

STAPLEHURST PARISH COUNCIL

GDPR

CCTV POLICY AND CODE OF PRACTICE

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Office Opening Times: Mondays -Thursday 9am – 1pm

www.staplehurst-pc.uk

Email: clerk@staplehurst-pc.uk

Staplehurst Parish Council CCTV Policy and Code of Practice

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Introduction

Closed circuit television (CCTV) is installed at the Surrenden Playing Field and at selected village locations for the security of residents, visitors, premises and their users and staff. Fixed cameras are located at Surrenden Pavilion and mobile cameras are located on lamp columns at The Parade, Market Street and Jubilee Field. Mobile wildlife cameras are located on trees in Wimpey Field. Images from the cameras are recorded.

The use of CCTV falls within the scope of the General Data Protection Regulation and the Data Protection Act 2018. In order to comply with the requirements of the law, 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 individuals' rights
- secure.

Data Protection Statement

1. Staplehurst Parish Council is the Data Controller under the Act.
2. CCTV is installed for the security of residents, visitors, premises and their users and staff.
3. Access to stored images will be controlled on a restricted basis within the Council and limited to authorised council personnel and the Police Community Support Officer.
4. Use of images, including the provision of images to a third party, will be in accordance with any requirements that may be occasioned by the Council's Data Protection registration.
5. CCTV may be used to monitor the movements and activities of staff and visitors on the covered premises.
6. CCTV images may be used where appropriate as part of staff counselling or disciplinary procedures.
7. External and internal signage on the premises states CCTV is in operation and indicates the name of the Data Controller and a contact number during office hours for enquiries.

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Retrieval and Retention of Images

Images from the fixed and mobile CCTV cameras are recorded on a secure hard drive (“the recordings”). Recordings are held for up to thirty days in secure storage and access controlled. Recordings which are not required for the purposes of security of staff, and premises, will not be retained for longer than is necessary.

Images from the wildlife cameras are recorded on memory card discs. These discs are held within the camera which is in a secured mounting and padlocked. Retrieval and replacement of the disc will be by an authorised Parish Council member of staff. It is possible that the member of staff may need to be assisted in the retrieval of the card by a Councillor, due to the camera being in a high or difficult site. Where this is the case it will be one Councillor and they will simply facilitate the retrieval of the card, replacement of a new card and or new batteries to the camera, or facilitate the moving of the camera to another location. Where recordings from the wildlife cameras are required to be held, they will be held for up to thirty days in secure storage, with access controlled. Recordings will not be retained for longer than is necessary

Where no incident has been identified that requires the memory card to be reviewed, the memory card will be wiped clean and data deleted whilst in the camera, negating the need for a card with data to be removed.

The cameras do not have an automatic power backup facility in the event of a main supply power failure.

Access to Images

It is important that access to and disclosure of images recorded by CCTV and similar surveillance equipment are restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes.

Access to Images by Council Staff

Access to recorded images is restricted to Parish Council staff and the Police Community Support Officer or other Police who will decide whether to allow requests for access by data subjects and/or third parties (see below).

Viewing of images must be documented as follows:

- the name of the person accessing the recordings
- the date and time of accessing the recordings
- the name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- the reason for the viewing
- the outcome, if any, of the viewing
- the date and time of replacement of the recordings.

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Removal/Copying of Images for Use in Legal Proceedings

In cases where recordings are removed/copied from secure storage for use in legal proceedings, the following must be documented:

- the name of the person removing/copying from secure storage, or otherwise accessing, the recordings
- the date and time of removal/copying of the recordings
- the reason for removal/copying
- specific authorisation of removal and provision to a third party
- any crime incident number to which the images may be relevant
- the place to which the recordings will be taken
- the signature of the collecting police officer, where appropriate
- the date and time of replacement into secure storage of the recordings.

Access to Images by Third Parties

Requests for access to images will be made using the 'Application for CCTV Data Access' form (which is at **Appendix 1**). The Data Controller will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will 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 press/media, where it is decided that the public's assistance is needed in order to assist in the identification of a 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).

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

Disclosure of Images to the Media

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

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If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the Data Controller must ensure that there is a contractual relationship between it and the editing company, and:

- that the editing company has given appropriate guarantees regarding the security measures it takes in relation to the images
- the written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the Data Controller
- the written contract makes the security guarantees provided by the editing company explicit.

Access by Data Subjects

This is a right of access under the GDPR and the DPA 2018. Requests for access to images will be made using the 'Application for CCTV Data Access' form (which is at **Appendix 1**). The requesting party needs to provide enough information so that he/she can be identified in the footage, such as a specific date and time, proof of identity and a description of the requesting party. Any footage provided may be edited to protect the identities of any other people.

Procedures for Dealing with a Data Subject Access Request

All requests for access by Data Subjects will be dealt with by the Clerk/Data Protection Officer. The Data Controller will locate the images requested. The Data Controller will determine whether disclosure to the data subject would entail disclosing images of third parties.

The Data Controller will need to determine whether the images of third parties are held under a duty of confidence. In all circumstances the Council's indemnity insurers will be asked to advise on the desirability of releasing any information.

If third party images are not to be disclosed, the Data Controller will arrange for the third-party images to be disguised or blurred. If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- that the editing company has given appropriate guarantees regarding the security measures it takes in relation to the images
- the written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the Data Controller
- the written contract makes the security guarantees provided by the editing company explicit.

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The Data Controller will provide a written response to the data subject within **30** days of receiving the request setting out the Data Controller's decision on the request. A copy of the request and response should be retained.

Complaints

Complaints must be in writing and addressed to the Clerk. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the data subject to engage in correspondence is required. All complaints will be acknowledged within seven days, and a written response issued within 21 days.

Appendix 1
Data Protection Act/General Data Protection Regulation
- Application for CCTV Data Access

ALL Sections must be fully completed.

Attach a separate sheet if needed.

Name and address of Applicant	
Name and address of "Data Subject" – i.e. the person whose image is recorded	
If the data subject is not the person making the application, please obtain a signed consent from the data subject opposite	Data Subject signature.....
If it is not possible to obtain the signature of the data subject, please state your reasons	
Please state your reasons for requesting the image	
Date on which the requested image was taken	
Time at which the requested image was taken	
Location of the data subject at time image was taken (e.g. which camera or cameras)	
Full description of the individual, or alternatively, attach to this application a range of photographs to enable the data subject to be identified by the operator	
Please indicate whether you (the applicant) will be satisfied by viewing the image only	

On receipt of a fully completed application, a response will be provided as soon as possible and in any event within **30** days.

COUNCIL USE ONLY	COUNCIL USE ONLY
Access granted (tick)	
Access not granted (tick)	Reason for not granting access:
Data Controller's name: Signature: Date:	