

# Anti-social behaviour CCTV policy

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**All policies are the responsibility of team managers and directors to own, deliver, disseminate, monitor and review.**

## Purpose

This policy sets out the circumstances in which we will use closed circuit television (CCTV) to detect, investigate and prevent anti-social behaviour, which includes criminal behaviour.

## Underpinning principles

We must comply with the Regulator of Social Housing Neighbourhood and Community Standard 2015.

Our use of CCTV also requires adherence to certain laws, regulations, codes, standards and good practice, in particular:

- In the picture - A data protection code of practice for surveillance cameras and personal information – Information Commissioner's Office – 2017
- Surveillance Camera Code of Practice – Home Office – 2013
- Surveillance Camera Code of Practice – Owner/Installer Points for Consideration – Surveillance Camera Commissioner – 2015
- The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

We are fully compliant with the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679.

However, we are not a relevant authority in relation to the Freedom of Information Act 2000 (FOIA) or the Private Security Industry Act 2001. This means that we do not have to obtain any necessary licences for the operation of CCTV cameras from the Security Industry Authority (SIA) or any other regulatory body.

We are also not a relevant authority with regards to the Protection of Freedoms Act 2012 (POFA), but as a data controller we are encouraged to follow the POFA code of practice.

Expert advice on this policy has recommended that it is reviewed annually.

### **Policy detail**

We recognise the use of CCTV as an appropriate and accountable means, as part of a range of mechanisms, to improve safety and security in our neighbourhoods. We also appreciate that both overt and covert surveillance may be useful in dealing with anti-social behaviour, as long as its use is relevant and proportionate. However, in most cases, only overt surveillance will be used in order to comply with the principles contained in the Regulations of Investigatory Powers Act 2000 (RIPA).

CCTV will only be used where:

- i) there is evidence of a problem
- ii) it is necessary to secure evidence
- iii) its use is proportionate to the seriousness of the problem.

Neighbourhoods and supported housing will use CCTV to:

-  detect, investigate and prevent anti-social behaviour
-  obtain evidence to support tenancy enforcement action
-  assist the police, local authority and other organisations in combatting anti-social behaviour.

### **Covert surveillance**

The Regulations of Investigatory Powers Act 2000 (RIPA) governs the use of covert surveillance to ensure that it is used only when necessary, reasonable and proportionate. Whilst it does not apply to housing associations, we will follow RIPA as closely as possible when using covert surveillance.

We will only use 'directed surveillance' in exceptional circumstances. 'Directed surveillance' is surveillance which meets the following conditions.

1. It is covert but not intrusive, i.e. it does not intrude into anything taking place in any private residential premises or any private vehicle.
2. It is conducted for the purpose of a specific investigation.
3. It is likely to result in the obtaining of private information about a person.
4. It is conducted other than by way of an immediate response to events or circumstances.

The following criteria will need to be satisfied.

- i) It is for one of the following purposes.
  - Preventing or detecting anti-social behaviour.
  - In the interests of public safety.
  - For the protection of public health.
- ii) It is necessary because other forms of information gathering have proved impossible or impractical.
- iii) It is proportionate in that the level of intrusion is outweighed by the need for the evidence to be obtained by the surveillance.

## **Compliance**

The group operations director is responsible for ensuring compliance with this policy, and any breaches are potentially a disciplinary issue.

## **Complaints**

Data subjects who wish to complain about the use of CCTV cameras in the investigation of anti-social behaviour should follow the process detailed in the anti-social behaviour CCTV procedure.

## **SIGNPOST**

- Data Protection Act 2018
- General Data Protection Regulation (EU) 2016/679
- Human Rights Act 1998

- Protection of Freedoms Act 2012
- Regulation of Investigatory Powers Act 2000
- Anti-social behaviour policy
- Anti-social behaviour procedure
- Anti-social behaviour CCTV procedure
- Data protection policy
- Data sharing guidance document

**Policy review date** – 12 May 2022

