

Nether Edge Management Company Ltd

CCTV Policy - March 2019

Background

Nether Edge Management Company Ltd (NEMC) uses Close Circuit Television (CCTV) within the Estate (that is the leasehold and freehold property together with all buildings erected on it and its gardens and grounds known as Nether Edge Hospital Site, Union Road, Sheffield). The purpose of this policy is to set out the position of NEMC as to the management, operation and use of the installed CCTV.

This policy applies to all residents, staff and visitors to the Estate and all other persons whose images may be captured by the CCTV system.

This policy is drafted in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Information Commissioners Office CCTV statement "In the picture: A data protection code of practice for surveillance cameras and personal information."

Purpose of CCTV

NEMC uses CCTV for the following purposes:

- To provide a safe and secure environment for residents, staff and visitors
- For the health and safety of those using the facilities in the Leisure Suite
- To prevent the loss of or damage to the buildings and other assets.
- To assist in the prevention and detection of crime and assist law enforcement agencies in apprehending offenders and act a deterrent against crime

Description of the system

NEMC uses 32 fixed cameras on the Estate. Cameras are not equipped for sound recording.

All CCTV cameras are sited in such a way as to meet the purpose for which the CCTV is operated.

Cameras are sited in prominent positions where they are clearly visible to residents, staff and visitors.

Cameras are not sited, so far as possible, in such a way as to record areas that are not intended to be the subject of surveillance. NEMC makes all reasonable efforts to ensure that areas outside of the Estate are not recorded.

Signs inform individuals that they are in an area within which CCTV is in operation.

Cameras are not sited in areas where individuals have a heightened expectation of privacy, such as changing rooms or toilets.

Management and access

The CCTV system is managed by Tracey Baker, Facilities Manager.

On a day to day basis the CCTV system is operated by the Facilities Management Team.

The viewing of live CCTV images is restricted to the Facilities Management Team, for the reasons set out above. Images are only revisited in the event of an incident or if a request is made.

Recorded images which are stored by the CCTV system are restricted to the Facilities Management, for the reasons set out above.

No other individual has the right to view or access any CCTV images unless in accordance with the terms of this policy as to disclosure of images.

Any staff using the CCTV receive training to ensure that they understand and observe the legal requirements relating to any data gathered.

The CCTV system is checked weekly by appropriate staff members to ensure that it is operating effectively.

Storage and retention of images

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.

Recorded images are stored for approximately 14 days before being overwritten.

NEMC ensures that appropriate security measures are in place to prevent the unlawful or inadvertent disclosure of any recorded images. The measures in place include:

- CCTV recording systems being located in restricted access areas;
- The CCTV system being password protected and recordings encrypted;
- Restriction of the ability to make copies to specified members of staff.

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 NEMC.

Disclosure of images to data subjects

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. A fee of £10 will normally be charged.

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 NEMC Data Protection Policy.

When such a request is made the Facilities Manager or their appropriately nominated representative will review the CCTV footage, in respect of relevant time periods where appropriate, in accordance with the request.

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 Facilities Manager or their representative must take appropriate measures to ensure that the footage is restricted in this way.

If the footage contains images of other individuals then NEMC must consider whether:

- 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;
- The other individuals in the footage have consented to the disclosure of the images, or their consent could be obtained; or
- If not, then whether it is otherwise reasonable in the circumstances to disclose those images to the individual making the request.

A record must be kept, and held securely, of all disclosures which sets out:

- When the request was made;
- The process followed by the Facilities Manager in determining whether the images contained third parties;
- The considerations as to whether to allow access to those images;
- The individuals that were permitted to view the images and when; and

- Whether a copy of the images was provided, and if so to whom, when and in what format.

Disclosure of images to third parties

NEMC will only disclose recorded CCTV images to third parties where it is permitted to do so in accordance with the Data Protection Legislation.

CCTV images will only be disclosed to law enforcement agencies in line with the purposes for which the CCTV system is in place.

If a request is received from a law enforcement agency for disclosure of CCTV images, the Facilities Manager 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.

The information above must be recorded in relation to any disclosure.

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 appropriate legal advice may be required.

Review of policy and CCTV system

The CCTV system and the privacy impact assessment relating to it will be reviewed annually.

Misuse of CCTV systems

The misuse of CCTV system could constitute a criminal offence.

Any member of staff who breaches this policy may be subject to disciplinary action.

Maintenance of the CCTV system

ESP Projects Ltd will maintain the system annually by cleaning the cameras and dealing with issues as and when they occur.

Complaints relating to this policy

Any complaints relating to this policy or to the CCTV system operated by NEMC should be made in accordance with the NEMC Complaints Policy.