CCTV Policy and Procedure

CCTV Code of Conduct

Version: 1.0
Implementation date: 2nd March 2016
Author: Joe Kinch
Ratified by: Joe Kinch & Cheryl Mason
Review date: 2nd March 2017

Record reviews and any relevant changes or amendments and reasons in the box below:

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CCTV Policy & Procedure

Purpose

1.1 The purpose of this policy is to regulate the management and use of the closed circuit television (CCTV) system at Freedom Care on all sites which includes The Chantry, 68 & 70 Conway Drive, 362 Park Road, 26 Brookside Avenue.

1.2 The CCTV system at The Chantry comprises of a main control unit and 23 fixed cameras located strategically around and external to the house. 68 & 70 Conway Drive comprises of a main control unit and 8 fixed cameras located strategically around and external to the house. 362 Park Road comprises of a main control unit and 6 fixed located strategically around and external to the house. 26 Brookside Avenue comprises of a main control unit and 2 fixed cameras located in the hallway and stairwell/landing area of the house.

1.3 All cameras are situated in communal areas only, there are no cameras in service users’ private living areas or staff sleep in rooms.

1.4 The CCTV system is a digital system which is owned wholly by Freedom Care, it is an entirely closed system with no wireless capability. The system does not make audio recordings.

Statement

*It is Freedom Care’s policy to have closed circuit television (CCTV) installed at all of it’s care home sites, (unless specifically stated). The cameras that are used by Freedom Care are of an overt nature, the purpose of using CCTV is to ensure that Freedom Care’s service users, staff members, visitors and healthcare professionals are afforded the best possible security and safety whilst visiting or living within a Freedom Care residential care home. CCTV on our sites is never used as a substitute for trained and well supported staff members, instead it is used as an extra layer of security for those people as stated above.*

*This policy and procedure should be read in conjunction information provided by the ICO ‘A data protection code of practice for surveillance cameras and personal information’, ICO ‘Conducting Privacy Impact Assessments’ CQC ‘Using Surveillance’ and Freedom Care Information Governance Policy & Procedure and Freedom Care CCTV Code of Practice. We have considered Data Protection Act 1998, The Human Rights Act 1998, Health & Social Care Act 2008 when writing the policy and procedure.*
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Policy

2.1 Freedom Care is registered with the Information Commissioner under the terms of the Data Protection Act 1998 and will seek to comply with the requirements both of the Data Protection Act and the Commissioner's Code of Practice, as well as the Surveillance Camera Code of Practice 2015 published by the Home Office.

2.2 We shall treat as data all CCTV recordings and relevant information.

2.3 Cameras will be recording data in the background in indoor communal areas and outdoor areas including the car park.

2.4 Static cameras are set as to not focus on private homes, gardens and other areas of private property.

2.5 Materials or knowledge secured as a result of CCTV will not be released to the media, or used for any commercial purpose, or for the purpose of entertainment. Recordings will only be released under the written authority from the Police, or in respect of a subject access request.

2.6 The planning and design has endeavoured to ensure that the scheme will give maximum effectiveness and efficiency. It is not possible, however, to guarantee that the system will cover or detect every single incident taking place in the areas of coverage.

2.7 Warning signs, as required by the Code of Practice of the Information Commissioner have been placed at all access routes to areas covered by Freedom Care’s CCTV.

Procedure

4. Operation of the system

4.1 The systems will be administered by the Director, Area Manager and Registered Manager of the relevant site in accordance with the principles and objectives expressed in the code.

4.2 The CCTV system will be in operation 24 hours each day, for every day of the year.

4.3 The Manager will check on a weekly basis that the system is operating effectively and in particular that the equipment is properly recording and that cameras are functional. The system will be regularly serviced and maintained. Defects will be reported to the servicing company at the earliest convenient opportunity.

5. Control of software and access to the system

5.1 Access to the CCTV software will be strictly limited to authorised operators.

5.2 Operators must satisfy themselves that all persons viewing CCTV material will have a right to do so.

5.3 The main communication cupboard that houses the CCTV facility must be kept locked secure when not in use.

5.4 Other administrative functions will include controlling and maintaining downloaded digital materials, and maintenance and system access logs.

6. Monitoring Procedures

6.1 Camera surveillance may be maintained at all times

6.2 Monitors are located in Management offices
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6.3 The monitor is switched on during the working hours of 8:00 am to 5:30 pm each day. The monitor is switched off at the end of the working day and the office is kept locked when not in use.

7. Digital Images - Procedures

7.1 Live and recorded materials may be viewed by authorised operators in investigating an incident and recorded material may be downloaded from the system in line with the objectives of the scheme.

7.2 Images (stills and footage) may be viewed by the Police for the detection of crime.

7.3 A record will be maintained of the release of images to the Police or other authorised applicants. A register will be available for this purpose.

7.4 Viewing of images by the Police must be recorded in writing and in the log book. Requests by the Police can be allowable under section 29 of the Data Protection Act (DPA) 1998.

7.5 Should images be required as evidence, a digital copy may be released to the Police. Freedom Care retains the right to refuse permission for the Police to pass the images to any other person.

7.6 The Police may require Freedom Care to retain images for possible use as evidence in the future. Such images will be securely stored until they are needed by the Police.

7.7 Applications received from outside bodies (e.g. solicitors) to view or release images will be referred to the Directors. In these circumstances, images will normally be released where satisfactory documentary evidence is produced showing that they are required for legal proceedings, a subject access request, or in response to a Court Order. A fee may be charged at £10 in such circumstances, which is appropriate for subject access requests.

7.8 Retention: Images will be retained for only as long as these are required. The system will automatically delete all recordings held on the main control unit. None of the systems enable storage after a maximum of 60 days.

7.9 In the event of a serious incident, data will be downloaded from the system and stored securely pending any external investigation. This will not be retained for longer than 60 days unless this has been deemed necessary by an external body in relation to their own investigations. As soon as it is reasonable practical the data will be deleted following any external investigation.

8. Subject access and Freedom of Information

8.1 The Data Protection Act provides Data Subjects (individuals to whom "personal data" relates) with a right to data held about themselves, including those obtained by CCTV.

8.2 Requests for Data Subject Access should be made in writing to the Directors. All requests will be considered in a reasonable manner.

8.3 A request for Subject Access will be charged at £10, which is the maximum allowable.

8.4 A request under the Freedom of Information Act 2000 will be accepted, when such a request is appropriate.

Copies of this policy and CCTV Code of Practice will be available on request from our head office.

9.1 Any breach of the CCTV Code of Practice by staff members at Freedom Care will be investigated by the manager, area manager or directors, in order for them to take any appropriate disciplinary action

10. Complaints

10.1 Complaints about Freedom Care’s CCTV system should be addressed to the Company Directors, The Chantry, Chantry Lane, Groby Road, Leicester, LE3 9QJ

10.2 All complaints will be dealt with following Freedom Care Complaints Policy & Procedure

Templates

There are no templates applicable to this policy & procedure

Date of Next Review: March 2017

Signed: ................................................................. Director

Signed: ................................................................. Area Manager

Date: .................................................................
CCTV Code of Practice

1. Introduction and Accountability

Freedom Care (The Chantry) has a comprehensive closed circuit television (CCTV) surveillance system (the 'system') for the purpose of the prevention and detection of crime and the promotion of health, safety and welfare of staff, service users and visitors. The system is owned by the Freedom Care and images from the system are strictly controlled and monitored by authorised personnel. This policy has been prepared from the standards set out in the Information Commissioner’s CCTV Code of Practice 2008 and the Surveillance Camera Code of Practice 2013 published by the Home Office. Its purpose is to ensure that the CCTV system is used to create a safer environment for staff, service users and visitors to the The Chantry and to ensure that its operation is consistent with the obligations on the company imposed by the Data Protection Act 1998.

In line with the Home Office 12 point code of conduct the use of the system will:

- always be for the purpose specified which is in pursuit of a legitimate aim and necessary to meet an identified pressing need
- take into account its effect on individuals and their privacy
- have as much transparency as possible, including a contact point for access to information and complaints
- have clear responsibility and accountability for all surveillance activities including images and information collected, held and used
- have clear rules, policies and procedures in place and these must be communicated to all who need to comply with them
- have no more images and information stored than that which is strictly required
- restrict access to retained images and information with clear rules on who can gain access
- consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards
- be subject to appropriate security measures to safeguard against unauthorised access and use
- have effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value, when used in pursuit of a legitimate aim
- be accurate and kept up to date when any information is used to support a surveillance camera system which compares against a reference database for matching purposes

The primary purpose of the system is to:

- help maintain an environment for service users, staff and others, which supports their safety and welfare
- deter crime against persons, and against the company buildings and company assets
- assist in the identification and prosecution of persons having committed an offence
2. Operation

The Director, manager and area manager are all responsible for the operation of the CCTV system and for ensuring compliance with the policy and code of conduct. Breaches of the policy and/or code of conduct by staff monitoring the system may constitute matters of discipline under the relevant conditions of employment, but it is also recognised that other members of the company may have concerns or complaints in respect of the operation of the system. Any concerns in respect of the system’s use or regarding compliance with this policy should be addressed to the Director.

3. System

This code of conduct applies to the all sites which Freedom Care operates. It will also encompass all other CCTV images that, in due course, are added to the system.

The system is operational and images are capable of being monitored for 24 hours a day throughout the whole year.

Visitors and the general public are made aware of the presence of the system and its ownership by appropriate signage and the publication of this policy on Freedom Care’s website. Freedom care is responsible for the management and processing of images.

To ensure privacy, wherever practicable the cameras are prevented from focusing or dwelling on domestic accommodation and this will be demonstrated on request to local residents.

Images captured on camera will be recorded on the main CCTV servers which are held in a secure location. For the purposes of the Data Protection Act 1998, the Data Controller is Freedom Care and is legally responsible for the management and maintenance of the CCTV system.

No unauthorised access to the system is allowed at any time. Normal access is strictly limited to authorised staff only. Police officers may view recorded material with the consent of the Director.

Persons other than those specified may be authorised to access the CCTV material on a case-by-case basis. Written authorisation is required. Each separate visit will require individual authorisation and will be supervised at all times. Such visitors will not be given access to any data which falls within the scope of the Act.

In an emergency and where it is not reasonably practicable to secure prior authorisation, access may be granted to persons with a legitimate reason to access the CCTV system.

Before granting access to the CCTV system, controllers must satisfy themselves of the identity of any visitor and ensure that the visitor has the appropriate authorisation. All visitors will be required to complete and sign the visitors’ log, which shall include their name, department or the organisation they represent, the person who granted authorisation for their visit (if applicable) and the start and finish times of their access to the CCTV system.
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It is recognised that the images obtained comprise personal data and are subject to the law on Data Protection. All copies will be handled in accordance with the procedures. The Director will be responsible for the development of, and compliance with, the working procedures of the system.

Recorded images will only be reviewed with the authority of the Director. Copies of digital images will only be made for the purposes of crime detection, evidence in relation to matters affecting safety, evidence for prosecutions, or where otherwise required by law.

All staff involved in the operation of the CCTV system will, by training and access to this policy, be made aware of the sensitivity of handling CCTV images and recordings.

The Director will ensure that all relevant staff, are fully briefed and trained in respect of all functions; operational and administrative, arising within the CCTV control operation. Training in the requirements of the Data Protection Act and this policy will also be provided.

4. Recordings

The system is supported by digital recording facilities which will function throughout operations in real time.

As the images are recorded digitally, the process of identifying retrieval dates and times will be computerised. Images will be cleared automatically after a set time.

Unless required for evidential purposes or the investigation of crime, recorded images will be retained for no longer than 60 days from the date of recording. However, Freedom Care recognises that, in accordance with the requirements of the Data Protection Act, no images should be retained for longer than is necessary. Accordingly, some recorded images may be erased 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. Digital images will be automatically erased after a set period, which will be no longer than 60 days.

In the event of the digitally recorded image being required for evidence or the investigation of crime it will be retained for a period of time until it is no longer required for evidential purposes or any investigation into a crime has been completed.

5. Digital Recording and Access Procedures

All disks containing images to and remain the property of Freedom Care. Disk handling procedures are in place to ensure the integrity of the image information held.

Requests by persons outside of the company for viewing or copying of disks or obtaining digital recordings will be assessed on a case by case basis.

Requests from the police will arise in a number of ways, including:

- requests for a review of recordings in order to trace incidents that have been reported
- immediate action relating to live incidents, eg immediate pursuit
- for major incidents that occur when images may have been recorded continuously
- individual police officers seeking to review recorded images on the monitor
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Requests for access to recorded images from persons other than the police or the data subject (that is, the person whose image has been captured by the CCTV system) will be considered on a case by case basis. Access to recorded images in these circumstances will only be granted where it is consistent with the obligations placed on Freedom Care by the Data Protection Act 1998 (DPA) and, in particular, with the purposes set out in Section 1 of the DPA.

It is important that access to, and disclosure of, the images recorded by CCTV is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes. Users of CCTV will also have to ensure that the reasons for which they may disclose copies of the images are compatible with the reasons or purposes for which they originally obtained those images. These aspects of the policy reflect the Second and Seventh Data Protection Principles of the Data Protection Act 1998.

All staff should be aware of the restrictions set out in this policy in relation to access to, and disclosure of, recorded images.

Access to recorded images will be restricted to staff who need to have access in order to achieve the purposes of using the equipment.

All access to the disks on which the images are recorded will be documented.

Disclosure of the recorded images to third parties will be made only in the following limited and prescribed circumstances and to the extent required or permitted by law:

- law enforcement agencies where the images recorded would assist in a specific criminal inquiry
- prosecution agencies
- relevant legal representatives
- people whose images have been recorded and retained and disclosure is required by virtue of the Data Protection Act 1998

All requests for access or disclosure will be recorded. The management will make decisions on access to recorded images by persons other than police officers. Requests by the police for access to images will not normally be denied and can be made without the above authority, provided they are accompanied by a written request signed by a police officer who must indicate that the images are required for the purposes of a specific crime enquiry.

If access or disclosure is denied, the reasons will be documented.

If access to or disclosure of the images is allowed then the following will be documented:
- the date and time at which access was allowed or the date on which disclosure was made
- the reason for allowing access or disclosure
- the extent of the information to which access was allowed or which was disclosed

Appropriate forms will be used to document routine disclosure to the Police.

Requests for non-Police disclosures will be forwarded to the Director.
All staff involved in monitoring or handling image data will proceed in accordance with the following protocol in respect of data subject access requests.

Data subjects will be asked to put in writing any requests for access. Individuals should provide:

- dates and times when they visited The Chantry and their location; for example which specific area in the building or grounds
- either a cheque or cash to the sum of £10.00 for which a receipt will be issued.

The data subject will be asked whether they would be satisfied with merely viewing the images recorded.

A written decision on their request will be sent to the data subject within 21 days and, if access to the images is to be provided (see below for circumstances when it may be refused), such access will be provided within 40 days of Freedom Care receiving the request or, if later, the date when Freedom Care receives the identification evidence from the data subject.

The procedure outlined above and the use of the subject access request form complies with Section 7 of the Data Protection Act 1998, enabling the Director to inform individuals as to whether or not images have been processed by the CCTV system. Freedom Care is not obliged to comply with a request under this section unless it is supplied with such information as it may reasonably require in order to satisfy itself as to the identity of the person making the request and to locate the information which that person seeks.

Where Freedom Care cannot comply with the request without disclosing information relating to another individual who can be identified from that information it is not obliged to comply with the request, unless:

- the other individual has consented to the disclosure of the information to the person making the request, or
- it is reasonable in all the circumstances, including having consideration to safeguarding procedures, to comply with the request without the consent of the other individual

6. Photographs and hard copy prints

Photographs and hard copy prints taken from digital images are subject to the same controls and principles of Data Protection as other data collected. They will be treated in the same way as digital images. At the end of their useful life all computer disks, still photographs and hard copy prints will be disposed of as confidential waste. This code of practice will be reviewed annually to assess its implementation and effectiveness and it will be promoted and implemented throughout our company

7. Privacy Impact Assessment

A privacy impact assessment will be conducted by Freedom Care to enable us to consider the risks and how these can be mitigated. The privacy impact assessment will be completed as early as possible and all actions to reduce risks will be implemented by Freedom Care following completion of the assessment
8. Consultation

Best Practice would indicate that all parties that will be affected by the use of CCTV are consulted prior to installation. Consultation will gather information from service users, staff and family members (where relevant) and their views will be considered when making decisions about the use of CCTV, our policy and Code of Practice. All parties will receive feedback following any consultation.

To ensure that the consultation process is not static, CCTV will be included in our Quality Assurance Process which will enable feedback at periodic points on an annual basis.

9. Information

Information leaflets which are in a format accessible for staff, visitors, family members and service users will be available on all sites. They will also be published on our website. Any complaints about CCTV will be dealt with in the same manner as all complaints received by Freedom Care.

10. Capacity & Consent

It is considered by Freedom Care that it is best practice to seek consent from all parties that CCTV would impact upon. We recognise that not all service users have the capacity to consent and will seek all ways in which to support their understanding and ability to give informed consent. We will also liaise with and consult with other individuals involved in their care should they not have capacity to consent. CCTV at Freedom Care is not situated in private spaces and as such, express consent is not required, though as stated, would be considered to be best practice. In the absence of consent from service users, Freedom Care will endeavour to listen to their views and respond accordingly and utilise the CCTV in a manner which is in the service user's best interests.

Date of Next Review: March 2017

Signed: .......................................................... Director

Signed: ..........................................................Area Manager

Date: ..........................................................