



CCTV POLICY AND OPERATING PROCEDURES

To be read in conjunction with
**Information Commissioner's
CCTV Code of practice (Revised edition 2008)**

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Closed Circuit Television:

1.1. Introduction and Background

The Data Protection Act 1998 sets the same legally enforceable standards for the processing of CCTV images as previously applied to the computerised processing of personal data. The Information Commissioner has also issued a Code of Practice (CoP) under the Act on the use of CCTV systems. All NHS Scotland organisations with CCTV systems deployed on their premises must therefore review the operation of their CCTV systems to ensure compliance with the DPA and the CoP. This Guidance steps through the key compliance issues.

1.2. Who is Responsible?

It is important to establish who are the persons or organisations legally responsible for the CCTV systems in operation on the premises. A number of potential scenarios arise, including:

- the system may be operated by NHS Borders
- the system may be operated jointly by NHS Borders and an independent Medical Contractor
- the system may be operated by an Independent Medical Contractor
- the system may be operated by a security company on behalf of NHS Borders or on behalf of an Independent Medical Contractor.

Where NHS Borders and another party e.g. an independent Medical Contractor have *jointly* taken the decision to deploy CCTV, then both are joint 'Data Controllers' in terms of the Act and are jointly legally responsible for its operation.

Where NHS Borders is solely responsible for the operation of a CCTV system, NHS Borders is the 'Data Controller' in terms of the Act and legally responsible for its operation.

Where another organisation has taken the decision to deploy CCTV on NHS Borders premises, they are the 'Data Controller' in terms of the Act and legally responsible for its operation.

Where another organisation operates CCTV on behalf of NHS Borders or an independent Medical Contractor, is important that a legal contract exists between both parties referring to the requirements of this policy and the recommendations of the Data Protection Act 1998 and the Information Commissioner's Code of Practice on CCTV operation.

The Data Controller(s) of a CCTV system are required to:

- ensure there is an appropriate and well-established purpose (e.g. prevention and detection of crime) for the system
- ensure their entry in the Information Commissioner's Register of Data Controllers covers the purpose(s) for the processing of CCTV images

‘Joint’ Arrangements

Where NHS Borders is a ‘joint’ Data Controller, or hosts a CCTV system for which another organisation is Data Controller, there will be in place a written agreement on the operation of the system covering:

- agreed responsibilities for compliance with the CoP and matters covered in this Guidance e.g. signage
- named contacts responsible for the operation of the CCTV system in each organisation
- procedure for handling requests for access to CCTV footage.

1.3. Location of Cameras and Signage

CCTV cameras must be located in a way which:

- is compatible with the established purpose for the CCTV system (e.g. the prevention and detection of crime and safety of staff and patients);
- only monitors those spaces intended to be covered by the system.

Where domestic areas e.g. private gardens border the space covered by the system and images may be captured by the system from that area, then the owners of the area should be consulted.

Signs

The public must be made aware that they are entering a zone that is covered by CCTV. Signage must be clearly visible and legible, and of an appropriate size:

- smaller signs (e.g. A4) may be adequate for use in windows, doors, reception areas where members of the public will be able to see the sign at eye level;
- larger signs (e.g. A3 minimum) are required at the entrance to larger spaces such as car parks to enable members of the public to see the sign from a distance.

The wording on the signage must include the following:

“Images are being monitored for the purposes of crime prevention and public safety. This scheme is controlled by (name of the Data Controller for example -) NHS Borders. For further information contact **“telephone number”**”

Where a camera is depicted on a sign it is adequate to say:

“This scheme is controlled by (name of the Data Controller for example -) NHS Borders. For further information contact **“telephone number”**”

A checklist has been included in Appendix B to assist with reviewing the location and signage of CCTV cameras.

1.4. Housekeeping

There is a requirement to ensure that the CCTV system processes images that are ‘fit for purpose’. NHS Borders should therefore:

- check that the equipment functions properly, and ensure it is well maintained and serviced regularly
- set up a procedure for repairing the camera when damaged

- only use good quality tapes where used
- take care of the medium on which images are captured
- clean properly so that images are not recorded on top of images recorded previously
- do not use the medium after the quality of images has deteriorated.
- ensure any date/ time/ location features on the camera are accurate
- ensure the cameras are protected from any physical/ environmental risks e.g. vandalism.

Refer to the Information Commissioner's Code of Practice for additional considerations if operating an automatic facial recognition system.

NHS Borders retention policy for the CCTV images is 31 days for video-taped systems and 35 days for digitised systems. This is in keeping with the recommendations of the Information Commissioner, and simplifies procedures for staff when using carousels for the rotation and storage of video tapes.

1.5. Access to CCTV Images

Requests for access to CCTV images may be received from a range of individuals or organisations:

- Individuals who have been recorded by your CCTV system ('Data Subjects' in terms of the Act)
- Police
- Other Third Parties (e.g. legal representatives, the media).

Data Subject Access Requests

Individuals whose details have been recorded by a CCTV system ('data subjects') have a right under the DPA to access images processed about them. All requests for access must be:

- in writing (you may ask that a standard form is completed, template attached in Appendix A)
- responded to within 40 days
- a maximum fee of £10 may be charged for searching for the image requested.

Often, a data subject may only wish to view images. However, he or she also has the right to ask for a copy of the images recorded about them. No additional charge may be made for providing a copy. Where supplying a copy is impossible, or would involve disproportionate effort or is simply not required by the data subject, it is sufficient to allow the data subject to view the images.

Arrangements for viewing the recorded images are that they will take place in a restricted area only by the data subject and authorised staff.

Data subjects should also be provided with information on the CCTV system on request. These details may best be included in the standard subject access request form- a template for this form is included in Appendix A.

Confidentiality Issues

When providing access to the data subject you must always consider whether to do so would disclose images of third parties; and if so, whether these images are held under a duty of confidence.

Information is generally deemed to be confidential where:

- it is not in the public domain
- it is something of a sensitive nature e.g. health, financial
- it has been provided in the context of a confidential relationship e.g. doctor-patient; solicitor-client; or in the expectation that it will only be used for limited purposes.

It may be assumed that where images are being recorded in a public space such as a car park, individuals have less expectation of confidentiality. However, within health service premises, such as a hospital corridor or health centre waiting room, individuals may have a greater expectation of a duty of confidentiality. It is therefore suggested that for all CCTV systems located within health service premises, you assume confidentiality protects individuals' images. In responding to subject access requests you must therefore arrange for images other than those of the data subject to be *disguised or blurred*. If you use a third party or company to carry this out for you, you must ensure that:

- you select a supplier/ company that provides appropriate guarantees on security
- you have a contract covering the work undertaken, including the security guarantees given
- a manager checks that the security guarantees are met
- the contract only permits the Supplier/ Company to act within your explicit instructions.

NHS Borders have an arrangement for processing and providing Subject Access Request for CCTV images with '(Still to be Decided)'

Repeat Requests

Where you have complied with a subject access request, you are not required to comply with a subsequent identical or similar request unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

Police and Other Third Parties

NHS Borders will only provide access to CCTV images to police and other third parties in specific and prescribed circumstances.

If the CCTV system is used only for the prevention and detection of crime, then you should only provide access to the following:

- law enforcement agencies where the images recorded would assist a specific criminal enquiry
- prosecution agencies
- relevant legal representatives

- people whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

Whenever access is requested you should record the details of the access request and document any reason for denying access (See Appendix E). For all recording media released to the Police a Police Enquires CCTV Form, Receipt of CCTV Images should be fully completed and retained (See Appendix D).

1.6. Training

All staff involved in operating the CCTV system need to be made aware:

- that they must only operate the system in a way compatible with its reason for deployment e.g. operators should not adjust or manipulate cameras to overlook spaces which are not intended to be covered by the scheme;
- that they are dealing with personal information covered by the DPA, and that individuals have rights under the DPA in relation to CCTV systems;
- that a CoP covers the use of CCTV systems;
- how to handle requests for access to CCTV images.

A copy of the Information Commissioner's CCTV Code of Practice is readily available to staff on the intranet and can be viewed on the Information Governance page under Policies and Procedures. Other staff members who deal directly with the public, e.g. reception staff, complaints officers, portering staff should refer queries or complaints about the CCTV system directly to NHS Borders Information Security Lead or to the BGH Facilities Manager.

1.7. Daily Operation

Analogue Systems

It is important that a daily schedule of operation is maintained. This should consist of:

- Changing the recording media at the same time each day
- Ensuring that the media has been re-wound and that it is wiped clean (by degaussing) of the previous recording before being inserted into the recording machine
- Placing the most recent recorded media immediately into the top slot of the locked storage carousel to ensure correct rotation and safe storage.

Arrangements for weekend and holiday cover should be determined by the site requirements at the discretion of the system administrator.

Digital Systems

There are no daily requirements of operation needed by this type of system other than the operator giving a daily check to see that everything appears to be working correctly.

1.8. Other Issues

It is important that the system is installed fully compliant to meet with the requirements of the Data Protection Act 1998 and with the recommendations as given in the Information s Code of Practice on CCTV operation.

Individuals have a range of other rights in relation the processing of their CCTV images. Refer to the Information Commissioner's CoP for further details.

The operation of the CCTV systems should be reviewed regularly for compliance with the Information Commissioner's Code of Practice and the measures specified in this guidance.

APPENDICES



**ACCESS TO CCTV IMAGES
UNDER THE DATA PROTECTION ACT 1998**

The Data Protection Act 1998 gives you the statutory right of access to any personal data whether manual (paper), computerised or closed circuit television (CCTV) images. Please complete this form if you wish to access a CCTV image. If you require assistance please contact the Data Protection Advisor (details listed below).

FEES PAYABLE

Please enclose a fee of £10 with your completed application form.

TIMESCALE

On receipt of your completed form and fee, we will respond to your request promptly, and in no more than 40 days. If we encounter any difficulties in locating your image we will keep you informed of our progress.

SUBMISSION OF FORM

Please return this form to the Information Governance Lead at the following address:

Information Governance Lead
NHS Borders
Kelso Hospital
Inch Road
KELSO
TD5 7JP

NOTES TO ASSIST IN THE COMPLETION OF THE FORM

SECTION 1: LOCATION

Provide details of the camera location, and the date and time of the footage you would like to see, as well as a general description of your appearance, clothing etc at the time in question.

SECTION 2: DECLARATION

The person making the application must complete this section.

- a) If you are the data subject- tick the first box and sign the authorisation then proceed to Section 6
- b) If you are completing this application on behalf of another person, in most instances, we will require their authorisation before we can release the data to you. The data subject whose information is being requested should be asked to complete the 'Authorisation' section of the form. (Section 5)

If the data subject is a child i.e. under 16 years of age the application may be made by someone with parental responsibilities, in most cases this means a parent or guardian. If the child is capable of understanding the nature of the application his/her consent should be obtained or alternatively the child may submit an application on their own behalf. Generally children will be presumed to understand the nature of the application if aged between 12 and 16. However, all cases will be considered individually.

SECTION 3: DECLARATION STATEMENT

The applicant is the person who is applying on behalf of the data subject to get access to the CCTV footage.

SECTION 4: AUTHORISATION STATEMENT

The data subject must complete this section authorising NHS Borders to release data to the named applicant

SECTION 5: COUNTERSIGNATURE

Because of the confidential nature of data held by NHS Borders it is essential for us to obtain proof of your identity and your right to receive CCTV footage. For this purpose it is essential that your application should be countersigned by any one of the following: a Member of Parliament, Justice of the Peace, Minister of Religion, a professionally qualified person (for example, Doctor, Lawyer, Engineer, Teacher), Bank Officer, Established Civil Servant, Police Officer or a person of similar standing WHO HAS KNOWN YOU PERSONALLY. **A relative should not countersign.** The responsibility of the NHS Borders' Data Protection Administrator includes a check to confirm that the countersignature is genuine. In certain cases you may be asked to produce further documentary evidence of identity.

The person who countersigns your application is only required to confirm your identity and witness you signing the 'Declaration' There is no requirement for this person to either see the contents of the rest of the form or to give any assurance that the other particulars supplied are correct.



**REQUEST FOR CCTV IMAGE
SUBJECT ACCESS UNDER DATA PROTECTION ACT 1998**

You are advised that the making of false or misleading statements in order to obtain access to personal information to which you are not entitled is a criminal offence.

SECTION 1: DATA SUBJECT DETAILS

Please supply a photo to aid in identification:

PHOTO

Surname:		Date of Birth:
Forename(s):		Sex:
Address:		Home Telephone No:
Postcode:		Work Telephone No:

SECTION 2: LOCATION

DATE	AREA	APPROX TIME	DESCRIPTION OF CLOTHING ETC

SECTION 3: DECLARATION STATEMENT

This section must be signed in the presence of the person who certifies your application.

I declare that the information in this form is correct to the best of my knowledge and that I am entitled to apply for access to personal data referred to above under the terms of the Data Protection Act 1998. *Please tick appropriate box* I am the person named (*go to section 6*)

Signature of Data Subject: _____ Date: _____
or

- I am the agent for the person named and I have completed the authorisation section
- I am the parent/guardian of the person who is under 16 years old and has completed the authorisation section
- I am the parent/guardian of the person who is under 16 years old and who is unable to understand the request (*go to section 6*)
- I have been appointed by the Court to manage the affairs of the person (*go to section 6*).

SECTION 4: AUTHORISATION STATEMENT

I hereby authorise NHS Borders to release CCTV images they may hold relating to me to
 (enter the name of the person acting on your behalf)

.....
 to whom I have given consent to act on my behalf

Signature of Data Subject..... **Date**

SECTION 5: COUNTERSIGNATURE

To be completed by the person required to confirm the applicant’s identity

I (insert full name)

Certify that the applicant (insert name).....

Has been known to me as a (insert in what capacity e.g. employee, client, patient etc).....

For _____ years and that I have witnessed the signing of the above declaration.

Name: <i>please print</i>	Profession:
Address (inc. Postcode):	Telephone Number:
Signature:	Date:



CCTV and the Data Protection Act 1998

1. Review Checklist

(use a separate form for each CCTV System)

LOCATION\SITE:

SYSTEM TYPE (Delete Accordingly) ANALOGUE or DIGITAL

1. Responsibility						
Who is responsible for the operation of the CCTV System? (delete as appropriate)						
NHS Borders	GP Practice	Police	*Security Company	*Joint Owners	*Landlord	Other
Further details:						
*Is there a written agreement in place to ensure compliance with CCTV guidelines? Yes / No						

2. Contact Details	
Name:	
Designation:	
Telephone Number:	

3. Purpose		
What is the purpose of the CCTV System? (e.g., prevention of crime & detection)		
Has this purpose been registered with the Information Commissioner? (i.e. Data Protection Office)	YES	NO

4. Location		
Where is the surveillance equipment sited?		
What area(s) is this intended to monitor?		
Does it monitor any other area not intended? (e.g., private gardens)	YES	NO
Is yes, has consultation taken place with owners etc.?	YES	NO
Is the monitoring compatible with the registered purpose?	YES	NO

5. Signage		
Are there signs in place to inform the public they are entering a zone covered by CCTV?	YES	NO
If no, provide reason(s) for this:		
If yes, are these signs clearly visible and legible?	YES	NO
Does the sign state the purpose of the scheme?	YES	NO
Does the sign identify who is responsible for the system?	YES	NO
Does the sign provide a contact telephone number?	YES	NO
Does the sign depict a camera? (*If yes, the purpose of the monitoring does not require to be stated)	YES	NO

6. Quality of Images	
The following standards should be met to comply with the Data Protection Code of Practice:-	
✓ Equipment should be in good working order, well maintained and serviced on a regular basis.	
✓ If tapes are used, these should be of good quality	
✓ The medium on which images are captured should be cleaned to ensure they are not recorded on top of images recorded previously	
✓ The medium should not be used if the quality of the images recorded has deteriorated	
✓ If the system records features such as date, time etc., these must be accurate	
✓ Cameras should be protected from any physical/environmental risks (e.g., vandalism)	
✓ If an automatic facial recognition system is used to match images captured against a database of images, both sets of images should be clear to ensure an accurate match. The match should also be verified by a human operator.	
✓ Clear written procedures should be in place to ensure damaged equipment is fixed within a specific time period	

7. Processing of Images

The following standards should be met to comply with the Data Protection's Code of Practice:-

- ✓ A Retention Policy should be in place identifying the length of time recorded images require to be kept
- ✓ Images kept during the retention period or for evidential purposes, should be retained in a secure place to which access is controlled
- ✓ Once the retention period has expired, images should be removed or erased
- ✓ The Data Protection's Code of Practice should be referred to when removing the medium on which images have been recorded for use in legal proceedings
- ✓ Monitors displaying images should be viewed by authorised staff only
- ✓ Viewing of recorded images should take place in a restricted area and on a strict 'need to know' basis
- ✓ Access to recorded images should be restricted to authorised staff only



**DATA PROTECTION ACT 1998: SECTION 29(3)
POLICE ENQUIRES CCTV (EXEMPTIONS FROM NON DISCLOSURE)
RECEIPT OF CCTV IMAGES**

I certify that I have received into my keeping CCTV Images for the day(s) of: -

Day(s) Month & Year

From (Premises)

Location\Area of the Images

Original CCTV Image (Tapes) Copy of CCTV Image (CDs)

(Please tick ✓ appropriate Box)

I am making enquires which are concerned with: -

Enquiry Details:

The information is needed to:

.....

I confirm that the CCTV Images requested are required for that/those purpose (s) and failure to provide the information will, in my view, be likely to prejudice that/those purpose(s).

In compliance with the Data Protection Act 1998, I agree to provide safe storage for the CCTV Images while in my care and only use them in connection with and for the reason stated in the Enquiry Details above. When the CCTV Images are no longer required I will ensure that they are returned to NHS Borders or that copies of the CCTV Images received are destroyed. I will not make any additional copies of the CCTV Images, distribute the CCTV Images or transfer the CCTV Images to any third party without the written agreement of NHS Borders Director of Public Health.

Signed Rank No

Name Date
(BLOCK CAPITALS)

Police Station

NHS BORDERS CCTV KEY CONTACTS

Caldicott Guardian	Responsible for the use of patient information
Director of Estates and Facilities	Responsible for security
Estates Officer	Responsible for technical advice, installation of CCTV equipment
General Services Manager	Responsible for the operational management of CCTV in the BGH
Information Governance Lead	Responsible for the correct Notification of the use of CCTV and the development and implementation of NHS Borders "CCTV Policy and Operational Procedures"
Community Hospitals CCTV Co-ordinator	Responsible for the operational management of CCTV in Community Hospitals
NHS Borders Information Governance Committee	Responsible for providing guidance and overseeing the correct application of CCTV in NHS Borders properties.

LOCATIONS AND TYPE OF CCTV SYSTEM INSTALLED
Further information and updates can be obtained from Estates

Location	Town	Type of System
Knoll Hospital	Duns	Digital
Kelso Cottage Hospital	Kelso	Digital
Hawick Cottage Hospital	Hawick	Digital
Crumhaugh House	Hawick	Analogue
Haylodge Hospital	Peebles	Analogue
Andrew Lang Unit	Selkirk	Digital
Teviot Health Centre	Hawick	Analogue
Eyemouth Health Centre	Eyemouth	Digital
Kelso Health Centre	Kelso	Digital
West Brig	Galashiels	Digital
East Brig	Galashiels	Digital
Huntlyburn House Ward	BGH	Digital
Melburn Lodge	BGH	Analogue
Cauldshiels	BGH	
A & E Department	BGH	Digital
Stores	BGH	Digital
Wards 15 - 17	BGH	Digital
Car Parks	BGH	Digital
Education Centre	BGH	Digital