Castle Phoenix Trust

CCTV Policy

Trust Level Policy

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March 2023	Review
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1.0 CCTV STANDARD AND THE LAW

1.1 Closed Circuit Television 'CCTV' and its use is governed by the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR). The Trust have a legal duty to comply with the relevant Data Protection Legislation. This Policy is to ensure CCTV within each school within the Trust is controlled appropriately to facilitate the Trusts legal obligations, best practice and to reduce risks of information loss. The CCTV Policy should be read in conjunction with the Trusts additional policies. The Policy is intended for all schools within Castle Phoenix Trust where CCTV is present.

1.2 The Trust is the body that makes the decisions concerning CCTV, for example, who has responsibility for the control of the images, i.e. deciding what is to be recorded, how the images should be used and to whom they may be disclosed. The Trust is the data controller and is legally responsible for compliance with the UK GDPR and DPA. This Policy is not intended to replace procedures already in place within the School that relate to the physical operation and use of the system.

1.3 With regard to the decision as to how the images are used and to whom they may be disclosed, this delegated responsibility lies with each school's governing body, SLT and the Trust Head of Estates & Compliance. Advice will be sought from the Trust DPO where this is deemed appropriate. Certain staff members are identified as authorised personnel, in certain circumstances, regarding the use and control of the equipment and viewing the live or recorded images (see clause 3.1 (f)). This ensures that the sharing of personal data is kept to a minimum within each school.

1.4 CCTV can record personal data in the form of a person's face and may indicate 'special category' personal data, such as a person's ethnic origin or physical disability. This means that live or recorded images and monitor screens should not be viewed by any unauthorised third party without a lawful basis i.e. the person(s) that appear and are identifiable from the footage.

1.5 As an organisation frequented by members of the public, including staff, pupils, parents/carers, visitors and contractors, each school within the Trust is required to place CCTV monitors in a secure environment where those members of the public are not able to see images.

1.6 All authorised operators and employees with access to images are aware of the procedures that need to be followed when accessing the recorded images. All operators are trained by the appropriate person in their responsibilities under the ICO's CCTV Code of Practice and Surveillance Camera Code of Practice. All authorised employees are aware of the restrictions in relation to access to, and disclosure of, recorded images within this CCTV Policy. The CCTV Policy must be read by any person/employee/contractor who will process personal data belonging to the Controller, the Trust or each school within the Trust. Each school within the Trust will make this CCTV Policy a public facing document.

2.0 WHY SCHOOLS USES CCTV

2.1 Schools within the Trust that have CCTV uses CCTV for the purpose of a public task duty; the management and security of the site, monitoring health and safety and safeguarding of the pupils, parents, visitors and employees on site. By using CCTV, each

school can monitor occurrences on site and also the security of the buildings and grounds. Each school may use CCTV for "crime prevention" and it would be acceptable to disclose images to law enforcement agencies if failure to do so would be likely to prejudice the prevention and detection of crime. The footage may also be used as evidence during internal disciplinary proceedings or complaints where specific issues have been raised and corroborative evidence is necessary.

3.0 HOW EACH SCHOOL USES CCTV

3.1 When installing CCTV there are several issues to be taken into consideration, such as:
a. Where to position the cameras?
b. Where to position the monitors?
c. Who will operate the cameras?
d. Who will handle requests for access to the images?
e. How do we record who sees the images and for what purpose?
f. Who do we authorise to access the images and for what purpose?

a) The person or body responsible for the management of each school's premises, under the guidance of the Trust Head of Estates & Compliance will be responsible for identifying the most suitable place to locate the cameras. Advice from the Trust DPO will be sought where this is deemed appropriate. The cameras will not process data that may be deemed as 'excessive', such as capturing public areas outside the scope of the school, or where there is a reasonable expectation of privacy such as toilets or staffrooms, as this goes beyond what is proportionate and necessary to fulfil the purpose for processing the personal data.

b) Along with the external considerations, the Trust Head of Estates & Compliance who oversees the management of the Trust Estate will identify the most appropriate housing for the monitors, ensuring security and privacy. This will take into account, the cabling and technical accessories of the equipment. This will be undertaken in compliance with data protection legislation, British Standards and consideration of the advice taken from each the Trust Head of Estates & Compliance and the Trust DPO. This would need to take into account capturing the best view of buildings for the purposes of security and high risk areas around each school. The cameras must be of such quality to satisfy the purposes of installing the CCTV.

c) The CCTV system will be owned and operated by each school within the Trust, and its deployment is determined by each school's management team. Installation should be carried by an industry-approved installer. Each school's authorised personnel are responsible for ensuring that the cameras are working correctly and consistently and will be responsible for ensuring they are maintained. This may mean retaining the services of a specialist CCTV service company who would also be considered as authorised personnel.

d) Subject Access Requests are dealt with in clause 10.

e) A record of access and disclosure will be kept for disclosure of images in accordance with clause 6.

f) Access to recorded images is restricted to authorised personnel only.

3.2 Each school within the Trust takes a privacy by design approach and will conduct a Data Protection Impact Assessment (DPIA) with guidance from the Trust Head of Estates & Compliance and the Trust DPO in accordance with the UK GDPR, as they are systematically monitoring and capturing 'vulnerable' data subjects, such as children. Each school within the Trust will also ensure a UK GDPR compliant agreement is in place with any organisation where personal data/CCTV footage is processed on behalf of each school.

3.3 Any changes to CCTV monitoring will be subject to a Data Protection Impact Assessment (DPIA), to be annually reviewed, in which the Trust Head of Estates & Compliance and Trust DPO will provide advice.

3.4 The use of CCTV recording involving audio recording between members of the public is highly intrusive and unlikely to be justified. The appropriate personnel should choose a system without this facility if possible. If CCTV system are equipped with a sound recording facility these should be disabled.

3.5 In the exceptional circumstances where audio recording is justified and this has been agreed with the Trust Head of Estates & Compliance, with advice from the Trust DPO, it must be limited to that which is necessary to achieve the purposes specified in paragraph 4, appropriate signage and notification must make it clear that audio recording is or may be carried out.

4.0 OBJECTIVES OF THE CCTV SYSTEM

4.1 To protect pupils, staff and visitors.

4.2 To increase personal safety and reduce the fear of crime.

4.3 To protect the school buildings and assets.

4.4 Without prejudice, to protect the personal property of pupils, staff and visitors.

4.5 To support the police in preventing and detecting crime.

4.6 To assist in identifying, apprehending and prosecuting offenders.

4.7 To assist in managing the school.

5.0 STORING AND VIEWING IMAGES

5.1 When conducting a viewing, either of live images or recorded playback, the viewing should take place in a secure office or area and only those persons who are authorised and/or who appear on the footage, should be present where relevant. Staff should ensure that no part of the footage can be seen through a window in a door or a window looking into the office from an external area. The office door should be completely closed for the duration of the viewing and for any discussions about the footage that may follow.

5.2 In general, CCTV footage should be kept for a maximum of 30 days, unless an incident has occurred on the school premises and the footage is to be kept for a purpose. CCTV footage is stored securely in a lockable office / on the school's password protected software system. If an incident has occurred, the footage in question should be stored securely in a way that maintains the integrity of the images pending further action.

Once the action/investigation has been concluded, a review of the retention of the footage should be exercised and secure, permanent disposal of the footage should occur where there is no longer a valid lawful basis to keep the images.

5.3 The Trust has developed a form called the "CCTV Disclosure Record" (see Appendix C) and it must be completed on every occasion that footage is viewed or disclosed to a third party.

If completing the paper/electronic form, the form should be forwarded to the Trust Head of Estates & Compliance as and when completed.

An online version of the form can be completed by clicking on CCTV Disclosure Form – Fill in form

The disclosure form will include the following:

5.3.1 The purpose of any searches and whether the search was successful or not
5.3.2 Who carried out the search
5.3.3 Persons present (particularly when reviewing).
5.3.4 Date, start and end time of the incident.
5.3.5 Date and time of the review
5.3.6 Any other relevant information

6.0 DISCLOSURE OF IMAGES

6.1 Each school within the Trust will ensure that any disclosure of images is in a controlled manner and that the disclosure is consistent with their data mapping and privacy notice in regard to CCTV. Any disclosure should be clearly documented by the school as outlined in clause 5.3.

6.2 There will be no disclosure of recorded data to third parties without a lawful basis. It is acceptable for the school to disclose images to law enforcement agencies for the purpose of prevention and detection of crime. These requests should be:

- be provided in writing (WA170) where possible
- signed by authorised officers
- make reference to the name and section of the legislation that entitles them to receive the information.

6.3 The school will document in their DPIA how personal information will be shared. In the case of a disclosure request from law enforcement or a valid subject access request, the recording pertaining to the request will be downloaded onto a portable device and securely stored in a locked room until collection. The process will remain the same when disclosing in regard to insurance purposes. The file will be encrypted or password protected where possible. Alternatively, the recording will be sent in a password protected document via email. Staff will ensure passwords are given to the authorised recipient separately from the email containing the recording, ensuring that the original copy of the recording is kept at the school for only as long as is necessary for the purpose of retaining the recording.

6.4 If the immediate viewing of a recording is necessary, this will be governed by clause 5 above.

6.5 In cases where disclosure is requested by a third party who does not appear on the footage, extreme caution should be taken and the Trust Head of Estates & Compliance referred to. Where this is a parent on behalf of a pupil, the Subject Access Guidance should be followed. Where technology permits, images of third parties should be blurred and unidentifiable if a disclosure request does not pertain to them.

6.6 The data may be used within the school's discipline and complaints procedures as required and will be subject to the usual confidentiality requirements of those procedures.

7.0 AUTHORISED PERSONNEL AND CIRCUMSTANCES

7.1 The persons authorised to operate the equipment and view the monitors are appropriate personnel. The appropriate personnel will have received training in the operation of the particular systems used by each school. However, there may be occasions that will require contractors to view the monitors during the recording of live images and also images that have been recorded previously. It is important to remember that the viewing of all images from a CCTV system must be controlled and consistent with the purpose for which the system was installed. On a routine basis, this means that teaching and support staff cannot request to access footage. Where a school's administration team has live access to monitors, these will not be public facing.

7.2 On occasion the school may receive a request to carry out covert monitoring on behalf of the Policy, which must be requested with evidence of the Police's RIPA authorisation for this surveillance. If this is not possible due to sensitivity issues, the authorised personnel should consider escalation and if there is any information the Police can provide to the school.

7.2 Appropriate personnel will allow third parties to view live and recorded images for maintenance purposes and in compliance with the objectives of the CCTV objectives set out in clause 4.

7.3 The Trust Head of Estates & Compliance and Trust DPO may be involved in any circumstances where the school feels advice is necessary. Where the school is unsure of whether to seek advice from the Trust Head of Estates & Compliance and Trust DPO, for the avoidance of doubt advice should be sought.

8. BREACHES

8.1 A 'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

8.2 Any breach of security will be initially investigated by each school's appropriate personnel, in order to discuss this further with the Trust Head of Estates & Compliance, governing body and Senior Leadership Team. The Trust Head of Estates & Compliance will notify the Trust DPO of any breach of security, the Trust DPO may then initiate communications to the ICO, within the 72-hour period, in cases where the breach could lead to or has led to a risk of harm. The Trust Head of Estates & Compliance, upon consultation with SLT and also the Trust DPO may extend the communications to those affected by the breach, in order to provide them with the details in regards to the

breach of their personal information and how they can take precautions from further consequences of the breach.

8.3 Each school may take the appropriate disciplinary action in the relevant circumstances. A breach of this policy will be governed by the school's existing policies and procedures. Any serious breach of the CCTV Policy[1] may be concluded to be a form of gross misconduct. It will be immediately investigated and an independent investigation carried out to make recommendations on how to remedy the breach. This investigation will involve the input of the Trust Head of Estates & Compliance.

8.4 A breach of security in relation to CCTV footage will be actioned in line with the School's Breach Procedure.

* Where a criminal offence has been committed on school premises, the school is not under any duty to release the footage to or allow it to be viewed by the subject, their family or friends. Any unauthorised disclosure of the footage may prejudice any subsequent police enquiry. The footage should be downloaded, securely stored and given directly to the police as evidence, following the production by the police of a valid request for disclosure. When an incident occurs on school premises during evenings and weekends, it would be necessary to contact the Site Services Officers or appropriate person. This means that on those occasions the Site Services Officers or appropriate person would be an authorised person in order to view footage and in an emergency, disclose it to the police. On receipt of a 'routine' subject access request by an individual, the Site Services Officers or appropriate person should ask the requestor to complete a 'Subject Access Request' form available on the school's website and send it to the school's email address.
If the Site Services Officers or appropriate person receives a request from the police, but it is not an emergency, the request should be directed to the school's email address to be dealt with during normal office hours.

9. CCTV and UK GDPR

9.1 In order to comply with the right to be informed, significant signage is found in prominent positions in all areas where CCTV cameras operate to inform staff, students and the general public that they are entering an area where their images are being recorded either as still or video footage. Employee, parent, pupil and visitor privacy notices include the information that the school uses CCTV cameras. Visitors must have the knowledge of who to contact to make an enquiry regarding the system where this is not obvious.

9.2 The right for individuals to request access to their data can be exercised using a subject access request template on the school's website.

9.3 The right to object/restrict processing may be possible in certain circumstances. However, this will be considered on a case by case basis.

9.4 The right to rectification will apply where possible.

9.5 The right to data portability is not applicable as CCTV is filmed under the public task duty. Automated decision making is not included in this process.

[1] An example of a serious breach would be using the school's CCTV recordings in an unauthorised manner, such as publicising them on social media site(s).

9.6 Data minimisation is exercised with the automated deletion of CCTV footage after a period of no more than 30 days, unless an exemption to the rule applies. For example, a police investigation is ongoing.

9.7 The right to erasure is considered where the personal data is no longer necessary in relation to the purposes for which it was processed.

9.8 All rights can be exercised by individuals contacting the school or the Trust Head of Estates.

10. SUBJECT ACCESS REQUESTS

10.1 Individuals have the right to request access to CCTV footage relating to themselves under the UK GDPR and DPA. The Subject Access Request and ICO guidance will be followed.

10.2 All requests should be made in writing to the school, wherever possible. 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.

10.4 Each school with the Trust will respond to a request within one calendar month of receiving a valid request.

10.5 Where a Subject Access Request includes footage of another individual not included in the request, the school must either use 'blurring' to distort the images to only the relevant individual, or gain consent to disclose third party personal data from those individuals not involved in the request.

10.6 Each school reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an ongoing investigation.

10.7 Wherever possible, the school will notify the requester if an exemption or limitation to their request applies, such as, but not limited to:

10.7.1 A claim to legal professional privilege in legal proceedings
10.7.2 The request will infringe on a third party's rights and freedoms
10.7.3 Any other exemption to the right of access as stated in the UK GDPR and DPA.

10.8 Each school within the Trust understands that individuals have further individual rights under the UK GDPR and DPA and will seek the Trust DPO's advice where necessary.

11.0 FREEDOM OF INFORMATION

11.1 The school may receive requests under the Freedom of Information Act 2000 (FOI). A response must be provided within 20 working days, beginning from the next working date after receipt of the request.

11.2 If individuals are capable of being identified from the CCTV images, personal data is unlikely to be disclosed in response to an FOI request as Data Protection Legislation will apply and the rights of the individual will need to be considered.

12.0 APPEALS

12.1 There is a School 'Subject Access Procedure' that should be followed in the event that an individual is refused access to CCTV images and they are not satisfied with this outcome or the reasons why access has been refused. The appeal procedure document will be provided to the requester in the final response from the school to the individual making the Subject Access Request.

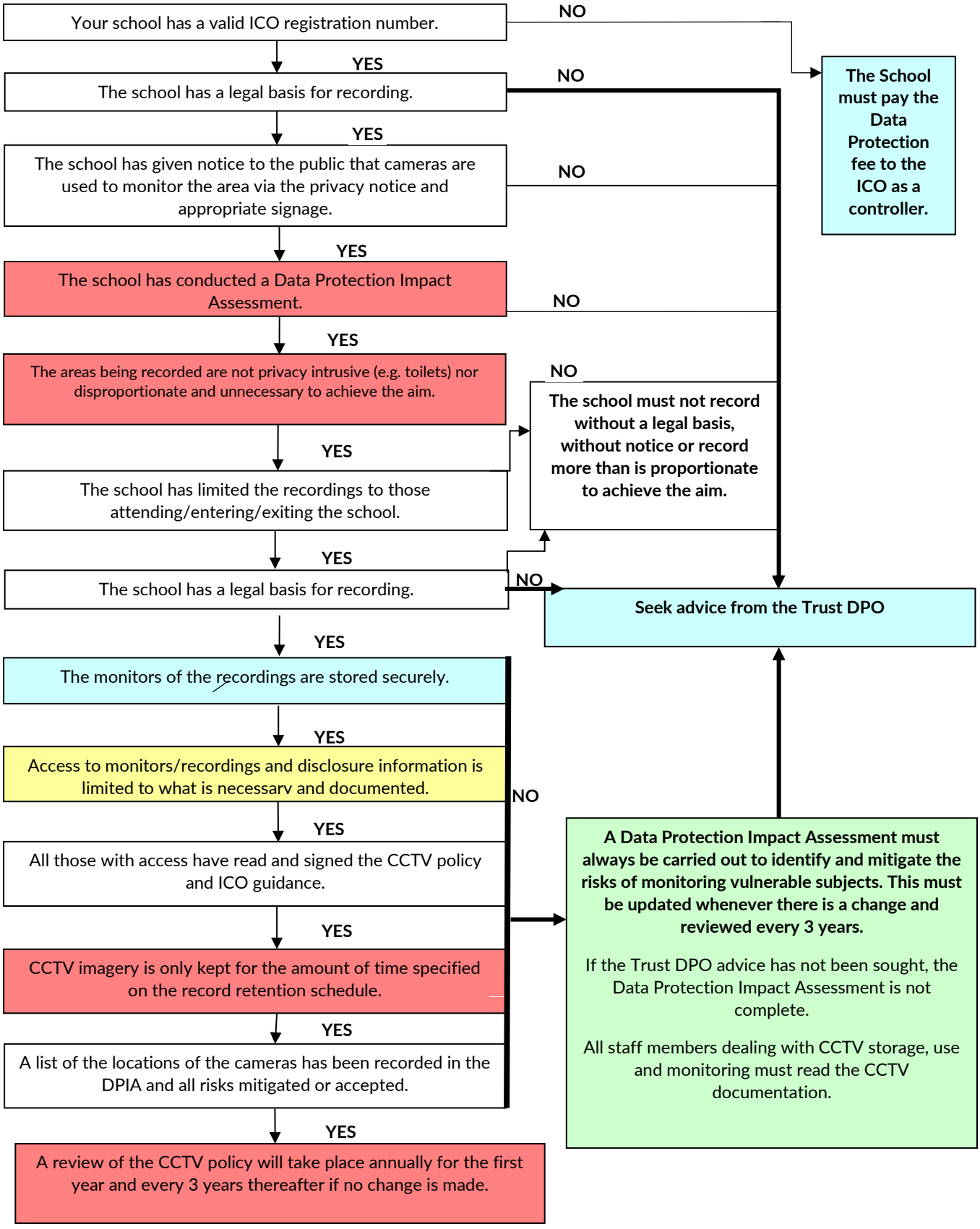
13.0 COMPLAINTS

13.1 Complaints and enquiries about the operation of CCTV within the school should be addressed through the Trust's complaints procedure. Where necessary, the school's Data Protection Officer will be informed of the complaint.

14.0 REVIEW

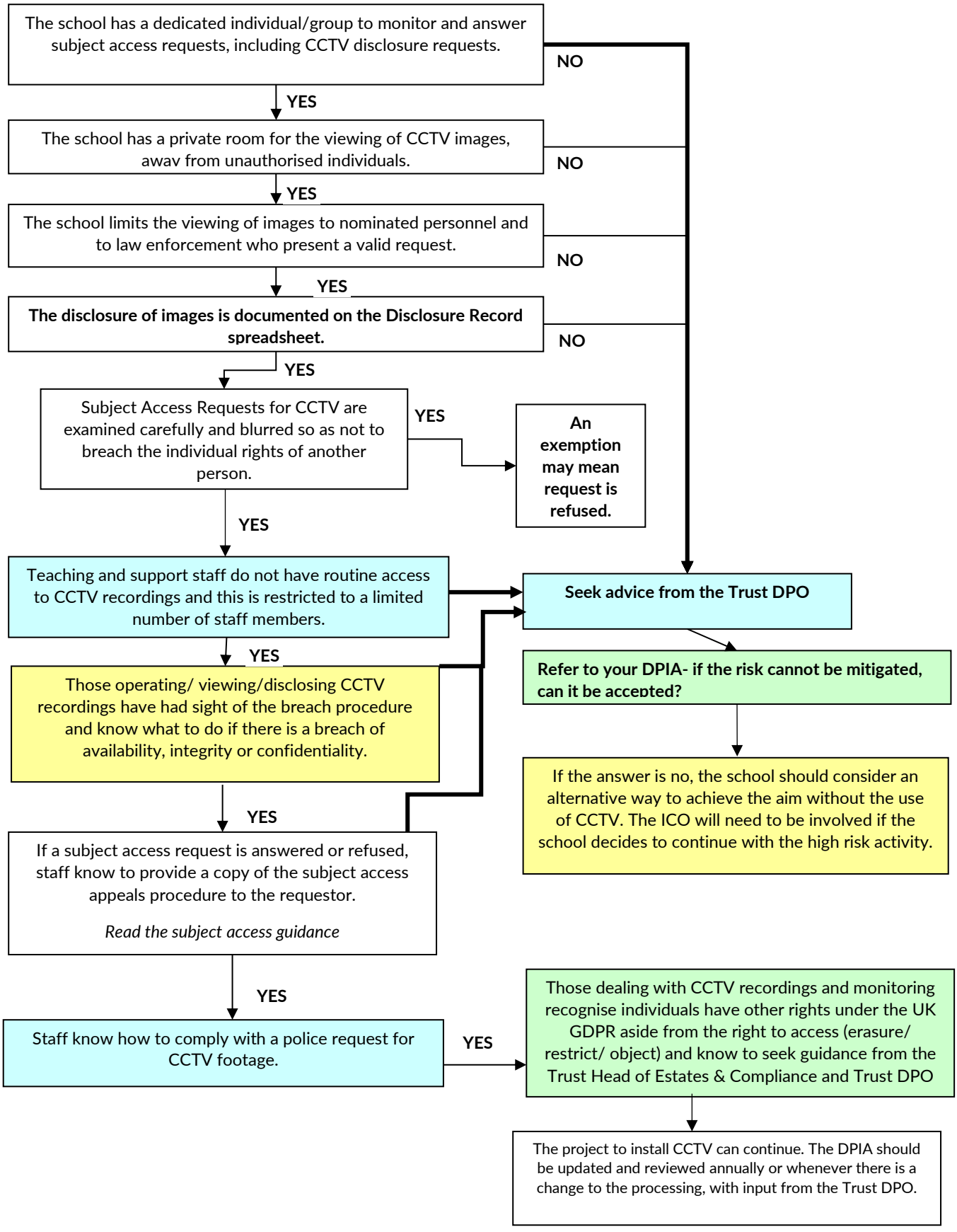
14.1 The Trust Head of Estates & Compliance and the Trust Board will review this document bi-annually to reflect changes in best practice, legislative changes and guidance from the Regulatory Authority (Information Commissioner's Office).

Appendix A
CCTV INSTALLING AND MONITORING



Appendix B

CCTV VIEWING AND DISCLOSURE



Appendix C

CCTV Disclosure Record

General Information				
Establishment				
Date of CCTV Search				
Time of CCTV Search				
Purpose of Search				
Member of Staff Completing Search				
Search Witnessed by				
Search Successful	Yes ✓		**No ✖**	
CCTV Recording Date				
CCTV Recording Start Time				
CCTV Recording End Time				
Additional Comments				
Print Name				
Signed				
Date				
Trust Review				
Date Received by Trust Head of Estates				
Date Logged on Central Record				
Print Name				
Signed				

CCTV Disclosure Form – Fill in form