

# East Herts Council Report

## Overview and Scrutiny Committee

**Date of meeting: Tuesday 8 November 2022**

**Report by:** Councillor George Cutting – Executive Member for Corporate Services

**Report title:** Surveillance Technologies Policy

**Ward(s) affected: (All Wards);**

**Summary** – This report presents the newly drafted East Herts District Council Surveillance Technologies Policy (Appendix A) which governs the use of overt surveillance technologies controlled by the council and utilised by employees with relevant roles.

This committee is asked to consider the draft policy, propose any amendments to include prior to consideration by Executive and recommend the policy, with any amendments, to Executive for **adoption**.

### **RECOMMENDATIONS FOR Overview and Scrutiny Committee:**

- a) **That the Committee considers the Surveillance Technologies Policy and provides any observations and suggested amendments to the Information Governance and Data Protection Manager for inclusion in the final version.**
  
- b) **That the Surveillance Technologies Policy be recommended to Executive for adoption.**

### **1.0 Proposal(s)**

- 1.1. As above.

## **2.0 Background**

- 2.1. Following identification of the council's use of overt surveillance technology across various service areas, it was found that a surveillance technologies policy is required to govern the council's control and staff use of surveillance technologies.
- 2.2. This policy will ensure that the controllership and use of surveillance technologies are in line with data protection legislation and good practice guidelines and codes issued by the Surveillance Camera Commissioner and the Information Commissioner's Office.
- 2.3. This policy will apply only to overt surveillance technologies operated by the council and utilised by employees with relevant roles.

## **3.0 Reason(s)**

- 3.1 This policy sets out how the council will comply with the 12 guiding principles in the Surveillance Camera Code of Practice (SCCP) when carrying out new or existing surveillance activities by ensuring:
  - 3.1.1 through a data protection impact assessment, that there is a defined and limited purpose and that the use of the surveillance is in pursuit of a legitimate aim and takes into account the effect on individuals;
  - 3.1.2 that there is transparency through the publication of privacy notices;
  - 3.1.3 that roles and responsibilities are clearly defined;
  - 3.1.4 that there are procedures in place for the appropriate storage of and access to surveillance data.
- 3.2 This policy will ensure compliance with the fifth principle in the SCCP which requires clear rules, policies and procedures to be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
- 3.3 Additionally, the policy ensures compliance with the accountability principle within the UK GDPR and particularly article 24(1) which requires technical and organisational measures to be implemented to ensure, and demonstrate, compliance with the UK GDPR wherever personal data is processed.
- 3.4 A surveillance asset register has been included in the policy so that the location and scope of council-controlled surveillance

technologies and the steps taken to mitigate risks to each location are recorded.

- 3.5 The register will be reviewed annually to ensure any new surveillance systems have been added and that existing information is kept up to date. Additionally, the register will ensure that the council remains informed of the purpose, type, and location of surveillance technologies that it controls.

## **4.0 Options**

- 4.1 Not to adopt this policy and maintain the use of existing and future surveillance technologies without an adopted policy document.  
NOT RECOMMENDED as this would work against the council's aim to comply with the SCCP and the accountability principle within the UK GDPR.
- 4.2 To consider and recommend this policy to Executive for adoption.  
RECOMMENDED as a means of ensuring that the council has an up-to-date policy document in place to demonstrate its compliance with the SCCP and UK GDPR.

## **5.0 Risks**

- 5.1 The council is under a duty, by virtue of section 33(1) of the Protection of Freedoms Act 2012, to have regard to the Surveillance Camera Code of Practice when, in exercising any of its functions, it considers that the future deployment or continued deployment of overt surveillance camera systems is required. In the event of an investigation by the Surveillance Commissioner, the council would be required to explain non-consideration of the code and may be subject to enforcement action should a suitable explanation not be offered.
- 5.2 Failure to have in place means to demonstrate compliance with the UK GDPR principles may lead to enforcement action taken against the council by the Information Commissioner's Office.
- 5.3 There may be additional reputational implications if the Information Commissioner's Office or the Surveillance Commissioner were to investigate the council for non-compliance regardless of the final decision.

## **6.0 Implications/Consultations**

### **Community Safety**

No

### **Data Protection**

Yes – The adoption of this policy will ensure that the council further enhances compliance with the UK GDPR.

### **Equalities**

No

### **Environmental Sustainability**

No

### **Financial**

No

### **Health and Safety**

No

### **Human Resources**

No

### **Human Rights**

Yes – By having a Surveillance Technologies Policy in place, the council is able to demonstrate how it will respect the rights of data subjects and the overarching right to privacy.

### **Legal**

Yes – the council is under an obligation to ensure it complies with UK data protection law and associated codes, and the adoption of this policy strengthens the council's compliance.

### **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

### 7.1 Appendix A – DRAFT – East Herts Council – Surveillance Technologies Policy

#### **Contact Member**

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