



CCTV Privacy Notice and Disclosure Process

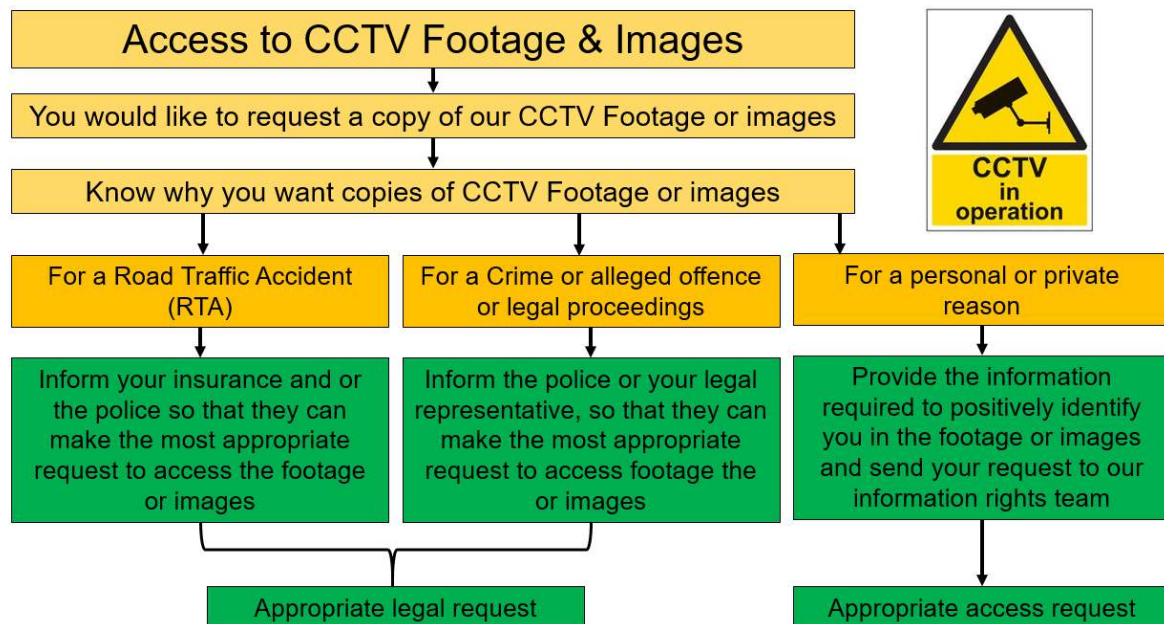
CCTV footage: The council processes, records and collects CCTV footage and images for the purposes of public safety, the prevention or detection of a crime, the management of traffic and the obligations placed on us in law in accordance with relevant statutory duties and responsibilities in relation to the operation of any CCTV systems.

Accessing CCTV Footage: We also uphold and comply with your rights under the Data Protection Regulations where information is processed under those regulations and defined as personal and or sensitive (special category) data and is concerning or related to those individuals that may be captured by our CCTV systems or processing.

One of these rights is known as the “right of access” or “Subject Access Rights” and in order to ensure that any requests for the disclosure of CCTV footage is lawful, appropriate and justified, it is vital that we provide you with the most appropriate information on how any such requests can be lawfully made and processed through the council.

It is therefore accepted that during the standard operation of CCTV systems, individuals may be captured in the format of an image as part of a constant recording process. These images remain un-identifiable where no other systems, data bases or links are made that would enable the council or its CCTV operatives to positively identify any individuals. It is only where the requester provides us with additional information, or where the council has a legal and or justified basis to extend the CCTV operations to other internal and or third party systems in such a way that our CCTV images become personal identifiable data.

Therefore images captured by the councils CCTV systems may contain personal data only as defined by the UK General Data Protection Regulations, and may be requested as part of your right to access where your request falls within the following guidance:

**Process flow map**

Note: See “Disclosures to Appropriate Law Enforcement Authorities” for the definition of Appropriate Legal Requests

Personal CCTV footage requests: Personal or private requests for copies of CCTV footage will only be disclosed under your right of access where this relates directly to a personal or private matter concerning you and where we are able to positively identify yourself as the subject of that footage or images appropriately.

Where you require copies of our CCTV footage for personal usage, you must ensure the council CCTV operatives are able to positively identify you and for this purpose you will be requested to provide us with appropriate levels of identification and information.

You must specify the following as part of your request:

- Your full name and address
- Your contact details.
- The reason for your request (if your request relates to an accident, incident or potential crime, please ensure you have read the below fully before making a request for access to CCTV footage)
- The location of the camera
- The date and time of the footage in question
- Appropriate ID such as a passport, driving licence or acceptable photo ID.
- Any other supporting information that might assist in identifying you such as the colour and or type of clothing worn on the date and time in question.



Your request must be submitted via email to the informaitonrights@walsall.gov.uk service, or via post by writing to

Information Rights, Corporate Assurance
Civic Centre
Darwall Street
Walsall WS1 1TP

Once received your request will be reviewed to ensure we can positively identify you in the footage requested. Where appropriate footage or images will be disclosed to you accordingly within 1 month and in accordance with your right to access.

The council will not disclose images or footage that relate to other potentially identifiable individuals without an appropriate lawful basis for such disclosures, therefore any images or footage that is disclosed will be redacted accordingly to protect the rights and freedoms of others.

Other ways of accessing CCTV footage or images:

Other appropriate methods of disclosure depend on the specific way in which images are captured and intended to be processed. To assist you in identifying the most appropriate way of requesting copies of any footage for other purposes please ensure you have read this notice fully.

Traffic camera footage: is collected for the purpose of traffic management and detecting crime and is defined as personal identifiable data under the regulations.

The system may capture vehicle registration plates which may then be processed and matched through the registered vehicle keeper information captured by the DVLA and where a match is successful personal information may become identifiable.

Where a vehicle is recorded as being in contravention of any parking or traffic regulations or conditions the registered keeper/owner of that vehicle is then notified of the offence or charges and provided with the information required in order to accept, appeal or deny any such offences or charges.

Therefore information will have already been made available to you and been disclosed accordingly in line with those civil and or legal regulatory requirements.

Any further or repetitive disclosure requests will only be approved where there is a justified lawful basis to do so or when required to do so by law with relevant justified partners such as a legal representative, the police or court.



Automatic Number Plate Recognition (ANPR) systems: The footage collected via ANPR systems is personal information only as defined by the UK General Data Protection Regulations and Data Protection Act 2018 where this relates directly to the owner of a vehicle.

The system captures vehicle registration plates which are then processed and matched through the registered vehicle keeper information captured by the DVLA and where a match is successful the personal information becomes identifiable.

Where a vehicle is recorded as being in contravention of any parking or traffic regulations or conditions the registered keeper/owner of that vehicle is then notified of the offence or charges and provided with the information required in order to accept, appeal or deny any such offences or charges.

Therefore the level of information required to notify you as the vehicle owner or registered keeper will have already and appropriately been made available and disclosed to the identified vehicle keeper/owner accordingly in line with those parking, civil and or legal requirements.

Any further or repetitive disclosures will only be approved where there is a justified lawful basis to do so or when required to do so by law with relevant justified partners such as a legal representative, the police or court.

Disclosures to appropriate law enforcement authorities or bodies:

In circumstances where an individual becomes a person of interest, victim, suspect or perpetrator, CCTV systems may be reviewed, images or footage disclosed and or processed in connection with other third party or council systems or data sets, to attempt the positive identify an individual for law enforcement purposes.

In these circumstances information will only be disclosed with competent law enforcement agencies as defined within the Data Protection Act 2018 and where there is an appropriate lawful basis or exemption for a disclosure in place.

(Please see our section on [requesting information from the council](#) for more guidance on these processes)

These are “Appropriate Legal Requests” and processes which would enable us to share any relevant footage under a specific legal process with appropriate representatives, competent authorities or bodies, such as for national security, legal action, police investigations or court proceedings under an appropriate lawful basis or exemption which are not available to you under the right of access.

Therefore please consult your legal representative, solicitor or lawyer in relation to disclosures for these purposes who may then request the disclosure and or sharing of information under the most appropriate lawful basis.

(Please see our section on [requesting information from the council](#) for more guidance on these processes)



Road traffic accidents or insurance claims: If you require any footage to support a dispute or claim in relation to a road traffic accident or insurance claim, then we advise you to inform your insurance company or legal representative that cameras were or may have been situated in and around the location of the accident or incident.

In relation to a claim or dispute and where there is a requirement to secure any available footage of that incident or event, your insurance company or legal representative can request copies of the footage under an appropriate legal process to support or defend the claim or dispute.

These are not considered subject access requests under the right to access in these circumstances and any such requests must follow the appropriate lawful basis and legal gateway for disclosures to ensure any footage being requested and or disclosed is only made available and processed for those specific purposes to those with a justified right to access.

This also supports the prevention of any potential to prejudice a legal gateway or claims process and ensures that all parties have followed the most appropriate legal route for requesting information in support of such cases.

Prevention or Detection of a Crime: If you require footage due to a suspected or potential crime, then you should inform the police immediately who will be able to request the footage under their obligations and a lawful basis for the prevention or detection of crime.

These are not considered subject access requests under the right to access in these circumstances and any such requests must follow the appropriate lawful basis and legal gateway for disclosures to ensure any footage being requested and or disclosed is only made available and processed for those specific purposes to those with a justified right to access.

This also supports the prevention of any potential to prejudice a legal gateway or claims process and ensures that all parties have followed the most appropriate legal route for requesting information in support of such cases.

(Please see our section on [requesting information from the council](#) for more guidance on these processes)



Town centre and street camera footage: The footage collected is processed for the purposes of crime detection and prevention alongside the support of our obligations to ensure the safety and wellbeing of our residents and visitors. These images are not considered personal identifiable information until the council has been able to positively identify you as the person captured by the footage and as defined by the UK General Data Protection Regulations and Data Protection Act 2018.

Our systems do not enable the identification of an individual directly or indirectly and any footage will only be shared where there is a justified lawful basis to do so or when required to do so by law with relevant justified partners such as the police or court.

Video or still images of unidentified individuals may be published on the council's website and/or shared with partners for the purpose of tracing individuals who may have been involved in an offence or crime, in accordance with the council's enforcement powers. These images will be removed from publication as soon as they become personal data as a consequence of formal identification of that individual/s.

Covert CCTV Operations: The council may from time to time use and or implement covert CCTV operations through the use of disguised and hidden manned or unmanned cameras or drones to aid in the prevention and or detection of crime or where the use of such operations is deemed absolutely necessary in order to achieve the required task for the purposes of public safety and or the wellbeing of our residents or visitors to the borough.

Any such covert operations comply with not only the CCTV code of practice but also the "Regulatory Investigatory Powers Act (RIPA) or other relevant legislative requirements and are only undertaken where the council complies fully with its legal obligations for the implementation of such measures.

Images from covert surveillance operations are exempt from disclosure under the right to access in order to prevent any potential to prejudice any ongoing investigations.

It is important to note that hidden or disguised cameras may be used in an overt manner. That is, whilst cameras may be hidden, signage will be in place notifying you that CCTV is being used.



How long do we keep CCTV images or footage?

CCTV images are only retained for a maximum of 21 - 31 days depending on the system and system settings where it is automatically overwritten and or destroyed.

CCTV footage may be kept for longer where appropriate and proportionate. For example in such circumstances where we identify the need to store footage in readiness for a criminal investigation or road traffic accident to avoid deletion of that data. The council may then retain the footage in question for a further period of 1 month whereby the data will be deleted if we have not received an appropriate lawful request for disclosure within that timeframe.

Footage or images that are part of a record for legal or civil proceedings are kept as part of those records for 6 years after the civil or legal proceedings have been finalised.

Charges: The local authority is duty bound to ensure that any public fund spending is both ethical and efficient in the provision and delivery of its services and therefore you may also be charged under the data protection act 2018 and UK General Data Protection Regulation for requesting copies of our footage where your request involves:

- large excessive amounts of processing,
- repetitive disclosure requests or
- resource time at the expense of public funds

The Local Authority has set aside resources to comply with its obligations to search for, obtain, redact and process subject access requests free of charge as stated within the UK Data Protection Regulation.

However, these resources are not limitless and must be used fairly and appropriately to assist all residents and data subjects. Therefore, you may also be charged for any such disclosure where this is proportionate and appropriate.

You will be notified in the response to your request where any such charges will be applied, alongside the information as to why we believe a charge should be applied and full payment of any such charges will be required prior to disclosing the requested footage.



Refusal or denial of your request: Your request may be refused or denied where the information requested does not relate to you or is unidentifiable, or where the request for footage concerns or relates to another process that should be followed by your representative or as part of another legal gateway or procedure, or is deemed manifestly unfounded, excessive or repetitive.

Law enforcement agencies or partners should therefore follow the council's guidance under requesting information from the council and make a formal and appropriate request to the informationrights@walsall.gov.uk address while specifying the lawful basis for disclosure, date and time of the footage requested and the grounds for disclosure.

If you require any further information or advise on making a request for copies of CCTV footage please contact our Data Protection Officer and you can find out more about us on our data protection pages.

Further information on CCTV systems and the right to access can be found below:

Requesting copies or access to CCTV <https://www.gov.uk/request-cctv-footage-of-yourself>

ICO Guidance on CCTV <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

CCTV Commissioner Code of Practice
<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>