

## Wiltshire Council Human Resources

### CCTV and vehicle tracking policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

This policy outlines Wiltshire Council's use of CCTV monitoring, vehicle tracking and use of data from hand held devices in the workplace. It explains the purpose of CCTV monitoring (building and vehicle), vehicle tracking and use of data from hand held devices, and outlines when and where it takes place, and describes how the information can be used.

#### Go straight to the section:

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#### Who does it apply to?

This policy applies to all Wiltshire Council employees, with the exception of teaching and non-teaching staff employed in locally managed schools.

All agency staff and contractors must familiarise themselves with this policy. Whilst they are not an 'employee' of Wiltshire Council they should be aware where CCTV monitoring and vehicle tracking takes place, and be aware that evidence may be discussed with their employer or passed to the police, should a disciplinary or criminal matter arise.

Volunteers should also be made aware of where CCTV monitoring takes place and if applicable, where vehicle tracking occurs. Data may be passed to the police where criminal activity is suspected or a criminal matter arises.

#### When does it not apply?

This policy does not apply to members of the public or visitors. The [Code of Practice for Closed Circuit Television Systems in Council Hub Buildings](#) covers the general use of CCTV on Council land and property to which the public have access.

## **What are the main points?**

### **Use of CCTV**

1. Cameras are installed in council buildings and on council vehicles for preventing and detecting crime or acts of equivalent misconduct and for health and safety reasons such as ensuring our workforce is safe. The council will ensure that all cameras are set up in a way that makes sure that there is minimal intrusion of staff privacy, and that any intrusion is fully justified.
2. In areas of deployment of CCTV, signs will be displayed prominently to inform employees and visitors that CCTV is in use and its purpose. They will also include the information that Wiltshire Council is operating the system along with a contact telephone number for any queries. This ensures that staff are fully aware that they are potentially subject to surveillance and can take appropriate steps to limit the impact of the CCTV with regard to their privacy within the workplace.

### **Where CCTV is installed**

3. Examples of where CCTV is in operation include:
  - Refuse collection vehicles
  - Council owned hubs – e.g. County Hall, Bourne Hill, Monkton Park
  - Leisure centres
  - Wiltshire History Centre
  - Depots
  - Libraries
  - Car parks – council owned

(Full list available in the FM CCTV Code of Practice)
4. Apart from car parks, many of the locations have stand-alone systems installed. They will generally cover entrances, exits and external areas; however in some cases they will also cover public or communal areas. The CCTV cameras are not continuously monitored, and the CCTV cameras record images only and not sound.
5. When new CCTV monitoring is installed all affected staff will be fully informed, ensuring that they have information about the purpose of the monitoring and how the information will be used.

### **Evidence from CCTV footage**

6. CCTV evidence can be used where the Council can show that it was acting fairly and lawfully. CCTV recordings will only be accessed where the Council has a reasonable belief that there is suspected criminal activity, suspected gross misconduct, health and safety issues or to protect the council against fraudulent damage claims, or when a police crime reference number has been issued.

7. CCTV footage may be used in disciplinary proceedings if the council is investigating a serious incident, such as criminal activity, gross misconduct, behaviour which puts themselves and others at risk (H&S), or discloses activities that an employer could not reasonably be expected to ignore.
8. Use of CCTV data will only be considered as evidence following consultation with the appropriate HR case adviser, in order to establish whether it is an essential part of the investigation.
9. Retrieval of CCTV images from buildings is strictly limited to the following job roles:
  - Facilities support officers
  - Technical officers
  - Facilities delivery managers (operations)
10. Requests to view CCTV data from buildings should be made using the [appropriate form](#). However where there are time constraints and the manager/supervisor already has access to the data due to the nature of their role, clear records (time/date/reason) of why the data was viewed should be kept.
11. CCTV images from waste vehicles are viewed in response to concerns raised about health and safety, where complaints from the public are received regarding accusations of damage to property, or where residents claim the council have missed collections. When the vehicle involved returns to the depot, the data is viewed by the supervisor or waste collection manager, and action taken where necessary. This may include passing the data to the insurance team.
12. Where CCTV evidence forms part of a disciplinary case against you, you will be shown a copy of the images, and you will be given the opportunity to respond to them, as part of the [disciplinary](#) procedure. You will be provided with a copy only where there is adequate protection for other employees or members of the public who may also appear in the recording.
13. The CCTV footage will only be disclosed to those employees who need access to it as part of the disciplinary process. This would usually include relevant parties who may require sight of the footage, e.g. your line manager, and once it forms part of the disciplinary process;
  - Investigating manager
  - HR case adviser supporting investigating manager
  - Employee's representative where the employee consents to such a disclosure
  - Hearing manager
  - HR case adviser supporting hearing manager
  - Appeals hearing manager
  - HR case adviser supporting appeals hearing manager
  - Note taker for disciplinary investigation, hearing and appeal

14. Where CCTV exonerates employees of any wrong doing, the images will only be retained until the matter is concluded and the business feels it is no longer necessary to retain the images.
15. Where there is evidence of criminal activity, recordings may be provided to the police or other enforcement agencies, if requested. Any such disclosure would be made in accordance with the Data Protection Act.

### **Storage of CCTV footage**

16. Images from CCTV footage will be securely stored and only authorised personnel will have access to them. The images will be retained for the designated time of their system after which it will be automatically overwritten. (Typically 7-30 days)
17. In an investigation, in accordance with data protection principles, images will only be retained long enough for the incident to be investigated and concluded in respect of the Council's internal processes and/or at the end of any legal or other process which requires the data to be retained.
18. For further details please refer to: [Code of Practice for Closed Circuit Television Systems in Council Hub Buildings](#).

### **Covert CCTV Monitoring**

19. Covert CCTV monitoring is when CCTV monitoring takes place but those subject to it are unaware that it is happening. For this reason the use of covert CCTV will not normally be considered. It will only be justified in limited circumstances where there is reasonable suspicion that a crime or serious misconduct is taking place and where CCTV use is likely to be a proportionate means of securing evidence.
20. The Council will comply with the relevant provisions in the ICO Employment Practices Code, including:
  - A [privacy impact assessment](#) to consider whether the proposed surveillance can be justified as proportionate to the needs identified. Consultation is also a key element of this process. The impact assessment will be completed by business area/project owner
  - Associate director authorisation gained in conjunction with the associate director for people and business
  - Ensuring that any covert monitoring is strictly targeted and limited in scope and time
  - Limiting the number of people involved in the investigation
  - Prior to the investigation setting up clear rules limiting the disclosure and access to information obtained
21. Where covert monitoring is being considered, advice must be sought in advance from the legal and HR advisory teams. They will consider whether there is an alternative, more suitable solution.

22. In some cases covert CCTV monitoring installed for one investigation may reveal evidence of other criminal behaviour or disciplinary offences. The footage will only be used where the offence is criminal activity, gross misconduct, putting others at risk or reveals activities that an employer could not reasonably be expected to ignore.
23. CCTV will not be operated in toilets, office areas or changing rooms, unless this is necessary for the investigation of a serious crime, or there are circumstances in which there is a serious risk to health and safety or to the operation of the council's business. The only time where CCTV will be operated in these places is where covert CCTV monitoring is justified and only where it is a proportionate means of achieving the aim in question.
24. All covert CCTV monitoring equipment will be removed once the investigation is complete.

### **Vehicle tracking devices**

25. A number of council owned vehicles are fitted with tracking devices, including vehicles in the waste team, parking services, highways, housing, the tanker service and pool cars.
26. Devices can record or transmit information such as the location of a vehicle, the distance it has covered and information about the users driving habits.
27. Tracking data may be used to protect the council against fraudulent damage claims, (especially in the case of refuse collection vehicles), and as a management tool to help redesign rounds to ensure all tracked vehicles are fully utilised during the working day. This is essential to maintain the cost effective management of the fleet.
28. Should there be a reasonable belief that there are unusual patterns of activity or non-activity, the tracking device data may be used to investigate the reason for this.

### **Evidence from Vehicle tracking devices**

29. Any evidence used from the tracking device in the investigation into unusual patterns of activity/non activity may be produced as evidence in any subsequent disciplinary process, where appropriate, if the data shows activities by employees, that an employer could not reasonably be expected to ignore. (Refer to **Evidence from CCTV footage**)
30. Use of vehicle tracking data will only be considered as evidence following consultation with the appropriate HR case adviser, in order to establish whether it is an essential part of the investigation.
31. Where vehicle tracking data is not used daily as a management tool, e.g. waste, retrieval of vehicle tracking data as part of a disciplinary investigation is limited to fleet services. They will supply required data as necessary in line with the policy.

32. Where access is not part of a daily management tool, requests to view vehicle tracking data should be made using the [appropriate form](#). However where there are time constraints and the manager/supervisor already has access to the data due to the nature of their role, clear records (time/date/reason) of why the data was viewed should be kept.
33. Where vehicle tracking evidence forms part of a disciplinary case against you, you will be shown a copy of the tracking report, and you will be given the opportunity to respond to it, as part of the disciplinary procedure. You will be provided with a copy only where there is adequate protection for other employees shown in the data.
34. The vehicle tracking information will only be disclosed to those employees who need access to it as part of the disciplinary process. This would usually include relevant parties who may require sight of the report, e.g. your line manager, and once it forms part of the disciplinary process;
- Investigating manager
  - HR case adviser supporting investigating manager
  - Employee's representative where the employee consents to such a disclosure
  - Hearing manager
  - HR case adviser supporting hearing manager
  - Appeals hearing manager
  - HR case adviser supporting appeals hearing manager
  - Note taker for disciplinary investigation, hearing and appeal.
35. Where there is evidence of criminal activity, data may be provided to the police or other enforcement agencies, if requested. Any such disclosure would be made in accordance with the Data Protection Act.
36. When new methods or use of vehicle tracking information are introduced all affected staff will be fully informed, ensuring that they have information about the purpose of the monitoring and how the information will be used.
37. There are circumstances where Wiltshire Council is under a legal obligation to monitor the use of a vehicle, e.g. the tachograph on a lorry.

### **Hand held devices**

38. As with vehicle tracking devices, hand held devices, as used by civil enforcement officers for example, can transmit information about the users' location.
39. Should there be a reasonable belief that there are unusual patterns of activity or non-activity, the tracking device data may be used to investigate the reason for this.
40. Any evidence used from the tracking device in the investigation into unusual patterns of activity/non activity may be produced as evidence in any subsequent disciplinary process, where appropriate, if the data shows

activities by employees, that an employer could not reasonably be expected to ignore. (Refer to **Evidence from CCTV footage & vehicle tracking devices**)

### **Other monitoring**

41. Please refer to the acceptable [usage policy](#) for email, internet and computer use for information regarding monitoring of email and internet usage.
42. The information security team will monitor the use of council provided mobile phones and smartphones, carry out checks and highlight any inappropriate use. Refer to [personal use of work mobile phones and smartphones](#).
43. Although not routinely monitored, access card data can be used in conjunction with CCTV data if required, as part of a disciplinary investigation.

### **Roles and responsibilities**

#### Facilities Management responsibilities

44. Ensure correct signage in place alerting employees and public to where CCTV monitoring is in place.
45. Ensure FM code of practice up to date.
46. Ensure that appropriate team members are trained in the use and retrieval of CCTV.
47. Ensure data protection principles are followed and that CCTV recordings are only disclosed to the people who need to have access to them, in line with the Wiltshire Council CCTV code of practice.

#### Waste team managers and supervisors

48. Ensure that managers and supervisors are trained in the use of data retrieval from vehicle tracking devices.
49. Ensure data protection principles are followed and that CCTV recordings and vehicle tracking data is only disclosed to the people who need to have access to it.

#### Fleet responsibilities

50. Ensure all vehicles have appropriate signage/stickers showing whether they have CCTV/tracking devices.
51. Ensure data protection principles are followed and that vehicle tracking data is only disclosed to the people who need to have access to it.

#### Employee responsibilities

52. Ensure they have read and understood the policy.

#### Line manager responsibilities

53. Ensure teams are aware where CCTV or tracking devices are in operation – especially where the team does not have ready access to HR Direct.
54. When new methods of CCTV monitoring or tracking are introduced ensure that relevant affected staff are fully informed, ensuring that they have information about the purpose of the monitoring and how the information will be used.
55. Ensure, where appropriate, that a privacy impact assessment has been carried out prior to implementation of new monitoring systems.
56. Regularly remind staff that CCTV or tracking devices are in operation.
57. When intending to use recorded data for disciplinary purposes ensure that advice has been sought from your HR case adviser as to whether this is appropriate and required.
58. Ensure clear records are kept showing when data has been viewed and for what purpose. Use the request form where relevant.

#### HR responsibilities

59. Liaise with managers where CCTV or other recorded data evidence is requested.
60. Consider alternative methods of reaching same end result without CCTV.
61. Ensure data protection principles are followed and that CCTV recordings are only disclosed to the people who need to have access to it, in line with Wiltshire Council CCTV code of practice.

#### Frequently asked questions

- 62. Who manages CCTV monitoring at Wiltshire Council?**  
The facilities management team or building champion, (an individual who carries out the duties of the 'responsible person' from the service operating the building, i.e. leisure centres) manage the monitoring of CCTV cameras across the hubs and council owned buildings. The waste team control and monitor CCTV for waste vehicles.
- 63. How will I know if I am being monitored by CCTV?**  
There will be clear signage showing where there is CCTV coverage.
- 64. Can I request to look at CCTV footage?**



If you want to look at CCTV footage and it does not form part of any investigation, you will need to apply to the Corporate Information Team (CIT) in line with the [Wiltshire Council Code of Practice for Closed Circuit Television Systems in Council Hub Buildings](#). They will decide whether they can assist with your request. This is necessary to protect other employees or members of the public who may also appear in the recording.

**65. What happens with the recordings?**

The systems are unmanned and not constantly monitored. The recordings are kept on the system usually between 7 and 30 days and then overwritten.

**66. Who can look at the CCTV recordings?**

Only authorised employees are allowed to look at CCTV recordings, in line with the [Wiltshire Council Code of Practice for Closed Circuit Television Systems in Council Hub Buildings](#). If the recordings are to be used as evidence in a disciplinary only those involved in the case will be able to view them. Data or footage may also be passed to the insurance team or to the police should a criminal matter arise.

**67. Why can I not be just given a copy of a CCTV recording as a matter of course if it is being used in a disciplinary?**

In the majority of cases you will be shown the footage or data and given a copy as part of the disciplinary report. There may be exceptions to this where it is not possible. This is because it is necessary to protect other employees or members of the public who may also appear in the recording.

**68. Why do Wiltshire Council vehicles other than waste vehicles need tracking devices on them?**

Our vehicles are a major asset costing thousands of pounds to maintain, insure and run. This is a limited asset in high demand and we need to know where our vehicles are at any one time. If we need to respond to an incident promptly we need to know how we can get there and have access to the most appropriate vehicle. We cannot afford for vehicles to be sat idle in one location when it is needed in another, or to hire additional vehicles when we could avoid doing so with better management of the fleet.

**69. Who monitors the vehicles with tracking devices?**

For the majority of council owned vehicles the fleet team is responsible for monitoring their movement. However, where there is a business need to monitor vehicles to maintain cost effective service provision, the management team with the related activity will monitor them. e.g. in waste.

**70. I have heard people say that CCTV recording and vehicle tracking is a breach of privacy and human rights. Is this the case?**

No. At Wiltshire Council we have a clear code of practice and policy on CCTV use and vehicle tracking. These have been developed taking the Data Protection Act and ICO Code of Practice into account. As such we ensure that staff know where CCTV cameras or monitoring equipment is in place, why it is being used and circumstances when it will be used. Staff are fully informed that the use of CCTV is justified as it is for preventing and detecting crime or acts of equivalent misconduct, and for health and safety reasons such as ensuring our workforce is safe.

**71. When would covert monitoring be used?**

The examples below highlight when covert monitoring may or may not be suitable.

**Example 1:** There is reasonable suspicion that an employee is stealing IT equipment from the store room as equipment is missing. It would be appropriate to install CCTV in this room, as it will not involve continuous or intrusive monitoring and is proportionate to the problem.

**Example 2:** There is reasonable suspicion that employees are making mobile phone calls during working hours, against council policy, and the council considers installing CCTV cameras near desks to monitor them throughout the day. This would be intrusive and disproportionate. Continuous monitoring will only be used in very exceptional circumstances, for example where hazardous substances are used and failure to follow procedures would pose a serious risk to life.

## Definitions

### Equal Opportunities

This policy has been equality impact assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

***If appropriate:***

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

### Legislation

Data Protection Act 1998  
Human Rights Act 1998  
Regulation of Investigatory Powers Act (RIPA) 2000

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

### Advice and guidance

If you require help in accessing or understanding this policy ([or completing any of the associated forms](#)) you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

### Further information

There are a number of related policies and procedures that you should be aware of including:

- [Code of Practice for Closed Circuit Television Systems in Council Hub Buildings.](#)
- [Disciplinary policy & procedure](#)
- [IT - Acceptable usage policy](#)
- [ICO Code of Practice](#)
- [FOIA – Freedom of information Act](#)

There is also a **toolkit** including manager guidance and supporting documents to use when following this policy and procedure.

For further information please speak to your supervisor, manager, service director or contact your [HR case adviser](#).

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