



**ORKNEY**  
ISLANDS COUNCIL

**MARINE SERVICES CODE OF  
PRACTICE ON THE  
OPERATION OF CCTV**

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AMENDMENTS RECORDS

RECORD OF REQUESTS FOR DATA

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# CCTV CODE OF PRACTICE ON THE OPERATION OF CCTV

## Introduction and accountability

Marine Services has a CCTV surveillance system for the principal purposes of monitoring vessel movements within the port. Cameras have been installed at Stromness Harbour, Kirkwall Harbour, Hatston Pier, Lyness Pier, Tingwall Pier, Sandy Hill, Hill of Midland, Blackcraig and Harbour Authority Building, Scapa. Images from the port area cameras will be monitored at the Marine Operations Room at the Harbour Authority Building Scapa.

The system is owned by Orkney Islands Council Marine Services. The Marine Operations Room is staffed by VTS (Vessel Traffic Services) Operators.

This Code of Practice has been prepared for the guidance of managers and the operators of the CCTV system and for the information of all port users within the community. Its purpose is to ensure that the CCTV system is used to best effect and its operation is consistent with the obligations on the Marine Services imposed by the Data Protection Act 2018. The Code is available for viewing, from the Harbour Master. It is also published in the port website [www.orkneyharbours.com](http://www.orkneyharbours.com)

## Complaints

The duty VTS Operator is responsible for the operation of the CCTV system and in the first instance, for ensuring compliance with this Code of Practice. Any concerns in respect of the system's use or regarding compliance with this Code should, in the first instance, be addressed to the Harbour Master.

Contact numbers: +44 (0)1856873636

ICO Registration number: Z534547X

Data Controller: Orkney Islands Council

Address: Council Offices  
School Place  
Kirkwall  
Orkney  
KW15 1NY

## 1 Objectives

- 1.1 CCTV has been installed by Marine Services for the principal purposes of Monitoring vessel movements within the port as part of the Vessel Traffic Services (VTS) information service Overseeing port areas to maintain compliance with Port Security requirements under the ISPS Code; preventing and detecting crime. It is recognised, however, that ancillary benefits of operating CCTV for these purposes may include reduction of the fear of crime generally and the provision of a safer public environment for the benefit of those who live or work within the port area or visit. These objectives must, however, be consistent with respect for individual's privacy.

The system will be monitored in accordance with these objectives, and accordingly monitoring will be permitted only to:

- Record and review the images.
- Assist in the monitoring of vessel movements with the port areas.
- Assist in monitoring of Port Security under the ISPS Code.
- Assist in the prevention and detection of crime.
- Facilitate the identification, apprehension and prosecution of offenders in relation to crime and public order; and as an aid to public safety.
- Provide and operate the system in a manner which is consistent with respect for the individual's privacy.

## **2 System**

- 2.1 The system of CCTV surveillance encompasses the ports of Stromness Harbour, Kirkwall Harbour, Hatston Pier, Lyness Pier, Tingwall Pier, Hill of Midland, Sandy Hill and Blackcraig. It will also encompass all other CCTV images that, in due course, are added to the system and monitored at the Marine Operations Room at the Harbour Authority Building Scapa. References in this code to the “CCTV system” or “system” should be read accordingly.
- 2.2 Although the system is not continuously monitored, it is operational and images are capable of being monitored for twenty-four hours a day, throughout the whole year.
- 2.3 The public is made aware of the presence of the system and its ownership by appropriate signage. This sets out the purposes for processing CCTV images (in accordance with paragraph 1.1 above) and identifies Marine Services as the party responsible for processing those images.
- 2.4 To ensure compliance with the UK GDPR (in particular the principles of data minimisation, purpose limitation, and accountability), and to respect individuals’ reasonable expectation of privacy, the cameras are configured, wherever practicable, so that they do not focus on or dwell on domestic accommodation (including residential properties, gardens, and windows).

This is achieved through appropriate technical and organisational measures, including:

- Physical adjustment of camera positioning, angle, tilt, or field of view to exclude or minimise coverage of domestic areas;
- Application of privacy masking (or privacy zones) within the camera software to digitally obscure any areas of domestic accommodation;
- Use of fixed or restricted zoom and focus settings that prevent operators from directing cameras towards private living spaces; and
- System configuration to automatically limit or exclude recording in predefined sensitive zones.

These measures will be demonstrated to local residents upon reasonable request (for example, by showing the live view, configuration settings, or masking overlays).

Where it is not technically practicable to fully prevent coverage of domestic areas (for example, where such areas directly abut the intended surveillance zone), all system operators will receive clear instructions and

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- training. Operators will be made explicitly aware that they must not pan, tilt, zoom, or dwell on domestic accommodation, and that any incidental footage of such areas must not be reviewed, recorded, retained, or used except where strictly necessary for a documented lawful purpose and in accordance with this Code of Practice. Operators will be required to acknowledge their understanding of these restrictions as part of their training and ongoing compliance obligations.
- 2.5 Images captured on camera will be transmitted to the Marine Operations Room where they will be recorded for use in accordance with this Code of Practice. Persons monitoring the images at locations other than the Marine Operations Rooms will not be permitted to record those images or to have access to archived images. Normal access to such locations is limited to the authorised staff members and Senior Management. Police officers may enter with the consent of the Harbour Master or his nominee.
- 2.6 Although every effort has been made in the planning and design of the CCTV system to give it maximum effectiveness, it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.
- 2.7 For the purposes of the Data Protection Act 2018, the Data Controller is Orkney Islands Council who are legally responsible for the management and maintenance of the CCTV system.

### **3 Control Room**

- 3.1 Images captured by the system will be monitored in the Marine Operations Room and the monitors cannot be seen from outside this room having regard to the purposes set out in paragraph 1.1 above.
- 3.2 No unauthorised access to the Marine Operations Room is allowed at any time. Normal access is limited to the duty VTS Operator, authorised staff members and Senior Management. Police officers may enter with the consent of the Harbour Master or his nominee.
- 3.3 Persons other than those specified in paragraph 3.2 may be authorised to enter the Marine Operations Room on a case-by-case basis. Visitors will be supervised, at all times, by the duty VTS Operator. Such visitors will not be given access to any data, which falls within the scope of the Act.
- 3.4 All visitors will be required to complete and sign the visitors' book at the main reception. The duty log sheets in the Marine Operation room indicate who is on duty and responsible for the CCTV imaging.

#### **4 Control Room Administration and Procedures**

- 4.1 A daily log will be maintained in the Marine Operations Rooms and details of incidents will be noted together with any consequential action taken.
- 4.2 It is recognised that the images obtained comprise personal data and are subject to the law on Data Protection. All copies will be handled in accordance with the procedures outlined in appendix I of this Code and are designed to ensure the integrity of the system. The Harbour Master will be responsible for the development of and compliance with the working procedures in the Marine Operations Room.
- 4.3 Recorded images will only be reviewed with the authority of the Harbour Master or his nominee. Copies of digital images will only be made for the purposes detailed in 1.1 or where otherwise required by law.

## 5 Staff

- 5.1 All staff involved in the operation, management, or use of the CCTV system will receive appropriate training on the sensitivity of handling CCTV images and recordings and their responsibilities under data protection law.

This training will be provided:

- As part of the induction process for new staff; and
  - Through regular refresher training (at least annually, or whenever there are significant changes to the system, policy, or legislation).
- 5.2 The Harbour Master will ensure that all staff are fully briefed and instructed in respect of all functions, operational and administrative, arising within the CCTV control operation. Instructions in the requirements of the Data Protection Act and this Code of Practice will also be provided.

## 6 Recording

- 6.1 The Marine Operations Room system is supported by digital recording facilities, which is capable of retrieving images to a digital system.
- 6.2 Images are recorded digitally; the process of identifying retrieval dates and times will be computerised. Images will be cleared automatically after a set time, in accordance with paragraph 6.3 of this Code.
- 6.3 Unless required for evidential purposes or the investigation of crime, recorded images will be retained for no longer than 31 days from the date of recording. However, Marine Services recognises that, in accordance with the requirements of the Data Protection Act, no images should be retained for longer than is necessary. Accordingly, some recorded images may be erased after a shorter period, for example, where it can be determined more quickly that there has been no incident giving rise to the need to retain the recorded images.
- 6.4 In the event of a digitally recorded image being required for evidence or the investigation of crime it will be retained for a period of time until it is no longer required for evidential purposes or any investigation into a crime has been completed.
- 6.5 In order to comply with the standards set out in the Information Commissioners' Code of Practice: -
- The medium on which images are captured will not be recorded on top of images recorded previously.
  - The medium on which images have been recorded will not be used when it has become apparent that the quality of images has deteriorated.
  - Where the system records features such as the location of the camera and/or date and time reference, these will be accurate.

## 7 Monitoring Procedures

- 7.1 VTS Operators will be available to work in the Marine Operations Room throughout the 24/7/365.
- 7.2 The CCTV system will only be monitored for specific, legitimate purposes explicitly stated in section 1.1 of this Code of Practice. Monitoring for any other purpose is strictly prohibited.

All monitoring activity must be:

- Necessary and proportionate to achieving the stated purposes; and
- Carried out in accordance with the principles of the UK GDPR and this Code of Practice.

- 7.3 The control of the system will always remain with Marine Services but at Marine Services discretion the cameras may be operated in accordance with requests made by the Police during an incident to: -

- Monitor potential public disorder or other major security situations.
- Assist in the detection of crime.
- Facilitate the apprehension and prosecution of offenders in relation to crime and public order.

## 8 Digital Recording Procedures

### 8.1 Control and management digital recordings

All recordings belong to and remain the property of Marine Services.

### 8.2 Access to recordings

Generally, requests by persons outside of Marine Services for viewing or obtaining digital recordings will be assessed on a case by case basis.

Requests from the Police will arise in a number of ways, including: -

- Requests for a review of recordings, in order to trace incidents that have been reported.
- Immediate action relating to live incidents e.g. immediate pursuit.
- For major incidents that occur, when images may have been recorded continuously.
- Individual Police Officer seeking to review recorded images within the Marine Operations Room.

Access by data subjects will be in accordance with paragraph 9 below.

Requests for access to recorded images from persons other than the Police or the data subject will be considered on a case-by-case basis. The Harbour Master or his nominee will consider such requests. Access to recorded images in these circumstances will only be granted where that is consistent with the obligations placed on Marine Services by the Data Protection Act 2018 and, in particular, with the purposes set out in paragraph 1.1.

### 8.3 Standards

It is important that access to, and disclosure of, the images recorded by CCTV is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes. Users of CCTV will also have to ensure that the reasons for which they may disclose copies of the images are compatible with the reasons or purposes for which they originally obtained those images. These aspects of the Code reflect the Second and Seventh Data Protection Principles of the Data Protection Act 2018.

- 8.4 All VTS Operators should be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images.
- 8.5 Access to recorded images will be restricted to staff who need to have access in order to achieve the purpose of using the equipment.
- 8.6 All access to the medium on which the images are recorded (digital), will be documented.
- 8.7 Disclosure of the recorded images to third parties will be made only in the following limited and prescribed circumstances, and to the extent required or permitted by law:
- Law enforcement agencies where the images recorded would assist in a specific criminal inquiry.
  - Prosecution agencies.
  - Relevant legal representatives.
  - Where it is decided by the Harbour Master or his nominee that the assistance of the VTS Operator is needed to identify an incident within the port area.
  - People whose images have been recorded and retained, and disclosure is required by virtue of the Data Protection Act 2018.

All requests for access or for disclosure will be recorded. The Harbour Master or his nominee will make decisions on access to recorded images by persons other than police officers. Requests by the Police for access to images will not normally be denied and can be made without the above authority provided they are accompanied by a written request signed by a Police Officer, who must indicate that the images are required for the purposes of a specific crime enquiry.

If access or disclosure is denied by the Harbour Master, the reasons will be documented and forwarded to the Marine Operations Room for filing.

If access to or disclosure of the images is allowed, then the following will be documented in accordance with the Appendices of this code:

- The date and time at which access was allowed or the date on which disclosure was made.
- The reason for allowing access or disclosure.

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- The extent of the information to which access was allowed or which was disclosed.
- Control Room staff using the appropriate forms will document routine disclosure to the Police (Appendix II of this code).
- Requests for non-Police disclosures will be forwarded to the Harbour Master.
- See paragraph 9 for Access by Data Subjects.

## 9 Access by Data Subjects

9.1 All staff involved in monitoring or handling image data will proceed in accordance with the following protocol in respect of subject access requests.

9.2 Data subjects will be provided with a copy of the Council's publication "Personal Information Your Right to Know" and standard subject access request form which, amongst others:

- Requires individuals to provide dates and times when they visited the port area and their location - for example which harbour and specific area or building.
- The individuals will provide two photographs of themselves - one full face one side view with the completed form.
- They will provide to the person receiving the application proof of their own identity e.g. a utility bill, a driving licence or a passport.
- They will be asked whether they would be satisfied with merely viewing the images recorded.
- Their request will be sent to them within 20 days, if this is not possible Marine Services will grant an extension of time of a further 20 days (see paragraph 10 below for circumstances when it may be refused). Providing that there is no reason to refuse access the requester will receive a response either with the reason for refusal, information required or suggested times within that time as to when they can observe cameras, ie: within 40 days of Marine Services receiving the request or, if later, the date when Marine Services receives the identification evidence from the data subject.

## 10 Rights of Data Subjects

- 10.1 The procedure outlined above and the use of the subject access request form complies with Section 45 of the Data Protection Act 2018, enabling the Harbour Master or his nominee to inform individuals as to whether or not images have been processed by the CCTV system. Marine Services is not obliged to comply with a request under this section unless it is supplied with such information as it may reasonably require in order to satisfy itself as to the identity of the person making the request and to locate the information which that person seeks.
- 10.2 Marine Services will follow the ICO Code of Practice available on request or from <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

## 11 Continuity of Evidence

- 11.1 Photographs taken from digital recordings and hard copy prints of digital images are subject to the same controls and principles of Data Protection as other data collected in the Marine Operations Room. They will be treated using the same procedures, contained within Appendix I of this code, as digital images.
- 11.2 Computer disks, still photographs and hard copy prints will be disposed of as confidential waste. Such erasure and disposal will be logged following the procedures contained within Appendix I of this Code.

## APPENDIX I

### PROCEDURES FOR THE HANDLING OF CCTV IMAGES

#### Computer disks-Still photographs/Printed images

All computer disks containing CCTV images, or any still photograph or printed image, shall be marked with a unique number. A log will be maintained within the Control Room containing details as to the dates when the disk/photograph/print was introduced into the system or created and when it was disposed of. An entry will be made in the log of any dates the disk/photograph/print was removed from the control room, together with the identity of the person removing it and the reason for such removal.

#### Disclosure of images to third parties

In this section “Authorised data handler” means, the Harbour Master or his/her nominee.

#### The Police

Where a Police Officer requests access to CCTV images (hereafter referred to as data), either by viewing such data, or requesting a copy, then an authorised data handler shall complete, sign and date Part A of the appropriate Data Protection form (copy contained within Appendix II) containing details of the data required.

The Police Officer shall complete, sign and date Part B, which contains the reasons for requiring the data; his/her name rank and number, Police Station address, crime/incident number if applicable and property reference number.

When the form has been completed the authorised data handler may pass the required data to the Police Officer requiring it.

The completed form shall be handed to the Harbour Master or his/her nominee to be retained for evidential purposes.

#### Other persons.

The Harbour Master or his/her nominee, having been satisfied as to the bona-fide of the person requesting access to CCTV images (hereafter referred to as data) and that the reasons for so requesting access, fall within the exemptions contained within sections 28(1), 29(1)(a) and (b) and 35(2)(a) of the Act, may authorise such access, by signing and dating Part B of the appropriate Data Protection form (copy contained with Appendix III). On receiving such authorisation an authorised data handler shall complete, sign and date Part A of the form containing details of the data required.

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The person requiring access shall complete, sign and date Part C of the form, which contains the reasons for requiring the data, his/her name, home/business /agency name and address (whichever is applicable) together with any applicable reference number.

When the form has been completed the authorised data handler may pass the required data to the person requiring access.

Other persons may include law enforcement agencies (other than the police), Solicitors, Private individuals.

(An example of a private individual being given access to the data would be where a victim of a theft, is permitted to view a recorded image to point out to an investigator the exact location where an item subject to theft was located. This would allow the investigator to view the images and concentrate their attention on that location).

The Harbour Master or his/her nominee shall retain the completed form for evidential purposes.



**APPENDIX II**

**DATA PROTECTION ACT 2018**

**Disclosure of Data to Police**

Section A: - Description of Data required to be disclosed (To be completed by Marine Services representative)

Digital recordings  
(Tick as required)

View:		Take possession of:		Disk numbers and dates	
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Data contained within documents

View:		Take possession of: Original		Copy		Given verbally:	
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Description of document(s)

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Disclosure of Data contained within computerised records.

View:		Take possession of: Disc copy		Print out		Given verbally:	
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State what data is required and where data stored (i.e. home address of named person; occupant of named address etc-From Banner system)

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Marine Services representative making disclosure.

Department.....

Name.....

Signature.....

Date.....

Section B. Reason Data required (To be completed by Police Officer)

**I can confirm that the above data is required by me for any of the following reasons contained within sections 28(1), 29(1) (a) and (b) and 35(2)(a) of the Act.**

(Tick as required)

- For the purpose of safeguarding national security
- The prevention or detection of crime
- For the purpose of, or in connection with, any legal proceedings (Including prospective legal proceedings)
- Is otherwise necessary for the purposes of establishing, exercising or defending legal rights

Name.....Collar Number.....

Police Force.....Station.....

Signature.....Date.....

Other than Found Property Number for articles taken into possession.....

**Crime/Incident No.**.....



**APPENDIX III**

**DATA PROTECTION ACT 2018**

**Disclosure of Data to Persons other than the Police**

Section A: - Description of Data required to be disclosed (To be completed by Marine Services representative)

Digital recordings  
(Tick as required)

View:		Take possession of:		Disk numbers and dates	
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Data contained within documents

View:		Take possession of: Original		Copy		Given verbally:	
-------	--	---------------------------------	--	------	--	-----------------	--

Description of document(s)

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

Disclosure of Data contained within computerised records.

View:		Take possession of: Disc copy		Print out		Given verbally:	
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State what data is required and where data stored (i.e. home address of named person; occupant of named address etc-From Banner system)

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Section B. Authorisation for disclosure by Harbour Master/nominee

Name.....

Signature.....

Position.....

Date.....

Section C. Reason Data required (To be completed by person requesting data)

**I can confirm that the above data is required by me for any of the following reasons contained within sections 28(1), 29(1) (a) and (b) and 35(2)(a) of the Act.**

(Tick as required)

- For the purpose of safeguarding national security
- The prevention or detection of crime
- For the purpose of, or in connection with, any legal proceedings
- (including prospective legal proceedings)
- Is otherwise necessary for the purposes of establishing, exercising or defending

legal rights

Name.....

Position (If applicable).....

Business/Agency (If applicable).....

Business/Agency/Home address (Whichever applicable)

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.....  
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Signature.....Date.....

Reference No.....