

Report to Audit and Governance Committee on 30th July 2021 on actions taken in relation to key recommendations made in the audit report relating to the audit of GCC usage of CCTV in compliance with legislation.

Lead Officer: Jenny Grodzicka, Head of Information Management Service (DPO)

Presenting Officer: As above

Summary of Audit Area

Gloucestershire County Council (GCC) uses CCTV in a number of ways for example, for security of premises within the corporate estate, in taxis which are used for home to school transport and as body-worn cameras as part of parking enforcement.

Covert use of surveillance camera systems was outside of the scope of this audit as it is covered by separate legislation. Schools were also not part of this review as they are classed as data controllers in their own right and any CCTV systems they operate are separate to GCC's systems. CCTV cameras in the town centres are owned by the district council and were therefore not a part of this audit.

The use of CCTV is covered by a number of regulations and guidance is included in the Home Office Surveillance Camera Code of Practice. The Code includes 12 guiding principles which operators of surveillance camera systems should follow to ensure that their use of CCTV complies with the Code of Practice.

There is a self-assessment tool to help organisations identify if they are complying with the 12 principles. The self-assessment should be completed by each system owner on an annual basis, although it is not yet compulsory.

A data protection impact assessment (DPIA) has to be completed before a new system is installed, as well as if there are any cameras added to an existing system.

Failure to act on the Code doesn't make a person liable to criminal or civil proceedings but the Code is admissible in evidence and the court can take into account the council's failure to have regard to the Code.

Summary Terms of Reference of the Audit

This audit reviewed whether GCC's usage of CCTV is in compliance with the statutory legislation and good practice guidance, including the completion of an annual self-assessment of CCTV compliance, although this is not yet mandatory.

Risks

- Regulatory risk if GCC's usage of CCTV is not in compliance with legislation, including GDPR;
- Ineffective assurance arrangements;
- Inappropriate use/misuse of data leading to fines for the council and claims from the public;
- Not obtaining value for money; and
- Reputational damage.

Key Findings

The Head of the council's Information Management Service (IMS) has been assigned GCC's Senior Responsible Officer role with regard to CCTV usage within GCC, as it is linked to the Data Protection Officer role, which the Head of IMS already occupies.

The council does not have a central record of CCTV systems which are operating within GCC, or where they are sited. Some CCTV systems are set up by a manager within a service area, whilst others will have been arranged by GCC's Asset Management and Property Services (AMPS). There are some records but it is not known whether these records, and the information they contain, are complete and up to date.

There are plans that as part of the review of the Information Asset Register by IMS, the asset owners will be asked for details of any CCTV systems they also have within their area. Once there is a definitive list of all known CCTV IMS staff will monitor the completion of the self-assessments and DPIAs, which will both be stored and linked with the Information Asset Register.

A draft policy is in the process of being written by IMS. The policy, which has been reviewed by Internal Audit, is comprehensive and covers the 12 guiding principles of the Code of Practice, as well as the need for completion of the self-assessment tool and a DPIA. It is expected that once the policy is finished and published, everyone who uses a surveillance system will have to read and accept it.

The Head of IMS confirmed that there is no specific individual within the service who has the responsibility for monitoring CCTV usage within the council. The system operators make the decision on who has access to the data that is collected, where it is stored and for how long, but there is no-one who monitors the decisions to ensure they are correct.

A sample of seven system operators was contacted and all were asked the same questions in respect of awareness of the code of practice and processes for the use and storage of data from the cameras. From the responses received the CCTV operators are mostly not aware of the code and cannot demonstrate they are complying with the 12 principles of the code, or incorrectly believe it doesn't apply to them. Only the system operator for the bus lane ANPR cameras could demonstrate awareness of the legislation and guidance and had also completed the self-assessment tool.

Action taken as at the end of May 2021 and/or proposed

The Internal Audit report raised six recommendations as follows:

Recommendation 1 (High Priority):

The Role of SRO for CCTV compliance should be formalised. The Head of IMS should consider allocating capacity for monitoring the use of CCTV within GCC and ensuring that any legislation is complied with.

Original management response:

Work will be undertaken to determine how the requirements can be incorporated into existing practices.

Management update as at May 2021

Resource is being reallocated from within the service to the Information Governance team to enable them to pick up this role, subject to approval through the council's recruitment process.

Deadline: 30 September 2021

Recommendation 2 (High Priority):

IMS should establish and maintain a list of all GCC's CCTV systems, to include details of the system operator and training provided.

Original management response:

The council's CCTV systems will be captured within the council's Information Asset Register (IAR), which is reviewed annually.

Management update as at May 2021

All known CCTV use is now captured in the central Information Asset Register. Further work is being done with Information Asset Owners to give assurance that this list is comprehensive.

Deadline: 31 December 2021

Recommendation 3 (High Priority):

The IMS policy on CCTV and surveillance cameras which is currently in draft form should be completed and published as a matter of urgency. The publication of the policy should be communicated to all relevant staff.

Original management response:

The CCTV policy will be finalised and taken to the Information Board for approval and disseminated to relevant staff via MetaCompliance.

Management update as at May 2021

The policy has been finalised and approved at Information Board. The policy is published along with all other IM policies on the council's website.

Deadline: 31 May 2021

Recommendation 4 (High Priority):

The Head of IMS should establish procedures for ensuring that there is oversight of all CCTV systems within GCC and that they are operated in compliance with regulations.

Original management response:

A framework will be established defining responsibilities.

Guidance will be developed and published on staffnet.

The Information Asset Owner role will be reviewed and CCTV compliance made more prominent.

The inclusion of requirements around CCTV in the Heads of Service Annual Governance Statement will be considered.

Management update as at May 2021

Responsibilities are defined in the CCTV Policy.

Comprehensive guidance, FAQs and procedures have been developed and published on staffnet.

CCTV responsibilities have been included in the responsibilities of the Information Asset Owner. The responsibilities have been disseminated to all Information Asset Owners and a formal acceptance process is now in place.

An overview of CCTV requirements has been included in the mandatory training for Information Asset Owners and Information Asset Managers, which is currently being disseminated.

The Heads of Service Annual Governance Statement template has been updated to include specific reference to CCTV.

Deadline: 31 March 2022

Recommendation 5 (High Priority):

AMPS should notify IMS whenever a CCTV system is installed in any part of Shire Hall or any of GCC's corporate estate buildings.

Depending upon value, consideration could be given to arranging a council wide CCTV contract.

Original management response:

Procedures will be set up to ensure IMS are notified of new and intended changes to existing systems.

Due to the variant types of CCTV equipment that have been installed around the

county, it is not feasible to bring all current equipment under one support contract. However, any new authorised CCTV installations will be brought under one of the existing corporate CCTV support contracts.

Management update as at May 2021

A process has been agreed with AMPS and notifications are now being sent to IMS.

Deadline: 31 March 2021

Recommendation 6 (High Priority):

IMS should ensure that all CCTV system operators are aware of the Home Office Code of Practice and guidance from the Surveillance Camera Commissioner, including the requirement to complete the self-assessment tool. The completed self-assessment should be returned to IMS for review.

Original management response:

As part of the oversight framework a network of CCTV owners will be developed and requirements and key messages disseminated through them, such as through the AMPS quarterly meetings with property leads. As part of this the responsibility for ensuring that individual operators are aware of their responsibilities will be formalised.

A process will be developed for the completion and review of the self-assessment.

Management update as at May 2021

Plans are being developed for the development of a network of CCTV owners, which will be a subset of the existing Information Asset Owner/Manager network. AMPS have requested our service contractors undertake a check to ensure our systems are GDPR compliant, which is being picked up as part of the periodic service inspections.

AMPS have disseminated the new CCTV process for implementation and the CCTV policy to service heads and office managers. Their responsibilities have been reiterated at the Occupiers Forums.

An overview of CCTV requirements has been included in the mandatory training for Information Asset Owners and Information Asset Managers, which is currently being disseminated.

Deadline: 31 December 2021