

CCTV POLICY

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Date created:	December 2018
Author:	C Brown
Ratified by:	Executive Team
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Review date:	June 2020

Revision History:

Version	Date created	Date ratified	Author	Summary of changes
1.0	April 2018	May 2018	D Stanley	New Policy
2.0	Dec 2018		C Brown	Various changes to clarify access to CCTV images. 5.1 – addition of privacy impact assessment approval requirement. 6.2 – addition of referral of allegations against academy principal or Trust CEO. 7.2 – change of retention period from 5 to 7 days. 10.1 – change from bi-annual review to every 2 years.

1 Policy Statement

- 1.1 TMET (“the Trust”) uses Close Circuit Television (“CCTV”) within some of the premises of the Trust which includes its academies. The purpose of this policy is to set out the position of the Trust as to the management, operation and use of the CCTV across the Trust and its academies.
- 1.2 This policy applies to all members of our workforce, visitors to the Trust and our academies and all other persons whose images may be captured by the CCTV system.
- 1.3 This policy takes account of all applicable legislation and guidance, including:
 - 1.3.1 General Data Protection Regulation (“GDPR”)
 - 1.3.2 Data Protection Act 2018 (together the Data Protection Legislation)
 - 1.3.3 CCTV Code of Practice produced by the Information Commissioner
 - 1.3.4 Human Rights Act 1998
- 1.4 This policy sets out the position of the Trust in relation to its use of CCTV.

2 Purpose of CCTV

- 2.1 The Trust and its academies use CCTV for the following purposes:
 - 2.1.1 To provide a safe and secure environment for pupils, staff and visitors
 - 2.1.2 To prevent the loss of or damage to the academy/Trust buildings and/or assets
 - 2.1.3 To assist in the prevention of crime and assist law enforcement agencies in apprehending offenders

3 Description of system

- 3.1 Some of our academies have a number of cameras in and outside of the academy building. Some cameras have sound recording capabilities and there is a range of movable and fixed cameras.

4 Siting of Cameras

- 4.1 All CCTV cameras will be sited in such a way as to meet the purpose for which the CCTV is operated. Cameras will be sited in prominent positions where they are clearly visible to staff, pupils and visitors.
- 4.2 Cameras will not be sited, so far as possible, in such a way as to record areas that are not intended to be the subject of surveillance. The academy/Trust will make all reasonable efforts to ensure that areas outside of the academy/Trust premises and grounds are not recorded.
- 4.3 Signs will be erected to inform individuals that they are in an area within which CCTV is in operation.
- 4.4 Cameras will not be sited in areas where individuals have a heightened expectation of privacy, such as changing rooms or toilets.
- 4.5 Cameras may be located in classrooms and, where this is the case, employees and pupils will be made aware. Access to the footage is restricted and will only be used to fulfil the purposes in 2.1.

5 Privacy Impact Assessment

- 5.1 Prior to the installation or repositioning of any CCTV camera, or system, a privacy impact assessment will be conducted by the academy/Trust to ensure that the proposed installation is compliant with legislation and ICO guidance. The assessment will be approved by the Trust Data Protection Officer.
- 5.2 The Trust will adopt a privacy by design approach when installing new cameras and systems, taking into account the purpose of each camera so as to avoid recording and storing excessive amounts of personal data.

6 Management and Access

- 6.1 The CCTV system in the Trust and in each academy will be managed by a member of the academy/Trust Senior Leadership Team.
- 6.2 Any allegations against academy staff will be referred immediately to the academy Principal and only they will determine who needs to view the footage. Allegations against the academy principal will be referred to the Trust Chief Executive Officer (CEO). Allegations against central Trust staff will be referred to the Trust CEO. Allegations against the Trust CEO will be referred to the Chair of the Trust Board
- 6.3 On a day to day basis the CCTV system will be operated by an individual with appropriate technical ability. This may be a Network Manager, IT Technician or Site Manager depending on the structure at the academy.

- 6.4 The viewing of live CCTV images will be restricted (with the exception of live CCTV positioned in external public areas) to the academy/Trust leadership team, site management team, IT management team and others delegated by the Senior Leadership Team. In doing so they will ensure that the purposes in 2.1 are satisfied.
- 6.5 Recorded images which are stored by the CCTV system will be restricted as in 6.4. Relevant images may be shared with governing body panels reviewing exclusions, disciplinary matters or complaints.
- 6.6 No other individual will have the right to view or access any CCTV images unless in accordance with the terms of this policy as to disclosure of images.
- 6.7 The CCTV system is checked daily to ensure that it is operating effectively

7 Storage and Retention of Images

- 7.1 Any images recorded by the CCTV system will be retained only for as long as necessary for the purpose for which they were originally recorded.
- 7.2 Recorded images are stored for a maximum of 7 days unless there is a specific purpose for which they are retained for a longer period.
- 7.3 The Trust will ensure that appropriate security measures are in place to prevent the unlawful or inadvertent disclosure of any recorded images. The measures in place include:
 - 7.3.1 CCTV recording systems being located in restricted access areas;
 - 7.3.2 The CCTV system being encrypted/password protected;
 - 7.3.3 Restriction of the ability to make copies to specified members of staff
- 7.4 A log of any access to the CCTV images, including time and dates of access, and a record of the individual accessing the images, will be maintained by the academy/Trust.

8 Disclosure of Images to Data Subjects

- 8.1 Any individual recorded in any CCTV image is a data subject for the purposes of the Data Protection Legislation, and has a right to request access to those images.
- 8.2 Any individual who requests access to images of themselves will be considered to have made a subject access request pursuant to the Data Protection Legislation. Such a request should be considered in the context of the Trust's Subject Access Request Policy.

- 8.3 When such a request is made the appropriate individual with access to the CCTV footage (ref 6.4) will review the CCTV footage, in respect of relevant time periods where appropriate, in accordance with the request.
- 8.4 If the footage contains only the individual making the request then the individual may be permitted to view the footage. This must be strictly limited to that footage which contains only images of the individual making the request. The individual accessing the footage must take appropriate measures to ensure that the footage is restricted in this way.
- 8.5 If the footage contains images of other individuals then the academy/Trust must consider whether:
- 8.5.1 The request requires the disclosure of the images of individuals other than the requester, for example whether the images can be distorted so as not to identify other individuals;
 - 8.5.2 The other individuals in the footage have consented to the disclosure of the images, or their consent could be obtained; or
 - 8.5.3 If not, then whether it is otherwise reasonable in the circumstances to disclose those images to the individual making the request.
- 8.6 A record must be kept, and held securely, of all disclosures which sets out:
- 8.6.1 When the request was made;
 - 8.6.2 The process followed by to the individual with access to the CCTV footage in determining whether the images contained third parties;
 - 8.6.3 The considerations as to whether to allow access to those images;
 - 8.6.4 The individuals that were permitted to view the images and when; and
 - 8.6.5 Whether a copy of the images was provided, and if so to whom, when and in what format.

Note that, when a subject access request is made then, unless an exemption applies (such as in relation to third party data that it would be unreasonable to disclose) then the requester is entitled to a copy in a permanent form. There is reference here only to "access" as opposed to a "permanent copy" as the academy/Trust may consider it preferable in certain circumstances to seek to allow access to images by viewing in the first instance without providing copies of images. If an individual agrees to viewing the images only then a permanent copy does not need to be provided. However, if a permanent copy is requested then this should be provided unless to do so is not possible or would involve disproportionate effort.

9 Disclosure of Images to Third Parties

- 9.1 The academy/Trust will only disclose recorded CCTV images to third parties where it is permitted to do so in accordance with the Data Protection Legislation.
- 9.2 CCTV images will only be disclosed to law enforcement agencies in line with the purposes for which the CCTV system is in place.
- 9.3 If a request is received from a law enforcement agency for disclosure of CCTV images then the individual with access to the CCTV footage must follow the same process as above in relation to subject access requests. Detail should be obtained from the law enforcement agency as to exactly what they want the CCTV images for, and any particular individuals of concern. This will then enable proper consideration to be given to what should be disclosed, and the potential disclosure of any third party images.
- 9.4 The information above must be recorded in relation to any disclosure.
- 9.5 If an order is granted by a Court for disclosure of CCTV images then this should be complied with. However very careful consideration must be given to exactly what the Court order requires. If there are any concerns as to disclosure then the Data Protection Officer should be contacted in the first instance and appropriate legal advice may be required.

10 Review of Policy and CCTV System

- 10.1 This policy will be reviewed every two years or earlier should the need arise.

11 Misuse of CCTV systems

- 11.1 The misuse of CCTV system could constitute a criminal offence.
- 11.2 Any member of staff who breaches this policy may be subject to disciplinary action.

12 Complaints relating to this policy

- 12.1 Any complaints relating to this policy or to the CCTV system operated by the academy/Trust should be made in accordance with the academy/Trust Complaints Policy.

CCTV PRIVACY IMPACT ASSESSMENT TEMPLATE

1 Who will be captured on CCTV?

[Pupils, staff, parents / carers, volunteers, academy councillors, and other visitors including members of the public etc.]

2 What personal data will be processed?

[Facial Images, behaviour, sound, etc.]

3 What are the purposes for operating the CCTV system? Set out the problem that the [Trust/Academy/School] is seeking to address and why the CCTV is the best solution and the matter cannot be addressed by way of less intrusive means.

[Prevention or detection of crime etc.]

4 What is the lawful basis for operating the CCTV system?

[Legal Obligation, legitimate interests of the organisation to maintain health and safety and to prevent and investigate crime]

5 Who is/are the named person(s) responsible for the operation of the system?

[Empty box for named person(s) responsible for the operation of the system]

6 Describe the CCTV system, including:

- a. how this has been chosen to ensure that clear images are produced so that the images can be used for the purpose for which they are obtained;
- b. siting of the cameras and why such locations were chosen;
- c. how cameras have been sited to avoid capturing images which are not necessary for the purposes of the CCTV system;
- d. where signs notifying individuals that CCTV is in operation are located and why those locations were chosen; and

- e. whether the system enables third party data to be redacted, for example via blurring of details of third party individuals.

- 7 Set out the details of any sharing with third parties, including processors

[Police, subject access, etc. Careful consideration should be given to whether any provider is used in relation to the CCTV system and the access they might have to images. Will those processors send this data outside of the EEA, for example for storage in a cloud based system?]

- 8 Set out the retention period of any recordings, including why those periods have been chosen

- 9 Set out the security measures in place to ensure that recordings are captured and stored securely

- 10 What are the risks to the rights and freedoms of individuals who may be captured on the CCTV recordings?

For example:

- Is it fair to record them in the way proposed?
- How is the amount of data processed to be minimised?
- What are the risks of the system being accessed unlawfully?
- What are the potential data breach risks?
- What are the risks during any transfer of recordings, or when disclosed to third parties such as the police?

- 11 What measures are in place to address the risks identified?

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12 Have parents and pupils where appropriate been consulted as to the use of the CCTV system? If so, what views were expressed and how have these been accounted for?

[Empty rectangular box]

13 When will this privacy impact assessment be reviewed?

[Empty rectangular box]

Approval:

This assessment was approved by the Data Protection Officer:

DPO

Date