CCTV POLICY

Introduction

This policy sets out how Ottery Feoffee Charity (the **Charity**) will manage the operation and use of CCTV.
The purposes of this policy are:

- to help the Charity to regulate and manage its use of CCTV;
- to help the Charity be transparent about how it uses CCTV;
- to help ensure that the use of CCTV remains a proportionate and justified response to the problems that it seeks to address; and
- to provide guidance for all staff on how to comply with data protection legislation in relation to the use of CCTV.

This policy is aimed at members of staff, whether paid or unpaid, whatever their position, role, or responsibilities, which includes employees, trustees, contractors, agency staff,
It is available to residents and/or their visitors on request.

The use of CCTV

The Charity's CCTV system comprises a number of cameras located on the premises.
The Charity uses CCTV for the following purposes to:

- safeguard the welfare of residents, staff, and visitors;
- protect the Charity, residents, staff, and visitors from criminal activity such as theft and vandalism;
- support the protection of property;
- to aid in the investigation of accidents and incidents and the monitoring of health and safety;
- increase personal safety;
- support law enforcement agencies in the reduction, prevention, and detection of crime and assist in the identification, apprehension, and potential prosecution of offenders.

CCTV footage may contain the personal information of those individuals captured by the recording.

Governance

The Clerk has overall responsibility for the management and operation of the CCTV and the implementation of this policy.

The Clerk will ensure that the CCTV system is operated according to this policy and that regular audits are carried out to ensure that the relevant procedures are complied with.

Minimising privacy risks

The Charity has carried out a Data Protection Impact Assessment (DPIA) on the use of CCTV. The outcome of the assessment was that the use of CCTV is a necessary and proportionate measure to achieve the purposes listed above provided that certain measures are put in place to mitigate the risks.

The Charity appreciates that the use of CCTV impacts on individuals' privacy but considers this intrusion to be justified because less privacy intrusive methods would not be sufficient to meet the Charity's purposes for using CCTV. In coming to this conclusion, the Charity has had particular regard to the safeguarding and welfare duties it owes to residents.

The Charity reviews the Data Protection Impact Assessment on an annual basis to ensure that the use of CCTV continues to be justified and that the appropriate measures are in place to mitigate the data protection risks raised by its use.

The Charity will also review its use of CCTV should a concern be raised about its practices.

The operation of CCTV

- The Charity has sited the cameras to view only areas that need to be monitored, for example,
- Where CCTV cameras are placed on the Charity premises, we will display signs to alert individuals that their image may be recorded. Such signs will identify the Charity as the organisation operating the system, identify the purpose for using the surveillance system and who to contact for further information, where these things are not obvious to those being monitored.
- CCTV is not used in areas where individuals will have a heightened expectation of privacy, for example, there are no cameras in private properties.
- The cameras have been positioned in a way to ensure their security and to protect them from vandalism.
- The Charity has ensured that the cameras can produce images of the necessary clarity and quality to meet the Charity purposes.
- Images can easily be extracted from the system if required, for example, under a disclosure to law enforcement agencies and or under a subject access request.
- The Charity is able to obscure parts of the images where required to protect the identity of individuals.
- The CCTV does not capture sound recordings.
- The CCTV cameras that record the perimeter of the Charity site are in operation, 24 hours a day every day of the year, because this is necessary to meet the purposes for which they were installed (for example, to detect intruders). The Charity is solely responsible for the operation of all CCTV in accordance with this policy for the purposes identified above.

- We will never engage in covert monitoring or surveillance (that is, where individuals are unaware that the monitoring or surveillance is taking place) unless, in highly exceptional circumstances, there are reasonable grounds to suspect that criminal activity or equivalent serious malpractice is taking place and, after suitable consideration, we reasonably believe there is no less intrusive way to tackle the issue.
- In the unlikely event that covert monitoring is considered to be justified, the Charity will carry out a Data Protection Impact Assessment.
- The rights of individuals whose images may be captured will always be taken into account in reaching any such decision.

Maintenance of the CCTV equipment

- The system will be checked regularly to ensure it is operating effectively and in particular that the equipment is recording properly and that cameras are functional. Any software updates will be applied by the nominated Trustee.
- The system will be regularly serviced and maintained to ensure that clear images are recorded. If any defects are found these will be reported to the Contractor for rectification.
- The Charity will monitor the operation of the CCTV system by investigating any notifications or concerns regarding the functionality of the CCTV system.

Storage and security

- The CCTV footage will be stored securely and will only be accessed by designated Trustees or Contractors. Other trustees may view the CCTV footage as and when required in exceptional circumstances.
- CCTV recordings, including any copies made, are encrypted. The Charity will also encrypt any copy before it is shared with a third party (such as a law enforcement agency) unless there is a good reason for not doing so.
- The Designated Lead is trained in the Charity's security procedures. The Designated Lead will ensure that camera footage is not accessed by any unauthorised person.
- The only locations where CCTV footage can be viewed are in selected private and secure locations.
- Only Designated trustees are authorised to make copies (electronic or paper) of the CCTV footage.
- Only the Designated trustees may allow external persons or agencies to view the CCTV footage, and this will be done in accordance with section on disclosure below.
- Any personal data breach (for example, any unauthorised access to CCTV footage) must be reported immediately to the Clerk in accordance with the Charity's Privacy Notice.
- All maintenance of ICT or CCTV equipment which could provide access to CCTV footage will only be carried out by the Designated Contractors.
- Trustees should note that any misuse of the CCTV system might constitute a criminal offence, for example, accessing footage without authorisation from Designated Staff.
- Where footage is saved following an incident this will be done securely.

Retention

1. Compliance with data protection law means that the Charity does not retain personal data for longer than is required for the purposes for which it was obtained. Recorded images will normally be retained for 90 days from the date of recording in accordance with the Charity's Information and Records Retention Policy.
2. However, the Charity has procedures in place to retain information for a longer period if this is required. For example, where an incident caught by the CCTV footage is being investigated or where there has been a subject access request.
3. The Charity may permanently delete images after a shorter period, for example where it can be determined more quickly that there has been no incident giving rise to the need to retain the recorded images.
4. The Charity has procedures in place to ensure that information is disposed of securely. This is the responsibility of the Clerk (Data Protection Lead).

Informing individuals about the use of CCTV

- The Charity appreciates the importance of being open and transparent about the use of CCTV. This policy is published on the Charity's website and is available on request from the Clerk.
- There are prominently displayed signs in areas where CCTV is in operation.

Subject access requests

- Under data protection law individuals have the right to access information about themselves which may include images of them in CCTV footage.
- In order for us to locate relevant footage, any subject access requests for copies of recorded CCTV images should include the date and time of the recording, the location where the footage was captured and, if necessary, information to allow us to identify you e.g., what you were wearing.
- We reserve the right to obscure images of third parties when disclosing CCTV data as part of a subject access request, where we consider it necessary to do so.
- The Clerk has been trained to recognise subject access requests and understand that such a request may cover CCTV footage. Trustees must refer all subject access requests to the Clerk immediately because such requests are complex and there is a statutory timeframe for the Charity's response.

Disclosure to law enforcement agencies

- Images from the CCTV system may be disclosed to law enforcement agencies (e.g. the police) where the Charity considers such disclosure necessary (for example, for the prevention and detection of crime). However, any such disclosure will only be in accordance with data protection law.
- Requests from law enforcement agencies should be referred to the Clerk.
- If CCTV footage is disclosed to a law enforcement agency the Charity will record what information has been disclosed, when the disclosure was made, to whom the information was disclosed and for what purpose(s). The Charity has a register containing details of

all disclosures of CCTV footage. The law enforcement agency should produce a written request using the appropriate form to support its request for disclosure. The Charity will keep a copy of this on file as well.
- The Charity will ensure that the disclosure of CCTV footage is carried out securely. The precise method of communication will be determined by the Clerk but encrypting the footage will be considered.
- If a law enforcement agency requires the Charity to retain the stored CCTV footage for possible use as evidence in the future the information will be indexed and securely stored until it is needed.

Other requests for information

- CCTV footage may be disclosed in other circumstances if this is in accordance with data protection legislation. For example, if required by a court order or if in connection with legal proceedings.
- Applications received from outside bodies (e.g. solicitors) to view footage must be referred by staff to the Clerk.
- CCTV footage will not be made available to the media for commercial or entertainment purposes.
- We will maintain a record of all disclosures of CCTV footage.

Processors

The Charity is required to have a written agreement in place with any organisation that handles the CCTV footage on its behalf (known as processors). For example, if the Charity uses an IT consultant to obscure the footage to protect individuals' privacy. In addition, the Charity must carry out checks on the processor to make sure that they understand, and comply with, data protection in practice.

Breaches of this policy

If Trustees consider that this policy is not being followed in any respect, they must inform the Clerk immediately.

Lawful basis for processing

1. Under data protection law the Charity must identify the bases it is relying on to make and use CCTV footage.
2. The Charity considers that the following bases are applicable:
3. The Charity has a legitimate interest in using CCTV for the purposes described above. In addition, visitors to the site, also have a legitimate interest in the Charity's use of CCTV (e.g. so that they are confident that the site is safe). The use of CCTV is not unfair because the Charity has put measures in place to safeguard the rights of individuals identifiable from CCTV, as described in this policy. The Charity considers that the use of CCTV is necessary for the purposes described above.
4. The Charity also relies on public task as a lawful basis to use of CCTV for the purposes described above.

5. Sometimes the Charity's use of CCTV will be necessary for compliance with a legal obligation, for example, where it is required to disclose a CCTV recording to the police in accordance with a court order.
6. There may be other bases depending on the circumstances.

Complaints

1. Any complaints or concerns about the use of CCTV by the Charity should be addressed to the Clerk.