
Report to Partnership & Performance Committee

Date of Meeting: 13 January 2022

Subject: CCTV Systems Policy

Report by: Strategic Director, Partnership & Performance

1.0 Purpose

- 1.1. The purpose of this report to ensure that the Council's Closed Circuit Television Policy is up to date.

2.0 Recommendations

- 2.1. It is recommended that Committee:
- 2.1.1. Notes, comments on and challenges the Closed Circuit Television Systems Policy as set out at Appendix 1; and
- 2.1.2. Agrees the Closed Circuit Television Systems Policy at Appendix 1 subject to ratification by Council.

3.0 Considerations

- 3.1. The Council owns and operates CCTV systems at various locations within its offices and facilities. The Council recognises its legal obligations in operating such systems and the rights and freedoms of those individuals, including its staff, service users and visitors, whose images may be captured by the systems. The Council is committed to operating CCTV systems fairly and lawfully at all times in accordance with, in particular, data protection and human rights laws.
- 3.2. The Council considers that CCTV systems have a legitimate role to play in helping to maintain a safe and secure environment for staff, service users and visitors. Images captured by CCTV systems are personal data which must be handled and used by the Council in accordance with data protection and human rights laws.
- 3.3. This Policy outlines why and how the Council uses CCTV systems, how the Council will handle and use personal data recorded by its CCTV systems, how the Council will respond to requests for disclosure of captured images and for how long the Council will retain captured images.

- 3.4. The CCTV systems policy at Appendix 1 sets out that the Council will comply with the following principles when installing and operating CCTV systems within its offices and facilities:
- 3.4.1. CCTV systems will only be installed and operated where there is a clear identified and documented need and legal basis for their use.
 - 3.4.2. Privacy by design will be the principal consideration when procuring new CCTV systems or if changes are to be introduced to existing systems by way of operation or the underlying technology.
 - 3.4.3. CCTV systems will only be installed and operated after a data protection impact assessment (DPIA) has been completed.
 - 3.4.4. CCTV systems will be located to ensure that only necessary areas are captured by the systems and to minimise the capture of areas not relevant to the purposes for which the system has been installed, such as private homes, areas of private or neighbouring property and areas where staff are working (to the extent that this is possible for staff working in areas where CCTV systems are in operation, such as reception areas).
 - 3.4.5. CCTV systems will not capture sound.
 - 3.4.6. CCTV systems will only capture images of a suitable quality for the purposes for which the systems have been installed.
 - 3.4.7. Appropriate technical and organisational measures will be put in place to ensure the security of CCTV systems and captured images and to protect the systems from vandalism. Controls will be implemented to govern access to and use of such images by authorised personnel only.
 - 3.4.8. Appropriate measures will be taken to provide clear signage and information to individuals whose images are captured by the CCTV systems.
 - 3.4.9. Captured images will only be retained for as long as is necessary for the purposes for which the CCTV systems have been installed.
- 3.5. There are no direct financial implications arising from this paper.

Conclusions

- 3.6. CCTV systems have a legitimate role to play in helping to maintain a safe and secure environment for staff, service users and visitors. Images captured by CCTV systems are however personal data which must be handled and used by the Council in accordance with data protection and human rights laws.

4.0 Sustainability Implications

4.1. There are no direct sustainability implications for the Council.

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
Our families; children and young people will have the best possible start in life
Women and girls will be confident and aspirational, and achieve their full potential
Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 – CCTV Policy

Appendix 2 – CCTV Footage Disclosure Form

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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Council**

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Comhairle Siorrachd
Chlach Mhanann

CCTV SYSTEMS POLICY

Version:	1
Author/Service:	Legal & Governance Service – Heather Buchanan
Authorised by:	Head of Partnership & Performance
Release Date:	
Policy Review Date:	1 December 2023

Revision History:

Revision Date	Revised by	Previous Version	Description of Revision
1 Dec 2021	Heather Buchanan		Policy produced to ensure compliance with the UK GDPR and data protection laws

CLACKMANNANSHIRE COUNCIL

CCTV SYSTEMS POLICY

1. Introduction

- 1.1 The Council owns and operates CCTV systems at various locations within its offices and facilities. The Council recognises its legal obligations in operating such systems and the rights and freedoms of those individuals, including its staff, service users and visitors, whose images may be captured by the systems. The Council is committed to operating CCTV systems fairly and lawfully at all times in accordance with, in particular, data protection and human rights laws.
- 1.2 The Council considers that CCTV systems have a legitimate role to play in helping to maintain a safe and secure environment for staff, service users and visitors. Images captured by CCTV systems are personal data which must be handled and used by the Council in accordance with data protection and human rights laws.
- 1.3 This Policy outlines why and how the Council uses CCTV systems, how the Council will handle and use personal data recorded by its CCTV systems, how the Council will respond to requests for disclosure of captured images and for how long the Council will retain captured images.

2 Principles

- 2.1 The Council will comply with the following principles when installing and operating CCTV systems within its offices and facilities:
 - 2.1.1 CCTV systems will only be installed and operated where there is a clear identified and documented need and legal basis for their use.
 - 2.1.2 Privacy by design will be the principal consideration when procuring new CCTV systems or if changes are to be introduced to existing systems by way of operation or the underlying technology.
 - 2.1.3 CCTV systems will only be installed and operated after a data protection impact assessment (DPIA) has been completed.
 - 2.1.4 CCTV systems will be located to ensure that only necessary areas are captured by the systems and to minimise the capture of areas not relevant to the purposes for which the system has been installed, such as private homes, areas of private or neighbouring property and areas where staff are working (to the extent that this is possible for staff working in areas where CCTV systems are in operation, such as reception areas).
 - 2.1.5 CCTV systems will not capture sound.
 - 2.1.6 CCTV systems will only capture images of a suitable quality for the

purposes for which the systems have been installed.

- 2.1.7 Appropriate technical and organisational measures will be put in place to ensure the security of CCTV systems and captured images and to protect the systems from vandalism. Controls will be implemented to govern access to and use of such images by authorised personnel only.
- 2.1.8 Appropriate measures will be taken to provide clear signage and information to individuals whose images are captured by the CCTV systems.
- 2.1.9 Captured images will only be retained for as long as is necessary for the purposes for which the CCTV systems have been installed.

3 Reasons for use of CCTV systems

- 3.1 The Council uses CCTV systems for its legitimate business purposes, including:
 - 3.1.1 to prevent and detect (and act as a deterrent against) crime and anti-social behaviour, to protect buildings and assets from damage, disruption, vandalism and other crime and to apprehend and prosecute offenders;
 - 3.1.2 for the personal safety of staff, visitors and other members of the public from unacceptable behaviour, including aggressive or abusive actions; and
 - 3.1.3 to ensure general compliance with relevant legal obligations, including ensuring the health and safety of staff and others.

4 How the Council will operate CCTV systems

- 4.1 The Council will operate its CCTV systems, capture images and use captured images in accordance with the requirements of data protection law.
- 4.2 The Council will ensure that clear and prominent signs are displayed at the entrance of the area in which CCTV systems are in operation to alert individuals that their images may be captured. The signs will contain details of the Council as the organisation operating the systems, the purpose for which the Council has installed and uses the systems and contact details for further information.
- 4.3 The security and integrity of captured images will be ensured by live feeds from CCTV systems and captured images only being viewed, accessed and stored by staff who have authority to do so. Staff responsible for operating the CCTV systems will exercise care when using the systems. This includes positioning CCTV system cameras so as to not

overlook areas that are not intended to be captured and operating the systems, professionally and lawfully, with respect for colleagues and the general public and in accordance with this Policy.

5 Requests for disclosure of captured images by third parties

- 5.1 No images captured by the Council's CCTV systems will be disclosed to any third party, unless they are required for crime prevention and detection, the apprehension and prosecution of offenders, legal proceedings or by court order. No captured images will be posted online or disclosed to the media.
- 5.2 The Council will retain detailed records of the following when disclosing captured images to third parties:
 - 5.2.1 date and time at which access was allowed;
 - 5.2.2 identification of any third party who was allowed access;
 - 5.2.3 reasons for allowing access; and
 - 5.2.4 details of the captured images to which access was allowed.

A "CCTV Footage Disclosure Request Form" must be completed by the third party.

6 Individual requests for access to or erasure of captured images

- 6.1 Data protection law grants rights to individuals in relation to their personal data. This includes rights to request access to and erasure of their images captured by the Council's CCTV systems.
- 6.2 To allow the Council to handle and respond to requests and locate relevant captured images, requests must include:
 - 6.2.1 date and time of the recording;
 - 6.2.2 location where the images were captured; and
 - 6.2.3 information to permit identification of the individual, if necessary.
- 6.3 In the case of access requests, individuals will be asked if they wish to view the captured images or would like a copy. Viewings of captured images will take place at the Council offices where appropriate.
- 6.4 The Council retains copyright in all images captured by its CCTV systems. Any further use or publication of images provided to an individual in response to an access request is prohibited, unless the individual obtains authorisation from the Council.

- 6.5 The Council is entitled to refuse access to captured images in limited circumstances, such as where disclosure would prejudice the prevention or detection of crime or the prosecution of offenders. Where captured images have been passed to the Police or Procurator Fiscal, an access request from an individual will be refused until such time as the Council has been notified that no proceedings will be taken, or proceedings have concluded.
- 6.6 The Council will edit, disguise or blur images of third parties when disclosing captured images in response to an access request to protect the interests of third parties captured in the images.

7 Data Protection Impact Assessment

- 7.1 Prior to introducing a new CCTV system, placing a CCTV system in a new location or implementing changes in how the CCTV system operates or the underlying technology, the Council will complete a DPIA to assess compatibility with the requirements of data protection law. The DPIA will assist the Council in deciding if the new system, new location or changes in operation or technology are necessary and proportionate in the circumstances, whether they should be used or if limitations should be placed on their use in the light of risks.

8 Retention of captured images

- 8.1 Images captured by the Council's CCTV system will be automatically and securely deleted unless retention is required for an ongoing issue, for example, the apprehension and prosecution of offenders or to respond to a request made by an individual under data protection law. In those situations, captured images will be retained for as long as is necessary for those purposes.

9 Complaints

Complaints about the use of the Council's CCTV systems should be forwarded to the DPO in the first instance and handled in accordance with the Complaints procedure.

10 Consequences of failure to comply

The Council takes compliance with this Policy very seriously. Failure to comply with the Policy puts at risk the individuals whose images are captured by the CCTV systems, and carries the risk of sanctions for the Council and associated significant reputational damage.

11 **Other Procedures & Guidance**

Data Protection Policy
CCTV Footage Disclosure Request Form

12 **Further Information**

Any questions or concerns about this Policy should be directed to the Data Protection Officer:

Data Protection Officer
Clackmannanshire Council,
Kilncraigs,
Alloa,
FK10 1EB.
Email: dpo@clacks.gov.uk

CCTV Footage Disclosure Request Form

Name of Officer Making Request	
Position and Badge Number	
Date of Request	
Contact Number	
Contact E-mail	
Location of Incident	
Date of Incident	
Timings of Incident	
Incident Details	
Reason for request: (a) prevention or detection of crime; and / or (b) apprehension or prosecution of offenders Please provide as much detail as possible.	
<p>By completing and submitting this form, you confirm that the CCTV footage requested is needed for one or both of the above purposes, and a failure to provide the CCTV footage will be likely to prejudice one or both of those purposes and the individual(s) whose personal data is contained within the CCTV footage should not be informed of the request because to do so would prejudice one or both of the above purposes.</p>	
Signature of Officer Making Request	

<u>For Office Use Only</u>	
Reviewed By:	
Result of Review	
Is A Download Required?	Yes / No
Disc Number	
Further Comments	