Associação dos Fiscais da Defesa Agropecuária do Estado do Paraná
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MINISTÉRIO DA AGRICULTURA E DO ABASTECIMENTO - M.A.
09 MAIO 2018
PROTOCOLO

MINISTERIO DA AGRICULTURA 09/MAI/2018 10:14h 000402

4-Afisa-PR/2018

7 de maio de 2018.

À Sua Excelência
Eng. agr. Blairo Borges Maggi
Ministro de Estado
Ministério da Agricultura, Pecuária e Abastecimento (MAPA)

Assunto: Requer encaminhamento de legislação ao Poder Legislativo que obrigue a instalação de circuito fechado de televisão – CFTV, inclusive, em todas as áreas onde estão presentes animais vivos, nos frigoríficos abrangidos pelas Instâncias Central e Superior, Intermediárias e Locais, que integram o Sistema Unificado de Atenção à Sanidade Agropecuária (SUASA), organizado pelo Decreto Federal nº 5.741/2016.

A Associação dos Fiscais da Defesa Agropecuária do Estado do Paraná (Afisa-PR), afisapr@afisapr.org.br, pessoa jurídica de direito privado, associação civil sem fins lucrativos, regularmente inscrita no Registro de Títulos e Documentos - Pessoas Jurídicas, 3º Ofício, Curitiba-PR, inscrita no CNPJ-MF sob o nº 06.881.546/0001-85, com sede à Rua Olavo Bilac, 191, Bairro Batel , CEP 80440-040, Curitiba-PR, através do seu presidente, Rudmar Luiz Pereira dos Santos, amparada na deliberação da sua Diretoria Executiva (DIREX), em similaridade ao sistema inglês — vide o *CCTV in slaughterhouses: rules for operators*[1] & *Guidance on the Mandatory Use of Closed Circuit & Television in Slaughterhouses (England) Regulations*, de maio de 2018 do *Department for Environment, Food and Rural Affairs*

[1] Disponível em https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705027/cctv-slaughterhouses-operator-guidance.pdf, acesso em 5-5-2018.

da Inglaterra – Anexo A —, requer que esse Ministério encaminhe legislação ao Poder Legislativo que obrigue a instalação de circuito fechado de televisão – CFTV, inclusive, em todas as áreas onde estão presentes animais vivos, nos frigoríficos abrangidos pelas Instâncias Central e Superior, Intermediárias e Locais, que integram o Sistema Unificado de Atenção à Sanidade Agropecuária (SUASA), organizado pelo Decreto Federal nº 5.741/2016.

A obrigatoriedade da instalação do CFTV em todos os frigoríficos brasileiros proporcionará aos fiscais agropecuários médicos veterinários oficiais acesso irrestrito a todas as filmagens, a auxiliar sobremaneira a inspeção de produtos de origem animal e o efetivo cumprimento da legislação com o objetivo de satisfazer o interesse público pela garantia, em todo o território nacional, de adequados padrões de segurança alimentar e de bem-estar animal.

Nestes termos, pede-se deferimento.

Respeitosamente,

Associação dos Fiscais da Defesa
Agropecuária do Estado do Paraná (Afisa-PR)

Rudmar Luiz Pereira dos Santos
Presidente – Triênio 2016/2018

Anexo A

CCTV in slaughterhouses: rules for operators[2] & *Guidance on the Mandatory Use of Closed Circuit & Television in Slaughterhouses (England) Regulations*, de maio de 2018 do *Department for Environment, Food and Rural Affairs* da Inglaterra.

[2] Disponível em https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705027/cctv-slaughterhouses-operator-guidance.pdf, acesso em 5-5-2018.

GOV.UK

1. Home (https://www.gov.uk/)

Guidance

CCTV in slaughterhouses: rules for operators

Guidance for the operators of slaughterhouses in England on how to comply with the rules on the mandatory use of Closed Circuit Television (CCTV).

Published 4 May 2018
Last updated 4 May 2018 — see all updates

From:
Department for Environment, Food & Rural Affairs (https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs)

Documents

CCTV in slaughterhouses: rules for operators (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/705027/cctv-slaughterhouses-operator-guidance.pdf)

PDF, 191KB, 10 pages

Details

Tells slaughterhouse operators in England how to comply with the rules which came into force on 4 May 2018. The rules require them to install and operate a Closed Circuit Television (CCTV) system, keep CCTV images for 90 days, and make the images available to inspectors.

Published 4 May 2018
Last updated 4 May 2018 + show all updates

1. 4 May 2018 Updated version of guidance now includes direct link to the Regulations.
2. 4 May 2018 First published.

Related content

Policy

- Animal welfare (https://www.gov.uk/government/policies/animal-welfare)
- Food and farming industry (https://www.gov.uk/government/policies/food-and-farming-industry)

Department for Environment, Food and Rural Affairs

CCTV in slaughterhouses: rules for operators

Guidance on the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018

May 2018

Contents

Introduction 2

When do you need to comply 2

Duty to install and operate a CCTV system 2

Technical Specification 4

Duty to retain CCTV images and information 4

Power to inspect and seize 5

Enforcement Notices 5

Appeals against enforcement notices 6

Offences 7

Penalties 8

Data protection 8

Surveillance Camera Commissioner 8

Introduction

1. This guidance is to help you, as a business operator of a slaughterhouse to comply with the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018. We will refer to these as 'the CCTV Regulations'.

2. Although this guidance should help you know what you need to do, it is not a definitive interpretation of the CCTV Regulations, which are published at http://www.legislation.gov.uk/id/uksi/2018/556.

3. The CCTV Regulations only apply to slaughterhouses in England.

4. As a business operator of slaughterhouses in England you must:

    a) Install and operate a Closed Circuit Television (CCTV) system in all areas of the slaughterhouse where there are live animals

    b) Keep CCTV images for 90 days from the date taken

    c) Make CCTV images available to inspectors to view, copy or seize

When do you need to comply

5. The CCTV Regulations will come into force in two parts:

    a) Part one came into force on 4 May 2018; these are the requirements to:

        i) install and operate the CCTV System

        ii) keep CCTV footage and Information

    b) Part two comes into force on 5 November 2018: these are the offences and powers to inspect, seize and enforce in Regulations 5 to 14 of the CCTV Regulations.

6. You can install and operate a CCTV system and retain CCTV images and information from 4 May 2018, but you must have installed and be operating the CCTV system by 5 November 2018.

7. Powers under the Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK) will still apply. Inspectors can inspect and seize records, which may include CCTV recordings where CCTV systems are already installed.

Duty to install and operate a CCTV system

8. You must install and be operating a CCTV system that meets the needs of the CCTV Regulations by 5 November 2018.

9. Your CCTV cameras must be placed to make sure there is a complete and clear view of all areas where there are live animals.

10. Your CCTV cameras should cover unloading, lairage, handling, restraining, stunning, bleeding and killing areas. You should take all practical steps to ensure there are no blind spots. Cameras which move or swivel may not on their own provide a continuous or complete picture of an area.

11. Your CCTV system must be working and recording at all times when and where there are live animals in the slaughterhouse, including delivery of animals outside normal working hours.

12. Your CCTV system must provide a complete and clear image; picture resolution must be good enough so you can identify people in the pictures and recorded images.

13. You must ensure that the CCTV system is able to show clear pictures in the light available. In areas of low lighting, for example poultry shackle lines, you should consider whether infra-red cameras are needed.

14. Your CCTV system should produce as close to real time recordings as practically possible (recommended minimum 15 frames per second).

15. Your CCTV cameras should be fitted as far as is practical in areas where it is difficult for inspectors to access, for example in cramped killing areas and gas stunning systems.

16. Your CCTV cameras must be kept in good working order. You should ensure they are kept clean and regularly maintained to ensure images are clear. Your CCTV cameras should be easily located for servicing, yet protected from damage. You should have a planned and recorded maintenance schedule.

17. Your CCTV system must be capable of constant recording. It must be able to produce images and information for inspection or to be taken away by an inspector, without stopping the overall operation of the system.

18. You must fix the CCTV system as quickly as possible if it is broken. Failure to do so may result in an enforcement notice being issued to you.

19. If you have other CCTV cameras, for example for security or fault-finding reasons, these would not be considered part of "the CCTV system" as defined in the CCTV Regulations and would not be covered by the requirements of the CCTV Regulations. However, even if a camera is not part of the CCTV system the Food Standards Agency's (FSA) Official Veterinarian (OV) can use existing powers under Welfare of Animals at the Time of Killing (England) Regulations 2015 (WATOK) to inspect, copy or seize records if the camera records an animal welfare incident.

Technical Specification

20. You should select an appropriate CCTV system to comply with the CCTV Regulations.

21. The CCTV Regulations do not define CCTV system requirements so we recommend that you pay attention to relevant British Standards. You can find details of British Standards for CCTV installations at: https://www.gov.uk/guidance/recommended-standards-for-the-cctv-industry. These include:

    - British Standard on the minimum requirements for a Video Surveillance System (BS EN 62676-1-1) (PDF, 12.3KB, 1 page)
    - British Standard on requirements for the selection, planning, installation, commissioning, maintaining and testing of CCTV systems (BS EN 62676-4) (PDF, 12.4KB, 1 page)
    - British Standard on security, performance and connectivity of video transmissions (BS EN 62676-1-2) (PDF, 11.7KB, 1 page)
    - British Standard on the design, installation, commissioning, maintenance, operation and remote monitoring of detector-activated CCTV (BS8418) (PDF, 11.7KB, 1 page)

Duty to retain CCTV images and information

22. You must retain and store each day's CCTV recordings for at least 90 days. After you have stored an image for 90 days it can be deleted.

23. Your CCTV system must be capable of storing, processing and transmitting (for example moving to removable storage devices or showing on a television monitor) images and information of the same quality as the original recording.

24. Slaughterhouse staff picked by you, such as the Animal Welfare Officer, should have a working knowledge of the storing, processing and transmitting capabilities of the CCTV system.

25. You should have all necessary access codes and passwords available to facilitate access to the stored CCTV images and information for the inspector. For your own reassurance you may wish to have a representative present when inspectors view, copy or seize recordings or equipment.

26. You should seek advice from your CCTV system supplier for appropriate storage solutions that meet the requirements of the CCTV Regulations.

Power to inspect and seize

27. You, or staff picked by you with working knowledge of your CCTV system, must provide access to the CCTV equipment, images and information, to an inspector. The inspector can view live or stored images and information. The inspector can ask for help which you should provide without delay and they can ask for documents and records to inspect or copy.

28. The Official Veterinarian (OV) in the slaughterhouse who leads on animal welfare will usually be the inspector who will request to view the CCTV footage. The OV may ask to see stored footage from any day or time in the last 90 days when the slaughterhouse was operating, mostly if they are aware of an animal welfare incident but also to check past slaughterhouse processes and practices.

29. An inspector is allowed by law to inspect the CCTV system and any images and information recorded by it. The inspector may:

    i) copy images and information

    ii) seize CCTV system equipment, if needed, including computers and other equipment used as part of the CCTV system

30. If you make copies of images or information for the inspector, they are less likely to seize equipment. If the inspector takes the equipment, the inspector or the person investigating will be responsible for protecting the personal data on the footage.

31. When an inspector takes any part of the CCTV system, they must provide a written receipt of the items taken, and return those items when no longer required. Where items are used as evidence in court proceedings, they will be returned to you as soon as possible after the court proceedings end.

32. You should make sure that there is back-up equipment available, such as storage media, in case an inspector does take any CCTV-linked equipment. This will enable the CCTV system to continue to record and capture data and images and you are able to carry on complying with the CCTV Regulations.

33. If you do not have a good enough CCTV system in place after equipment is seized, the inspector may issue an enforcement notice, to require you to replace equipment and to state how quickly the replacement equipment must be installed.

Enforcement Notices

34. An inspector may issue an enforcement notice requiring you and/or your staff to take actions if the inspector believes you are breaching the CCTV Regulations. Examples of the type of action he might seek include: repairs or other alterations to the CCTV system to comply with the CCTV Regulations, reducing the speed of or stopping an

operation, or stopping the use of certain equipment, until the issue with the CCTV system is remedied.

35. An inspector can serve an enforcement notice in the following ways:

    a) Deliver it in person;

    b) Leave it at the person's address;

    c) Send it via post.

    If an inspector fails to obtain an address, a notice may be attached to the premises in question.

36. The enforcement notice will include:

    a) Your name;

    b) The time and date of the notice;

    c) How you've breached the regulations;

    d) What you must to do to put things right;

    e) When you have to do it by;

    f) How you can appeal.

37. Any costs that result from an enforcement notice, must be met by the person receiving the notice. If the enforcement notice is not complied with, an inspector may arrange for the issue to be solved, at the expense of the person on whom the notice is served.

38. Once an inspector is satisfied that the notice has been complied with, they will issue a completion notice.

39. If the inspector thinks you still have more to do, you will be told why and what to do in writing, and how you can appeal.

40. An inspector can change or withdraw an enforcement notice, in writing, at any time.

Appeals against enforcement notices

41. You may appeal if you think that:

    a) you should not have received an enforcement notice

    b) you should have received a completion notice

42. Information on how to appeal will be in the enforcement notice, or in the notice informing you of the decision not to issue a completion notice.

43. You must appeal within 28 days: use this form and follow the process https://www.gov.uk/government/publications/form-t96-application-for-permission-to-appeal-to-the-upper-tribunal-first-tier-tribunal-general-regulatory-chamber.

44. The Food Standards Agency (FSA) must reply to you and the tribunal within 28 days. Once they have done this, you must respond to the tribunal and the FSA within 14 days.

45. If your appeal goes to a tribunal hearing, the Court will set a date for the hearing that suits everyone. The Judge will give everyone a fair chance to speak. You can ask the Judge to keep a hearing or certain information in the hearing private but it is up to the Judge to decide on this.

46. You can ask someone to represent you at the hearing. They do not need to be legally qualified but you must tell the tribunal and the FSA if they are not.

47. If you want to save time you can agree to the tribunal making a decision on your case without a hearing. This is called a 'consent order'. However, the hearing can still go ahead if you or the FSA insist on it.

48. You can write to the tribunal if you decide you do not want to carry on with your appeal. The tribunal will usually agree to cancel your appeal - it might not cancel it if it believes it has good reason to proceed.

Offences

49. You commit an offence if you do not:

    a) Install a CCTV system that provides a complete and clear image of killing in all areas of the slaughterhouse where live animals are present;

    b) Operate a CCTV system capable of uninterrupted operation;

    c) Keep your CCTV system operational and in good working order when live animals are present;

    d) Retain and store data, recordings or images for 90 days from the date of capture.

50. An offence is committed if you or your staff do not comply with an enforcement notice.

51. You also commit an offence if you:

a) Stop an inspector in the execution of their duties;

b) Do not provide assistance or information without delay;

c) Do not allow an inspector access to the CCTV system;

d) Provide information that may be false or cause an inspector to be misled in their investigations;

e) Fail to provide a document, record, images, information or data to an inspector when requested.

Penalties

52. If you are found guilty of an offence you may be required to pay a fine on conviction. This fine can be unlimited.

Data protection

53. Where CCTV recordings contain images or audio of identifiable people, the data controller (that is you, as the business operator) must make sure that it is processed in line with data protection requirements; you must register with the Information Commissioner's Office.

54. You can get guidance on your responsibilities from the website of the Information Commissioner's Office at: https://ico.org.uk.

55. The General Data Protection Regulation (the "GDPR") will update data protection law in May 2018. You can get guidance on the GDPR, and checklists organisations can use in preparing for the new legislation, at the Information Commissioner's Office website - https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/.

56. You should inform all personnel of the CCTV systems' installation, by writing to them and putting up signs.

Surveillance Camera Commissioner

58. The Surveillance Camera Commissioner has a statutory role under the Protection of Freedoms Act 2012 to provide a Code of Practice which has recommended standards. This Code applies to those operating surveillance camera systems in public spaces, and so it will not apply directly to slaughterhouses. However, the Commissioner encourages voluntary adoption of the Home Secretary's Surveillance Camera Code as a useful guide on the installation and use of the CCTV systems. You can find further details

42. Information on how to appeal will be in the enforcement notice, or in the notice informing you of the decision not to issue a completion notice.

43. You must appeal within 28 days: use this form and follow the process https://www.gov.uk/government/publications/form-t96-application-for-permission-to-appeal-to-the-upper-tribunal-first-tier-tribunal-general-regulatory-chamber.

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    c) Keep your CCTV system operational and in good working order when live animals are present;

    d) Retain and store data, recordings or images for 90 days from the date of capture.

50. An offence is committed if you or your staff do not comply with an enforcement notice.

51. You also commit an offence if you:

at: https://www.gov.uk/government/publications/surveillance-camera-code-of-practice.

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