



MALVERN TOWN COUNCIL

CCTV POLICY

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1. Introduction

- 1.1. Malvern Town Council (hereafter known as 'the Council') currently uses CCTV cameras to view and record individuals on and around its premises at Victoria Park. This policy outlines why the Council uses CCTV, how it will use CCTV and how it will process data recorded by CCTV cameras to ensure it is compliant with data protection law and best practice. This policy also explains how to make a subject access request in respect of personal data created by CCTV.
- 1.2. The Council recognises that information that it holds about individuals is subject to data protection legislation. The images of individuals recorded by CCTV cameras are personal data and therefore subject to legislation. The Council is committed to complying with its legal obligations and seeks to comply with best practice suggestions from the Information Commissioner's Office (ICO).
- 1.3. This policy covers all employees and other individuals working at and/or visiting its premises, but it will not monitor employees in the normal course of their duties.
- 1.4. The policy will be regularly reviewed to ensure that it meets legal requirements, relevant guidance published by the ICO and industry standards.
- 1.5. A breach of this policy may, in appropriate circumstances, be treated as a disciplinary matter. Following an investigation, a breach of this policy may be regarded as misconduct leading to disciplinary action, up to and including dismissal.

2. Personnel Responsible

- 2.1. The Town Council has overall responsibility for ensuring compliance with relevant legislation and the effective operation of this policy. Day-to-day management responsibility for deciding what information is recorded, how it will be used and to whom it may be disclosed has been delegated to the Town Clerk.
- 2.2. Responsibility for keeping this policy up to date has been delegated to the Town Clerk.

3. Reasons for use of CCTV

- 3.1. The Council currently uses CCTV around its site as outlined below. Such use is necessary for legitimate purposes, including:

- 3.1.1. to prevent crime and protect buildings and assets from damage, disruption, vandalism, and other crime.
- 3.1.2. for the personal safety of employees, visitors, and other members of the public and to act as a deterrent against crime.
- 3.1.3. to support law enforcement bodies in the prevention, detection, and prosecution of crime.

This list is not exhaustive and other purposes may be or become relevant.

4. Monitoring

- 4.1. The system comprises a number of fixed cameras. Camera locations are chosen to minimise viewing of spaces not relevant to the legitimate purpose of the monitoring. As far as practically possible, CCTV cameras will not focus on private homes, gardens, or other areas of private property, neither will they focus on the adjacent play area within the park.
- 4.2. The CCTV is not monitored but footage is retained for a period of thirty days.

5. How the Council will operate any CCTV

- 5.1. The Council will ensure that signs are displayed prominently at the entrance of the surveillance zone to alert individuals that their image may be recorded. Such signs will contain details of the organisation operating the system, the purpose of using the surveillance system and who to contact for further information, where these things are not obvious to those being monitored.
- 5.2. The Council will ensure that recorded images are only viewed by approved members of staff whose role requires them to have access to such data.
- 5.3. Cameras will be sited so they only capture images relevant to the purposes for which they are installed, and care will be taken to ensure that reasonable privacy expectations are not violated. Malvern Town Council will ensure that the location of equipment is carefully considered to ensure that images captured comply with the Data Protection Act 2018.

6. Restrictions on use

- 6.1. The CCTV cameras do not have sound recording capacity.

7. Use of data gathered by CCTV

- 7.1. To ensure that the rights of individuals recorded by the CCTV system are protected, the Council will ensure that data gathered from CCTV cameras is stored in a way that maintains its integrity and security.

7.2. The Council may engage data processors to process data on our behalf. The Council will ensure reasonable contractual safeguards are in place to protect the security and integrity of the data.

8. Retention and erasure of data gathered by CCTV

8.1. Data recorded by the CCTV system will be stored digitally on the hard drive of the CCTV system. CCTV images are not to be retained for longer than necessary. Data storage is automatically managed by the CCTV digital recorder which uses software programmed to overwrite historical data in chronological order to enable the recycling of storage capabilities. This process takes approximately thirty days.

8.2. On occasion it may be necessary to retain downloaded images or footage for a longer period, for example when a law enforcement body is investigating a crime, to allow them to view the images as part of an active investigation.

8.3. At the end of their useful life, all images stored in whatever format will be erased permanently and securely. Any physical matter such as tapes or discs will be disposed of as confidential waste. Any still photographs and hard copy prints will be disposed of as confidential waste.

9. Ongoing review of CCTV use

9.1. The Council will ensure that the ongoing use of existing CCTV cameras is reviewed periodically to ensure that their use remains necessary and appropriate, and that any surveillance system is continuing to address the needs that justified its introduction.

10. Requests for disclosure

10.1. The Council may share data with others where it considers that this is reasonably necessary for any of the legitimate purposes set out above in Paragraph 3.1. Requests must be made in writing to the Town Clerk.

10.2. No images from the Council's CCTV cameras will be disclosed to any third party, without express permission being given by the Town Clerk. Data will not normally be released unless satisfactory evidence is provided that it is required for legal proceedings or insurance purposes.

10.3. In other appropriate circumstances, the Council may allow law enforcement agencies to view or remove CCTV footage where this is required in the detection or prosecution of crime.

10.4. The Council will maintain a record of all disclosures of CCTV footage subject to document retention guidelines.

- 10.5. No images from CCTV will be posted online or disclosed to the media, unless requested to do so by the police.

11. Subject access requests

- 11.1. Data subjects may request disclosure of their personal information, and this may include CCTV images (data subject access request). A data subject access request should be made in writing. A response should be provided within a month. The Council should tell the individual why the Council is processing the information, the types of data involved, who the Council has shared it with, how long the Council will keep it and advise them as to their rights including the right to complain to the ICO if concerned about its processing.
- 11.2. To locate relevant footage, any requests for copies of recorded CCTV images must include the date and time of the recording, the location where the footage was captured and, if necessary, information identifying the individual.
- 11.3. The Council will provide a copy of the individual's personal data to them but reserve the right to obscure images of third parties when disclosing CCTV data as part of a subject access request, where the Council considers it necessary to do so. The Council will consider the ICO Code of Practice and the law when deciding as to whether to disclose third party personal data.

12. Complaints

- 12.1. If anyone has questions about this policy or any concerns about our use of CCTV, then they should speak to the Town Clerk in the first instance.

13. Requests to prevent processing

- 13.1. The Council recognises that, in rare circumstances, individuals may have a legal right to object to processing and in certain circumstances, to prevent automated decision making (see Articles 21 and 22 of the GDPR). For further information regarding this, please contact the Town Clerk.

14. Town Council Policies

- 14.1. The Council's CCTV Policy should be read in conjunction with its Data Protection Policy.

APPENDIX 1 to CCTV Policy - definitions

For this policy, the following terms have the following meanings:

CCTV: means cameras designed to capture and record images of individuals and property.

Data: is information, which is stored electronically, or in certain paper-based filing systems. In respect of CCTV, this generally means video images. It may also include static pictures such as printed screenshots.

Data subjects: means all living individuals about whom the Council holds personal information as a result of the operation of its CCTV.

Personal data: means data relating to a living individual who can be identified from that data (or other data in our possession). This will include video images of identifiable individuals.

Data controllers: The Council is the data controller of all personal data used by it.

Data users: are those of the Council's employees whose work involves processing personal data. Data users must protect the data they handle as per this policy.

Data processors: are any person or organisation that is not a data user (or employee of Malvern Town Council) that processes data on its behalf and following its instructions (for example, a supplier which handles data on the Council's behalf).

Processing: is any activity which involves the use of data. It includes obtaining, recording, or holding data, or conducting any operation on the data including organising, amending, retrieving, using, disclosing, or destroying it. Processing also includes transferring personal data to third parties.

Premises: Community Hub, Victoria Park, Victoria Park Road, Malvern Link, WR14 2JY