



# Thames Beat Code of Practice – Covert enforcement cameras

## Introduction

The Thames Beat Code of Practice for the use of covert enforcement cameras sets out:

- the objectives of a covert camera system; and,
- the rules by which it will be operated.

Note that the Forestry Commission is not legally required to produce a publicly-available Code of Practice, but this has been created as an information document.

## Background

A number of recent illegal fly-tipping incidents in the Thames Beat have highlighted this risk to the Forestry Commission's (FC) estate within the Thames Chase Community Forest. The recent fly-tipping incidents have been interpreted as organised crime as they involved high quantities of commercial and industrial waste.

In November 2014, a fly-tipping incident at Bonnetts Wood (located within the Thames Beat) involved a barrier being cut through and 63 tonnes of waste, involving several lorry loads, being dumped on FC land. The cost to the FC to have the waste removed and disposed of properly amounted to £8k. The scale of this incident highlights the need to introduced controls to mitigate the risk of fly-tipping within the area.

In addition, illegal vehicular access is a recurrent issue within the Thames Beat. These vehicles are dangerous and present a risk to both the public and the driver. Illegal vehicles have historically caused damage to the woodland infrastructure; in particular, to pedestrian paths that have not been designed to support such vehicles.

## Why use cameras

A coordinated and sustained effort to protect the Forestry Commission's community forest estate from further incidents is needed to reduce the impacts on people, the environment and protect the FC from the associated costs.

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Covert cameras can be used for the purpose of deterring possible incidents, identifying culprits and facilitating the enforcement of criminal investigations using any evidence gathered. Other measures including improved entrance barrier security will be used to increase site security.

## Objectives

The objectives of the use of covert enforcement cameras on the Forestry Commission estate are as follows:

- To use cameras and camera warning signage as a deterrent against fly tipping and unauthorised vehicle entry at access points onto site.
- To facilitate the detection and prosecution of offenders in relation to illegal fly tipping, property damage and vehicle entry.

## Surveillance Camera Code of Practice - Guiding Principles

In June 2013, the government issued the **Surveillance Camera Code of Practice**. It states that system operators should adopt the following 12 guiding principles:

- 1) Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
- 2) The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
- 3) There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
- 4) There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
- 5) Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
- 6) No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
- 7) Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

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- 8) Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
- 9) Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- 10) There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- 11) When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- 12) Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

The Thames Beat will adopt the above principles and apply them diligently. In addition, by working with the FC Radio & Electronics Branch, we will ensure that we have implemented the appropriated FC standards, policy and procedures. This will ensure that issues such as privacy, integrity and fairness are properly dealt with. It will also set a minimum standard which the Forestry Commission will use to ensure public confidence in the scheme.

All data shall be processed fairly and lawfully and the operators of the system will ensure that appropriate security measures shall be taken against unauthorised access to, alteration, disclosure or destruction of personal data and against accidental loss or destruction of personal data.

Copies of this Code of Practice are publicly available in accordance with the Freedom of Information Act 2000, and can be viewed at [www.forestry.gov.uk/thameschase](http://www.forestry.gov.uk/thameschase).

The Operation of this Code will be reviewed annually by the Forestry Commission.

It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practices.

## Legislation: Fly tipping

Fly tipping is a criminal offence. Fly tippers can be fined up to £50,000 in Magistrates' Courts, as well as community punishment orders and imprisonment for up to two years. Those convicted of fly tipping offences can be made to pay the costs of enforcement and investigation, as well as the clean up costs.

There are several pieces of legislation relating to fly-tipping. In England and Wales the main legislation is the Clean Neighbourhoods and Environment Act 2005 and the Environmental Protection Act (EPA) 1990, ss.33, 34 and 59.

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The Control of Pollution (Amendment) Act 1989 sets out the need for waste carriers to register with the Environment Agency (EA) and gives the EA and authorised officers of a Waste Collection Authority power to seize vehicles used for illegal waste-related activities.

The Forestry Commission will use this legislation to take enforcement action against fly tippers.

## Legislation: Covert camera use

The operation of CCTV and covert camera systems must be undertaken with due regard to the following legislation:

- Regulation of Investigatory Powers Act (RIPA) 2000
- The Data Protection Act 1998
- The Human Rights Act 1998
- The Freedom of Information Act 2000

RIPA is the law governing the use of covert techniques by public authorities. It requires that when public authorities, such as the police or government departments, need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate, and compatible with human rights.

In this case, RIPA applies to conducting covert surveillance, either in private premises or vehicles (intrusive surveillance) or in public places (directed surveillance). RIPA applies to a wide-range of investigations in which private information might be obtained. Cases in which it applies include:

- terrorism
- crime
- public safety
- emergency services

The capture of images using covert cameras will inevitably involve the collection of personal data about vehicle drivers and other members of the public. All data shall be processed in accordance with the eight principles of the Data Protection Act 1998: <https://www.gov.uk/data-protection/the-data-protection-act>.

The images recorded will be kept for a maximum of 6 months in cases where the data is not required for enforcement action. In cases where it is required for enforcement action, it will be kept for 7 years.

A 'Data Controller' will be appointed in the team to be responsible for the collection and secure storage of data from the covert cameras.

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Images of individuals and vehicle involved in fly tipping or other illegal activity will be passed on to the police and/or Environment Agency for enforcement action. Photos and any other physical evidence collected (e.g. addressed bills found in the fly tip) will also be collected and handed to the relevant authority as additional evidence to build a case.

It is not customary for the police or Environment Agency to share personal details with the Forestry Commission, however any personal information that is shared relating to the images collected will be stored electronically on a secure, password-protected Forestry Commission server.

Individuals will be able to make a request to view their personal data using existing Freedom of Information Act request processes.

## Enforcement by covert cameras

Due to the remote or isolated locations of the Forestry Commission's site entrances and car parks, covert cameras will be used in order to reduce the opportunity for vandalism and theft.

The primary purpose of the covert camera system is to ensure the safety and security of the Forestry Commission estate.

In order to deter and carry out enforcement action, the data collected by covert cameras will:

- Identify vehicle registration number, colour and type of unauthorised vehicles carrying out illegal activities on the Forestry Commission estate
- Identify visual description of persons carrying out illegal activities on the Forestry Commission estate
- Record evidence of illegal activity to ensure that representations and appeals can be fully answered
- Enable timed and dated pictorial and video evidence of such unauthorised fly tipping or driving to be produced for adjudication or as information to the owner of such vehicles

The system is intended to view activity on Forestry Commission land only. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

## Areas surveyed

The camera system may be used on any entrance, car park or other area of Forestry Commission estate identified to be at risk of fly tipping and related illegal activities. Cameras will be directed away from private property and public highways.

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Relevant camera enforcement signs will be displayed in areas where the covert cameras operate. The signs will not define the field of view of the cameras, but will advise that camera enforcement is taking place in the area.

## Privacy risks and control measures

The Forestry Commission has completed a Privacy Impact Assessment to identify the privacy risks involved in the use of covert cameras within the Thames Beat and agreed control measures.

Directed surveillance e.g. filming and covertly monitoring specific people generally in public places, is permitted under the Regulation of Investigatory Powers Act (RIPA) 2000 providing the action is 'necessary, proportionate, and compatible with human rights'.

To reduce or eliminate the privacy risks involved, the Forestry Commission will:

<b>Risk</b>	<b>Approved solution</b>
1. Filming of private property	Ensure cameras are pointed towards FC land only during set up. Monitor on monthly site visits to ensure cameras have not changed direction.
2. Filming of the public without their knowledge	Warning signs will be placed at site car parks and other entrances to advise the public of covert camera use. Contact details of FC staff will be included.
3. Storage of personal information – risk of not being securely protected	Images/video collected from cameras will be stored for up to 6 months if no action is being taken against the individual/s. If enforcement action is being taken, images/video will be stored for up to seven years.  Any personal information gained from the authorities will be stored in a secure spreadsheet on a secure FC server.

## Code of Practice reviews

This Code of Practice will be reviewed annually to ensure camera usage is required, suitable, appropriately managed and legally compliant. Next review date: **12th February 2017**.

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## Appendix 1: Template - Justification Form for using Camera / CCTV

**Note – This form will be completed for each new camera deployment**

**Forest Beat Name**...Thames Beat.....

**Location proposed**.....

**Grid reference**.....

Is there a history of problems at this location? Yes / No

**Purpose for the deployment of the camera at this location**

(EG monitor antisocial behaviour / vandalism )

.....  
.....  
.....

**Expected outcome**

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Who is the Officer responsible for the data collection storage and analysis

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**File reference for digital images**.....

**Data retention period** .....

**Start Date** .....

**End Date**.....

COMMENTS