

East Herts Council Report

Executive

Date of Meeting: Tuesday 22 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.

In a report taken to Overview and Scrutiny Committee on 8 November 2022, the committee supported the proposal to recommend this policy to Executive for adoption.

RECOMMENDATIONS FOR Executive:

- (A) That the Surveillance Technologies Policy is adopted following any amendments.**

- (B) That the Information Governance and Data Protection Manager be authorised to make any minor amendments that may be required, in consultation with the Head of Legal and Democratic Services.**

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.
- 2.4. The report was considered by Overview and Scrutiny Committee at its meeting on 8 November 2022. There were no comments.

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 that 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 adopt this policy. 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

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