

# CODE OF PRACTICE

## THE LEEDSWATCH AND LEEDSWATCH LOCAL CLOSED CIRCUIT TELEVISION SURVEILLANCE SYSTEMS FOR LEEDS CITY CENTRE AND DISTRICT CENTRES



LEEDS  
CITY COUNCIL

### Leeds Community Safety

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## **GLOSSARY**

<b>Authorised Officer of Leeds City Council's <u>Leeds</u> Community Safety</b>	<b>Head of Service and CCTV Operations Manager or appropriate Officer within <u>Leeds</u> Community Safety.</b>
<b>Leeds City Council</b>	<b>Head of Service and CCTV Operations Manager within <u>Leeds</u> Community Safety.</b>
<b>Copy Tapes</b>	<b>A tape on which footage from a master tape is recorded (see paragraph 6.4.3).</b>
<b>Duty Controllers</b>	<b>Leedswatch and Leedswatch Local Control Rooms staff managed by the CCTV Operations Manager.</b>
<b>Leedswatch and Leedswatch Local</b>	<b>The City Council's systems including City Centre and District Centres surveillance video and telemetry transmission system and Control Rooms monitoring and control equipment.</b>
<b>Master Tapes</b>	<b>A tape on which video footage is recorded 'live' – either in real time or time lapse (see paragraphs 6.1.1 – 6.3.2 and paragraph 6.4.2)</b>
<b>Police EADC</b>	<b>Police Eastern Area Despatch Centre Killingbeck</b>
<b>Police CCTV Liaison Officer</b>	<b>Police Officer nominated by West Yorkshire Police to liaise with authorised Officers of <u>Leeds</u> Community Safety and Duty Controllers on matters relating to Leedswatch and Leedswatch Local.</b>

## 1. **INTRODUCTION**

- 1.1 The use of Closed Circuit Television (CCTV) is a powerful weapon in the fight against crime, both in its prevention and detection.
- 1.2 Leedswatch and Leedswatch Local are the CCTV systems installed by Leeds City Council in the City Centre and District Centres covering many of the main shopping streets, surface car parks and the City Centre waterfront. Locations have been drawn up in consultation with the Police and businesses. CCTV signs are located at entry points to the area of coverage and at all camera locations. The system is the property of Leeds City Council. Authorised management is by authorised Officers from **Leeds** Community Safety. Leeds City Council is legally responsible for the system. West Yorkshire Police agree to comply fully with this Code of Practice.
- 1.3 Leeds City Council is under a duty to comply with the data protection principles set out in the Data Protection Act 1998. Leeds City Council has considered the appropriate legislation and considers that the Leedswatch and Leedswatch Local systems meet the requirements of the data protection principles and that it is empowered, under Section 163 of the Criminal Justice and Public Order Act 1994, to provide Leedswatch and Leedswatch Local CCTV systems to promote the prevention of crime and the welfare of the victims of crime. Leeds City Council considers the system will achieve these objectives in the following ways -
  - a. By reducing the fear of crime and offering reassurance to the public.
  - b. By facilitating the apprehension and prosecution of offenders.
  - c. By assisting in the prevention and detection of crime committed in public areas.

The system will only be used for these objectives, and for no other purposes.

In this way, Leedswatch and Leedswatch Local are intended to contribute to the provision of a safe and comfortable environment for the benefit of all those who live or work in, or visit, Leeds.
- 1.4 Appendix 1 expresses Leeds City Council's legal considerations concerning Leedswatch and Leedswatch Local and the appropriate legislation.
- 1.5 The Data Protection Commissioner is to be notified of the system.
- 1.6 Through Leedswatch and Leedswatch Local Leeds City Council and West Yorkshire Police are working together to ensure these City and District Centre objectives can be achieved.
- 1.7 The system consists of the following component parts -
  - City Centre and District Centre systems including cameras, brackets, poles and associated equipment covering public streets and spaces and public surface level car parks.

- Video and Telemetry Transmission System.
  - Monitoring and control equipment at Leeds City Council's dedicated Leedswatch and Leedswatch Local Control Rooms, monitoring and control equipment at the Police's Eastern Area Despatch Centre (EADC) at Killingbeck, and monitors at the City and Holbeck, Chapeltown, Pudsey, Killingbeck and Weetwood Police Stations and the Leeds Central Charge Office (The Leeds Bridewell).
  - All cameras are video recorded 24 hours per day and are constantly monitored, as established in this Code of Practice.
- 1.8 A separate CCTV system is operated by Leeds City Council's Urban Traffic Management Control (UTMC) for traffic management purposes. A separate UTMC Code of Practice covers the operation of this system. Leedswatch and Leedswatch Local have access to the cameras on the UTMC system for the objectives stated in paragraph 1.3 of the Leedswatch and Leedswatch Local Code of Practice, when those cameras are not required for traffic management purposes. The use by Leedswatch and Leedswatch Local of these cameras, including monitoring and recording, is covered by the Leedswatch and Leedswatch Local Code of Practice.
- 1.9 The systems require dedication and commitment, to provide a comprehensive monitoring and response service.
- 1.10 The systems will operate in a manner that is sensitive to the privacy of people living, working and visiting the areas covered by the cameras. When setting preset positions for the cameras, or by the use of privacy blanking, private areas such as gardens will be excluded to safeguard individual privacy.
- 1.11 This Code of Practice, produced by Leeds City Council and endorsed by West Yorkshire Police, has been drawn up to ensure that any concerns over the lawfulness and integrity of the system are met. The Code of Practice must be complied with at all times. It is essential that there is public confidence in the system and that the rights of individuals are being fully protected.

## 2. **DISCLOSURES**

- 2.1 In order to comply with the Data Protection Act 1998, there are only limited circumstances where the Council is entitled to disclose "personal data" which is recorded by the systems. Disclosure in this sense would include permitting the viewing of screens in the Control Rooms, permitting the viewing or removing of tapes or photographs, or giving West Yorkshire Police or other individuals or organisations information about recorded personal data. Leeds City Council is entitled to disclose personal data in any of these ways if -
- a. the purposes of the disclosure are consistent with Leeds City Council's notification to the Data Protection Commissioner, and
  - b. the purposes of the disclosure fall within the objectives in 1.3 b and c above (i.e. if the purpose is the prevention or detection of crime, or the apprehension or prosecution of offenders), and if Leeds City Council has had

confirmation from the person seeking disclosure that the failure to disclose would prejudice those purposes, and

- c. the disclosure is necessary for the exercise of Leeds City Council's functions under Section 163 of the Criminal Justice and Public Order Act 1994. See Appendix 1 or
- d. the disclosure is required under a special statutory power or rule of law, or if a Court orders disclosure.

2.2 In addition to this, in order to comply with the Human Rights Act 1998, Leeds City Council will only be entitled to disclose personal information in any of these ways if it can show -

- a. firstly that the restriction of these rights in Article 8 (right to respect for private and family life, home and correspondence) is in accordance with the law, i.e. that Leeds City Council is entitled to disclose under the Data Protection Act 1998 in the manner set out above.
- b. secondly, that the disclosure is for one of specified reasons, e.g. for "prevention of disorder or crime" or for "the protection of the rights and freedoms of others".
- c. thirdly, that the disclosure is proportionate to its aims and objectives, and is "necessary". This means Leeds City Council will be expected to strike a fair balance between the specified reason and the individual's enjoyment of his or her rights.
- d. fourthly, that the disclosure falls within the area of discretion within which Leeds City Council may legitimately consider a restriction of these rights to be necessary. This "margin of appreciation" which will be accorded to public authorities is difficult to predict. But if Leeds City Council is able to satisfy the conditions mentioned above, it is anticipated that the courts will leave disclosure decisions to the discretion of public authorities.

### 3. **ACCESS TO AND SECURITY OF MONITORS/CONTROL ROOMS**

- 3.1 The CCTV Control Rooms are housed within City Council premises in Leeds City Centre and District Centres.
- 3.2 Leedswatch and Leedwatch Local Control Room staff (Duty Controllers) are authorised Officers of Leeds City Council.
- 3.3 Access to the Control Rooms is strictly controlled and will be strictly limited to Duty Controllers and authorised management from **Leeds** Community Safety. The rooms are in secure buildings and staff have been instructed not to allow unauthorised access, or respond to requests, unless the provisions of this document apply. The Control Rooms should be locked at all times. If in exceptional circumstances the monitors are to be left unattended, for example due to emergency evacuation of the building, the Control Rooms will be secured against

unauthorised entry. Any unauthorised or unnecessary intrusion into the operational functions of the Control Rooms may result in a reduction of the service provided to the public and could jeopardise the integrity, confidentiality and ethics relating to the system.

3.4 Access to view monitors, whether to operate the equipment or view the images is limited to staff with that responsibility. Public access to, or the demonstration of monitors shall not be allowed except for lawful, proper and sufficient reasons, and subject to there being no disclosure of any personal data/private information.

3.5 Particular arrangements will apply to the following -

a. Police

In general the Police should not require access to the Control Rooms. Police Officers will only enter under the following circumstances. In each case, only on business in accordance with the objectives of the system -

- i. emergencies and major incidents, in agreement with authorised Officers of Leeds Community Safety.
- ii. at the request of an authorised Officer of Leeds Community Safety.
- iii. Police CCTV Liaison Officers named in writing for the purpose. Procedures are in place for the seizing of tapes outside of normal working hours by the Police CCTV Liaison Officer. These are for serious incidents such as Rape, Murder, Armed Robbery.
- iv. For urgent viewing of tapes which can not be relayed, for technical reasons, to Police Stations and for which viewing cannot be delayed. In these circumstances the purpose of the visit should be established through the Duty Inspector at Divisional Stations prior to any admittance to the Control Rooms. A written request must be given to Police Officers (maximum two Officers at any one time) by the Duty Inspector prior to any admittance to the Leedswatch and Leedswatch Local Control Rooms (see paragraph 4.1.8 and section 6).

If Police Officers arrive unexpectedly they will not normally be admitted to the Control Rooms, except as in paragraph 3.5 a. i. above.

The Leedswatch and Leedswatch Local monitors at the Police EADC, Divisional Stations and the Central Charge Office are all contained in secure controlled environments. The Police apply the same strict conditions as Leeds City Council in terms of access to monitoring facilities on their property, and are in full agreement with the to the Leedswatch and Leedswatch Local Code of Practice.

- v. Police Officers by appointment may be permitted access to the Control Rooms to view monitors for reasons consistent with Section 2.2 of this Code of Practice. Depending on the type of monitoring required Leeds City Council may request a RIPA authority (see Appendices 2 and 3 and the

Regulation of Investigatory Powers Act). If this is required then the agreed pro forma must be completed by the Officer each time he/she visits the Control Rooms.

b. Other Visitors

i. Other bodies, or Leeds City Council Departments, who have powers of prosecution, may also be granted permission to view monitors by appointment. Again depending on the type of monitoring being undertaken a RIPA authority may be necessary. The agreed pro forma must be signed on each visit (see Appendices 2 and 4 and The Regulation of Investigatory Powers Act).

ii. It is important that monitoring operations are managed with a minimum of disruption. Casual visits will not be permitted. Subject to prior arrangements with authorised Officers of Leeds Community Safety, visitors will be generally be restricted to the following hours –

10.00 - 12.00 hours and 14.00 - 16.00 hours.

Priority will always be given to the uninterrupted operation of Leedswatch and Leedswatch Local.

iii. Filming and taking photographs will not normally be permitted within the Leedswatch and Leedswatch Local Control Rooms. In exceptional circumstances where filming or photography is permitted, it will be subject to there being no disclosure of any personal data/private information.

c. Contractors

i. All contractors' visits will be by arrangement. All contractors will be instructed to report to an authorised Officer of Leeds Community Safety in the first instance. The Leeds Community Safety Duty Controller must be satisfied of the identity and purpose of the visit before allowing entry to the Control Rooms. This is particularly important outside of normal visitor hours and in emergency attendance.

#### 4. CONTROL ROOMS ADMINISTRATION AND PROCEDURES - GENERAL

##### 4.1 Control Rooms Administration

4.1.1 There must always be at least one Duty Controller present within the Control Rooms throughout operating hours, except in exceptional circumstances when emergency evacuation of the room is necessary.

4.1.2 A visitors book will be maintained in the Control Rooms. Visitors should be requested to complete the book recording details of individual, organisation and time of arrival and departure.

- 4.1.3 An occurrence log must be maintained throughout operations. Brief details of incidents should be shown, including time of incident together with action taken and results noted. The identity of telephone callers and responses should always be established and noted.
- 4.1.4 The occurrence log must be a bound book, specifically not loose leaf.
- 4.1.5 A tape register for the use and reviewing of tapes must be completed on each shift. Continuity must be maintained, especially for evidential purposes.
- 4.1.6 An evidence log must be maintained to record movement of master tapes and copy tapes from the Leedswatch and Leedswatch Local Control Rooms. This log must be a bound book, specifically not loose leaf.
- 4.1.7 A photograph register will be maintained to record requests for and movement of photographs including details of when they leave the Control Rooms, their whereabouts, who has the photos, and date returned. This register must be a bound book.
- 4.1.8 Video tapes will be viewed in accordance with the procedures outlined in Section 6. Police viewing of video tapes will be undertaken by the Police CCTV Liaison Officer by prior arrangement with an authorised Officer of **Leeds** Community Safety. In exceptional circumstances the Police may require immediate viewing of tapes. In these circumstances written authorisation will need to be given by the Police Duty Inspector justifying the relay of video tape incident material to Divisional Police Stations in accordance with the objectives of the system. In these same circumstances, if the incident material cannot be relayed to Divisional Police Stations and viewing cannot be delayed, written authorisation will need to be given by the Police Duty Inspector, justifying access and tape viewing (paragraph 3.5 a. iv. and paragraph 6.5.1), again in accordance with the objectives of the system. A record will be maintained in the visitor book of all visits to view tapes.
- 4.1.9 A log of Leedswatch and Leedswatch Local Subject Request Forms and Subject Access Requests will be completed.
- 4.1.10 An audio tape register to record the use of audio tapes will be completed on each relevant shift. Continuity must be maintained.
- 4.1.11 Other duties may be designated to Duty Controllers, including liaison with other emergency services and other security systems in the city centre as referred to in paragraph 4.2.2 below.
- 4.1.12 Other administration functions will include maintaining video tapes/filing and maintaining occurrence logs.
- 4.1.13 Duty Controllers will be required to provide the Police and others with statements required for evidential purposes.

4.1.14 Duty Controllers must be able to recognise a request from an individual to prevent processing data likely to cause substantial and unwarranted damage to that individual.

## 4.2 Communications

4.2.1 A dedicated telephone link with the Police EADC Control at Killingbeck Police is provided. This will be used to relay all information on incidents that arise, and to communicate information as the incident continues. In these circumstances, verbal confirmation as the purposes of the disclosure will be accepted.

4.2.2 The emergency procedures will be used in appropriate cases to call the Fire Brigade or Ambulance Services.

In addition, liaison with other units is necessary.

Details are available within the Control Rooms of points of contact with the following, and are continuously updated -

Fire & Rescue Service	METRO
Ambulance Service	Divisional Police Stations
Shopping Centres	Urban Traffic Control
Leeds Retailer Crime Initiative	Parking Services
Leeds City Railway Station	Other CCTV Surveillance Systems in City Centre
Bus Station	and District Centres
British Transport Police	CCTV Strategy Partners
Coach Station	Others as necessary

4.3.1 CCTV adds a new dimension to police/local authority partnership in community safety in Leeds. Regular liaison meetings are held between authorised Officers of **Leeds** Community Safety and the Police to ensure that appropriate liaison is maintained and problems dealt with or anticipated.

## 5. **MONITORING PROCEDURES**

### Camera Controls

5.1. At least one Duty Controller must be present within the Control Rooms throughout operating hours (see paragraph 4.1.1). Camera surveillance will be maintained throughout.

5.2 The control of the system will remain with Leeds City Council.

5.3 The controls must only be operated by Leeds City Council Duty Controllers, those under training, and those properly authorised by Officers of **Leeds** Community Safety.

5.4 When an incident is observed by the Leeds City Council Duty Controller, information will be immediately relayed to the Police EADC at Killingbeck Police Station using the dedicated telephone link. The responsible Officer in the Police EADC Control Room, will then take the necessary action to ensure that the incident

receives the appropriate Police response. As mentioned above, verbal confirmation as to the purposes of the disclosure will be given at this stage.

- 5.5 Once in direct contact with the CCTV Control Rooms, the EADC Officer can request the appropriate type of monitoring from the Duty Controller. Details and responses should be noted in the occurrence log.
- 5.6 Close liaison and co-operation is essential at all times. Ultimate control lies with Leeds City Council as owner of the system.
- 5.7 Should it be necessary for the Police to stay in contact with the Leeds City Council Duty Controller for any length of time, contact between the Leeds City Council Duty Controller and the Police will continue on a different line so that the dedicated direct emergency line is available for reporting any new incidents.

#### 5.8 Telephone Calls

All telephone calls to and from the Leedswatch and Leedswatch Local Control Rooms will be recorded and stored securely by Duty Controllers and recorded in the audio tape register. Tapes will normally be stored for seven days after which they will be erased in the Leedswatch and Leedswatch Local Control Rooms.

### 6.0 **VIDEO TAPE PROCEDURES**

#### 6.1 Ownership

- 6.1.1 West Yorkshire Police or other Police Authorities become Data Controller for master tapes, and copies or stills produced from a master tape, when disclosed by Leedswatch and Leedswatch Local Control Rooms. Any copies made of master tapes stored in Leedswatch or Leedswatch Local Control Rooms for Third Parties (see paragraph 6.4.3) will have the copyright vested in Leeds City Council as though it was the master tape.

#### 6.2 Recording

- 6.2.1 The control system is supported by video tape recording facilities which will function throughout the operations.

#### 6.3 General Tape Procedures and Use

- 6.3.1 Tapes recorded as per paragraph 6.2.1 above are called master tapes.
- 6.3.2 The master tape will be retained in the control of Leeds City Council at the Leedswatch and Leedswatch Local Control Rooms unless it is specifically required by the Police for evidence in court, or by Court Order (see section 6.4) or for image enhancement purposes.
- 6.3.3 An authorised Officer of **Leeds** Community Safety will maintain a detailed tape tracking log in the tape register (see paragraph 4.1.5)

- 6.3.4 A tape will be given a unique reference number which will be marked upon it and remain with it until it is taken out of the system and destroyed. When a master tape is disclosed to the Police, or otherwise taken out of the system, the tape will be replaced by a blank video tape. The new tape will retain the existing unique reference number with the suffix 'A' being added. When in turn this tape is disclosed it will be replaced by another blank video tape with the same unique reference number and the suffix 'B' added and so forth.
- 6.3.5 Tapes will not be sold, released or used for commercial purposes or the provision of entertainment.
- 6.3.6 Video footage from tapes may be provided for inclusion in television programmes, only,
- i) where the purpose of that programme and the use of the Leedswatch and Leedswatch Local footage is to assist in the identification and apprehension of offenders in relation to crime and disorder and the Police confirm that this assistance is appropriate or,
  - ii) for specific educational/serious documentary purposes beneficial to both Leeds City Centre and District Centres and to the objectives of the Leedswatch and Leedswatch Local CCTV system (see paragraph 1.3) in which case all images of individuals will be obscured or disguised to protect the rights of those individuals and to prevent the disclosure of personal data/private information. Procedures and safeguards are described in paragraph 6.4.3d.
- 6.3.7 Video footage of incidents will not be published or transmitted without the permission of an Officer authorised by **Leeds** Community Safety and the appropriate Divisional Officer, West Yorkshire Police. The latter will consult with the investigating Officer and if necessary Crown Prosecution Service (CPS) before agreeing to publication.
- 6.3.8 Tapes will only be released by Leedswatch and Leedswatch Local for intelligence gathering purposes, (see Section 2) if a justification can be supplied by the Police relating the need for the tapes to an ongoing criminal investigation, or investigation of known criminal offenders and where the tape can be deemed to be useable evidence. Requests for tapes will be made by the Police CCTV Liaison Officer and will normally be limited to no more than two hours footage. Tapes will not be released for speculative, non-specific or random intelligence gathering.

#### 6.4 Control and Distribution of Tapes

6.4.1 It is essential that procedures for use and retention of tapes are strictly followed, for reasons of integrity, confidentiality and ethics and in order to preserve the facility to use them in future proceedings (see Section 2).

##### 6.4.2 Master Tapes

The following procedures must be followed -

- a. The Duty Controller must register the date and time of each tape insert, including unique tape reference in the tape register (see paragraph 4.1.5)
- b. Completed tapes must be stored securely by Duty Controllers.
- c. A monthly audit shall be conducted by an authorised Officer of **Leeds** Community Safety to ensure that the location of all tapes tallies with the tape registers and evidence logs.
- d. Master tapes will be securely stored and retained within the Leedswatch and Leedswatch Local Control Rooms for 1 calendar month or a maximum of 31 days, before being erased and re-used.
- e. Tapes will only be used twelve times prior to renewal. Tapes will be erased prior to being reused. Tapes will also be erased prior to being destroyed.
- f. If a master tape is required for evidential purposes, the authorised Officer from Leeds City Council, must place the tape in a tape box, seal it and provide a reference/witness reference on the seal and sign and date the seal. This will be done in the presence of the representative requiring the master tape for evidential purposes (e.g. Police, Customs and Excise, Third Party Solicitors (see 6.4.2g below). This representative will also be required to sign the seal at the same time. A full record of this will be recorded in the evidence log. Prior to a master tape being sealed, copy tapes may be made of the relevant material (for solicitors, Third Parties or television companies only) in the Leedswatch and Leedswatch Local Control Rooms (see paragraph 6.4.3). The release of master tapes is subject to the requirements of Section 2 above.
- g. A master tape will only be allowed to leave the Leedswatch and Leedswatch Local Control Rooms if it contains evidence relevant to an investigation/prosecution, and is required by the Police, other bodies with powers of prosecution or by Court Order. In the case of solicitors the master tape, or a sealed and signed master tape will otherwise be securely stored in the Leedswatch and Leedswatch Local Control Rooms for a period of 12 calendar months. If the tape is required for a longer period then it is the responsibility of the Third Party to notify Leedswatch and Leedswatch Local in writing of this. Otherwise the master tape will be erased after 12 calendar months without any further notification.
- h. West Yorkshire Police or any other Police Authority upon receipt of a master tape assume the role of Data Controller (as defined by the Data Protection Act of 1998) for the data on that tape. The responsibility for master tapes, and any copy tapes or still photographs taken from master tapes will then rest solely with the Police Authority. Master tapes taken into Police possession will be identified and recorded on Police Property Form F52 and stored within a secure cabinet in the Connected Property Store at Divisional Police Stations. It is the responsibility of West Yorkshire Police or other Police Authorities to properly dispose of recorded material, including still photographs, when it has served its purpose and is no longer required.

- i. In the event of a master tape being required by a Police Division without a Police CCTV Liaison Officer, the request from the Police for the tape must be submitted by the City and Holbeck Police CCTV Liaison Officer following the normal procedures outlined in this Code of Practice. The master tape will be stored within the Connected Property store at the City and Holbeck Division in accordance with paragraph 6.4.2h above, except for major incidents, e.g. murder, rape, serious sexual offence, in which case the master tape will be securely stored by the Exhibits Officer for that major incident inquiry. The Police Division will be supplied with a copy of the Code of Practice, if they have not already received one, and will be responsible for ensuring compliance. The Police Liaison Officer will provide written evidence from the Police Division initiating the request for the tape that they have received and understood the LeedsWatch and LeedsWatch Local Code of Practice and agree to adhere to it.
- j. In the event of the Police requesting a large number of master tapes relating to particular incidents as part of a major incident inquiry, the Police may be asked to obtain the permission of the Chief Officer of Leeds City Council for the release of the tapes. As with individual tape requests, to ensure that the rights of individuals are preserved and the chain of evidence remains intact, Leeds City Council will need to ensure that the reason(s) for which it may disclose copies of the image are compatible with the reason(s) or purpose(s) for which the images were originally obtained (see paragraph 1.3). A specific reason or purpose must be given in the request for the requirement for release of each tape so as to balance access/disclosure with the rights of individuals (see Section 2).
- k. At the conclusion of a prosecution and after the appeal period has expired (currently 28 days) the master tape will be retained by the Police in the Divisional Connected Property Store until the end of a custodial sentence or, in the case of non-custodial sentences, for six months following the sentence.
- l. When a master tape is disclosed, or otherwise taken out of the system, then Leeds City Council will be supplied with a blank video tape of comparable quality. These will be supplied at no cost to Leeds City Council.
- m. The work and aims of the Anti Social Behaviour Unit (ASBU) are consistent with this Code of Practice, specifically sections 1.3, 2.2 and 6.3.8. ASBU will nominate a Liaison Officer for each of the LeedsWatch and LeedsWatch Local Control Rooms. He/she will submit the agreed version of the CCTV Request pro forma and if anything of evidential value is captured then the Liaison Officer may request that the tape be disclosed. Tapes will be disclosed to the ASBU unit under the section 35 exemption, i.e. the disclosure must be necessary for the purposes of, or in connection with legal proceedings, or necessary for establishing, exercising or defending legal rights. The procedures for sealing the master tape, production of continuity statements and recording in the video tape register will follow those for the Police CCTV Liaison Officer.

1 working copy tape will also be produced from the master tape. This will be exhibited in an appropriate manner.

ASBU or other Council departments with powers of prosecution will store the tapes securely in a suitable tape management facility. They will assume the responsibilities of data controller as defined by the Data Protection Act (1998).

When the master tape and copy tape have served their purpose they should be returned to Leedswatch for erasing. Details will be entered in the Degaussing Log and signed and countersigned.

Leeds City Council remain the Data Controller for the master tape and the working copy tape.

### 6.4.3 Copy Tapes

- a. Master tapes only are disclosed to West Yorkshire Police or other Police Authorities. As Data Controller (as defined by the Data Protection Act of 1998) for the data on the tape they assume sole responsibility for the production, and the well being of copy tapes. Copy tapes can be produced at Divisional Stations or at the Audio Visual Unit at Force Headquarters. Copy tapes should be treated in the same manner as master tapes under 6.4.2 k. above.
- b. Where a request for a copy tape is received from a solicitor or Third Party as per paragraphs 6.5.4-6, he/she must sign a Letter of Undertaking that he/she will adhere to this Code of Practice, and will be responsible for the security and well being of the copy tape. This includes the destruction of the copy tape once it has served its purpose. The master tape will also be signed and sealed immediately after recording of the copy tape by the **Leeds** Community Safety authorised Officer, following procedures outlined in 6.4.2f. On receipt of the copy tape the solicitor or Third Party agrees to become Data Controller (as defined by the Data Protection Act of 1998) for the data on the copy tape.
- c. The solicitor or Third Party may be asked to provide a blank video tape so that the copying can proceed.
- d. Where a copy tape is requested by a television or other media company in accordance with paragraph 6.3.6, the company must submit a fully justified request, in writing, to Leeds City Council, outlining the nature, scope, context, content and purpose of the programme, together with the proposed time and channel of transmission. The request will be considered by Leeds City Council in conjunction with the Police, following procedures outlined in paragraph 6.3.7.

Tapes will only be released on the condition that the television company receive, understand and agree, in writing, to adhere to this Code of Practice, mask the identity or image of individuals subject of the video footage, and return the tapes to Leedswatch and Leedswatch Local for erasing. (See

(paragraph 6.4.3 g). Leeds City Council and the West Yorkshire Police also retain the right to view a programme using Leedswatch and Leedswatch Local footage prior to transmission, and reserve the right to withdraw their permission to publish if safeguards required in the Code of Practice are not complied with. Leeds City Council reserves the right to refer any concern, or dispute to the Broadcasting Complaints Commission.

Erasing of tapes will be noted in the Degaussing Log and the tape register.

- e A solicitor acting in a case before an ASBU panel, or a case that is to go to panel, may request a working copy tape. This will be taken from the copy tape produced by the ASBU Liaison Officer from the Leedswatch or Leedswatch Local master tape.

The solicitor will fill out a CCTV Request Form and sign a Letter of Undertaking acknowledging that upon receipt he/she agrees to become Data Controller (as defined by the Data Protection Act of 1998) for the data on the copy tape.

When the copy tape has served its purpose it should be erased/destroyed.

## 6.5 Access to Leedswatch and Leedswatch Local Control Rooms to view tapes

### 6.5.1 Under the Data Protection Principles contained within the Data Protection Act 1998, access to images by Third Parties may be granted subject to the requirements Section 2 above, in limited and prescribed circumstances to the following:

- a. Law enforcement agencies where the images recorded would assist in a specific enquiry.
- b. Prosecution agencies.
- c. Relevant legal representatives.
- d. The media, where it is assessed by Leeds City Council and the Police that the public's assistance is needed in order to assist in the identification of victims, witnesses or perpetrators in relation to a criminal incident (see also paragraphs 6.3.5 - 6.3.7 and 6.4.3d). As part of that assessment, the wishes of the victim of an incident should be taken into account.
- e. The people whose images have been recorded and retained (unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings). For safety and security reasons, this category of person, ("Subject Access"), will not be permitted to view tapes in the Leedswatch and Leedswatch Local Control Rooms. Separate arrangements elsewhere will be made (see paragraph 6.6 below).

In cases a – c above, a Leedswatch and Leedswatch Local CCTV Request Form will need to be submitted to the Leedswatch and Leedswatch Local

Control Rooms, giving reasons why the access to view tape is requested. For "Subject Access" requests, see paragraph 6.6 below.

a. Police

6.5.2 The main source of requests to view tapes is likely to be from the Police and these will be subject to the requirements of Section 2 above. The method of requests will arise in a number of ways including:

- i. Regular/daily requests for viewing recordings to trace incidents that have been reported, (this may be carried out through a Police CCTV Liaison Officer).
- ii. Immediate action relative to live incidents, e.g. immediate pursuit.
- iii. Major incidents.
- iv. In exceptional circumstances individual Police Officers seeking to urgently view tapes which cannot be relayed to Divisional Stations and which cannot be delayed should seek written authorisation in accordance with paragraph 3.5.a.iv from the Police Duty Inspector and be authorised by an authorised Officer of **Leeds** Community Safety.

b. Other Bodies with Prosecution Powers

6.5.3 Requests may also be made by other bodies with prosecution powers, such as British Transport Police, Customs and Excise, the Health and Safety Executive, Anti Social Behaviour Unit (ASBU) or Leeds City Council itself. Again these will be dealt with in accordance with Section 2 above.

c. Third Party Access to tapes ("Subject Access" see paragraph 6.6 below)

6.5.4 Individuals or their legal representatives in connection with criminal or civil proceedings may request access to tapes in connection with civil disputes. Again these will be dealt with in accordance with Section 2 above. Where the master tape is already in possession of the Police or other body with prosecution powers for evidential purposes (see paragraph 6.5.1 - 6.5.3) then access to that evidence must be secured through the Police, or relevant prosecution body. In these latter circumstances, a copy tape may be held by the CPS and the lawyer will need to sign an undertaking from the CPS in advance of receiving the copy tape, to ensure its confidentiality, site storage and return to CPS for erasing, once it is no longer required for legal proceedings.

6.5.5 In cases where access to tapes is requested for viewing or recording, and this accords with Section 2 above, the following procedure will be followed.

- i. The request must be made in writing in advance to an authorised Officer of **Leeds** Community Safety identifying as specifically as possible the time and location of the relevant incident. It will not be possible to consider vague requests.

- ii. An authorised Officer of **Leeds** Community Safety will arrange an appointment for the lawyer to view the tape at a mutually convenient time within the normal visiting times (paragraph 3.5b).
- iii. The lawyer must show proof of identity on arrival for the appointment and sign the visitor book.
- iv. If the lawyer requires a copy tape, the procedures in paragraph 6.4.3 will be followed. In particular, attention is drawn to paragraph 6.4.3b) requiring the lawyer to sign a Letter of Undertaking to adhere to this Code of Practice.

6.5.6 The sealed master tape will be retained by Leeds City Council in the Leedswatch and Leedswatch Local Control Rooms. The tape will be retained for a period of 12 calendar months unless a request is made in writing for the tape to be retained for a longer period. If no such request is made then the tape will be erased after 12 calendar months without further notification by Leedswatch or Leedswatch Local.

d. Leeds City Council Departments

6.5.7 Requests must be made in writing with full justification for each and every request and be subject to approval of an authorised Officer of **Leeds** Community Safety, and subject to Leeds City Council complying with the Data Protection Act 1998 and the Human Rights Act 1998.

e. Other

6.5.9 No other access to view tapes in the Control Rooms will be allowed. However, for Subject Access Requests see section 6.6 below.

6.5.10 In all cases the viewing of tapes and the use of video recorders must be carried out with the agreement of the authorised Officers of **Leeds** Community Safety.

6.5.11 As stated in paragraph 6.3.5 tapes will not be sold, released or used for commercial purposes or the provision of entertainment.

6.6 Subject Access Requests

6.6.1 When individuals make Subject Access Requests, personal data will not be disclosed to that individual, if the Police or other relevant enforcement agency confirm that this would be likely to prejudice the prevention or detection of crime or the apprehension of prosecution of offenders.

Alternatively, it is possible that individuals may claim that they are entitled to access on the basis of the rights in Article 8. Any claim of this nature should be referred for advice to Legal and Democratic Services.

6.6.2 Under the Data Protection Act 1998, access to images by third parties, "Subject Access" may be granted in limited and prescribed circumstances to the people whose images have been recorded and retained, unless disclosure to an individual would prejudice criminal enquiries or criminal proceedings. The following procedures apply -

- a. An individual must submit a written request, including the following information, to **Leeds** Community Safety within 1 calendar month of the incident occurring. The individual must submit details of the date, time (to within half an hour) and location of the incident to allow the images to be easily found. Vague requests involving long search times cannot be accepted. The individual will also need to submit a photograph of themselves and a description of their clothing at the time of the incident to enable recognition. The appropriate fee to be charged in accordance with Leeds City Council policy will also be enclosed. At this time the fee is £10 and the cheque should be made payable to Leeds City Council. A receipt will be issued.
- b. When individual Subject Access Requests are received, **Leeds** City Community Safety will seek a view from the Police as to whether disclosure of the image would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders. Subject Access to view the tapes will only be granted if disclosure is not deemed to prejudice the above.
- c. If all criteria are satisfactorily met, **Leeds** Community Safety will search for any images, and advise the individual by letter of the images that can be seen. The written response will be made within 21 days of receiving the individual's request.
- d. If the individual requires seeing the images, then they must put the request in writing within 14 days of receipt of the letter in c) above. If the identification of other individuals were inevitable through viewing the tape, the access to view would not normally be granted without the consent of those individuals. **Leeds** Community Safety will make appropriate viewing arrangements, to view these extract images only, in a location other than the Leedswatch and Leedswatch Local Control Rooms. The individual must provide satisfactory proof of identity.
- e. If the individual subsequently requests a copy of the relevant tape extract a blank tape must be provided by the individual. The individual must submit in writing within 14 days of their initially viewing the tape, their reason for requiring the tape, and, the purpose for which they are to use the tape.
- f. **Leeds** Community Safety will also need to consider whether the consent of other third parties may be required for release of the tape, and if any blurring or obscuring of their images is required. If so, these tape processes would be required.
- g. The copy tape will be made in the Leedswatch and Leedswatch Local CCTV Control Rooms. Copyright remains with Leeds City Council.
- h. The tape must be returned to the Leedswatch and Leedswatch Local CCTV Control Rooms for erasing when its purpose has been fulfilled.
- i. It should be noted that any initial request regarding capture of images in (a) above must be made in full within 1 calendar month or a maximum of 31

days of the incident, otherwise images will be erased in accordance with the Code of Practice.

- j. All Duty Controllers must be aware that authorised Officers of **Leeds** Community Safety are responsible for responding to the requests.

## 6.7 Photographs

6.7.1 Where Leeds City Council remains the Data Controller for the data on any still photograph produced at Leedswatch or Leedswatch Local, further copying is expressly forbidden without the prior consent of an authorised Officer of **Leeds** Community Safety. The taking of photographs, or copies, and the release of photographs or copies are subject to Section 2 above. Ownership and copyright of any still photographs remains with Leeds City Council. Police Authorities assume the role of Data Controller for stills produced from master tapes disclosed to them.

6.7.2 The photographic process should only be used to assist the identification of incidents, in training and for demonstration purposes. Still photographs should not be taken as a matter of routine. The taking of each photograph must be capable of written justification. For training and demonstration purposes, images will be obscured to prevent the disclosure of personal data/personal information.

6.7.3 Photographs may be made available to the press to help in the identification of incidents. However, photographs will not be published or transmitted without the permission of an Officer authorised by **Leeds** Community Safety and the appropriate Divisional Officer, West Yorkshire Police. The latter will consult with the Investigating Officer and if necessary the CPS before agreeing to publication. In all cases the photograph procedures (section 6.8) will apply.

6.7.4 Photographs will not be sold, released or used for commercial purposes or the provision of entertainment.

## 6.8 Photograph Procedures

6.8.1 Photographs may be requested by the same categories who may be given consent to view tapes identified in Section 6.5a-e).

6.8.2 Master tapes only will be supplied to West Yorkshire Police or other Police Authorities. On receipt they agree to become Data Controller for the data on the tape. The production of still photographs from these master tapes, their well being and destruction once they have served their purpose, is their sole responsibility. Photographs will be supplied to other bodies with prosecution powers, in line with this Code of Practice, on the basis of a formal justified request in writing agreed by an authorised Officer of **Leeds** Community Safety.

6.8.3 Where a request for a photograph is received from a lawyer acting for a defendant or victim as per paragraphs 6.5.4-6, the lawyer must sign an undertaking that he/she will adhere to this Code of Practice and will be responsible for the security and well-being of the photograph. On receipt of the still photograph they agree to become Data Controller (as defined by the Data Protection Act of 1998) for the data on the photograph. Once the photograph has served its purpose then it should be

destroyed. The request must be made in writing with full justification to an authorised Officer of **Leeds** Community Safety. The master tape from which the still photograph has been produced will be sealed and the seal signed by the lawyer and the authorised Officer from **Leeds** Community Safety. It will remain in secure storage in the Leedswatch or Leedswatch Local Control Room for 12 calendar months. If it necessary for it to be retained for a longer period then this needs to be confirmed in writing. Otherwise after 12 calendar months the master tape will be erased without further notification.

- 6.8.4 Photographs which are to be published, to help identify crime, will be identified in the photograph register, and must be returned immediately against receipt to the Leedswatch and Leedswatch Local Control Rooms following publication or transmission of the photographs.
- 6.8.5 Photographs within Leedswatch and Leedswatch Local Control Rooms will be securely stored.
- 6.8.6 A record will be kept in the photograph register of the destruction of all photographs.

## 7.0 **SPECIAL CONTINGENCIES**

- 7.1 When major incidents arise, serious public disorder, bomb explosions/threats, serious fires, the Police may be given the authority by Leeds City Council to supervise the CCTV Control Rooms (see section 5). If the Police are given authority to assume control Leeds City Council Duty Controllers will then respond accordingly and ensure that appropriate assistance and guidance is given but will retain the operation of the equipment controls. The log should record the time at which Police assumed responsibility.
- 7.2 In extreme cases, if Police require sole occupation of the Control Rooms, this will be subject to agreement between the appropriate Police Superintendent, and an authorised Officer of Leeds City Council.

### 7.3 Emergency Evacuation Area Procedures

- 7.3.1 On the occasion of the Control Rooms lying within an emergency evacuation area, Leeds City Council Duty Controllers will be expected to vacate the Control Rooms. The following procedures will be followed:
  - a. Cameras will be focused on the optimum positions to assist management of the incident e.g. on a possible bomb location.
  - b. Video tapes recording at the time of evacuation will be removed from video recorders and new tapes will be inserted to ensure maximum length of recording capability. The tape register will be completed accordingly.
  - c. The tapes removed from the VCRs will be retained by the Duty Controllers who will be collected by the Police and taken to the Police's EADC, or to

another Control Room from where they will continue to monitor the cameras until the incident has ended and the Control Rooms can be reoccupied.

- d. On departure from the Leedswatch and Leedswatch Local Control Rooms, the Control Rooms will be secured against unauthorised entry.

## 8.0 **TRAINING**

- 8.1 Controllers will ensure that new/relief staff are fully briefed and trained on all functions, operational and administrative, arising within the CCTV central operation. The Police will give assistance in the training of staff, including anti-discriminatory practices.
- 8.2 Arrangements will also be made for staff to visit the Police's EADC and Divisional Police Stations. Reciprocal arrangements will be made for Police staff to visit the CCTV Control Rooms to view arrangements.
- 8.3 All staff will be given appropriate formal training to a level determined within the Leeds CCTV Strategy.

## 9.0 **COMPLAINTS**

- 9.1 Complaints about the system will be made to the authorised Officers of Leedswatch CCTV, **Leeds** Community Safety, PO Box 612, Leeds LS2 7WH. All complaints will be dealt with in the same way as the Council's Complaints Procedure. Authorised Officers of **Leeds** Community Safety will record all complaints about the system.

## 10.0 **OTHER**

- 10.1 Breaches of this Code of Practice by staff may lead to disciplinary action being taken, which could result in dismissal, and staff may be subject to possible criminal proceedings.
- 10.2 Tapes will only be used for internal disciplinary action where Leeds City Council is permitted to do so under the Data Protection Act, and the Human Rights Act 1998.

## **APPENDIX 1**

### **Legal Powers, the Data Protection Act 1998 and Data Protection Principles, the Human Rights Act 1998, Confidentiality, and the Regulation of Investigatory Powers Act 2000**

1. Leeds City Council is under a duty to comply with the data protection principles set out in the Data Protection Act 1998.
- 2.1 The first of those principles requires personal data to be processed "fairly and lawfully" and prohibits the processing of personal data unless certain conditions are met.
- 2.2 Where personal data are processed for the prevention or detection of crime or the apprehension or prosecution of offenders, there is an exemption from this first principle to the extent to which it can be said that the application of that principle "would be likely to prejudice" the prevention or detection of crime or the apprehension or prosecution of offenders.
- 2.3 It is clear that the processing of personal data by Leeds City Council in this way is lawful, as long as it complies with the Human Rights Act, and the rules relating to confidentiality. Section 163 of the Criminal Justice and Public Order Act 1994 empowers a local authority to provide apparatus for recording visual images of events occurring on any land in their area if it considers this will promote the prevention of crime or the welfare of the victims of crime. The Council considers the system will achieve these objectives in the following ways
  - a. By reducing the fear of crime and offering reassurance to the public
  - b. By assisting in the prevention of crime committed in public areas and
  - c. By facilitating the apprehension and prosecution of offenders

The system will only be used for these objectives, and for no other purposes.

- 2.4 In order for processing to be "fair" the first principle generally requires certain information about the identity of the data controller and the purposes for which data are intended to be processed to be provided to or made readily available to the data subject "so far as practicable". The Code of Practice issued by the Information Commissioner suggests (although this is not a requirement of the Act) that this should be done at the point of obtaining the images of data subjects, and makes certain recommendations about the size and content of signs. Paragraph (1.2) of this Code incorporates those recommendations.
- 2.5 As a result, Leeds City Council is of the view that the system does result in the fair and lawful processing of personal data. However, if it could be said, for any other reason, that the processing of personal data by the system is not "fair" Leeds City Council considers the system is entitled to the exemption from this principle in Section 29 of the Data Protection Act, on the basis that any additional requirement of fairness would prejudice the prevention or detection of crime, or the apprehension or prosecution of offenders.

- 2.6 The conditions referred to in the first principle, and mentioned above must of course still be met. In the case of personal data in the system which is not sensitive personal data, the Council considers that the system satisfies at least one of the conditions in Schedule 2 of the 1998 Act in that the processing is necessary for the exercise of its functions under the 1994 Act. Alternatively, Leeds City Council takes the view that the processing is necessary for the purposes of its legitimate interests, and that the processing is not unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of data subjects.
- 2.7 It is in the nature of the system that there will be processed data which is sensitive personal data under the 1998 Act, in that there will be information as to the commission of alleged commission of offences by data subjects. There may also be information as to their physical or mental health or condition, or racial or ethnic origin. Leeds City Council considers that at least one of the conditions in Schedule 3 of the 1998 Act is also met, in that again, the processing is necessary for the exercise of its functions under the 1994 Act.
- 3.1 The second data protection principle provides that personal data must only be obtained for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose of those purposes. Purposes may be specified in a notification given to the Information Commissioner under the 1998 Act, and this notification will be given by Leeds City Council specifying the purposes identified in 2.3 above.
- 3.2 Leeds City Council considers the purposes of the system to be lawful for the following reasons
- a. Leeds City Council has the necessary powers in the 1994 Act to operate the system for the purposes specified in Section 2 above.
  - b. Leeds City Council considers it is highly unlikely that the data in the system could be said to be information having the necessary quality of confidence about it for the common law duty of confidence to arise. Similarly, it does not seem that this would be information communicated or made known to Leeds City Council in circumstances entailing an obligation of confidence. In any event, the courts have accepted that the public interest in maintaining confidence must be weighed against countervailing public interests and have always refused to uphold the right to confidence when to do so would be to cover up criminal acts.
  - c. It might also be said that Leeds City Council's powers under the 1994 Act are not restricted to circumstances where Leeds City Council is the prosecuting authority, and so disclosure to the relevant prosecuting authority can be taken to be part and parcel of "providing" apparatus for these purposes. The courts have accepted that the 1994 Act, combined with Sec 111 of the Local Government Act 1972 provides a legal power to disclose CCTV footage.
  - d. The Human Rights Act 1998 provides that it is unlawful for Leeds City Council to act in a way which is incompatible with a Convention right. The Convention rights include Article 8.1 which provides " Everyone has the right to respect for his private and family life, his home and his correspondence."

The cases show that "private life" will not be interpreted restrictively, and that activities outside the home, or private premises, can sometimes still be regarded as part of a person's private life. The courts have also compared the notion of "private life" to European laws on data protection, and so may take the view that whatever is "personal data" is also part and parcel of a person's "private life." This means holding, or disclosing images could amount to an interference with the rights in Article 8.1 (this may also be the case even where systems are signed). Clearly, the recording of activities in "private" areas such as a houses, flats, gardens etc. would undoubtedly amount to an interference with these rights. However, Leeds City Council also needs to be mindful that a failure to provide a CCTV system where there is public pressure so to do, might also be argued to amount to an interference with these rights.

- e. Even where there is an interference with these rights, Article 8.2 provides "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."
  - i. In these circumstances, the restriction of these rights can be said to be "in accordance with the law," in that the scope of these restrictions, and Leeds City Council's powers to operate the system are regulated by the 1994 Act and the 1998 Act.
  - ii. The restrictions are for the specified reasons, i.e. "the prevention of disorder or crime" and "the protection of the rights and freedoms of others"
  - iii. Leeds City Council takes the view that the restriction of these rights is proportionate to its aims and objectives, that this Code of Practice and the 1998 Act regulate disclosures, and the purposes and period of time for which the images are held. All reasonable precautions are taken to avoid the filming of private areas, and signs are in place making it clear where and when public areas will be filmed. Leeds City Council takes the view that the restriction is "necessary" for the prevention of crime as part of a package of measures being brought forward under the Leeds Community Safety Partnership including the introduction of a City Centre Policing team and targeted initiatives by the Police, and the promotion of housing and environmental improvements such as improved street lighting throughout the city centre. Leeds City Council also considers that a fair balance has been struck between the need to prevent crime, and the enjoyment by individuals of their rights under Article 8.1.
  - iv. Leeds City Council considers that its decisions to restrict these rights in this way fall within the area of discretion within which it may legitimately consider a restriction to be necessary.

The second principle also prohibits further processing in a manner incompatible with Leeds City Council's specified and lawful purposes, and so

requires Leeds City Council to seek to limit the uses of information or images which it can lawfully disclose. For these reasons, this Code requires at paragraph 6.6.1 e undertakings to be sought from any third party to whom disclosures are made.

- 4.1 The third data protection principle requires that personal data are adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed. Leeds City Council considers that the system complies with this principle in that its purpose is to assist the prevention of crime committed in public areas, and accordingly this specifies that all reasonable precautions are to be taken to avoid the filming of private areas. In addition, this Code specifies quality criteria for the type and proper use of tapes so as to avoid blurred or indistinct images and so as to ensure tapes could be used in evidence in appropriate cases.
- 5.1 The fourth data protection principle requires that personal data shall be accurate. Again, this Code provides quality criteria for the type and proper use of tapes (including cleaning, reuse and replacement) and procedures for checking, and if necessary amending time and location references. As a result, Leeds City Council considers that the system complies with this principle.
- 6.1 The fifth data protection principle requires that personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. The guidance from the Information Commissioner indicates that town centre schemes generally should not retain recorded images for more than 28 days. This Code at paragraph 5.4.2d specifies a general period for retention, and additional periods where Leeds City Council receives a Subject Access request, or a request for disclosure from the police or media. As a result, Leeds City Council considers that the system complies with this principle.
- 7.1 The sixth data protection principle requires that personal data are processed in accordance with the rights of data subjects under the 1998 Act. The principal rights in these circumstances are the right of access to personal data, and the right to prevent processing likely to cause damage or distress, and these are dealt with at section 6.5-6.6 of this Code. Again, Leeds City Council considers that the system complies with this principle.
- 8.1 The seventh data protection principle requires that appropriate technical and organisational measures are taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data.
- 9.1 The eighth data protection principle places limitations on the ability to transfer personal data to countries outside of the EEC.
10. Regulation of Investigatory Powers Act 2000

Generally, the system is not affected by the power to self-authorise directed surveillance. This is because the system is signed in accordance with the guidance from the Information Commissioner, and consequently any surveillance will be overt, rather than covert. Again, the system is not generally used for a specific

investigation, or specific operation. Where the system is used for such purposes, this Code requires the necessary self-authorisation to be provided.

## **APPENDIX 2**

### **The Regulation of Investigatory Powers Act 2000 (RIPA)**

1. Access to the LeedsWatch and LeedsWatch Local Control Rooms for directed surveillance (covert but not intrusive) may be permitted if –
  - a. The surveillance is consistent with Section 2.2 of this Code of Practice
  - b. That it is necessary in the interests of public safety, for the purpose of protecting public health, in the interests of the economic well being of the United Kingdom or for the prevention or detection of crime.
2. That the agreed pro forma is filled out in full each time the surveillance is requested.
3. That the directed surveillance is necessary, proportionate and reasonable or justifiable.
4. That the directed surveillance is only carried out on the person/persons named on the RIPA.
5. The RIPA from the requesting body should –
  - a. be signed at a senior level
  - b. have a start time/date and a finish time/date
  - c. Have a unique number/reference and where necessary an Operation Name.

**Appendix 3**



**LEEDS**  
CITY COUNCIL

**REGULATION OF INVESTIGATORY POWERS ACT 2000**

This document is to record that a Police Officer has attended at the Leedswatch CCTV Control room for the purposes of directed surveillance on an individual under a R.I.P.A Authority.

Date .....

Operation Name: ..... Operational Document Number: .....

R.I.P.A. Authorised by: ..... Police Division: .....

Officer's Name: ..... Sign: .....

Rank & Number .....

Permission is granted by Leeds City Council for the Officer to carry out the above authority on the basis that it must fall within the following criteria:

- 1) In the interests of public safety.
- 2) For the purpose of protecting public health.
- 3) In the interests of the economic well being of the united Kingdom.
- 4) For the prevention or detecting crime or preventing disorder.

( please tick as appropriate)

In the event that CCTV footage is required for evidential purposes, then a Leedswatch CCTV Request Form must be submitted to the Police CCTV Liaison Officer

Leeds City Council Authorising Officer: .....  
Position: .....

**APPENDIX 4**



**LEEDS**  
CITY COUNCIL

**REGULATION OF INVESTIGATORY POWERS ACT 2000**

**PART II APPLICATION FOR AUTHORITY FOR DIRECTED SURVEILLANCE**

**LEEDS CITY COUNCIL  
CIVIC HALL  
LEEDS**

<b>Name of Applicant</b>	
<b>Division</b>	
<b>Full Address</b>	
<b>Contact Details</b>	
<b>Operation Name</b>	

**Details of the Application**

<b>1. The level of authority required or recommended (where that is different):- Give office, rank or position of authorising Officer in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000/2417</b>

<b>2. Grounds on which the action is necessary: <i>delete as inapplicable</i></b>
In the interests of national security and public safety; For the purpose of preventing or detecting crime or of preventing disorder; In the interests of the economic well-being of the United Kingdom; For the purpose of protecting public health; For the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge

payable to a government department.

**3. Explain why the directed surveillance is proportionate to what it seeks to achieve**

--

**4. The identities, where known, of those subject to the directed surveillance**

Name:				
Address:				
D.O.B:				
Other information as appropriate:				

**5. The action to be authorised, including any premises or vehicles involved**

--

**6. Give an account of the investigation or operation**

--

**7. Explanation of the information which it is desired to obtain as a result of the authorisation**

--

**8. Collateral Intrusion:  
INDICATE ANY POTENTIAL FOR COLLATERAL INTRUSION ON PERSONS OTHER THAN THOSE TARGETED. INCLUDE A PLAN TO MINIMISE COLLATERAL INTRUSION.**

--

--

<b>9. Confidential / Religious Material</b> <b>INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL / RELIGIOUS MATERIAL</b>

<b>Anticipated start</b>	Date:	Time:
--------------------------	-------	-------

<b>10. Applicant's details</b>	
Name	Tel No.
Grade / Rank	
Signature	Date

<b>11. Authorising Officer's comments</b>

<b>12. Authorising Officer's recommendation</b>			
I, _____, hereby authorise the directed surveillance operation as detailed above. This written authorisation will cease to have effect at the end of a period of 3 months unless renewed (see separate form for renewals).			
<b>Name</b>		<b>Grade / Rank</b>	
<b>Signature</b>		<b>Date</b>	

<b>13. Confidential Material Authorisation</b>			
<b>Name</b>		<b>Grade / Rank</b>	
<b>Signature</b>		<b>Date</b>	
<b>From</b>	Date:	Time:	

14. Urgent Authorisation: Details of why application is urgent			
<b>Name</b>		<b>Grade / Rank</b>	
<b>Signature</b>		<b>Date/Time</b>	

15. Authorisation Officer's comments (This must include why the authorising Officer or the person entitled to act in their absence considered the case urgent)			

16. Please give the reasons why the person entitled to act in urgent cases considered that it was not reasonably practicable for the authorisation to be considered by a person otherwise entitled to act.			
<b>Name</b>		<b>Grade / Rank</b>	
<b>Signature</b>		<b>Date/Time</b>	