

## **CCTV PROCEDURE**

### **Statement**

This procedure sets out the usage of mobile CCTV units within Arhag.

Arhag is a registered charitable housing association and is not considered an appropriate authority with regards to the Regulation of Investigatory Powers Act (RIPA), and therefore does not require RIPA authorisation for the use of CCTV equipment.

The implications of General Data Protection Regulation (GDPR), the European Commission for Human Rights (ECHR) should be considered. This allows interference with a person's right to respect for their privacy providing it is proportionate and necessary.

Adherence with this procedure will ensure Arhag complies with article 8 of the Human Rights Act 1998 and GDPR 2018.

It is important that this procedure is followed in order to ensure that the rights of individuals are preserved, and also to ensure that the chain of evidence remains intact should the images be required for evidential purposes.

### **1.0 Purpose**

- 1.1 To provide guidance to staff responsible for the monitoring and viewing of CCTV images including the processing of requests from data subjects and third parties.

### **2.0 Scope**

- 2.1 This procedure applies to schemes where fixed or mobile CCTV is installed.

### **3.0 References**

- 3.1 Other procedures that may link with this procedure include the;
  - Anti social behaviour procedure

## 4.0 Definitions

- 4.1 Data subject refers to a living individual to whom personal data relates. This includes recordings of their images.
- 4.2 A Subject Access Request is a written, signed request from an individual to see information held on them. The Data Controller must provide all such information in a readable form within 40 days of receipt of the request and may charge a small fee (up to £10).

## 5.0 Responsibility

- 5.1 The Head of Housing is responsible for ensuring the day to day compliance with the CCTV procedure, including the authorisation of the usage of mobile CCTV.
- 5.2 The Housing Manager/Head of Housing is responsible for the storage of and requests for access to images/recording and all viewing/listening arrangements with regards to mobile CCTV units and the handling of complaints about the CCTV system.
- 5.3 The Housing Officer/Hostel Coordinator is responsible for viewing live and recorded images and taking reasonable precautions to ensure that the equipment is being looked after and kept in good working order
- 5.4 The Customer Service Team is responsible for processing maintenance request for the upkeep of the CCTV system

## 6.0 Guidance Notes

### **Mobile CCTV**

- 6.1 Where it is appropriate to use mobile CCTV, the Housing Officer should complete a mobile CCTV request form (**appendix A**) which should be authorised by the Housing Manager and countersigned by the Head of Housing.

6.2 If authorisation is given, staff should firstly attach the **Mobile CCTV Request Form (appendix B)** to the **Mobile CCTV Operational Guidelines (appendix C)** forms (Sections A & B) and sign the Section A to acknowledge compliance.

### 6.3 **CCTV signage obligations**

- **Overt CCTV:** In overt CCTV monitoring, it will be necessary to install appropriate public CCTV signage in order to advise a CCTV operation is ongoing. This should include a contact telephone number available to members of the public during office hours.
- **Covert CCTV:** In cases where covert CCTV monitoring is used, public signage is not necessary if it can be justified and has been agreed by the Housing Manager and the Head of Housing via the **Mobile CCTV Request Form**.

### 6.4 **Management of stored CCTV images**

6.4.1 Images will only be retained in circumstances such as the prevention, investigation and detection of anti-social behaviour and crime, the apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings), public and employee safety, and monitoring the security of premises.

6.4.2 If images captured on a mobile CCTV unit need to be retained for evidential purposes, the **Log of Stored Mobile CCTV Images (appendix D)** should be completed. These records are held by the Head of Housing. The format by which the images have been retained (e.g. CD Rom) should then be securely kept by the Housing Manager with the **Log of Stored Mobile CCTV Images (appendix E)** record. Access to this record will be controlled by the Head of Housing.

6.4.3 Should any request be made by a 3<sup>rd</sup> party for the viewing of any stored CCTV image/s, the **CCTV 3<sup>rd</sup> Party Viewing Log (appendix**

**F)** should be completed and submitted for approval to the Head of Housing or Housing Manager.

6.4.4 Viewing of the recorded images should take place in a restricted area, for example, in a designated member of staff's office. Other parties should not be allowed to have access when a viewing is taking place.

6.4.5 When returning the CCTV images after viewing, this also needs to be documented on the **CCTV 3<sup>rd</sup> Party Viewing Log**.

## **6.5 Viewing of Images By Outside Agencies**

6.5.1 All requests for viewing by outside agencies access or disclosure should also be made in writing and recorded using the **3<sup>rd</sup> Party Viewing Log**.

6.5.2 For the disclosure of mobile CCTV images, the member of staff responsible for that particular CCTV operation will need to ensure that the reason(s) for which they may disclose copies of the images to a 3<sup>rd</sup> party are compatible with the reason(s) or purpose(s) for which they originally obtained those images.

6.5.3 Disclosure of the recorded images to 3<sup>rd</sup> parties should only made in limited and prescribed circumstances. If the purpose of the system is the prevention and detection of crime, then disclosure to third parties should 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 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)

6.5.4 If it is intended that images will be made more widely available, that decision should be made in appropriate cases by either the Head of Housing or the Chief Executive, and the reason for that decision should be documented on the **CCTV 3<sup>rd</sup> Party Viewing Log**.

6.5.5 If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of uninvolved bystanders will need to be disguised or blurred so that they are not readily identifiable. *(If the system does not have the facilities to carry out that type of editing, an editing company may need to be hired to carry it out)*

## 6.6 **Provision of images to outside agencies**

6.6.1 Where it has been identified through the 'Viewing Of Images By Outside Agencies' process (above) that there is a clear need to provide outside agencies with stored CCTV images, the **Removal Of Stored CCTV Images (appendix G)** form should be completed.

## 6.7 **Requests for information**

6.7.1 Anyone requesting information about any CCTV image/s should be provided with one or more of the following.

- The **CCTV Subject Access Information Leaflet (appendix I)** which individuals receive when they make a subject access request as general information
- A copy of the Code of Practice (copies available on line at [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk))
- A **Subject Access Request Form (appendix H)** (if requested)
- The Arhag's complaints procedure is to be followed if concerns are raised about the use of the system or if

concerns are raised about non-compliance with the provisions of the Code of Practice.

## **6.8 Access & Disclosure to Individuals Recorded On CCTV**

6.8.1 Individuals recorded on mobile CCTV have a right to access the images under section 7 of the 1998 Act.

The following procedure should be followed:

- All subject access requests should be dealt with by either the Housing Manager or Head of housing. The appropriate manager or designated member of staff should locate the images requested.
- The Housing Manager or Head of Housing should determine whether disclosure to the individual would involve disclosing images of 3<sup>rd</sup> parties other than the individual/s submitting the request and the impact of such disclosure. If the decision is made that the disclosure would significantly impact on that individual/s, then the request to show images should be declined.
- If it is possible that the disguising or blurring of 3<sup>rd</sup> party images would enable the viewing to take place, this should be considered by the Housing Manager or Head of housing. If this is to take place, this should be arranged by the individual making the decision. If the system does not have the facilities to carry out that type of editing, a third party or company may be hired to carry it out. If a third party or company is hired, then the manager or designated member of staff needs to ensure that:
  - There is a contractual relationship between the data controller and the 3<sup>rd</sup> party or company.

- That the 3<sup>rd</sup> party or company has given appropriate guarantees regarding the security measures they take in relation to the images.
  - The manager has checked to ensure that those guarantees are met.
  - The written contract makes it explicit that the third party or company can only use the images in accordance with the instructions of the manager or designated member of staff.
  - The written contract makes the security guarantees provided by the third party or company explicit.

6.8.2 If the Housing Manager or Head of Housing decides that a **Subject Access Request Form** submitted by an individual is not to be accepted, the **3<sup>rd</sup> Party Access Refusal Form (appendix J)** should be completed and a copy issued to the individual. The original should be retained on the appropriate CCTV log file.

## 6.9 **Destruction of Stored Footage**

Images will automatically be overwritten after a period no longer than 28 days. If an image/s has been stored for evidential purposes and is no longer required, it should be destroyed in an appropriate manner. This should also be documented on the **Log of Stored Mobile CCTV Images** form for auditing purposes.

## 6.10 **Reviewing CCTV Policy, Procedure & Usage**

The Housing Manager and Head of Housing should undertake annual reviews of the documented procedures to ensure that the provisions of the Code of Practice are being complied with.

6.10.1 A report on those reviews should be provided to the Head of Housing in order that compliance with legal obligations and provisions with this Code of Practice can be monitored.

## 6.11 **Compensation to individuals**

Breach of the new data protection law could now see organisations facing hefty fines from the ICO of up to €20 million

Under Section 13 of the Act, individuals who suffer unwarranted damage or damage and distress as a result of any contravention of the requirements of the Act are entitled to go to court to seek compensation in certain circumstances.

6.11.1 This right to claim compensation for a breach of the Act is in addition to an individual's right to request the Data Protection Commissioner to make an assessment as to whether processing is likely or unlikely to comply with the Act.

## **7.0 Last Reviewed**

April 2018



**Appendix A**

**MOBILE CCTV REQUEST FORM**

Who is responsible for the proposed operation \_\_\_\_\_

Where is the problem located? \_\_\_\_\_

What is the proposed location of the camera \_\_\_\_\_

How long is the mobile CCTV equipment requested for \_\_\_\_\_

Describe The Reason/s For Using CCTV Equipment In This Proposed Operation? (i.e. state the specific anti-social or criminal activity)

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What Are The Aims/ Objectives Of The Operation? (i.e. identify the need to use surveillance to obtain evidence of anti-social or criminal activity)

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Please state whether the use of public CCTV warning signs would prejudice success in obtaining evidence (i.e. please state reasons for covert operation)

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If no signs are to be used, please state how long the covert monitoring is likely to take place? (Please note this should not be carried out for longer than is necessary).

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Risk Assessment: Please Outline Any Risks Involved In Undertaking This Operation (e.g. staff, tenants, equipment, others).

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This application should comply with Arhag's CCTV Policy and Procedures. Please circle to confirm

the policy is understood and that the proposed operation complies

Yes  No

If refused, state reasons for refusal:

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Signed \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_ Date \_\_\_\_\_

## MOBILE CCTV OPERATIONAL GUIDELINES

### Section A: User Agreement

**Please read the following guidelines and confirm acceptance at the end:**

1. The equipment should be sited in such a way that it only monitors those spaces which
  - a. are intended to be covered by the equipment.
2. If domestic areas such as gardens or areas not intended to be covered by the scheme border those spaces which are intended to be covered by the equipment, then the user should consult with the owners of such spaces if images from those spaces might be recorded. In the case of back gardens, this would be the resident of the property overlooked.
3. Operators must be aware of the purpose(s) for which the CCTV operation has been established.
4. Operators must be aware that they are only able to use the equipment in order to achieve the purpose(s) for which it has been installed.
5. If cameras are adjustable by the operators, this should be restricted so that operators cannot adjust or manipulate them to overlook spaces which are not intended to be covered by the scheme.
6. If it is not possible physically to restrict the equipment to avoid recording images from those spaces not intended to be covered by the scheme, then operators should be trained in recognising the privacy implications of such spaces being covered.
7. Signs should be placed so that the public are aware that they are entering a zone which is covered by surveillance equipment. The signs should be clearly visible and legible to members of the public. The signs should contain the following information:
  - a) Identity of the person or organisation responsible for the scheme;
  - b) the purposes of the scheme;
  - c) details of whom to contact regarding the scheme.
8. **In exceptional and limited cases, if it is assessed that the use of signs would not be appropriate, the user of the scheme must ensure that they have:**
  - a) **Identified specific anti-social or criminal activity.**
  - b) **Identified the need to use surveillance to obtain evidence of that anti-social or criminal activity.**
  - c) **Assessed whether the use of signs would prejudice success in obtaining such evidence.**

- d) **Assessed how long the covert monitoring should take place to ensure that it is not carried out for longer than is necessary.**
- e) **These should be recorded in Section B.**

9. Information so obtained must only be obtained for prevention or detection of anti-social and/or criminal activity, or the apprehension and prosecution of offenders. It should not be retained and used for any other purpose. If the equipment used has a sound recording facility, this should not be used to record conversations between members of the public.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **MOBILE CCTV OPERATIONAL GUIDELINES**

### **Section B: On-Site Checklist**

Tick the following:

1. Upon installation, check to ensure that the equipment performs properly.

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2. Check the location of the camera and date and time reference - these should be accurate.

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3. Please confirm that the camera/s is situated so that it/they will capture images relevant to the purpose for which the CCTV has been established

4. When installing cameras, consideration must be given to the physical conditions in which the cameras are located.

5. Please state whether the recording is constant or will occur at specific times. Please also state why constant or specific time recording has been chosen

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Does the installation comply with operational guidelines?      Yes  No

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix D

### Log of Stored Mobile CCTV Images

Date stored	Who by	ASB Log No/Crime Ref no	Please state why these Images Have Been Retained	Please state by which format these images are stored e.g CD ROM	Please State The Date The Footage Was Destroyed, By Whom & Why

Appendix E

### Log of stored fixed CCTV Images

Date stored	Who by	ASB Log No/Crime Ref no	Please state why these Images Have Been Retained	Please state by which format these images are stored e.g CD ROM	Please State The Date The Footage Was Destroyed, By Whom & Why

## CCTV: 3<sup>rd</sup> Party Viewing Log

Date & time of viewing	Name(s) of the person(s) viewing the image & organisation represented	State the reasons for the viewing	Images viewed (please state location, date & time of original image(s))	The outcome, if any, of the viewing	Date & time the images were returned for storage



Appendix G

## Removal & Return of stored CCTV images

Date CCTV image(s) removed	State the reason why these were removed	ASB Ref: Crime ref	New location of the images (e.g. if police, state the name of officer and name of station)	Signature and name of third party	Signature of Head of Housing/Housing Manager/Hostel coordinator	Date CCTV Image/s Returned & By Whom

## CCTV: Subject Access Request Form

As part of Arhag's CCTV policy, individual requests for access to view CCTV images can only be considered by completion of this form. A fee of £10.00, payable in advance, is charged for the search. On receiving the fee and information required to undertake the search, a response will be provided as promptly as possible and in any event within 40 days.

Name of applicant	
Address	
Contact telephone number	

Are you an Arhag tenant? Yes  No

Date of request	
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1) Please indicate the information required in order to locate the images requested; e.g. times and dates and/or descriptions in order to identify an individual *(please note that if the individual making the request is unknown to the user of the equipment, a photograph of the individual may be requested in order to locate the correct image)*:

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2) Please indicate whether you simply wish to become aware of details of images stored, or indicate if you wish to view such images (if available):

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **CCTV: Subject Access Information Leaflet**

This leaflet is aimed at tenants and other individuals who may wish to enquire about the use of CCTV by Arhag.

Anti-social behaviour and crime is a growing concern for Arhag and its tenants. One of the tools used by the Association to address this problem is that of CCTV. Where evidence is available, this evidence will be stored to enable action to be taken either by Arhag as a breach of tenancy or shared with other enforcement agencies in order that they may take action. Those images not stored for evidential purposes are automatically deleted after a period of 28 days.

In order to ensure that the individual's right to privacy as outlined by Article 8 of the Human Rights Act and General Data Protection Regulation (GDPR) are not infringed, strict controls have been put in place to ensure compliance with the Act.

Where an individual feels that their privacy has been infringed, facilities are in place to allow enquiries to be made with Arhag to view any images that have been stored.

Should this be the case, an application form can be obtained from Arhag's housing management team. A non-refundable fee of £10.00 in advance is applicable for undertaking a search. This fee covers the administrative costs associated with undertaking necessary work. It does not guarantee that images have been retained.

Where an individual feels they have a grievance with regards to the action taken by Arhag, the Association's standard complaints procedure should be followed.

Further information regarding the use of CCTV can be obtained from the Data Protection Office on the following website: [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)



## 3<sup>rd</sup> Party Access Refusal Form

Further to your request for access to CCTV images, unfortunately your request has been refused. Details are provided below.

<b>1 Identity of individual making request</b>
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Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Identification provided, (if required) \_\_\_\_\_

**2 Managers Details**

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**3 Reason(s) for refusing request**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4 Details of the footage requested:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_