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To: Audit & Governance Committee
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Ward(s) Affected: All
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Title: Corporate Policy & Guidance: Surveillance Overview Document and the Overt Surveillance Policy: Version: 2021

Summary:

Following the Investigatory Powers Commissioner's Office inspection on 9th February 2021 a revised draft RIPA policy relating to **covert** surveillance is before Members elsewhere on this agenda. It was also agreed that a policy relating to **overt** surveillance be prepared to ensure oversight of its use and to demonstrate compliance with the relevant Codes of Practice and requirements of the Surveillance Camera Commissioner and GDPR.

Recommendations:

To note the policy and guidance that is intended to take effect from 1st October 2021.

Reasons for recommendation

Part of the role of the Audit and Governance Committee is to monitor the Council's use and authorisation of covert surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA). Whilst outside RIPA legislation, **overt** surveillance undertaken by the Council also requires oversight. Providing up to date policy and guidance to the Committee enables Member oversight as to how **overt** surveillance is used and managed at SDC in compliance with the Surveillance Camera Commissioner's Codes of Practice and GDPR.

1. Introduction and background

1.1 The Officer Corporate Information Governance Group chaired by Karen Iveson, as the Council's Senior Information Risk Officer (SIRO), has undertaken a review of the Council's use of surveillance to ensure the

distinction between **covert** and **overt** surveillance is clear. **Covert** surveillance is governed by the Regulation of Investigatory Powers Act 2000 and is the subject of a separate policy and report on this agenda.

1.2 Overt surveillance must still meet standards set by the Surveillance Camera Commissioner and UK GDPR legislation. To demonstrate this, Officers have identified the surveillance equipment used by the Council and the circumstances in which it is deployed. The attached Surveillance Overview Document and the Overt Surveillance Policy have been drafted in association with Veritau Ltd, who act as SDC Data Protection Officer.

1.3 Amongst the issues covered in the policy and guidance - key points are:

- (i) A Central Register of Surveillance Equipment is kept by [Head of Communities?]
- (ii) Information Asset Owners are responsible for providing up to date information to the Central Register
- (iii) Standard of CCTV systems and compliance with Codes of Practice
- (iv) Use of recorded information
- (v) Subject Access Requests
- (vi) Distinction between Covert and Overt Surveillance
- (vii) Cross-referencing to all relevant Information Governance policies and procedures at SDC

1.4 Prior to the policy and guidance taking effect, further training is intended to be delivered to key officers involved in overt surveillance, and this will include all members of ELT and LT.

2. Alternative Options Considered

n/a

3. Implications

3.1 Legal Implications

It strengthens the Council's position in defending legal challenge for breach of legislation with up-to-date policy and guidance in place.

4.2 Financial Implications

Failure to comply with legislation in deploying surveillance would put the Council at risk of legal challenge for breach of legislation. Breach of the legislation can result in a fine.

4.3 Policy and Risk Implications

Failure to comply with guidance in deploying surveillance would put the Council at risk of legal challenge for breach of legislation.

4.4 Corporate Plan Implications

n/a

4.5 Resource Implications

n/a

4.6 Other Implications

n/a

4.7 Equalities Impact Assessment

n/a

5. Conclusion

Overt surveillance includes CCTV used for general non-directed surveillance where the public are made aware through signage that cameras are in place. There is a Code of Practice and a separate Surveillance Camera Commissioner's Office that maintains an oversight on use of such equipment for overt surveillance. The updated policy and guidance reflects the current legislation and statutory guidance, to ensure that any consideration regarding use of **overt** surveillance by SDC Officers complies with the law.

NOTE: There is a separate report on this agenda to bring the SDC RIPA Policy relating to the use of **covert** surveillance to the Committee's attention.

6. Background Documents

Surveillance Overview Document

[Surveillance camera code of practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

7. Appendices

Appendix A: Surveillance Overview Document

Appendix B: Overt Surveillance Policy 2021

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