



Forest Practice

CCTV Policy

INTRODUCTION

This policy and the accompanying procedures explain the purpose, use, and management of the Closed Circuit Television (CCTV) installation at the premises used by Forest Practice

The Practice prioritises the safety and security of all patients, staff and visitors and aims to provide environments that are safe and secure.

This code of practice follows the recommendations issued by the Data Protection Commissioner in accordance with powers under Section 51 (3)(b) of the 1998 Crime & Disorder Act.

POLICY STATEMENT

The purpose of the CCTV installation is for:

- The protection of staff, patients, visitors, and the assets of Forest Practice
- The prevention, investigation and detection of crime and disciplinary offences in accordance with the Practice disciplinary procedures
- The apprehension and prosecution of offenders (including the use of images/data as evidence in criminal / civil proceedings)
- The monitoring of the security of premises
- Investigation into a missing or vulnerable person

The principles of this policy are:

- Individuals' rights are respected and protected
- The installations are operated fairly and within the law
- The CCTV system is operated for the purposes for which it was set up
- The recorded material/data stored is fairly and lawfully processed
- The recorded material/data is adequate, relevant and not excessive for the purposes
- That recorded material/data is accurate, securely stored, and not kept for longer than is necessary

The aim of this policy is to ensure (so far as is reasonably practicable) that any system installed and operated on its premises complies with regulatory requirements, national standards and codes of practice.

The Organisation's Digital Recording systems form part of the overall security management measures aimed at achieving compliance and delivering best practice in the interests of delivering safe services and providing a safe and secure environment.

The Forest Practice Health and Safety policy sets out the roles and responsibilities of all staff. Additional responsibilities to enable the effective management and use of the Organisation Digital Recording systems are detailed in this policy. To assist in the provision of safe and secure environments at Forest Practice the use of CCTV is used across its services. This policy applies to all members of staff employed by Forest Practice, locum/bank staff and agency staff, volunteers as well as contractors and any others working on behalf of Forest Practice.

DEFINITIONS

CCTV

Closed-circuit television (CCTV), also known as video surveillance, is the use of video cameras to transmit a signal to a specific place, on a limited set of monitors. They are primarily for surveillance and security purposes.

UK GDPR

The UK General Data Protection Regulation 2018 is a regulation in UK law on data protection and privacy for all individuals within the UK and is implemented through the Data Protection Act 2018

Senior Information Risk Owner (SIRO)

A SIRO is a professional who has responsibility for implementing and managing information risks within the organisation. The SIRO takes ownership of the organisation's information governance policy including all information risk and acts as an advocate on the Board.

Purposes of the CCTV system

In accordance with the legislative requirements the registered purpose of CCTV is for the prevention and detection of crime, the safety and security of public, patients, visitors and staff. The use of a CCTV system must take into account its effects on individuals and their privacy, with regular reviews to ensure its use remains justified. The CCTV system is not installed for the purposes of recording conversations. Forest Practice will ensure that CCTV is sited in areas where it is only monitoring for the purposes outlined above and not positioned in areas where it would be considered private e.g. changing rooms and toilets. The system will be operated in accordance with the requirements and articles of the Human Rights Act 1998 and UK GDPR 2018.

UK General Data Protection Regulations

The Freedom of Information Act 2000

Data Protection Act 2018

The Common Law Duty of Confidentiality

The NHS Confidentiality Code of Practice

Human Rights Act 1998

Regulation of Investigatory Powers Act 2000

The system will be operated fairly, within the law, and only for the purposes for which it has been established and are identified within this policy.

The operation of the system will also recognise the need for formal authorisation of surveillance as required by the Regulation of Investigatory Powers Act 2000, in particular part 2 of this Act.

The information commissioner's office (ICO) must be notified of the purpose(s) of the scheme operating. Registration with the ICO is carried out by the Operations Manager. The system will be maintained on behalf of Forest Practice by the Forest Practice Data Quality IT Manager Louisa Adams to ensure compliance with the General Data Protection Regulations 2016. The CCTV surveillance system is owned by Forest Practice.

The CCTV system includes cameras outside the practice. The system will be operated 24 hours per day, 365 days of the year. The CCTV installation comprises of fixed cameras, signs, recording and playing equipment and data. Recorded material/data means any material recorded by the installation. It should be noted that all recorded material/data are the property of Forest Practice, patients and any visitors to Forest Practice have the right to access any recordings that include any of their identifiable information as long as it does not infringe a third party's right under UK GDPR.

Notification of Use of CCTV

There are signs in place at all pedestrian and vehicular entrances to the Practice to ensure that staff, patients, visitors and members of the public are aware CCTV is in operation. The signage indicates that the system is managed by the Essex Security Service Limited.

Louisa Adams is responsible for ensuring that adequate signage is erected in compliance with the ICO CCTV Code of Practice.

Cameras are not sited to focus on private residential areas.

Medical Practice premises are informed about the use of CCTV

All release of information will be in accordance with the ICO registration and legislative requirements.

A data protection exemption relates to the disclosure of information for the purposes of:

- The prevention, investigation, detection or prosecution of criminal offences.
- The execution of criminal penalties, including the safeguarding against and the prevention of threats to public security
- A serious or significant nature such as safeguarding or a missing vulnerable person.

CCTV footage retention and viewing

Footage that is not required for the purpose for which the equipment is being use must not be retained in an identifiable form for longer than necessary, in compliance with UK GDPR principles 5 (Article 5 e). In order to ensure compliance with data protection principles the data controller Tania Palmariellodiviney and system operators will ensure that footage is not retained for longer than 30 days, unless it is required for evidential purposes in legal or other investigation proceedings.

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Footage retained for evidential purposes will be removed from the system and retained in a secure place to which access is controlled. It is important to ensure that access to and security of the images is controlled in accordance with the requirements of the UK GDPR and for law enforcement purposes (Data Protection Act 2018 – and Law Enforcement Directive 2017). It should be noted that a full risk assessment will be carried out if footage is retained outside of the 30-day retention period.

Forest Practice's standard retention period is 30 days unless the footage is justifiably marked and retained as 'EVIDENCE.'. In situations where removable media is used this must be encrypted. The ability to review recorded and live images is limited to authorised staff personnel only, namely: Louisa Adams Operations Manager and CCTV maintenance engineers from Essex Security Service Limited. Once the image retention period has expired, the footage itself is removed or erased automatically from the system.

Disclosure of images to third parties

It is important to ensure that access and disclosure of CCTV footage is restricted or 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 they be required for evidential purposes.

If disclosure is requested for any registered purpose Forest Practice as the data controller must satisfy themselves that:

- The reason(s) or purposes(s) for the disclosure are compatible with the reason(s) or purpose(s) for which the footage was originally obtained.
- Access is restricted to authorised persons who need to have access in order to achieve the purpose(s) of using the equipment.
- All access to images must be documented.
- Access to images must only be allowed for a lawful purpose and prescribed circumstances and must be authorised by the Operations Manager, with notification sent to the SIRO.

Disclosure will be considered if the third party is either:

- A law enforcement agency, such as the police, where the images recorded would assist in a specific criminal enquiry, or where the images are to be used to assist law enforcement agencies in the return of patients who take unauthorised leave of absence under the Mental Health Act 1983, or relevant criminal justice legislation.
- Prosecution agencies.
- Relevant legal representatives.

Under chapter 3, Article 23, UK GDPR 2018 the Data Controller may grant relevant authorities access to personal CCTV data without the consent of the data subject. This is not an automatic right of access to information. The data controller can assess the merits of requests and decide whether or to provide access.

All requests for disclosure to a third party must be made using Forest Practice's third party request form. Please note that this form must be signed off by someone of inspector rank or above if it is being submitted by the Police.

Access to images as part of a Subject Access Request (SAR)

Access to personal data as part of a SAR will be handled by Forest Practice Governance Team and all such requests must be submitted to Operations Manager Louisa Adams. The request will be acknowledged and follow usual information request policy and ensure that is proportionate to the reason the information is being requested.

All authorised releases of footage will be retained on a log kept by the Practice Manager. This must include the following information:

- Date and time access was requested.
- Date of disclosure.
- Identification of the requester
- Reason for allowing or declining disclosure.
- Extent of information disclosed.

Forest Practice's SAR form will be completed for all SAR and third-party requests and will detail whether it has been granted or denied.

In addition to the right of access, an individual also has the right to ask Forest Practice to stop processing personal data where this is likely to cause substantial and unwarranted damage to him or her. Any such requests should be submitted in writing to the Forest Practice's SIRO. Upon receipt of such a request Forest Practice has 30 days in which to respond with its decision. All decisions should be documented and a record should be kept of all requests and the response to those requests.

All requests to access CCTV will be monitored and reported by the Operations Manager. Spot check audits may be carried out to ensure that erasure of images are being carried out in accordance with this policy.

Rights under the Data Protection Act 2018

Right to be informed

The Practice will be completely transparent with you by providing information 'in a concise, transparent, intelligible and easily accessible form, using clear and plain language'.

For more details, please read our Practice privacy notice
<https://www.forestpractice.co.uk/privacy-policy>

Right to rectification

You have the right without undue delay to request the rectification or updating of inaccurate personal data.

Right to restrict processing

You can ask for there to be a restriction of processing such as where the accuracy of the personal data is contested. This means that we may only store the personal data and not further process it except in limited circumstances.

Right to object

You can object to certain types of processing such as direct marketing. The right to object also applies to other types of processing such as processing for scientific, historical research or statistical purposes (although processing may still be carried out for reasons of public interest).

Right to data portability

Where personal data is processed on the basis of consent and by automated means, you have the right to have your personal data transmitted directly from one data controller to another where this is technically possible.

Right to erasure or 'right to be forgotten'

You can request the erasure of their personal data including when:

- the personal data is no longer necessary in relation to the purposes for which they were collected
- you no longer provide your consent, or
- you object to the processing.

Freedom of Information

The Freedom of information Act 2000 provides any person with the right to obtain information held by the Practice, subject to a number of exemptions.

ROLES AND RESPONSIBILITIES

THE PRACTICE PARTNERS

Forest Practice partnership has overall accountability for the organisation's ability to meet the policy requirements. Forest Practice is the identified Data Controller for all systems operating on its premises and Forest Practice act on behalf to process any requests made under this policy. Forest Practice is responsible for all cameras, monitors and data collection and retention processes. Forest Practice uses external companies (Data Processors) to control and maintain its system. All contracts with such companies will include adherence to this policy.

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PRACTICE MANAGER

The Operations Manager is the responsible person for the management and operation of the system, with nominated individuals given authority to operate the system in strict compliance with this policy. The Practice Manager will ensure that the CCTV equipment performs properly, that images are as clear as possible and that time and date stamps are accurate and checked regularly.

LINE MANAGERS

Line Managers are responsible for ensuring that their staff are aware of and adhere to this policy.

ALL STAFF

All staff are responsible for ensuring that they are aware of the requirements of this policy and for ensuring that they comply with these on a day-to-day basis. All staff are accountable under the Office of the Information Commissioner's Code of Conduct.

TRAINING REQUIREMENTS

The Practice Manager will receive training on how to utilise the CCTV system and cascade it to other senior members of staff on a need-to-know basis.

Forest Practice will provide appropriate training for all staff to cover awareness of data protection and information security matters, the CCTV policy and any associated operational procedures.

MONITORING

This policy and its operations will be subject to regular reviews and audits, no less than every three years.

Complaints

Complaints must be in writing and addressed to the Operations Manager. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the patient or data subject is required. All complaints will be acknowledged within seven days, and a written response issued within 28 days.