

# BURSTWICK PARISH COUNCIL

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## CCTV Data Protection Policy

### 1.0 Introduction

- 1.1 The purpose of this policy is to provide Burstwick Parish Council (the “council”) with guidance in order to comply with relevant legislation relating to the possible use of Closed Circuit Television (“CCTV”) in certain areas owned or administered by the council.
- 1.2 The definition of CCTV in this policy is “equipment used to capture and store images, potentially including those of persons”.
- 1.3 The purpose of the CCTV to be installed by the council is to provide a safe and secure environment for the benefit of those who might visit, work or live in the area. The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law. The scheme will be used for the following purposes:
- to monitor the security of council premises or equipment;
  - to ensure public safety whilst on, or using, council facilities;
  - to reduce the vandalism of property and to prevent, deter and detect crime and disorder;
  - to assist the council and the police in the identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime or public order;
  - to deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and prominent signs on display; and
  - to assist all emergency services to carry out their duties.
- 1.4 CCTV will only be installed at premises owned or administered by the council following the granting of permission by the council. Each installation will need to be justified, normally as a result of logged incidents where CCTV can be judged to be appropriate in order to deter or prevent future incidents.
- 1.5 The council shall comply fully with the requirements of relevant legislation and guidance in the consideration and possible use of CCTV.
- 1.6 The council accepts the principles of that data must be:
- fairly and lawfully processed;
  - processed for limited purposes and not in any manner incompatible with these purposes;
  - adequate, relevant and not excessive;
  - accurate;
  - not kept for longer than is necessary;
  - processed in accordance with individuals’ rights; and
  - held securely;
- 1.7 Responsibility for the management of the CCTV will lie with jointly with the council and Burstwick Community Primary School.

### 2.0 Legislative Requirements

- 2.1 The council has the power to incur expenditure in respect of CCTV under powers granted by the Local Government and Rating Act 1997, section 31.
- 2.2 The council shall comply will all legislation, and resultant codes, apply to gathering and use of data.
- 2.3 The council recognises that images captured by CCTV may have to be released following a request made under the Freedom of Information Act 2000 (“FOIA”).

### **3.0 Roles and responsibilities**

- 3.1 Day-to-day operational responsibility rests with the Clerk to the Council and Burstwick Community Primary School.
- 3.2 A person will be appointed to carry out an annual check of the CCTV and who can access the system to carry out essential maintenance repairs when requested by the Clerk and the school.
- 3.3 The CCTV images are held securely online, only accessible by the School and the Clerk.
- 3.4 Any breach of this policy shall be investigated by the Clerk to the Council and reported to the Parish Council.
- 3.5 A CCTV system prevents crime largely by increasing the risk of detection and prosecution of an offender. Any relevant tape or digital evidence must be in an acceptable format for use at Court hearings. This policy must be read and understood by all persons involved in this scheme and individual copies of this policy will therefore be issued for retention. A copy will also be available for reference with the recording equipment.
- 3.6 Only those appointed by the council and the school may access the cameras, monitors and associated systems, the following points must be understood and strictly observed by those persons:
  - they must act with due probity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual;
  - the position of cameras and monitors have been agreed following consultation with the council and the school;
  - no public access will be allowed to the monitor except with the express approval of the Clerk and the school;
  - the Police will be permitted access to recording media if they have reason to believe that such access is necessary to investigate, detect or prevent crime. Any visit by the Police to view images will be logged by either the Clerk or the school;
  - the accuracy of the date/time displayed will be checked on each occasion that the system is accessed;
  - digital records and images shall be securely stored to comply with data protection and should only be handled by those appointed by the council and the school. Records and images will normally be erased after a period of (14) days but may be retained for longer only when put aside because of a known incident and required for the apprehension or prosecution of offenders;
  - digital records or images shall not be supplied to the media, except on the advice of the Police. Such a decision will be taken by the Clerk in respect of council property and the headteacher in respect of; school property;
  - as records may be required as evidence in a court of law, each person handling a digital record may be required to make a statement to a Police Officer and sign an exhibit label. Any extracted data that is handed to a Police Officer should be signed for by the Police Officer and information logged to identify the recording, and showing the Officer’s name

and police station. The log should also show when such information is returned and/or the outcome of its use;

- any event that requires checking of recorded data should be clearly detailed in the log book of incidents, including crime numbers if appropriate, and the council and the school notified at the next available opportunity;
- any damage to equipment or malfunction discovered should be reported immediately to the person responsible for maintenance, and the call logged showing the outcome. When a repair has been made this should also be logged showing the date and time of completion;
- any request by an individual member of the public for access to their own recorded image must be made on an 'Access Request Form' and is subject to a standard fee. The sharing of the CCTV by the council and the school complicates access rights under the Freedom of Information Act. In the event that such a request is made the council should take advice from ERNLLCA.

#### **4.0 Accountability**

4.1 Copies of this policy are available in accordance with the Freedom of Information Act, as will any reports that are submitted to the council, providing that does not breach security needs.

4.2 The Police will be informed of the installation and provided with a copy of this policy.

4.3 Any written concerns or complaints regarding the council's use of the system will be considered under the council's existing complaints policy. Any written concerns or complaints regarding the schools use of the system will be considered by that body.

4.4 The CCTV system installed and used by the council does not require to be registered with the Information Commissioner due to its static nature.

4.5 The council is registered with the Information Commissioner as a data handler.

4.6 One or more signs (black and yellow) shall be displayed in the vicinity of where the CCTV is deployed. One or more laminated notice shall be erected providing the following information:

- why CCTV is being used;
- who manages the CCTV;
- contact details for the organisation(s) responsible should anyone want to find out more about the scheme or request access to their CCTV images.

4.7 This policy, together with the continued need for CCTV usage, will be jointly reviewed every two years by the council and the school.

4.8 Contact details for Clerk and School are:

Rose Blackburn – Parish Clerk  
01964 670549  
burstwickpc@gmail.com

Karen Spencer – Business manager  
Burstwick Primary School  
01964 623411  
Burstwickcommunity.primary@eastriding.gov.uk

Date Adopted by parish council: 29.9.2016

Signed Chairman: *D Rainforth*

Signed Clerk: *R Blackburn*