

SECTION TWENTY: CCTV Policy and Covert Monitoring Policy

About this Policy

East Sussex W.R.A.S Ltd uses CCTV cameras around its premises in order to provide a safe and secure environment for its employees and visitors and to protect Charity property.

The Charity recognises that the images of individuals recorded by CCTV cameras are personal data which must be processed in accordance with data protection legislation. As a data controller, the Charity has registered its use of CCTV with the Information Commissioner's Office (**ICO**) and seeks to comply with its best practice suggestions.

This policy relates to the use and management of CCTV throughout the Charity's premises and sets out the accepted use of the CCTV equipment and images to ensure compliance with relevant data protection and privacy legislation. It has been produced in line with the Information Commissioner's Office guidance. This policy should be read alongside the Charity's Internal Data Protection Policy.

The purpose of this policy is to:

- (a) outline why and how the Charity uses CCTV, and how it will process data recorded by CCTV cameras.
- (b) ensure that the legal rights of employees, relating to their personal data, are recognised and respected.
- (c) assist employees in complying with their own legal obligations when working with personal data. In certain circumstances, misuse of information generated by CCTV or other surveillance systems could constitute a criminal offence.
- (d) explain how to make a Data Subject Access Request in respect of personal data created by CCTV.

Who must comply with this policy?

This policy applies to all employees, workers, officers, contractors, consultants, visitors, volunteers and casual workers. A breach of this policy may, in appropriate circumstances, be treated as a disciplinary matter. Following investigation, a breach of this policy may be regarded as misconduct leading to disciplinary action, up to and including dismissal.

This policy does not form part of any employee's Contract of Employment and may be amended at any time. Any such changes will be notified to employees, visitors and customers.

Who is responsible for this Policy?

The Charity's Trustees have overall responsibility for ensuring compliance with relevant legislation and the effective operation of this policy. Day-to-day management responsibility for deciding what information is recorded, how it will be used and to whom it may be disclosed has been delegated to the Operations Manager. Day-to-day operational responsibility for CCTV cameras and the storage of data recorded is the responsibility of the Operations Manager.

If you have any questions about the day-to-day application of this policy, you should refer them to the Operations Manager.

This policy is reviewed annually by the Operations Manager in conjunction with the Charity's Trustees.

Definitions

For the purposes of this policy, the following terms have the following meanings:

CCTV: means fixed and domed cameras designed to capture and record images of individuals and property.

Data: means information which is stored electronically, or in certain paper-based filing systems. In respect of CCTV, this generally means video images. It may also include static pictures such as printed screen shots.

Data subjects: means all living individuals about whom we hold personal information as a result of the operation of our CCTV (or other surveillance systems).

Personal data: means data relating to a living individual who can be identified from that data (or other data in our possession). This will include video images of identifiable individuals.

Data controllers: are the people who, or organisations which, determine the manner in which any personal data is processed. They are responsible for establishing practices and policies to ensure compliance with the law. The Charity is the data controller of all personal data used in its business and for its own commercial purposes.

Data users: are those of the Charity's employees whose work involves processing personal data. This will include those whose duties are to operate CCTV cameras and other surveillance systems to record, monitor, store, retrieve and delete images. Data users must protect the data they handle in accordance with this policy and our Data protection policy.

Data processors: are any person or organisation that is not a data user (or other employee of a data controller) that processes data on our behalf and in accordance with our instructions (for example, a supplier which handles data on our behalf).

Processing: is any activity which involves the use of data. It includes obtaining, recording or holding data, or carrying out any operation on the data including organising, amending, retrieving, using, disclosing or destroying it. Processing also includes transferring personal data to third parties.

Surveillance systems: means any devices or systems designed to monitor or record images of individuals or information relating to individuals. The term includes CCTV systems as well as any technology that may be introduced in the future such as automatic number plate recognition (ANPR), body worn cameras, unmanned aerial systems and any other systems that capture information of identifiable individuals or information relating to identifiable individuals.

Reasons for the use of CCTV

The Charity currently uses CCTV around its site as outlined below. It believes that such use is necessary for legitimate business purposes, including:

- (a) to monitor casualty arrivals at the centre;
- (b) to monitor casualties in pens;
- (c) for the personal safety of employees, visitors and other members of the public and to act as a deterrent against crime;
- (d) to prevent crime and to protect buildings and assets from damage, disruption, vandalism and other crime;
- (e) to assist in day-to-day management, including ensuring the health and safety of employees and others;
- (f) to support law enforcement bodies in the prevention, detection and prosecution of crime;
- (g) to assist in the effective resolution of disputes which arise in the course of disciplinary or grievance proceedings; and
- (h) to assist in the defence of any civil litigations, including employment tribunal proceedings.

This list is not exhaustive and other purposes may be or become relevant.

The CCTV system will NOT be used to record sound unless the Charity is specifically monitoring a casualty or group of orphans in the pens to see how they are reacting. In these circumstances, the Policy on Covert Recording will be followed.

Monitoring

With the exception of covert monitoring, cameras will not be hidden from view and must be sited in such a way as to ensure that they only monitor spaces intended to be covered.

Where CCTV cameras are placed in the workplace, the Charity will ensure that signs are displayed at the entrance to the surveillance zone to alert individuals to the fact that they are entering an area covered by CCTV and their image may be recorded. Such signs will contain details of the organisation

operating the system, the purpose for using the surveillance system and who to contact for further information, where these things are not obvious to those being monitored.

The Charity will ensure that live feeds from cameras and recorded images are only viewed by approved employees whose role requires them to have access to such data. Routine observation of live CCTV will be undertaken by those working in Reception and Duty Rescue Co-ordinators. Casualty CCTV cameras will be routinely observed by the Lead Casualty Manager, Casualty Supervisor, Rehabilitation Supervisor and Casualty Care Assistant. This may also include HR staff and advisers involved with disciplinary or grievance matters. Recorded images will only be viewed in a secure environment.

How does the Charity use data obtained by CCTV?

In order to ensure that the rights of individuals recorded by the CCTV system are protected, the Charity will ensure that data gathered from CCTV cameras is stored in a way that maintains its integrity and security. This may include encrypting the data, where it is possible to do so.

Given the large amount of data generated by surveillance systems, the Charity may store video footage using a cloud computing system. The Charity will take all reasonable steps to ensure that any cloud service provider maintains the security of our information, in accordance with industry standards.

The Charity may engage data processors to process data on its behalf and will ensure reasonable contractual safeguards are in place to protect the security and integrity of the data.

Retention & Erasure of Data gathered by CCTV

Data recorded by the CCTV system will be stored digitally using a cloud computing system. Data from CCTV cameras will not be retained indefinitely but will be deleted permanently once there is no reason to retain the recorded information. Exactly how long images will be retained for will vary according to the purpose for which they are being recorded. For example, where images are being recorded for crime prevention purposes, data will be kept long enough only for incidents to come to light. In all other cases, recorded images will be deleted automatically once held for ninety (90) days.

At the end of their useful life, all images stored in whatever format will be erased permanently and securely. Any physical matter such as tapes or discs will be disposed of as confidential waste. Any still photographs and hard copy prints will be disposed of as confidential waste.

Use of Additional Surveillance Systems

Prior to introducing any new surveillance system, including placing a new CCTV camera in any workplace location, the Charity will consider carefully whether it is appropriate by carrying out a privacy impact assessment (**PIA**). A PIA is intended to assist the Charity in deciding whether new surveillance cameras are necessary and proportionate in the circumstances and whether they should be used at all or whether any limitations should be placed on their use.

Any PIA will consider the nature of the problem the Charity is seeking to address at the time and whether the surveillance system is likely to be an effective solution, or whether a better solution exists. In particular, the Charity will consider the effect a surveillance system will have on individuals and therefore whether its use is a proportionate response to the problem identified.

No surveillance systems will be placed in areas where there is an expectation of privacy (for example, in changing rooms) unless, in very exceptional circumstances, it is judged by the Charity to be necessary to deal with very serious concerns.

Sound Recording

The CCTV system will NOT be used to record sound unless the Charity is specifically monitoring a casualty or group of orphans in the pens to see how they are reacting. In these circumstances, the sound will be recorded for no longer than is necessary and the Operations Manager will advise employees working in the specific area of the premises in advance that the CCTV system is being used to record sound.

Ongoing Review of CCTV Use

The Charity will ensure that the ongoing use of existing CCTV cameras in the workplace is reviewed at least every 12 months to ensure that their use remains necessary and appropriate and that any surveillance system is continuing to address the needs that justified its introduction.

Location of CCTV Cameras

The CCTV cameras are located at the following sites:

1. Outside Reception Door - Unit 2;
2. Outside Prep Room Door - Unit 8;
3. Inside Reception – Unit 2;
4. Inside Prep Room – Unit 8;
5. Storeroom – Unit 9;
6. Kitchen Area – Unit 10;*
7. Hallway between Unit 2 and Unit 3 1st Floor;*
8. Reception Office above Counter – Unit 2; and
9. Multiple movable CCTV cameras which can be used in or around casualty cages and pens.

*Although cameras are not yet in place in locations 6 and 7, it is envisaged that they will be operational by 1 September 2024.

Requests for Disclosure

The Charity may share data with other group companies and other associated companies or organisations, for example shared services partners, where it considers that this is reasonably necessary for any of the legitimate purposes

No images from the Charity's CCTV cameras will be disclosed to any other third party, without express permission being given by the Operations Manager/Chair of Trustees. Data will not normally be released unless satisfactory evidence that it is required for legal proceedings or under a court order has been produced.

In other appropriate circumstances, the Charity may allow law enforcement agencies to view or remove CCTV footage where this is required in the detection or prosecution of crime.

The Charity will maintain a record of all disclosures of CCTV footage subject to document retention guidelines.

No images from CCTV will ever be posted online or disclosed to the media.

Data Subject Access Requests

Data subjects may make a request for disclosure of their personal information and this may include CCTV images (**Data Subject Access Request**). A Data Subject Access Request is subject to the statutory conditions from time to time in place and should be made in writing, in accordance with the Charity's Internal Data Protection Policy.

In order for the Charity to locate relevant footage, any requests for copies of recorded CCTV images must include the date and time of the recording, the location where the footage was captured and, if necessary, information identifying the individual.

The Charity reserves the right to obscure images of third parties when disclosing CCTV data as part of a Data Subject Access Request, where it considers it necessary to do so.

Covert Monitoring Policy

Definition: Covert monitoring means monitoring which is carried out in a manner calculated to ensure those subject to it are unaware that it is taking place.

Who is responsible for this Policy?

The Charity's Trustees have overall responsibility for the effective operation of this policy. The Charity, and any authorised staff, will only undertake cover recording in accordance with the Data Protection Laws and with ICO Guidelines. Covert monitoring will only take place with the express authorisation of the Chair of Trustees.

Who must comply with this policy?

This policy applies to all employees, workers, officers, contractors, consultants, visitors, volunteers and casual workers. A breach of this policy may, in appropriate circumstances, be treated as a disciplinary matter. Following investigation, a breach of this policy may be regarded as misconduct leading to disciplinary action, up to and including dismissal.

This policy does not form part of any employee's Contract of Employment and may be amended at any time. Any such changes will be notified to employees, visitors and customers.

Reasons for the use of Covert Monitoring

The Charity will not engage in covert monitoring or surveillance (that is, where individuals are unaware that monitoring or surveillance is taking place) unless, in highly exceptional circumstances, there are reasonable grounds to suspect that criminal activity or extremely serious malpractice is taking place and, after suitable consideration, the Charity reasonably believes there is no less intrusive way to resolve the issue.

In the unlikely event that covert monitoring is considered to be justified, it will only be carried out with the express authorisation of the Chair of Trustees. The decision to carry out covert monitoring will be fully documented and set out how the decision to use covert means was reached and by whom. The risk of intrusion on innocent workers will always be a primary consideration in reaching any such decision.

Only limited numbers of people will be involved in any covert monitoring.

Covert monitoring will only be carried out for a limited and reasonable period of time consistent with the objectives of monitoring, and only for the prevention of a specific unauthorised activity (such as fraud, theft, etc) and will only relate to the specific suspected illegal or unauthorised activity.

Complaints

If any employee has any questions about these policies or any concerns about the Charity's use of CCTV, or Covert Monitoring, they should speak to the Data Protection Manager in the first instance. Where this is not appropriate or matters cannot be resolved informally, employees should use the Charity's formal Grievance Procedure.