



**Ark**<sup>®</sup>  
People  
Housing  
Care

## CCTV Procedure

<b>Procedure Reference:</b>		G24e	
<b>Related Policy:</b>		G24	
<b>Effective date:</b>	June 2023	<b>Review date:</b>	June 2026
<b>Approved by P&amp;PRG:</b>		June 2023	
<b>Owner:</b>	Lyn Docherty	<b>Job Title:</b>	Head of Compliance and Improvement
<b>To be issued to:</b>		All Staff	
<b>Method of Delivery:</b>		E-mail alert to new procedures with a summary of key points to be circulated by Data Protection Lead	

### Version Control

Date	Owner	Version	Reason for Change
June 2023	Michaela Loughlin	1.0	New Procedure

### Summary of Changes

Section	Change
Whole procedure	Existing Ark procedure G48 reviewed and DPO advised that it should be separated in to individual procedures and updated



# CCTV Procedure

## Contents

1.0 Introduction .....	4
2.0 Purpose of CCTV .....	4
3.0 Responsibility for Ark CCTV Systems.....	5
4.0 Data Protection .....	5
4.1 Subject Access Requests .....	5
4.2 Data Protection Impact Assessments .....	5
4.3 Signage and Privacy Notice .....	5
4.4 Freedom of Information .....	6
5.0 Technical Specification.....	6
6.0 Location of Cameras .....	6
7.0 Use of CCTV System .....	6
7.1 Training .....	6
7.2 Access to CCTV systems .....	6
7.3 Recording / Storage of Images.....	7
7.4 Copies of Recorded Images.....	7
7.5 Retention .....	7
8.0 Disclosing CCTV Images to Third Parties.....	7
8.1 Requests from the Police .....	7
8.2 Requests from other Third Parties.....	8
8.3 Disclosing images .....	8
9.0 Misuse of CCTV systems or images.....	8
10.0 Complaints .....	8
11.0 Implementation and Review .....	9
11.1 Implementation .....	9
11.2 Review.....	9



## 1.0 Introduction

Ark does not currently operate Closed Circuit Television (CCTV) on any of its premises. A proposal to install CCTV must start with a Data Protection Impact Assessment (DPIA), which will be developed with support from Ark's Data Protection Lead. The DPIA will adhere to the principles outlined in this procedure.

Ark recognises that using CCTV can be privacy intrusive as it is capable of putting law-abiding people under surveillance and recording of their movements. This procedure explains how Ark will operate CCTV and how it uses the personal information recorded from it in a lawful manner and in accordance with the data protection principles.

The procedure seeks to ensure that privacy is considered whilst creating a safer environment for employees, tenants, members of the public and visitors to our premises. In developing this procedure, Ark has incorporated the standards and practices from the Information Commissioner's Office (ICO) Code of Practice, 'In the picture: A data protection code of practice for surveillance cameras and personal information'.

If a CCTV system is installed on Ark premises, the organisation will:

- Comply with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA 2018), the Freedom of Information (Scotland) Act 2002; and any secondary legislation enacted under the legislation.
- Ensure appropriate installation and operation of the CCTV system.
- Ensure information captured is usable and meets the purposes installed for.
- Ensure individuals who may be captured in images are reassured that their privacy is being respected and information handled appropriately.
- Ensure appropriate signage is in place.
- Take account of the "Guidance for care providers in Scotland using CCTV in their services" issued by the Care Inspectorate, where Care and Support services are considering installing CCTV.

The procedure applies to all Ark employees, temporary employees, committee members, agency workers, contractors and consultants of Ark.

## 2.0 Purpose of CCTV

CCTV systems could be installed and operated by Ark for the following purposes:

- To protect and enhance the security of our premises and assets;
- To safeguard against intrusion, vandalism, damage, disruption and anti-social behaviour;
- When requested, to assist the Police in the prevention and detection of crime;
- To provide a safer environment for employees and visitors;

A CCTV system would not be used to monitor employee activities.

## 3.0 Responsibility for Ark CCTV Systems

Ark's Data Protection Lead (DPL) will support the production of a DPIA where there is a request to install CCTV in one of Ark's locations.

An inventory of CCTV systems in operation, including details of camera numbers and positions will be maintained by the DPL.

## 4.0 Data Protection

For the purposes of the UK GDPR, Ark is the data controller and is legally responsible for the management and maintenance of the CCTV systems installed and operated on our premises. Ark will operate CCTV systems and handle any recorded images in accordance with Ark's Data Protection Policy and this procedure.

### 4.1 Subject Access Requests

The UK GDPR gives individuals the right to find out what personal data we hold about them including requesting to view or be provided with a copy of CCTV footage that they may appear in. All requests for CCTV footage by individuals will be treated as subject access requests and will be handled in line with the Data Protection Policy and Data Subject Rights Procedure.

Providing there are no other third parties identifiable in the footage, and there are no applicable exemptions to the disclosure under data protection law, Ark will arrange for the data subject to view the images.

If any of the footage contains images of third parties and it has not been deemed appropriate to allow footage to be viewed, the data subject may be provided with a narrative of the footage content or a still photograph.

If the request is denied, the data subject will be informed of the reasons in writing and how to appeal the decision and/or complain to the Information Commissioner's Office.

### 4.2 Data Protection Impact Assessments

Because CCTV can invade an individual's physical and informational privacy, a DPIA will be completed for each new CCTV installation and for the renewal or alteration of existing CCTV installations. Ark staff should contact the Data Protection Lead for support with this process.

### 4.3 Signage and Privacy Notice

Appropriate and clear signage will be put in place to make everyone aware where CCTV is in operation and who to contact regarding any queries about the CCTV system. The use of CCTV will also be recorded in the Ark website Privacy Notice. The signs will include the Ark logo and should:

- Be clear, visible and readable.
- Contain details of the purpose of the surveillance and who to contact for further information.
- Include contact details; website address, telephone number and/or e mail address.

#### 4.4 Freedom of Information

As a public authority, Ark is subject to the Freedom of Information (Scotland) Act 2002 (FOISA). FOI requests in relation to CCTV can include information on where cameras are sited, functionality, and whether they were operational over particular time periods. All FOI requests have to be submitted in a recordable format, e.g., by letter or email. Requests for information must be processed within 20 working days from the date of the request. Access to CCTV images may be subject to an exemption under Section 38 (Personal Information) or section 39 (Health, Safety and the Environment) of FOISA 2002.

#### 5.0 Technical Specification

The CCTV systems will be of the technical specification to ensure appropriate quality of images and that unnecessary images are not viewed or recorded. CCTV systems will have an accurate date and time set and be checked regularly.

#### 6.0 Location of Cameras

Cameras will be sited to ensure only areas of interest are subject to surveillance and to minimise viewing areas not relevant to the purposes for which the CCTV was installed for. Cameras will be sited to ensure that they can produce quality images taking into account the environment where they are located, e.g., lighting and trees. Cameras will be located in secure locations where they are reasonably protected from vandalism. Ark currently does not have CCTV installed at any of its sites.

#### 7.0 Use of CCTV System

##### 7.1 Training

All employees who need to use CCTV systems will be trained in respect of the necessary operational and administrative functions associated with the CCTV system operation.

##### 7.2 Access to CCTV systems

All CCTV equipment will be in secure and restricted locations. Access is strictly limited to relevant employees.

### 7.3 Recording / Storage of Images

CCTV images are recorded on a digital hard drive and accessed only when an incident has been reported that requires the images to be viewed. Requests to view images by Ark staff will require prior approval of the Data Protection Lead and will only be permitted for the purposes the CCTV has been installed for.

### 7.4 Copies of Recorded Images

Copyright and ownership of all material recorded on Ark's CCTV systems will remain the property of Ark. Copies of recorded images will only be made when required for investigation or disclosure in relation to the purposes for which the CCTV was installed for. Copies are to be encrypted on DVD or USB Memory Sticks and are to be stored and transported securely. Once the images are no longer required, they are to be disposed of securely.

### 7.5 Retention

CCTV images will be retained only for as long as necessary to fulfil the required purpose and in accordance with Ark retention schedules. This will not usually exceed 30 days unless requested by the Police or other statutory enforcement agencies when, in accordance with data protection laws, the Association may retain digital images for longer periods until such time as they are able to be viewed or shared with the relevant body.

## 8.0 Disclosing CCTV Images to Third Parties

Disclosure of information from the CCTV systems will be controlled and consistent with the purposes for which the system was installed. Images will only be disclosed to relevant and authorised third parties, e.g., Police Scotland. A register of CCTV disclosure and non-disclosure will be maintained by the Data Protection Lead.

### 8.1 Requests from the Police

Police Scotland may request access to CCTV images held by Ark, either by viewing the data on the premises or by requesting a copy of the data. To disclose personal data lawfully to the police we need to be satisfied:

- That disclosure is necessary for one or more of the following purposes: the prevention or detection of crime or the apprehension or prosecution of offenders; and
- That not disclosing the personal data would be likely to prejudice the purpose cited.

As one of the purposes for having CCTV is to assist with crime prevention and detection, releasing images to the Police may be done without breaching data protection legislation. However, the identity of the requester and validity of the request must always be verified. This can be done by checking Police ID cards and/or by calling the local police station to confirm the identity of the requester and validity of the request.

## 8.2 Requests from other Third Parties

It is important if asked to release CCTV images to any third party (except the Police) that the third party is advised to put the request in writing and that this request is reviewed by the Data Protection Lead and can only be released with their authorisation.

If there are doubts or concerns about a request, it is important to note that Ark has the discretion to refuse a request for information unless there is an overriding legal obligation such as a court order or information access rights.

In the rare event that an urgent request is made, then images may be disclosed without prior authorisation if a delay in doing so may put an individual at serious risk.

## 8.3 Disclosing images

The method of disclosing images must be carried out securely to ensure that the images are only viewed by the intended recipients. In most cases, such as disclosing to the police, it is likely that the images will be collected in person. DVDs of images must never be sent via post. Any disclosure must be recorded in the CCTV Request Register. Once images have been disclosed to a third party, they become the data controller and are responsible for the security of the images.

## 9.0 Misuse of CCTV systems or images

Any misuse of Ark's CCTV systems or images by employees will be treated seriously and may be considered under misconduct or disciplinary procedures.

## 10.0 Complaints

If an individual wishes to make a complaint about our operation of CCTV this should be directed to the Data Protection Lead in the first instance. Individuals also have the right to complain to the Information Commissioner if they feel we are not operating CCTV in accordance with the UK GDPR.



## 11.0 Implementation and Review

### 11.1 Implementation

The Operational Management Team (OMT) is responsible for ensuring that this procedure is implemented throughout the organisation.

### 11.2 Review

This procedure will be reviewed every 3 years or when required to address any weakness in the procedure or changes in legislation or best practice.