

Port of London Authority

CCTV POLICY

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1. Definitions

In this Policy the following definitions apply:

“the Act” means the Data Protection Act 1998.

“CCTV” means Closed Circuit Television and includes forward-facing vehicle cameras.

“CCTV Scheme” means the CCTV System and cameras in registered vehicles

“Appointed Person” means the data controller notified to the Information Commissioner’s office.

“the Code” means the Surveillance Camera Code of Practice issued under the Protection of Freedoms Act 2012. The Code can be viewed on the Information Commissioner’s website www.ico.org.uk;

“Nominated Person” means a person (other than the Appointed Person) occupying one of the posts listed in clause 12.1 authorised to have access to CCTV images.

“Operator” means any person responsible for monitoring the CCTV images.

“personal data” means data which relates to a living individual who can be identified from the data or from the data and other information which is in the PLA’s possession or likely to come into its possession.

“PLA” means Port of London Authority.

“processing” means virtually anything done with personal data such as collection, modification, transfer, viewing, deleting, holding, backup, archiving, retention, disclosure or destruction.

“registered vehicles” means vehicles registered in the name of the PLA or hired by the PLA.

“subject access request” means a request in writing from an individual under the Act accompanied by any appropriate fee.

“System” means the CCTV Scheme excluding the cameras in registered vehicles.

“VTS” means the PLA’s vessel traffic service.

2. Introduction

2.1 The PLA has set up a CCTV Scheme for the purposes of monitoring the security of the PLA’s premises ensuring public safety, ensuring the safety of the PLA’s employees; prevention, investigation and detection of crime; and apprehension and prosecution of offenders.

2.2 The CCTV Scheme was set up in accordance with the recommendations of the Code. The PLA is committed to continuing to comply with the recommendations of the Code, the Act and any relevant planning law.

2.3 The use of CCTV may result in the processing of images that can identify specific individuals in such a way that they are covered by the Act.

3. Responsibilities of PLA Officers

- 3.1 During normal working hours the System in general is monitored by the PLA reception staff and VTS officers who specifically monitor the river and at all other times the System is monitored by contractual security guards.
- 3.2 It is the responsibility of the Property & Facilities Manager to ensure that any security guards who are at any time employed to monitor CCTV surveillance images of public space have licences which permit them to carry out public space surveillance (CCTV) under the provisions of the Private Security Industry Act 2001.
- 3.3 The PLA's Navigation Systems Engineer is delegated the responsibility for maintenance of the CCTV Scheme.
- 3.4 The CCTV will be supported and maintained by the:
 - Navigation Systems Engineer
 - Marine Stores Buyer (Support issues only for registered vehicle cameras)
 - Navigation Systems Project Manager
 - Technical Support Engineer
- 3.5 The Chief Financial Officer has been appointed by the PLA Board to control the operation of the CCTV Scheme (the "Appointed Person"). He determines the purposes for which, and the manner in which, any personal data is, or is to be, processed. He is also responsible for notifying the Information Commissioner about the CCTV Scheme and its purpose.
- 3.6 All PLA employees (including temporary and contract staff) who are responsible for implementing, managing, operating or using the CCTV Scheme must do so:
 - 3.6.1 only as authorised and in accordance with this Policy which is to be read in conjunction with the Data Protection Policy;
 - 3.6.2 with respect for those individuals who are being monitored; and
 - 3.6.3 for the limited purposes described in this Policy and for no other purposes.
 - 3.6.4 if the recording facility has a sound recording facility only if this is turned off. (Recording of witness statements is not covered by this Policy.)

4. Initial Assessment

- 4.1 Before installing the CCTV Scheme the PLA carried out an impact assessment to determine the factors which are relevant to compliance with the Act, the Code and the European Convention on Human Rights.
- 4.2 The PLA has notified the Information Commissioner that the purposes for the CCTV Scheme are: ensuring public safety, ensuring the safety of the PLA's employees; prevention, investigation and detection of crime; and apprehension and prosecution of offenders.

- 4.3 The personal data processed by the CCTV Scheme are images of the PLA's employees, contractors, licensees, customers, and the public in on under or over and around the PLA's office premises, car parks, registered vehicles, operational facilities, any other land owned, leased, occupied or regulated by the PLA and the tidal River Thames and its tributaries.
- 4.4 The legal basis for the processing of personal data by the CCTV Scheme is under the Act Schedule 2 conditions 1, 3, 5, 6 and Schedule 3 conditions 1, 2, 5, 6 and 7 under the first data protection principle.

5. **Location of CCTV cameras**

- 5.1 CCTV cameras, some of which are prominent and some of which are partially hidden are in operation in the sites defined in Schedule 1 and in the registered vehicles.
- 5.2 The CCTV cameras are restricted to monitor only those areas which they are intended to monitor which are the areas described in Schedule 2.
- 5.3 The cameras must not be used to monitor any adjoining areas which are not intended to be monitored by the CCTV Scheme (such as gardens or private dwellings).
- 5.4 Where cameras are adjustable they must be restricted (so far as possible) so that they cannot be adjusted to overlook areas outside the areas intended to be monitored.
- 5.5 Cameras shall be positioned to record images which are relevant to the purposes for which the PLA runs the CCTV Scheme.
- 5.6 The System operates links to visual monitoring and control units located in:
- London River House Reception
 - Port Control Centre Ops Room
 - Thames Barrier Ops Room
 - Richmond Lock and Weir foreman's office.

There is also a remote view capability for Hammersmith for VTS purposes from the System.

6. **Signage**

- 6.1 The Act requires that the PLA notify individuals of the purposes for which their personal data may be processed.
- 6.2 The PLA erects and keeps in place signs to alert individuals that they are entering a site monitored by the System.
- 6.3 These signs are legible and visible and identify the person responsible for the CCTV Scheme, the purpose of the CCTV Scheme and details of who to contact regarding the CCTV Scheme.

7. **Quality of Images**

- 7.1 In order to be able to use the CCTV images for the purpose for which they were obtained for, crime detection and prevention purposes for example, the CCTV Scheme has the necessary technical specification to ensure that images are of the appropriate quality for use as evidence.

- 7.2 The equipment is checked, maintained and cleaned regularly to ensure it functions properly and cameras which give poor or deteriorated CCTV images, or which are damaged, are replaced or repaired.
- 7.3 The dates and times on the CCTV Scheme is periodically checked to ensure the meta data recorded is accurate and all recordings have the date and time superimposed on the images.
- 7.4 Consideration is given to any physical conditions that may be an issue and any remedial actions identified put into effect.
- 7.5 Any digital images and information likely to be shared with law enforcement agencies and the criminal justice system are in a data format that is interoperable and can be readily exported and then stored and analysed without any loss of forensic integrity.

8. **Monitoring of Images**

- 8.1 The PLA's reception staff, VTS officers and security guards are to monitor and operate the CCTV System display whilst at their places of work.
- 8.2 The CCTV monitor in London River House reception is to be monitored by the security guards on a recurrent programme of twenty minute periods alternating throughout their duration of duty.
- 8.3 The monitors are placed so that they cannot be watched by members of the public.
- 8.4 At all other times and in all other places the monitoring is to be mainly by recording in time lapse mode to digital recorders.
- 8.5 Any incident appearing to be of a serious criminal nature witnessed on a monitor shall be reported immediately to the Police by the Operator by dialling 9/999.
- 8.6 Any ordinary incident witnessed on a monitor which the Operator suspects could result in or is criminal activity shall be reported immediately to the local Police.
- 8.7 When images are being reviewed for any purpose the reviewer shall report any incident viewed which appears to be of a serious criminal nature or any ordinary incident which the reviewer suspects could result in or is criminal activity to the local Police.
- 8.8 A **Log Book** for recording all notable incidents, including calls to the Police, shall be maintained and conscientiously filled in by the Operator at London River House Reception (any Operator elsewhere in the PLA is to notify the Appointed Person or in his absence a Nominated Person, in-order to arrange for the log book to be completed).

9. **Use of Images**

The purposes for which the images are to be used are:

- 9.1 To monitor the traffic on the river where individual figures do not need to be picked out.
- 9.2 To detect the presence of a person in the image, without needing to see their face.
- 9.3 To recognise somebody or determine that somebody is not known.
- 9.4 To record high quality facial images which could be used to prove an identity of somebody beyond reasonable doubt.

- 9.5 To record any traffic incident that could put the safety of the driver and any passengers at risk, and to prevent false allegations being made against the driver and/or possible fraudulent insurance claims.

10. Retention of Images

- 10.1 CCTV images will only be kept so long as they are necessary for the purposes for which those images were recorded.

- 10.2 The PLA's retention periods are:

- Up to 3 months according to site or vehicle; or
- for evidentiary purposes until such time as any proceedings have been finally determined or it has been decided not to bring any proceedings;
- for such reasonable period as a Nominated Person considers appropriate if a request is made to them for retention of images for longer periods than are provided for in 10.2.1 or 10.2.2 above provided that the period is approved by the Appointed Person. The name of the person making the request, the reason for it, whether an extension has been agreed, why, who by, when and who has approved it and when is to be recorded on the **Data Access and Disclosure Record Form**.

- 10.3 Once the relevant retention period has expired all the images will be securely destroyed or erased.

11. Storage of Images

- 11.1 CCTV images information and meta data will be kept in a suitable environment to maintain their forensic integrity and any compression of data shall not reduce its quality.

- 11.2 CCTV images will be kept in a secure place to which access is restricted to safeguard against unauthorised access and use.

12. People Authorised to Access Images

- 12.1 Access to CCTV images will be restricted to the Appointed Person and the persons occupying the following posts:

- Chief Financial Officer
- Property & Facilities Manager
- Navigation Systems Engineer
- Head of Property
- Legal Adviser
- VTS Manager (River issues only)
- Deputy VTS Manager (River issues only)
- Harbour Masters (Upper, Middle, Lower) (River issues only)
- Deputy Harbour Masters (Upper, Middle, Lower) (River issues only)
- Assistant Harbour Master Recreational (River related issues only)

and one or more of them shall be entitled to decide whether to allow access by third parties (including other PLA officers).

- 12.2 Viewing of recorded images shall take place in a restricted area.

13. **Requests for Access to Images**

All requests shall be made to the Appointed Person or in his absence a Nominated Person, who shall decide whether access or disclosure shall be allowed. He or she will record the request in the **Data Access and Disclosure Record**:

- the date and time of request;
- the name of the person requesting
- the reason for the disclosure request
- the extent of the information requested (dates, times)
- the outcome, or further action taken

As a general rule only the Appointed Person or Nominated Persons are entitled to access CCTV images and then only to the extent necessary for the purposes for which the images were recorded.

14. **Access to, and Disclosure of, Images to Third Parties**

14.1 Apart from the Appointed Person and Nominated Persons access, disclosure of images to persons will be limited to individuals wanting access to their own images (subject access request), marine accident investigators, law enforcement agencies and prosecution agencies for prevention and detection of crime other than in exceptional or emergency circumstances.

14.2 CCTV images shall only be disclosed to third parties (including other PLA employees) where the disclosure is necessary for any of the purposes for which the images were recorded or to prevent or detect crime or as required by statute or court order.

14.3 Having received a request, the Appointed Person or a Nominated Person shall ensure that the necessary information, on why it is needed, is included with the request and that any fee (if appropriate) has been paid (and if not shall request the missing information and fee) and shall then record that request on the **Data Access and Disclosure Record** form together with, if it is refused, the reasons for refusal which shall be entered on the form under the heading "outcome" and who refused it.

14.4 **Subject Access Request**

Where possible a Subject Access Request should contain the following information:

- a photograph of the individual concerned or sufficient detail of what they were wearing for their image to be identified and details of the date, location and approximate time when it is thought the image was created.

A fee of £10.00 payable to the PLA is required for Subject Access Requests.

Access or disclosure to an individual must be provided within 40 calendar days of the request being received by the PLA. It may be refused if disclosure to the individual might prejudice criminal enquiries or criminal proceedings.

14.5 If access or disclosure is allowed the following is to be recorded in the **Data Removal from System Record**:

- the date and time of removal from system;
- identity of person(s) viewing;
- reason for allowing access/disclosure;
- outcome (if any) of access/disclosure

- 14.6 Recorded images shall only be made available as set out in this Policy.
- 14.7 A decision must be taken by a senior manager before disclosure of CCTV images to the media.
- 14.8 If providing images will involve an unfair intrusion into the privacy of a third party or cause unwarranted harm or distress, then their images must be blurred or disfigured so they cannot be identified. General images of the river, a public area, which show individuals and where nothing untoward has occurred, can be released without editing out third party images.
- 14.9 Where the disclosure is requested for the purpose of preventing or detecting crime or apprehending or prosecution of offenders:
- ask the third party to justify its request for the CCTV images;
 - ask the third party to confirm that a failure to make the disclosure would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders ;
- if the request appears justified, the PLA may choose to disclose the images (in the case of the Police the request must be in writing and signed by a senior police officer);
- any decision to disclose must be on a case-by-case basis and a record of all disclosures must be kept in accordance with clause 14.3.
- 14.10 Where the request for disclosure is made under a statutory provision (other than the Act):
- the PLA must disclose the CCTV images if the statutory provision imposes upon it a mandatory duty to disclose;
 - the PLA can choose whether or not to disclose the CCTV images if the statutory provision imposes upon it a discretion as to whether or not to disclose;
 - the decision to disclose must be by the Appointed Person.
- 14.11 Where any employee is unclear as to the legal position following a request made under either 14.9 or 14.10 above the Legal Adviser shall be consulted before any disclosure is made.

15. **Rights of Individuals**

- 15.1 Individuals have a right (in most cases) to access personal data which the PLA processes about them which includes CCTV images of them. If any employee receives a Subject Access Request involving CCTV images it must be referred immediately to the Appointed Person. .
- 15.2 Individual employees may make Subject Access Requests to the Appointed Person.
- 15.3 Where CCTV images reveal other individuals, if providing images will involve an unfair intrusion into the privacy of other individuals or cause unwarranted harm or distress then their images must be blurred or disfigured so they cannot be identified when access is given.
- 15.4 If a decision is made not to grant an individual access to some or all of the CCTV images the reason for reaching this decision must be recorded together with details of the request (including the date it was made) and the name of the person who made the decision not to provide access in accordance with clause 14.3.

- 15.5 In addition to the right of access an individual also has the right to ask the PLA to stop processing his personal data where this is likely to cause substantial and unwarranted damage to him or her. If the PLA receives such a request the PLA has 21 days in which to respond with its decision. Anyone receiving such a request must pass it marked for urgent attention to the Appointed Person as soon as possible. All decisions made must be documented and a record must be kept of all requests received and the response made to that request the date it was made and who made it.

16. Copying and Releasing of Images

- 16.1 No still pictures or any other copy of an image shall be taken without the prior approval of the Appointed Person. The Appointed Person must consider each request individually.
- 16.2 If a statement is required for court proceedings as to the making of the image and its preservation the statement shall be made by the Appointed Person.
- 16.3 Where material is removed and or copied from the CCTV system, a **Data Removal from System Record** is to be completed.
- 16.4 Material is to be securely stored until safely delivered to the recipient.
- 16.5 Where original material needs to be taken from PLA premises for investigatory purposes, court proceedings, inquiries or other statutorily authorised purpose a completed **Request for Disclosure of Personal Data** is to be obtained before the material is released (for Data Protection purposes) The movement is to be recorded on the **Media Movement Record** sheet.
- 16.6 The export of images and information will be undertaken without interrupting the operation of the CCTV System

17. Covert Monitoring

- 17.1 In certain limited and exceptional cases the PLA may be required to carry out covert monitoring (i.e. use the CCTV Scheme to monitor individuals without alerting them to the fact). Covert monitoring is only to take place once the following factors have been considered and a decision has been reached that it is appropriate not to notify the individuals of the monitoring:
- the purpose for the monitoring is in respect of identified and specific criminal activity;
 - the monitoring is necessary in order to obtain evidence of that criminal activity;
 - the use of signage is likely to prejudice the purposes for the covert monitoring (i.e. the success of obtaining evidence of a criminal activity);
 - the covert monitoring which is likely to be oppressive is to be limited (e.g. to an individual's office) unless there are overriding reasons for not doing so; and
 - covert monitoring will not be used in areas where individuals expect privacy (such as rest rooms) unless there is a real suspicion of serious crime and an intention to involve the police.
- 17.2 Covert monitoring must be authorised by the Appointed Person.

- 17.3 Any third party appointed on behalf of the PLA to collect information about individuals covertly will be a data processor. The PLA must ensure that there is a contract in writing with such third party under which he or she agrees to act only in accordance with the PLA's instructions. Other provisions in the contract shall follow the types of provisions set out in the Data Security Policy for processing agreements.
- 17.4 Any information that is not relevant to the main purpose of the covert monitoring (i.e. detecting and preventing criminal activities and unlawful acts) shall be disregarded and, where possible, deleted.

18. **Training**

Employees who are employed to undertake maintenance of the equipment the communications or the software or hardware associated with it, or to manage, operate, monitor or otherwise use CCTV shall be trained in relation to this policy.

19. **Breach of this Policy**

- 19.1 Any breaches by individuals of this Policy shall be reported to the Appointed Person.
- 19.2 Under the terms of PLA employees' employment contracts any failure to comply with this Policy may be a disciplinary offence which could result in summary dismissal.
- 19.3 Negligent or deliberate breaches could result in the employee concerned being found guilty of a criminal offence.

20. **Reviews**

- 20.1 The PLA shall ensure the continuing success of the CCTV Scheme by undertaking compliance reviews of it on an annual basis.
- 20.2 Reviews will include compliance with legal requirements, policies and standards and in particular the provisions of the Code, in practice, continued operational effectiveness and whether the CCTV Scheme continues to meet its purposes and remains justified..
- 20.3 Reviews will be carried out by the Property and Facilities Manager who will provide regular reports of his findings.
- 20.4 Reviews and recommendations will be sent to Appointed Person for approval.
- 20.5 Periodic "spot checks" may also be carried out to ensure that the CCTV Scheme is being used for the purposes for which the images are recorded.
- 20.6 A regular maintenance regime has been set up to review the System and, where there are wireless transmissions, sufficient safeguards are in place to protect the System from being intercepted.

21. **Complaints**

- 21.1 Any complaints regarding the operation of the CCTV Scheme covered by this Policy should be made to the Appointed Person and the Complainant should be given at the outset an indication of how long a complaint may take to handle.

- 21.2 If the complainant is not satisfied with the response the complainant should be referred the PLA's published Complaints Procedure.
- 21.3 Information should be given to the Complainant about any regulatory bodies who may have jurisdiction in that case such as the Information Commissioners or the Investigatory Powers Tribunal.
- 21.4 The number and nature of complaints received and how these have been resolved should be published on an annual basis.
- 21.5 Where a complaint or other information identifies a criminal offence may have been committed the matter should be referred to the appropriate body such as the Police or the Information Commissioner.

22. **Contacts and Reservations**

- 22.1 Any queries or complaints about this Policy and the requirements of the Code should be raised with the Legal Adviser or the Chief Financial Officer.
- 22.2 Help is available about the operation of the system from Navigation Systems Engineer.
- 22.3 If an individual has data protection compliance concerns then the Information Commissioner can be contacted via the ICO website.
- 22.4 The PLA reserves the right to change this Policy from time to time to take into account any relevant changes in law or guidance from the Information Commissioner. Changes made to this Policy will be notified on the Intranet.

SCHEDULE 1

Location of CCTV Cameras

London River House
Port Control Centre
Alexandra House
Royal Terrace Pier
Thames Barrier Navigation Centre
Richmond Lock and Weir
Denton Wharf
Hammersmith Bridge
Embankment Place (Top of Charing Cross station)
Ofcom (Southwark London)
Beckton radar site
Crayfordness radar site
Northfleet radar site
Cliffe radar site

SCHEDULE 2

Areas for Surveillance

The use of each camera shall be restricted to targets within the precincts of PLA occupied land and buildings and the river Thames and its tributaries from each of the locations identified below.

London River House (precincts and river), Port Control Centre (precincts and river), Alexandra House (precincts and river), Royal Terrace Pier (precincts and river), Thames Barrier Navigation Centre (precincts and river), Richmond Lock and Weir (precincts and river), Denton Wharf (precincts and river), and also at Hammersmith Bridge (river), Embankment Place (top of Charing Cross station) (river), Ofcom (Southwark London) (river), Beckton Radar site (precincts and river), Crayfordness radar site (precincts and river), Northfleet radar site (river), and Cliffe radar site (precincts and river), respectively and along part of any adjoining highway that has access to or crosses the Port of London Authority's assets.

Forward facing vehicle cameras are restricted to recording the highway or other land in front of the vehicle.