if it is conducted:

- for the purpose of a specific investigation or a specific operation; in such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation) Private information includes any information relating to an individual's private or family life.
- otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under part 2 of the Regulation of Investigatory Powers Act 2000 to be sought for the carrying out of the surveillance.

3.12.2 NCHA will only use directed surveillance operations where there is sufficient justification for doing so.

3.13 **Surveillance in general**

3.13.1 Surveillance has the potential to interfere with privacy rights.

3.13.2 In practical terms it is recommended that we assume ALL surveillance operations with which NCHA are involved should meet the following tests required by legislation:

- i. Is in accordance with the law The (potential) interference with personal privacy must accord with one of the exceptions to Article 8 of the ECHR and the gathering of the data must comply with the General Data Protection Regulation.
- ii. Proportionality
The interference must fulfil a pressing social need and be proportionate in how it responds to that need.
- iii. Third party collateral intrusion
The filming/recording of persons not connected with the investigation should be kept to an absolute minimum

3.14 **All surveillance**

3.14.1 In all surveillance operations a careful assessment should be made of what third party intrusions might occur- i.e. how many people other than the targets would be affected and the likely impact of a person recorded on CCTV asking to view the material.

- i. Necessity
We should be able to show in writing that other methods of obtaining evidence have been tried and failed or that normal methods of obtaining evidence would be thwarted/abortive e.g. because of witness/victim fear. The reason stated must be capable of being audited and assessed at a later date.
- ii. Fairness
The surveillance operation (s) must be carried out in a professional manner and with integrity.

3.14.2 Surveillance may mean:

- Requesting deployment of CCTV in domestic situations
- Providing a camcorder to an agency or private individual
- Commissioning specialist officers (e.g. surveillance officers)
- Commissioning private contractor (e.g. professional witnesses)

3.14.3 Much of NCHA's activity in the field of surveillance constitutes directed surveillance. To ensure that we can demonstrate compliance with the legal provisions, authority must be sought from a Director or the Head of Homes and Wellbeing to mount a covert surveillance using the RIPA application form.

3.15 **Justification for carrying out directed covert surveillance**

3.15.1 Directed surveillance using covert equipment should only be used in the most serious cases. The amendments to the Regulation of Investigatory Powers Act, state that covert targeted surveillance should only be used on cases where the conviction for an offence carries a potential sentence of not less than six months in custody. However there is the argument that environmental crime such as fly tipping where substantial fines of up to £5,000 or in very serious cases 5 years imprisonment are the norm is also covered.

3.15.2 **NCHA will not deploy covert CCTV in cases of low level anti-social behaviour or minor tenancy breaches i.e. cases of dog fouling, untidy gardens, and children playing. (See ASB Policy for guidance on low level ASB)**

3.16 **Domestic CCTV**

3.16.1 An individual has the right to protect their property and this can be done by using a CCTV system where it is necessary, such as a security measure. However, the Surveillance Camera Commissioner recommends that users of CCTV systems should operate them in a responsible way to respect the privacy of others.

3.16.2 Although this seems a reasonable use, there have been a number of complaints to the police, ICO and the SCC from neighbours and other members of the public using pavements in the vicinity, who believe that cameras are being used to spy on them and their families.

3.16.3 Although tenants are required to seek their landlord's permission to make improvements, alterations and additions to their homes, they are not required to seek permission for CCTV given that it does not alter the structure of the building and will be removed by an outgoing tenant

3.16.4 Any tenants enquiring about CCTV installations will be advised to visit www.gov.uk for advice on the use of domestic CCTV.

3.16.5 Any tenant complaining about a neighbour's use of CCTV will be signposted to the Information Commissioner's Office. However colleagues will visit the alleged perpetrator to ensure adequate signage is in place and to advise them to ensure they follow recommendations made by the ICO around domestic installations. Where evidence indicates that CCTV surveillance is being used to harass a neighbour this will be investigated as anti-social behaviour.

3.17 **New installations of overt CCTV**

3.17.1 For all new NCHA developments our Senior ASB Officer will liaise with our Development team who will in turn discuss the appropriateness of installing CCTV systems with the local authority for the area in which the development is being built.

3.17.2 On an annual basis, in line with budget setting timescales, requests for new installations to be retrofitted into communal areas will be received by the Senior ASB Officer from either Homes and Wellbeing or Care and Support staff following NCHA's CCTV approval process. Approvals for installations will be made by the Senior ASB Officer and Head of Homes and Wellbeing to inform a planned installation programme for the following financial year.

3.17.3 During the year, outside of the planned programme, temporary or permanent CCTV installations due to an increase in anti-social behaviour that wasn't there before to have informed the planned programme, but is serious enough to warrant CCTV will be considered following NCHA's CCTV Approval process.

4. **Supporting documentation and key legislation**

4.1 Forms

4.2 Guidance

[Surveillance camera code of practice](#)

[Information Commissioner's Office website](#)

4.3 Legislation

[Data Protection Act 2018](#)

[Information Commissioners Office CCTV Code of Practice Revised Edition v1.2](#)

[Human Rights Act 1998](#)

[Regulations of Investigatory Powers Act 2000](#)

4.4. Related policies

ASB01 Anti-social Behaviour and Hate Crimes Policy

5. **Monitoring and reporting**

5.1 In order to assess the effectiveness of CCTV, the Senior ASB Officer will assess on a quarterly basis:

- The number of requests to download images by NCHA staff and other agencies.
- The number of instances of images facilitating the identification, apprehension and prosecution of offenders (where this information is supplied by the Police). Note - We do not provide information and images to customers and members of the public but will share them with the Police or their insurers upon request.

5.2 The monitoring data will be reported to the Head of Communities as part of a regular housing management report.

5.3 Records of requests and outcomes will be passed to the Data Protection Officer quarterly.

6. **Definitions**

CCTV Close Circuit Television

ASB Anti-Social Behaviour

ECHR European Court of Human Rights
RIPA Regulation of Investigatory Powers Act 2000
GDPR General Data Protection Regulation
ICO Information Commissioners Office

7. Equality and diversity

7.1 This procedure has been written in line with NCHAs Equality, Diversity and Inclusion Policy and Equality Statement.

7.2 This policy is supported by an Equality Impact Assessment.

8. Appendices

None.

9. Policy Approval

9.1 This procedure has been approved prior to issue by the Director of Homes and Wellbeing or if applicable by NCHAs Board or Care Committee.