

# **Willingham-by-Stow**

## **Closed Circuit Television Policy**

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## **Introduction**

Closed circuit television (CCTV) is installed at Willingham-by-Stow, (the Practice), premises for the purposes of staff, patient and premises security. Cameras are located at various places on the premises, and images from the cameras are recorded.

The use of CCTV falls within the scope of the Data Protection Act 2018 (“the 2018 Act”). This policy follows the recommendations issued by the Data Protection Commissioner in accordance with powers under the 2018 Act.

In order to comply with the requirements of the Data Protection Act 2018 Act, data must be:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

## **Data Protection Statement**

1. Willingham-by-Stow is the Data Controller under the 2018 Act.
2. CCTV is installed for the purpose of staff, patient and premises security.
3. Access to stored images will be controlled on a restricted basis within the Practice.
4. Use of images, including the provision of images to a third party, will be in accordance with the Practice’s Data Protection registration.

5. External and internal signage are displayed on the premises and in the Organisational leaflet stating of the presence of CCTV, and indicating the names of the Data Controller and a contact number during office hours for enquiries.

### **Retention of Images on the Practice's Premises**

The Practice may, from time to time, or continuously record images of staff within the company's premises - Images from these cameras will be stored by the Practice for future use, if required, the images will be deleted one month following the image capture process

### **Retention of Images**

Images from cameras are recorded on the computer system ("the recordings"). Where recordings are retained for the purposes of security of staff, patient and premises, these will be held in secure storage, and access controlled. Recordings which are not required for the purposes of security of staff, patient and premises, will not be retained for longer than is necessary and no longer than 5 days.

### **Access to Images**

It is important that access to, and disclosure of, images recorded by CCTV and similar surveillance equipment 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.

### **Access to Images by Practice Staff**

Access to recorded images is restricted to the Data Controller, who will decide whether to allow requests for access by Data Subjects and/or third parties (see below).

Viewing of images must be documented as follows using the form at Appendix 2:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- The reason for the viewing
- The outcome, if any, of the viewing
- The date and time of replacement of the recordings

## **Removal of Images for Use in Legal Proceedings**

In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented using the form at Appendix 2: -

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The reason for removal
- Any crime incident number to which the images may be relevant
- The place to which the recordings will be taken
- The signature of the collecting police officer, where appropriate
- The date and time of replacement into secure storage of the recordings

## **Access to Images by Third Parties**

Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1).

The Data Controller will assess applications and decide whether the requested access will be permitted. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Prosecution agencies
- Relevant legal representatives
- The Press/Media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

## **Disclosure of Images to The Media**

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out.

If an editing company is used, then the Data Controller must ensure that there is a contractual relationship between them and the editing company, and:-

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the Data Controller
- The written contract makes the security guarantees provided by the editing company explicit

### **Access by Data Subjects**

This is a right of access, which is provided by section 7 of the 2018 Act. Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1),

Individuals should also be provided with the Practice **CCTV Policy** which describes the type of images which are recorded and retained, the purposes for which those images are recorded and retained, and information about the disclosure policy in relation to those images.

### **Procedures for Dealing with an Access Request**

All requests for access by Data Subjects will be dealt with by the Practice.

The Data Controller will locate the images requested. The Data Controller will determine whether disclosure to the Data Subject would entail disclosing images of third parties.

The Data Controller will need to determine whether the images of third parties are held under a duty of confidence. In all circumstances the Practice's indemnity insurers will be asked to advise on the desirability of releasing any information.

If third party images are not to be disclosed, the Data Controller will arrange for the third party images to be disguised or blurred. If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the Data Controller must ensure that there is a contractual relationship between them and the editing company, and: -

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the Data Controller
- The written contract makes the security guarantees provided by the editing company explicit

The Practice will provide a written response to the Data Subject within 21 days of receiving the request setting out the Data Controller's decision on the request.

A copy of the request and response should be retained.

### **Complaints**

Complaints must be in writing and addressed to the Practice. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the patient or Data Subject is required. All complaints will be acknowledged within 7 days, and a written response issued within 21 days.

### **Enquiries**

All enquiries regarding this policy should be made to the Practice.

### **References**

- Information Commissioner Office: CCTV Code of Practice: - <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- <https://www.cqc.org.uk/guidance-providers/all-services/using-surveillance-your-care-service>

**Appendix 1 - Application for CCTV Data Access**

**DATA PROTECTION ACT - APPLICATION FOR CCTV DATA ACCESS**

**ALL Sections must be fully completed.** Attach a separate sheet if needed.

Name and address of Applicant	
Name and address of "Data Subject" – i.e. the person whose image is recorded	
If the Data Subject is not the person making the application, please obtain a signed consent from the Data Subject opposite	Data Subject signature.....
If it is not possible to obtain the signature of the Data Subject, please state your reasons.	
Please state your reasons for requesting the image.	
Date on which the requested image was taken.	
Time at which the requested image was taken.	
Location of the Data Subject at time image was taken (i.e. which camera or cameras.)	
Full description of the individual, or alternatively, attach to this application a range of photographs to enable the Data Subject to be identified by the operator.	
Please indicate whether you (the Applicant) will be satisfied by viewing the image only.	

On receipt of a fully completed application form, a response will be provided as soon as possible, and in any event within 28 days.

<b>PRACTICE USE ONLY</b>	<b>PRACTICE USE ONLY</b>
Access granted (tick)	
Access <b>not</b> granted (tick)	Reason for not granting access:
Caldicott Guardian's name:	

Signature:	
Date:	

**Willingham-by-Stow**

**CCTV POLICY**

**Appendix 2 - Record Of Access To CCTV Data**

Name of person accessing data	Date and time	Name of person viewing data	Reason for viewing (including crime number if applicable)	Data Removed Y / N	Signature of person removing if applicable