



# CCTV POLICY

**The use of closed circuit television (CCTV) to  
comply with the Data Protection Act and  
GDPR 2018**

Whole school	WEBSITE
Statutory?	Yes
Reviewed	February 2019
Next review	February 2022

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## 1. INTRODUCTION

This document sets out the appropriate actions and procedures, which must be followed to comply with the Data Protection Act and GDPR in respect of the use of CCTV (closed circuit television) surveillance systems managed by King's Ely.

1.1. In drawing up this policy, due account has been taken of the following:-

The **Data Protection Act 1998** is a United Kingdom Act of Parliament designed to protect personal data stored on computers or in an organised paper filing system. It enacted the EU Data Protection Directive 1995's provisions on the protection, processing and movement of data.

Under the DPA 1998, individuals had legal rights to control information about themselves. Most of the Act did not apply to domestic use, for example keeping a personal address book. Anyone holding personal data for other purposes was legally obliged to comply with this Act, subject to some exemptions. The Act defined eight data protection principles to ensure that information was processed lawfully.

It was superseded by the **Data Protection Act 2018** (DPA 2018) on 23 May 2018. The DPA 2018 supplements the EU **General Data Protection Regulation** (GDPR), which came into effect on 25 May 2018. The GDPR regulates the collection, storage, and use of personal data significantly more strictly.

Other documents taken into consideration are:

- ❖ The CCTV Code of Practice produced by the Information Commissioner's Office (ICO.);
- ❖ The Human Rights Act 1998;
- ❖ The freedom of Information Act 2000 (FOIA);
- ❖ Protection of Freedoms Act (POFA);
- ❖ The Regulation of Investigatory Powers Act 2000;
- ❖ Caldicott Report 1997;

1.2. The Data Protection Act 2018 contains broader definitions than those of its predecessors (1984 & 1998). The Act and more readily covers the processing of images of individuals caught by CCTV cameras. The changes in data protection legislation mean that for the first time legally enforceable standards will apply to the collection and processing of images relating to individuals.

1.3. An important new feature of the legislation is the CCTV Code of practice which sets out the measures which must be adopted to comply with the Data Protection Act. This goes on to set out guidance for the following of good data protection practice. The code of practice has the dual purpose of assisting operators of CCTV systems to understand their legal obligations while also reassuring the public about the safeguards that should be in place. A Copy is held by the COO for reference.

## 2. SCOPE

This policy will cover all employees of King's Ely, pupils, visitors and all other persons whose image(s) may be captured by the system.

## 3. DEFINITIONS

3.1. Prior to considering compliance with the principles of the Data Protection Act and GDPR, a user of CCTV or similar surveillance equipment, will need to determine two issues:

3.1.1. **The type of personal data being processed**, i.e. is there any personal data which falls within the definition of **sensitive personal data** as defined by Section 2 of the Act;

'Sensitive personal data' includes:

- Gender;
- Ethnic origin or race;
- Political opinion;
- Religious beliefs;
- Trade Union membership;
- Health – mental or physical;
- Sexual life
- Commission of any offence (or alleges);
- Any court proceedings or findings;

3.1.2 The **purpose(s)** for which both personal and sensitive personal data is being processed. The data must be:

- Fairly and lawfully processed;
- Processed for limited purposes and not in any manner incompatible with those purposes;

- Adequate, relevant and not excessive;
- Accurate;
- Not kept for longer than is necessary
- Processed in accordance with individual's rights;
- Secure;
- Not transferred to countries without adequate protection;

3.2 The Information Commissioner will take into account the extent to which users of CCTV and similar surveillance equipment have complied with this Code of Practice when determining whether they have met their legal obligations when exercising their powers of enforcement.

## **4.0 POLICY APPLICATION**

### **4.1 Initial Assessment Procedures**

4.1.1 The Chief Operating Officer has the legal responsibility for the King's Ely CCTV system.

4.1.2 The purpose of the King's Ely CCTV scheme is for the:

- Prevention or detection of crime or disorder;
- Apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings);
- Interest of public, employee and pupil Health & Safety;
- Protection of public health;
- Protection of School property and assets.

### **4.2 Siting the Camera**

4.2.1 It is essential that the location of the equipment be carefully considered, because the way in which images are captured will need to comply with the Data Protection Act.

4.2.2 All cameras are located in prominent positions within public and staff view and do not infringe on clinical/treatment areas or in any way intrude unreasonable on boarders' privacy. All CCTV surveillance is automatically recorded and any breach

of these Codes of Practice will be detected via controlled access to the system and auditing of the system.

4.2.3. Signs have been erected on all entrance points to School premises and throughout the site to ensure staff and visitors are aware they are entering an area that is covered by CCTV surveillance equipment. The signs must include details the organisation and contact details.

4.2.4 Use of Covert CCTV (Directed) surveillance if required should be requested through the Police. If the request through the police is refused then authority can only be given by King's Ely. This is covered by the Regulation of Investigatory Powers Act 2000 (RIPA).

### **4.3 Quality of the Images**

4.3.1 It is important that the images produced by the equipment are as clear as possible in order that they are effective for the purpose(s) for which they are intended. This is why it is essential that the purpose of the scheme be clearly identified. For example if a system has been installed to prevent and detect crime, then it is essential that the images are adequate for that purpose.

4.3.2 All camera installations and service contracts should be undertaken by NACOSS approved security companies. Upon installation all equipment is tested to ensure that only the designated areas are monitored and high quality pictures are available in live and play back mode. All CCTV equipment should be serviced and maintained on an annual basis.

4.3.3 The system has up to 20 cameras, recording to digital recording media (more may be added at the discretion of the Principal). These cameras are currently monitored at the Site Office, The Chief Operating Officer's Office and Caretakers Office.

### **4.4 Processing the images**

4.4.1 Images, which are not required for the purpose(s) for which the equipment is

being used should not be retained for longer than is necessary. While images are retained, it is essential that their integrity be maintained, whether it is to ensure their evidential value or to protect the rights of people whose images may have been recorded. It is therefore important that access to and security of the images is controlled in accordance with the requirements of the 1998 Act.

4.4.2 All images are digitally recorded and stored securely within the systems hard drives. Automatic erasure takes place after 2 weeks.

4.4.3 Where the images are required for evidential purposes in legal or King's Ely disciplinary proceedings, a cd-r disc recording is made and placed in a sealed envelope signed and dated and held by The Chief Operating Officer until completion of the investigation. Viewing of images within the security Office is controlled by the Site Manager or a person nominated to act on his behalf. Only persons trained in the use of the equipment and authorised by the Site Manager can access data.

#### **4.5 Access to and disclosure of images to third parties**

4.5.1 It is important that access to, and disclosure of, the images recorded by CCTV and similar surveillance equipment is restricted and carefully controlled. This will ensure that the rights of individuals are preserved, but also to ensure that the continuity of evidence remains intact should the images be required for evidential purposes e.g. a Police enquiry or an investigation being under taken as part of the King's Ely disciplinary procedure.

4.5.2 Access to the medium on which the images are displayed and recorded is restricted to King's Ely staff and third parties as detailed in the purpose of the scheme.

4.5.3 Access and disclosure to images is permitted only if it supports the purpose of the scheme. Under these conditions the CCTV images record book and the appropriate view / release form (Appendix 1) must be completed.

#### **4.6 Access to images by individuals**

4.6.1 Section 7 of the 1998 Data Protection Act gives any individual the right to

request access to CCTV images.

4.6.2 Individuals who request access to images must be issued an access request form (appendix 1). Upon receipt of the completed form, the Chief Operating Officer will determine whether disclosure is appropriate and whether there is a duty of care to protect the images of any third parties. If the duty of care cannot be discharged then the request can be refused.

4.6.3 A written response will be made to the individual, giving the decision (and if the request has been refused, giving reasons) within 21 days of receipt of the enquiry. If disclosure is appropriate a payment in advance of £10.00 may be required.

## **5.0 RESPONSIBILITIES**

5.1 King's Ely has corporate responsibility for the implementation of this policy, monitoring its effectiveness and ensuring the CCTV Code of Practice is available on the King's Ely website.

5.2 King's Ely discharges this responsibility through the Chief Operating Officer and facilities to whom the Site Manager is accountable.

5.3 The Chief Operating Officer is also personally accountable for ensuring that the policy and Code of Practice are adhered to and monitored.

## **6.0 ENFORCEMENT**

The information Commissioner has the power to issue Enforcement Notices where she considers that there has been a breach of one or more of the Data Protection Principles. An Enforcement Notice would set out the remedial action that the Commissioner requires of the Trust to ensure future compliance with the requirements of the Act.

## **7.0 DOCUMENTATION**

Copies of all documentation and records relating to the CCTV system will be held within the Chief Operating Officer's office and will be kept under restricted confidentiality, for a period of 6 years.

## **8.0 REVIEW**

This policy will be reviewed every 3 years.

**Appendix 1**

**KING'S ELY  
ACCESS TO VIEW OR COPY IMAGES – POLICE**

Name of person making request:

Organisation:

Address:

Telephone Number:

**DETAILS OF IMAGE TO BE VIEWED**

Date:

Reason:

(For police only)

Signed:

Dated:

Request Granted:

Request Denied (Reason):

**TO BE COMPLETED IF IMAGES ARE REMOVED**

Ref. No.

Issued To:

Crime No: (For police only)

Date Issued:

Issued By:

Return Date:

I acknowledge receipt of the above CD:

Signed:

Dated:

**KING'S ELY**  
**APPLICATION FORM FOR ACCESS TO CCTV IMAGES**  
**UNDER THE DATA PROTECTION ACT 1998**

King's Ely uses closer circuit television (CCTV) systems for the purposes of crime prevention, the prosecution of offenders and public safety.

The Data Protection Act 1998 gives you the statutory right of access to the CCTV images we process about you. Please complete this form if you wish to access a CCTV image. If you require assistance please contact the Chief Operating Officer (details listed below).

**FEES PAYABLE**

Please enclose a fee of £10 with your completed application form.

**TIMESCALE**

On receipt of your completed form and fee, we will respond to your request promptly, and in no more than 40 days. If we encounter any difficulties in locating your image(s) we will keep you informed of our progress.

**SUBMISSION OF FORM**

Please return this form to the Chief Operating Officer at the following address:

King's Ely  
Barton Road  
Ely  
Cambs  
CB7 4DB

## **NOTES TO ASSIST IN COMPLETION OF THE FORM**

### **LOCATION (Note 1)**

Provide details of the camera location, and the date and time of the image(s) you would like to see, as well as a general description of your appearance, clothing etc at the time in question.

### **DECLARATION (Note 2)**

The person making the application must complete this section.

a) If you are the data subject- tick the first box and sign the authorisation then proceed to Section 6

b) If you are completing this application on behalf of another person, in most instances, we will require their authorisation before we can release the data to you. The data subject whose information is being requested should be asked to complete the 'Authorisation' section of the form. (Section 5)

c) If the data subject is a child i.e. under 16 years of age the application may be made by someone with parental responsibilities, in most cases this means a parent or guardian. If the child is capable of understanding the nature of the application his/her consent should be obtained or alternatively the child may submit an application on their own behalf. Generally children will be presumed to understand the nature of the application if aged between 12 and 16. However, all cases will be considered individually.

### **APPLICANT (Note 3)**

The applicant is the person who is applying on behalf of the data subject to get access to the CCTV image(s).

### **COUNTERSIGNATURE (Note 4)**

Because of the confidential nature of data held by King's Ely it is essential for us to obtain proof of your identity and your right to receive CCTV image(s). For this purpose it is essential that your application should be countersigned by any one of the following: a Member of Parliament, Justice of the Peace, Minister of Religion, a professionally qualified person (for example, Doctor, Lawyer, Engineer, Teacher), Bank Officer, Established Civil Servant, Police Officer or a person of similar standing WHO HAS KNOWN YOU PERSONALLY. **A relative**

**should not countersign.** The responsibility of King's Ely Chief Operating Officer includes a check to confirm that the countersignature is genuine. In certain cases you may be asked to produce further documentary evidence of identity.

The person who countersigns your application is only required to confirm your identity and witness you signing the 'Declaration' There is no requirement for this person to either see the contents of the rest of the form or to give any assurance that the other particulars supplied are correct.

**REQUEST FOR CCTV IMAGE**  
**SUBJECT ACCESS UNDER DATA PROTECTION ACT 1998**

You are advised that the making of false or misleading statements in order to obtain access to personal information to which you are not entitled is a criminal offence.

**SECTION 1: DATA SUBJECT DETAILS**

Please supply a photo to aid in identification:

<b>PHOTO</b>
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**Surname:**

**Date of Birth:**

**Forename(s):**

**Sex:**

**Address:**

**Postcode:**

**Home Telephone No:**

**Work Telephone No:**

**SECTION 2: LOCATION (note 1)**

DATE	AREA	APPROX TIME	DESCRIPTION OF CLOTHING ETC

**SECTION 3: DECLARATION STATEMENT (note 2)**

This section must be signed in the presence of the person who certifies your application. I declare that the information in this form is correct to the best of my knowledge and that I am entitled to apply for access to personal data referred to above under Please tick appropriate box

I am the person named (go to section 6)

Signature of Data Subject: .....Date: .....

or

the terms of the Data Protection Act 1998.

I am the agent for the person named and I have completed the authorisation section

I am the parent/guardian of the person who is under 16 years old and has completed the authorisation section

I am the parent/guardian of the person who is under 16 years old and who is unable to understand the request (go to section 6)

I have been appointed by the Court to manage the affairs of the person (go to section 6).

**SECTION 4: APPLICANT DETAILS (note 3)**

<b>Applicants Name (please print)</b>	
<b>Address to which reply should be sent</b> (if different from over, inc Postcode)	
<b>Signature of Applicant</b>	

**SECTION 5: AUTHORISATION STATEMENT**

I hereby authorise King’s Ely to release CCTV images they may hold relating to me to Enter the name of the person acting on your behalf) to whom I have given consent to act on my behalf.

.....

**Signature of Data Subject**

**Date** .....

**SECTION 6: COUNTERSIGNATURE (note 4)**

To be completed by the person required to confirm the applicant's identity

I (insert full name) .....

Certify that the applicant (insert name) .....

Has been known to me as a (insert in what capacity eg employee, client, patient etc) .....

For \_\_\_\_\_ years and that I have witnessed the signing of the above declaration.

<b>Name: (please print)</b>	<b>Profession:</b>
<b>Address (inc Postcode):</b>	<b>Telephone Number:</b>
<b>Signature :</b>	<b>Date:</b>

OFFICIAL USE ONLY

<b>Date Request Received</b>		<b>Amount paid</b>	
<b>Date Form sent to applicant</b>		<b>Method of Payment</b>	
<b>Date Form Returned</b>		<b>Date sent to System Administrators</b>	
<b>Certification Checked</b>	<b>Data checked</b>		
		<b>Date completed</b>	