

Procedure

**Use of CCTV systems in compliance with
the Data Protection Act 1998
and
The CCTV Code of Practice 2008**

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1. Statement

Highcliffe Sailing Club will introduce CCTV equipment for the following purposes only:

- Maintaining security of premises
- Preventing crime
- And investigating crime

2. Introduction

This procedure covers the use of CCTV and other systems which capture images of identifiable individuals or information relating to individuals.

CCTV is directed at viewing and/or recording the activities of individuals. This use of CCTV will be covered by the Data Protection Act (DPA), the provision of the CCTV code of practice laid out by the Information Commissioner.

3. Siting the cameras

Both permanent and movable cameras will be sited and the scope of the image captured will be restricted to ensure that they do not view areas that are not of interest to the Club and are not intended to be subject of surveillance, such as an individual's property. The cameras will be sited and the system must be at a level of technical specification to ensure that images are of the appropriate quality.

Please refer to Appendix B for the CCTV Camera Siting Checklist.

3.1 Making people aware

The Club will be responsible for making people aware that they are in an area where CCTV surveillance is being carried out.

Signs will be prominently placed at the entrance to a CCTV zone with further signs inside the area.

Signs will :

- Be clearly visible and readable
- contain details of the organisation operating the system
- State that "Images are being monitored for the purposes of the prevention and detection of crime".
- Where possible it should also provide an image of a camera.
- Details of contact for further information.
- The sign will be placed in an appropriate place.

It is the responsibility of the Commodore to ensure that signs are installed giving the above information.

4. Following Installation

An initial check will be made by the CCTV Operator to ensure the equipment performs properly, and if tapes are used, that they are of good quality.

The Operator will ensure that at no time are images being recorded on top of images previously recorded. Any medium must not be used after it becomes apparent that the quality of the image has deteriorated.

The Operator will ensure that if the system records features such as the location of the camera and/or the date and time reference, that these are accurate.

The Operator will ensure that the camera is properly maintained and serviced on a regular basis to ensure that clear images are recorded. They must also ensure properly recorded maintenance log is kept.

The Operator is also responsible for ensuring that the camera is protected from vandalism.

CCTV Operator Maintenance Checklist

It is important that a CCTV system produces images that are of a suitable quality for the purpose for which the system was installed.

- Do the recorded pictures and prints as well as the live screens produce good clear pictures.
- Have you considered the compression settings for recording materials? In a digital system, a high level of compression will result in a poorer picture on playback.
- Have you set up the recording medium in such a way that images cannot be inadvertently corrupted?
- Is there a regular check that the date and time stamp recorded on the images is accurate?
- If automatic facial recognition technology is being used, are the cameras placed so that facial images are clearly captured? Are the results of any matches checked by people before any action is taken?
- Has a regular maintenance regime been set up to ensure that the system continues to produce high quality images?
- If a wireless transmission system is used, are sufficient safeguards in place to protect it from being intercepted?

5. Storing and viewing images

5.1 Storing images

To ensure the rights of the individual and that the recorded material is stored in a way that maintains the integrity of the image, the medium on which the images are stored will be chosen carefully.

- How easy is it to take copies of a recording off your system when asked for by a law enforcement agency? Can this be done without interrupting the operation of the system?
- Will they find your recorded images straightforward to use?
- What will you do when recorded material needs to be taken away for further investigation?

5.2 Viewing images

Viewing of live images on monitors should usually be restricted to the operator unless the monitor displays a scene which is also in plain sight from the monitor location.

Recorded images should also be viewed in a restricted area, such as a designated secure office.

- Are monitors correctly sited taking into account the images that are displayed.
- Is your monitor view appropriate and secure?
- Where necessary is access limited to authorised people?

Viewing of the recorded images should take place in a restricted area.

Any removal of the medium e.g. disc etc on which images are recorded for viewing purposes should be documented as follows:

- The date and time of removal
- The name of the person removing images
- The name of the person viewing the images (including the organisation of any third party)
- The reason for the viewing
- The outcome, if any, of the viewing

- The date and time the images were returned to the system, or secure place if they have been retained for evidential purposes.

5.3 Disclosure

As mentioned previously, the Club as an organisation gather the CCTV material to help prevent and detect crime and therefore it is appropriate for us to disclose this information to law enforcement agencies where a crime needs to be investigated, however it would not be appropriate to disclose those images to the media for identification purposes or place them on the internet.

Disclosure should only be made in the following circumstances:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry.
- Prosecution agencies
- Legal representatives of the Association
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries / proceedings).

NOTE:

Once an image is disclosed to another body, for example the police, then they become the data controller for their copy of that image. It is their responsibility to comply with the Data Protection Act in relation to any further disclosures.

5.3.1 Record keeping

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented.

If access to or disclosure of images is allowed, then the following should be documented:

- the date and time at which access was allowed or the date on which disclosure was made
- the identification of any third party who was allowed access or to whom disclosure was made
- the reason for allowing access or disclosure
- the extent of the information to which access was allowed or which was disclosed.

5.4 Retention

Once the agreed retention time for images has elapsed, the CCTV Operator must ensure that the images are removed or erased.

For example:

Images recorded by equipment covering town centres and streets may not need to be retained for longer than 31 days unless they are required for evidential purposes in legal proceedings.

If the images are retained for evidential purposes, they must be retained in a secure place to which access is controlled. In addition the CCTV Operator must record:

- The date on which the images were removed from the general system e.g. for use in legal proceedings
- The reason why they were removed
- Any crime incident number to which the images may be relevant
- The location of the images e.g. if handed to police officer and the signature of the collecting police officer.

Access to the recorded images will be restricted to the Manager and the CCTV Operator in order to achieve the purpose of using the equipment and who may have to decide whether to allow requests for access by third parties.

6. Responsibilities

6.1 Subject Access Requests

Individuals whose images are recorded have a right to view the images of themselves in accordance with a subject access requests.

Those who request access must provide the Operator with a recent photo of themselves which allows them to be identified as the subject of the images and also locates the images on our system.

6.2 Other responsibilities

The CCTV Operator will also need to be aware of two further rights that individuals have under the DPA.

They need to recognise a request from an individual to:

- Prevent processing likely to cause substantial and unwarranted damage or distress
- Prevent automated decision-taking in relation to the individual.

Experience has shown that the operators of CCTV systems are highly unlikely to receive such requests; however guidance is available from the Information Commissioner's Office if the need arises.

If a CCTV system covers a public space (for example a staff car park or entrance) and a private sector security company is operating / manning the CCTV system the organisation should be aware of the possible licensing requirements imposed by the Security Industry Authority. (see Appendix E)

7. Appendix A - CCTV Camera Siting Checklist

- Have you carefully chosen the camera location to minimize viewing spaces that are not of relevance to the purposes for which you are using CCTV?
- Where CCTV has been installed to deal with a specific problem, have you considered setting the system up so it only records at the time when the problem usually occurs? Alternatively, have you considered other privacy-friendly ways of processing images?
- Will cameras be sited to ensure that they can produce images of the right quality, taking into account their technical capabilities and the environment in which they are placed?
- Is the camera suitable for the location, bearing in mind the light levels and the size of the area to be viewed by each camera?
- Are the cameras sited so they are secure and protected from vandalism?
- Will the system produce images of sufficient size, resolution and frames per second?

The Home Office Scientific Development Branch recommends identifying the needs of a CCTV system by using 4 categories:

- **Monitoring:** to watch the flow of traffic or movement of people where you do not need to pick out individual figures.
- **Detecting:** to detect the presence of a person in the image, without needing to see their face.
- **Recognising:** to recognize somebody you know, or determine that somebody is not known to you.
- **Identifying:** to record high quality facial images which can be used in court to prove someone's identity beyond reasonable doubt.

8. Appendix B - DATA SUBJECT ACCESS REQUEST FORM (CCTV)

Your Rights under Data Protection Act 1998

You may request by writing to the address below, details of the information that we hold about you (including visual recorded by CCTV) and the purposes for which it is held. There is a charge for the provision of this information which is allowed by the Act, and is currently £10. We will respond to your request within 40 days, unless the fee payable, supplementary information, or verification of your identity is received after your request in which case the 40 days will run from which ever is the last of the above to be received by us.

You are entitled by notice in writing to require us to stop or not to begin processing of personal information on the ground that it is causing or is likely to cause substantial damage or distress to you or to another and that damage or distress is, or would be unwarranted. This does not apply where you have consented to the processing (for example in the application for accommodation); the processing is necessary for performance of a contract (for example to allow us to perform our obligations under your residency agreement); the processing is necessary for compliance with a legal obligation; or the processing is necessary to protect your vital interests.

You are entitled by notice in writing to require us to ensure that no decision is taken by or on behalf of us which significantly affects you is based solely on the automated processing of your information, for evaluating such matters as for example, your housing need.

If you require a search to be conducted of visual images that we may hold about you, please complete the attached form, and return to the address provided below.

**REQUEST FOR SEARCH AND DISCLOSURE OF VISUAL IMAGES
RECORDED BY CCTV**

Your Name:	
Your Address:	
Name of scheme / address / position of camera that you believe may have recorded images of you:	
Date(s) and time(s) when you visited the area within the scope of the camera:	
Please indicate here whether you would be satisfied with viewing the images recorded.	YES / NO (please delete as appropriate)

You must provide a recent photograph of yourself to assist with the search together with payment of £10 (cheques made payable to Highcliffe Sailing Club)

Signed **Dated**

Please return this form to:

Commodore
Highcliffe Sailing Club
Sea Vixen
Mudford Quay
Christchurch

9. Appendix D - INFORMATION SHEET

OPERATION OF CCTV AT : Highcliffe Sailing Club, Sea Vixen House, Mundeford, Christchurch, Dorset

Images of people using / visiting Highcliffe Sailing Club clubhouse/dinghy park at the above address are being recorded for the purposes of detecting and deterring crime and anti-social behaviour at this location. These images are retained for 1 calendar month.

Images so obtained, may be disclosed to

- Law enforcement agencies
- Prosecution agencies
- Legal representatives of the Club for the purposes of enforcement
- The media (where public assistance is required to identify any victim / witness or perpetrator).
- People whose images have been recorded and retained.

In respect of people who are the subject of recorded images, the Club will require a subject access form be completed and submitted with a fee of £10 and a recent photograph to assist with the identification of the visual images concerned.

The Club may decline a request to disclose images to the individual who has been recorded if it would prejudice criminal enquires / proceedings or other enforcement measures, or the rights of third parties are also recorded.

10. Appendix E - Public Surveillance Licences

Who Needs a Public Space Surveillance (CCTV) Licence?

A Public Space Surveillance (CCTV) licence is required when manned guarding activities are carried out through the use of closed circuit television equipment to:

- a. monitor the activities of a member of the public in a public or private place; or
- b. identify a particular person.

This includes the use of CCTV in these cases to record images that are viewed on non-CCTV equipment, but excludes the use of CCTV solely to identify a trespasser or protect property.

A Public Space Surveillance (CCTV) licence is required only if your services are supplied for the purposes of or in connection with any contract to a consumer.

Two Types of Licence

There are two types of SIA licence:

- A **front line** licence is required if undertaking licensable activity, other than key holding activities (this also covers undertaking non-front line activity). A front line licence is in the form of a credit card-sized plastic card that must be worn, subject to the licence conditions.
- A **non-front line** licence is required for those who manage, supervise and/or employ individuals who engage in licensable activity, as long as front line activity is not carried out - this includes directors* or partners. A non-front line licence is issued in the form of a letter that also covers key holding activities.

**For the purposes of the Private Security Industry Act 2001, "director" means executive and non-executive directors, shadow directors, parent company directors and corporate entities holding a directorship.*

If you have a non-front line licence you do not need to get another one if you are involved in another area of non-front line licensable activity (for example: if you are a director of a firm supplying public space surveillance CCTV operatives but you also supply security guards, you will not need to get two licences).

Please refer to the Security Industry Authority (who deal with security staff working in the private sector) for further details.