

Ashgate Primary School



Use of Closed Circuit Television (CCTV) Policy

Date produced: April 2021

To be read in conjunction with the school's:

- Policy for Data Protection
- GDPR statement and associated policies

This policy has due regard to legislation including, but not limited to, the following:

- Home Office (2013) 'The Surveillance Camera Code of Practice' Information Commissioner's Office (ICO) (2014) 'CCTV Code of Practice'
- The General Data Protection Regulation 2016
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Protection of Freedoms Act 2012
- The Regulation of Investigatory Powers Act 2000
- Data Protection and Freedom of Information Policy

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Introduction

At Ashgate Primary School we take our responsibility towards the safety of staff, visitors and pupils very seriously. To that end, we use surveillance cameras to monitor any instances of aggression or physical damage to our School and its members.

The purpose of this policy is to manage and regulate the use of the surveillance and CCTV systems at the School and ensure that:

- We comply with the GDPR, effective 25 May 2018.
- The images that are captured are useable for the purposes we require them for.
- We reassure those persons whose images are being captured, that the images are being handled in accordance with data protection legislation and their rights are being upheld.

This policy covers the use of surveillance and CCTV systems which capture moving and still images of people who could be identified, as well as information relating to individuals for any of the following purposes:

- Observing what an individual or group is doing to ensure it is safe, appropriate and in line with the ethos and / or mission statement of the school, including:
 - Taking action to prevent, investigate an incident, including but not restricted to a crime, accident or act of misconduct
 - Using images of individuals that could affect their privacy

Definition of data protection terms

For the purpose of this policy a set of definitions will be outlined, in accordance with the Surveillance Camera Code of Practice:

- CCTV – Closed Circuit Television is a system of cameras which stream an image to a central monitor (s) where activity can be viewed and recorded.
- Surveillance – monitoring the movements and behaviour of individuals; through CCTV.
- Overt surveillance – any use of surveillance for which authority does not fall under the Regulation of Investigatory Powers Act 2000.
- Covert surveillance – any use of surveillance which is intentionally not shared with the subjects it is recording. Subjects will not be informed of such surveillance. Ashgate Primary School does not condone the use of covert surveillance when monitoring staff, pupils and/or volunteers. Covert surveillance will only be operable in extreme circumstances.

The Data Protection Principles and Privacy by Design

Data collected from surveillance and CCTV will be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals.

2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date;
5. Kept for no longer than is necessary for the purposes for which the personal data may be processed;
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Responsibilities of the School

The School as the corporate body, is the data controller. The governing board of Ashgate Primary School therefore has overall responsibility for ensuring that records are maintained in line with law (including GDPR) , including security and access arrangements in accordance with regulations.

The role of the data controller includes:

- Processing surveillance and CCTV footage legally and fairly
- Collecting surveillance and CCTV footage for legitimate reasons and ensuring that it is used accordingly.
- Collecting surveillance and CCTV footage that is relevant, adequate and not excessive in relation to the reason for its collection.
- Ensuring that any surveillance and CCTV footage identifying an individual is not kept for longer than is necessary.
- Protecting footage containing personal data against accidental, unlawful destruction, alteration and disclosure.

Responsibilities of the Data Protection Officer (DPO)

As a School we are data controllers in law and are required to appoint a Data Protection Officer. Our DPO is Mr J Eaglesfield.

The DPO is responsible for ensuring compliance with the Data Protection legislation and with this policy.

Responsibilities of the headteacher

The headteacher has the following responsibilities:

- Liaising with the DPO with regard to the lawful processing of the surveillance and CCTV footage.
- Reviewing the Surveillance and CCTV Policy to ensure it is compliant with current legislation.
- Monitoring legislation to ensure the School is using surveillance fairly and lawfully.
- Communicating any changes to legislation to all members of staff.

Purpose and justification

1. The School will only use surveillance cameras for the safety and security of the School and its staff, pupils and visitors, including:
 - Observing what an individual or group is doing to ensure it is safe, appropriate and in line with the ethos and / or mission statement of the school, including
 - Taking action to prevent or investigate an incident, including but not restricted to a crime, accident or act of misconduct.
 - Acting as a deterrent for unwanted conduct
2. The School may share surveillance footage to assist the police in identifying persons who have committed an offence.
3. The School will conduct surveillance as a deterrent but will not site cameras in classrooms, toilets or any changing facility.
4. The School may use surveillance data as part of disciplinary and grievance processes. This will be communicated to students and staff as appropriate.

How Ashgate Primary School manages CCTV and surveillance

1. The School is registered as a data controller with the Information Commissioner's Office, which also covers the use of surveillance systems.
2. CCTV warning signs are clearly and prominently placed I, including gates if coverage includes outdoor areas.
3. The surveillance system is a closed digital system will not record audio by default, as audio recording may be considered an excessive intrusion of privacy.
4. The surveillance system has been designed for maximum effectiveness and efficiency; however, the School cannot guarantee that every incident will be detected or covered and 'blind spots' may exist.
5. The surveillance system will not be trained on individuals unless an immediate response to an incident is required or where doing so has a legitimate purpose as defined under the Purpose and Justification section of this policy.
6. The surveillance system will not be trained on private vehicles or property outside the perimeter of the School.

Security

1. Access to the surveillance system, software and data is strictly limited to authorised school staff and is password protected.
2. The school's authorised CCTV system users are:
 - Members of the Senior Leadership Team (Including SBM)
 - Administrative staff for whom monitoring of access and egress to the school is a designated role.
3. Monitors are not in sight of the general public
4. The main control facility is kept securely in the administrative office.
5. Surveillance and CCTV systems will be tested for security flaws once a term to ensure that they are being properly maintained at all times.
6. Any unnecessary footage captured will be securely deleted from the system as part of a looped recording protocol.
7. Any cameras that present faults will be repaired immediately to avoid any risk of a data breach.

Covert monitoring

1. The School may in exceptional circumstances set up covert monitoring. For example:
 - Where there is good cause to suspect that an illegal or unauthorised action(s), is taking place, or where there are grounds to suspect serious misconduct;
 - Where notifying the individuals about the monitoring would seriously prejudice the reason for making the recording.
2. In these circumstances authorisation must be obtained from a member of the senior management team.
3. Covert monitoring must cease following completion of an investigation.
4. Cameras sited for the purpose of covert monitoring will not be used in areas which are reasonably expected to be private, for example toilets.
5. The Human Rights and Employment Rights of all the people who use the School must be respected and covert monitoring must only be used as a last resort.

Storage and retention of images

1. Recorded data will not be retained for longer than is necessary. While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded.
2. The CCTV images will be recorded on a loop system according to the size of the drive (in line with the purpose for recording this data). This system has a forecasted storage time of 60 days although this is dependent on the quality and size of images stored/pixelation size, number of cameras recording at a specific time. Images may be stored longer if there is a current incident that is being investigated.
3. All retained data must be stored in a searchable system. Only a primary copy should be kept, and secondary copies should only be created in exceptional circumstances.

Subject Access Requests (SARs)

1. Individuals have the right to request access to video footage *relating to themselves* under the Data Protection Act 2018.
2. All requests should be made to the Headteacher or the Data Protection Officer. Individuals submitting requests for access will be asked to provide sufficient information to enable the footage relating to them to be identified, for example, date, time and location. Requests should be made in writing.
3. The School will immediately indicate receipt and then respond within one calendar month of receiving the request.
4. The School reserves the right to refuse access to video footage where this would prejudice the legal rights of other individuals or jeopardise an ongoing investigation.
5. All attempts will be made to allow the viewing of the video. If others can be identified, the School will assess the risk to others from the video being viewed by the requester. If there is likely to be a risk of harm, the School may consider the following options where appropriate:
 - Obtain the consent of others to share the video with the requester;
 - Where possible, use video-editing software to blur the faces of others who can be identified from the video;
 - Provide selected still images from the video and blur the identifiable faces;
 - Provide a transcript or written description of the contents of the video.

6. If all options have been considered and the School still consider there to be a risk to others from the requester viewing the video, the School may decline the request to view the video.

The School should not provide copies of the video to others unless instructed to do so in law.

Access to and disclosure to other third parties

1. There will be no disclosure of recorded data to third parties other than to authorised personnel such as the Police and service providers to the School where these would reasonably need access to the data (e.g. investigators) and with the correct authorisation.
2. Requests from third parties should be made in writing to the Headteacher/Governing Body or the Data Protection Officer. However, consideration must also be given to article 3 below.
3. Consideration should always be given to the safeguarding and best interest of pupils. Data Protection should not be used as an excuse to prevent the viewing of images if there is an overwhelming need. All disclosures and the reasons for release should be recorded.
4. The data may be used within the School 's discipline and grievance procedures as required and will be subject to the usual confidentiality requirements of those procedures. This will be communicated to staff through the School Privacy Notices.

Complaints

Complaints and enquiries should be raised with the Headteacher.