

# CCTV Surveillance Policy

Policy number	SP22
Policy name	CCTV Surveillance Policy
Issue date	May 2020
Review date	May 2023
Owner	CEO
Reviewing Body	Board of Trustees

## 1.0 Introduction

- 1.1 The use of CCTV and other surveillance systems has a legitimate role to play in helping to maintain a safe and secure environment for all our service users, staff, children and visitors. However, we recognise that this may raise concerns about the effect on individuals and their privacy. This policy is intended to address such concerns.
- 1.2 Images recorded by surveillance systems are personal data, which must be processed in accordance with data protection laws. Autism Unlimited is committed to complying with all our legal obligations and seek to comply with best practice suggestions from the Information Commissioner's Office (ICO).
- 1.3 The policy is written in line with CQC and Information Commissioner Office guidance and Codes of Practice and adopts the definitions and scope of the issues that can be found in these documents. The policy should be used with reference to the Data Protection Policy.

## 2.0 Purpose

- 2.1 This policy outlines why we use CCTV, how we will use CCTV and how we will process data recorded by CCTV cameras to ensure we are compliant with data protection law and best practice. The policy also explains how to make a subject access request in respect of personal data created by CCTV.

### 3.0 Definitions

3.1 The following definitions are used in this policy:

- **Surveillance** – monitoring the movements and behaviour of individuals, this can include video, audio or live footage. For this policy only video and audio footage will be applicable.
- **Overt surveillance** – any use of surveillance for which authority does not fall under the Regulation of Investigatory Powers Act 2000. Overt surveillance is clearly signposted at the entrance to the school site
- **Covert surveillance** – any use of surveillance, which is intentionally not shared with the subjects when it is recording. Subjects will not be informed of such surveillance. Covert surveillance will only be operable in extreme circumstances.

### 4.0 Location of CCTV cameras in the Charity

4.1 Before installing CCTV, Autism Unlimited will consider whether it is lawful, justified, necessary and proportionate. The Charity will also consider whether a less privacy intrusive method could be used, whether there is a better solution and the impact on individuals. The Charity will regularly evaluate whether it is necessary and proportionate to continue using the CCTV. The surveillance system will be registered with the ICO in line with data protection legislation and will use the Checklist within the Code of Practice for Surveillance Cameras and Personal Information before introducing the surveillance systems.

#### 4.2 Portfield School site

4.2.1 The cameras at Portfield School are located in the following locations:

- a) Outside the school monitoring the grounds including Stepping Stones, The Bridge, Forest School and MUGA areas.
- b) Inside the school monitoring the four corridors. These are currently not in use.
- c) The main entrance to the school including the reception areas.
- d) Externally on the approach from Forest School to P1

#### 4.2.2 Reasons for use of CCTV and surveillance systems

The surveillance system is used to:

- Maintain a safe and secure environment.
- Ensure the welfare of service users, pupils, staff and visitors.
- Deter criminal acts against persons and property.
- Deter violent behaviour and damage to the school
- Assist the police in identifying persons who have committed an offence.

#### 4.2.3 Compliance with the Code

- The surveillance system used in the school is a closed digital system which does not record audio.

- Warning signs have been placed throughout the premises where the surveillance system is active, as mandated by the ICO's Code of Practice.
- The surveillance system has been designed for maximum effectiveness and efficiency; however, the charity cannot guarantee that every incident will be detected or covered and 'blind spots' may exist.
- The surveillance system will not be trained on individuals unless an immediate response to an incident is required.
- The surveillance system will not be trained on private vehicles or property outside the perimeter of the site.
- Any unnecessary footage captured will be securely deleted from the system.
- All surveillance footage will be kept for 14 days for security purposes.
- Surveillance systems will be tested for security flaws annually to ensure that they are being properly maintained at all times. Any cameras that present faults will be repaired immediately as to avoid any risk of a data breach.

### 4.3 Residential Services

4.3.1 A camera is located in one resident's bedroom in Adult Services East (Greenways)

4.3.2 Reasons for use of CCTV and surveillance systems

The main purpose of this CCTV is to monitor seizure activity whilst the resident is in his bedroom. Their parents can remotely view the CCTV footage. Staff members can disable the parents' remote access whilst they are supporting him in his bedroom.

4.3.3 Compliance with guidelines

The decision to use CCTV must be consistent with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the "fundamental standards" ensuring that it will comply with the following regulations.

- Regulation 9: Person-centred Care, including recognition of residents' rights to choose their care arrangements.
- Regulation 10: Dignity and Respect, particularly where people are receiving intimate personal care.
- Regulation 11: The Need for Consent, including the provisions under the Mental Capacity Act 2005 for people unable to give their consent to specific decisions because of lack of mental capacity.
- Regulation 12: Safe Care and Treatment, for example, where monitoring methods are used to ensure that people are receiving safe care and treatment.
- Regulation 13: Safeguarding Service Users from abuse and improper treatment, which is often the main justification for the use of surveillance. However, surveillance could also be used as a restrictive measure that meets the deprivation of liberty test and, if justifiable, would need to be authorised under the Deprivation of Liberty Safeguards.
- Regulation 17: Good Governance, particularly in relation to record keeping and data protection.

Autism Unlimited is aware that if it uses surveillance in any part of the home, the CQC will ensure that it complies with the relevant regulations.

#### 4.4 **Supported Living - Parkwood Road**

4.4.1 The new property on Parkwood Road has CCTV installed; however this is not in use at the moment.

#### 4.5 **Use of Dashcams**

Where the charity uses third party property e.g., motor vehicles with Dash Cams, personal data must still be processed in accordance with the statutory provisions. Data Controllers in this case must be transparent about processing data and should inform everyone whose data is being collected. In this instance, there should be a clearly visible sign or sticker or other indication on and/or inside the vehicle, as applicable, to indicate that recording is taking place.

### 5.0 **Installing CCTV Surveillance Systems**

- 5.1
- Before installing or agreeing to install any equipment that could be used for monitoring and surveillance purposes, a full consultation must be undertaken with all those whose personal data could be captured by the applications. The key aim of the consultation will be to assess the impact on the privacy and dignity of the people whose behaviour and presentation will be recorded. This includes service users, visitors and staff. If any equipment is installed in any part of the premises there will be clear signs to indicate that it is there and could be recording people who are in that location.
  - CCTV cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose.
  - The equipment and devices used must be fit for the required purpose and which can be switched on and off, when not required for the purpose or if there are risks that people's rights, dignity and privacy will be compromised by the capturing of their images.

### 6.0 **Purposes**

- 6.1
- The 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. The use of surveillance cameras and CCTV will be critically analysed using a DPIA. Once established, the purpose of the use of the CCTV will be set out in writing. A DPIA will be reviewed, for processing data that is likely to result in a high risk to individuals, prior to the installation of any additional surveillance and CCTV system equipment.

## 7.0 Permissions

- 7.1
- In the care setting, care practices must only be recorded on CCTV and similar devices with the express permission of the care home. Service users or their representatives who seek to make use of CCTV within the service delivery process must make this clear at the beginning of the service or when proposing it at any later stage so that its use and conditions of its use can be written into the service agreement.
  - Representatives of a service user who seeks to install or use CCTV on behalf of the actual service user must have obtained the latter's permission or if the person lacks mental capacity to give their consent, a "best interests" process must be carried out before agreeing to its installation and use. The uses to which the equipment will be put must be clearly spelt out and recorded in the accompanying written agreement.
  - Where any such agreement has been reached, the Director of Services will then make the relevant staff aware of its use and obtain their written consent to their being recorded.
  - The Director of Adult Services will not agree to the routine recording of any intimate personal care that invades the privacy of the service user and affronts their dignity.
  - The Director of Adult Services will not seek to make use of any recording for its own internal monitoring purposes without obtaining the permission of all those involved.

## 8.0 Impact and Implications

- 8.1
- If or when the Director of Adult Services decides to make use of CCTV or other surveillance equipment or devices, it will make sure that it has all the related policies and procedures in place to make sure that their use is ethical and lawful. This includes include clear procedures on the positioning and use of the equipment or devices and time-scales for their use, the keeping of appropriate records regarding their use and access to the records and the captured information.

The following aspects will be fully documented and made available to the CQC inspectors as required.

- An assessment of the need for surveillance, the reasons behind the idea and why CCTV or similar would seem to be the best option out of the options available.
- A statement of the purpose, including specific goals and the outcomes sought from the use of the preferred surveillance method.
- The time-scales involved starting, periods of use (if not continuous).
- How the decision to use CCTV in a specific place has been arrived at.
- Confirmation that the surveillance methods proposed or used are lawful and the steps taken to establish their legal basis.
- The steps taken to obtain consent of all whose personal information is being captured; not least where surveillance methods are being installed in communal areas resulting in the exposure of a wide range of people.

- How consent from people who might lack mental capacity has been obtained.
- Any deprivation of liberty safeguarding issues that have arisen.
- How the service has addressed concerns about possible loss of privacy, dignity and respect and the concerns of staff and others.
- The scope, methods and results from the consultation process followed.
- A statement of the information that will be/has been captured and the steps to ensure that it's capturing is legitimate and complies with data protection requirements.
- How the data is or will be kept secure.
- How people are informed, e.g., by signage that they might be subject to surveillance in certain areas of the home.
- If covert surveillance is to be used, a statement of the overriding reason for it and when and how it can be minimised and discontinued at the first opportunity.
- The personnel responsible for the operating of the system, including the processing of the information captured, their accountability and the systems for monitoring, reviewing and auditing the surveillance process

## 9.0 Roles and responsibilities

### 9.1 The Trustee Board

9.1.1 The Trustee Board has overall responsibility for ensuring compliance with relevant legislation and the effective operation of this policy. It has the overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations. The Board ensures that the Charity will,

- Process surveillance and CCTV footage legally and fairly.
- Collect surveillance and CCTV footage for legitimate reasons and ensuring that it is used accordingly.
- Collect surveillance and CCTV footage that is relevant, adequate and not excessive in relation to the reason for its collection.
- Surveillance and CCTV footage identifying an individual is not kept for longer than is necessary.

### 9.2 The HR Director

9.2.1 The HR Director is the charity Lead for Data Protection and will;

- Ensure that surveillance and CCTV footage is obtained and operated in accordance with data protection legislation.
- The charity keeps comprehensive and accurate records of data processing activities, including surveillance and CCTV footage, detailing the purpose of the activity and making these records public upon request.
- Inform data subjects of how their data is captured in surveillance and CCTV footage, their rights for the data to be destroyed and the measures implemented by the charity to protect individuals' personal information.

### 9.3 **Director of Adult Services/Headteacher**

- 9.3.1
  - Carry out data protection impact assessments and monitor the performance
  - Decide where/when to record footage
  - Provide advice where requested
  - Work together with the IT Manager in keeping the records secure and allowing access.

### 9.4 **The Head of IT**

9.4.1 The Head of IT has responsibility for the day-to-day operations of CCTV cameras and the storage of data recorded. The Head of IT will ensure that surveillance and CCTV footage is destroyed in line with legal requirements.

## 10.0 **Security**

10.1 Access to the surveillance system, software and data will be strictly limited to authorised operators and will be password protected. The surveillance and CCTV system is owned by the charity and images from the system are strictly controlled and monitored by authorised personnel only.

10.2 The school's authorised CCTV system operators are:

- Headteacher
- Property Estates and Health and Safety Manager
- Head of IT

10.3 The main control facility is kept secure and locked when not in use.

10.4 If, in exceptional circumstances, covert surveillance is planned, or has taken place, copies of the Home Office's [authorisation forms](#) will be completed and retained

## 11.0 **Access to footage**

11.1 Individuals have the right to submit a Subject Access Request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing.

11.2 Releasing the recorded images to third parties will be permitted only in the following limited and prescribed circumstances, and to the extent required or permitted by law:

- The police – where the images recorded would assist in a specific criminal inquiry.
- Prosecution agencies – such as the Crown Prosecution Service.
- (CPS) Relevant legal representatives – such as lawyers and barristers
- Persons who have been recorded and whose images have been retained where disclosure is required by virtue of data protection legislation.

## **12.0 Monitoring and review**

12.1 This policy will be monitored and reviewed every three years, or in light of any changes to relevant legislation.

12.2 The Data Protection Lead will be responsible for monitoring any changes to legislation that may affect this policy and make the appropriate changes accordingly.

12.3 The Director of Adult Services and the Headteacher will communicate changes to this policy to all members of staff.

## **13.0 Linked policies**

This policy operates in conjunction with the following school policies:

- Behaviour policy
- Staff code of conduct
- Data Protection Policy - GDPR
- Safeguarding Policy
- Procedure for managing subject access requests



