POLICY DOCUMENT

Burton Hospitals
NHS Foundation Trust

CCTV POLICY

Approved by:	**Trust Executive Committee**
On:	**24 October 2017**
Review Date:	**October 2020**
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Clinical / Non Clinical	**Non-Clinical**
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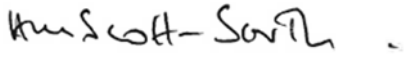
Signature:	 **Chief Executive**
Date :	**24 October 2017**

Burton Hospitals NHS Foundation Trust

POLICY INDEX SHEET

Title:	**CCTV Policy**
Original Issue Date:	**October 2017**
Date of Last Review:	**October 2017**
Responsibility:	**Head of Health and Safety / Local Security Management Specialist**
Stored:	**Intranet site**
Linked Trust Policies:	**Health and Safety Policy**
E & D Impact assessed?	**EIA 353**
Responsible Committee / Group	**Health & Safety Group**
Consulted	**Trust Executive Committee** **Health and Safety Group** **Staff Side** **Estates and Facilities**

REVIEW AND AMENDMENT LOG

Version	Type of change	Date	Description of Change
1	New Policy	October 2014	New Policy
2	Review	October 2017	Review and incorporate new guidance and use of Bodycams by security guards.

Burton Hospitals NHS Foundation Trust

CCTV Policy

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Burton Hospitals NHS Foundation Trust

CCTV POLICY

1. INTRODUCTION

The purpose of this policy is to regulate the management, operation and use of the Closed Circuit Television (CCTV) systems covering Burton Hospitals NHS Foundation Trust premises. The Trust is the responsible owner of the CCTV systems for all Trust sites and conforms to the Information Commissioner's Office: A Data Protection Code of Practice for Surveillance Cameras and Personal Information.

This policy adheres to the Data Protection Act 1998 and will be reviewed on an on-going basis.

2. PURPOSE

Within Trust premises, CCTV is used for the following purposes only:

- To protect Trust premises and assets
- To increase personal safety and reduce the fear of crime
- To support the Police in reducing and detecting crime
- To assist in identifying, apprehending and prosecuting offenders
- To protect patients, staff and visitors
- To provide a deterrent effect and reduce criminal activity.

3. OWNERSHIP

The Trust is the 'data controller' for all CCTV systems operating on its premises: Queens Hospital, Burton, Sir Robert Peel Hospital, Tamworth, and Samuel Johnson Hospital, Lichfield.

4. SCOPE

This policy applies to all persons employed by the Trust and any other groups who access the hospital site, such as staff, visitors, patients, members of the public and contractors.

5. DEFINITIONS

CCTV is the use of video cameras to transmit a signal to a specific, limited set of monitors. It differs from broadcast television in that the signal is not openly transmitted.

6. DUTIES/ RESPONSIBILITIES

6.1 Board of Directors

The Board of Directors have overall responsibility for ensuring that the Trust meets its statutory obligations that effective security arrangements are in place and are periodically reviewed.

6.2 Director of Governance / Security Management Director

The Security Management Director (SMD) is the Director with nominated responsibility for ensuring arrangements for the provision and use of CCTV are adequate and in line with legislative requirements and the annual review of notifying the Information Commissioner's Office (ICO).

6.3 Head of Health & Safety / Local Security Management Specialist

The Head of Health & Safety / Local Security Management Specialist (Head of H&S / LSMS) has specific responsibility for security matters within the Trust and ensures a consistent approach is adopted towards the provision and use of CCTV and appropriate monitoring and recording in accordance to legislative requirements.

6.4 Information Governance Lead

The Information Governance Lead will ensure that the notification to the Information Commissioner's Office relating to the use of CCTV equipment for the Trust is maintained.

6.5 Ward / Department Managers

- To develop and adapt Trust security procedures to ensure that they are relevant to specific Ward / Departmental needs.
- To engage with the Head of H&S / LSMS to identify, prioritise and resolve CCTV risks or issues within their areas.
- To ensure any incident/s of crime or suspected crime is reported to the Head of H&S / LSMS and reported on the incident reporting system.
- Ensure that appropriate education and training is provided to all staff on security measures.
- Be aware that CTTV request to monitor with regard to any criminal activity is available on the intranet under log a request/fault.

6.6 Security Staff

To monitor and record CCTV only on authorisation of the SMD, Head of H&S / LSMS, Associate Director of Estates & Facilities, or out of hours by the On-Call Director / Manager or CSP.

6.7 Staff

All members of staff have a personal responsibility for security and to ensure that they comply with relevant security policies and procedures. This includes maintaining the confidentiality of Trust information and patient data and any other security information or issues concerning CCTV use by the Trust, irrespective of whether the incident has been the

subject of formal reporting. Staff are to comply with all aspects of the policy and are encouraged to report any concerns regarding CCTV facilities or use of such to their line manager or the Head of H&S / LSMS.

It is also essential that all security incidents involving or observed by staff are reported in accordance with the Trust's incident reporting procedure, notifying the Head of H&S / LSMS.

7. PROCESS FOR MANAGING CCTV

7.1 All associated information, documents and recordings obtained by CCTV are held and used in accordance with the Data Protection Act 1998 and the ICO's Code of Practice 2015.

7.2 Images or video recording obtained by CCTV will be authorised and recorded in the CCTV Log Book. Recordings will not be available to individuals or used for any commercial purpose. Recordings will only be released to the media for use in investigation of a specific crime and with the written consent of the Police.

The Crime and Disorder Act makes statutory provision for the sharing of information between law enforcement agencies such as the Police, the security services, HM Customs & Excise, The Probation Service, Department of Work & Pensions etc. If a situation arises where the CCTV footage provides evidence required in an investigation concerning the conduct of a member of staff, the images will be retained and used as part of that investigation and in any subsequent proceedings. In such a case the images will be made available to both the individual(s) and their representatives and to the managers concerned. The release of the images will be done under the control of the Head of H&S / LSMS.

7.3 An individual, e.g. staff member, patient, visitor, contractor, may request access to view and/or obtain a copy of any recording that exists of them or crime that they may be subjected to. The request must be made in writing to the Head of H&S / LSMS and the Legal department. The Trust may request a fee for the disclosure (see Appendix 1).

7.4 Archived CCTV images / recordings will be logged in the CCTV Log Book and will not be kept longer than is necessary for the purpose of police evidence. Once there is no longer a need to keep the CCTV images, they will be erased and any portable copy destroyed as confidential waste.

7.5 All associated information, documents and recordings obtained and used by CCTV are protected by the Data Protection Act 1998 and handled in accordance with the ICO's Code of Practice 2015 and Article 8 of the Human Rights Act 1998.

7.6 Cameras monitor activity on Trust premises, car parks and other public areas to identify criminal activity whether occurring, anticipated or

perceived in order to ensure the safety and wellbeing of staff, patients, visitors, contractors and members of the public.

7.7 As stipulated in the Regulatory of Investigatory Powers Act 2000 (RIPA), cameras must not be directed at individuals, their property or a specific group of individuals. Any directed surveillance using covert recording equipment will only be carried out with the agreement and authorisation of the Police.

7.8 The planning and design of CCTV systems has endeavoured to ensure maximum effectiveness and efficiency but cannot be guaranteed to cover or detect every incident occurring within the areas covered.

7.9 Information signs on CCTV in operation, as required by the Code of Practice of the Information Commissioner are displayed at all access routes to areas covered by CCTV.

8. OPERATION OF THE SYSTEM

8.1 The Estates Department is responsible for the physical equipment and hardwired infrastructure of the CCTV system across all Trust sites, which will be managed in accordance with the principles and objectives expressed in the Data Protection Act 1998 and the Information Commissioner's Office (ICO's) Code of Practice.

8.2 The day to day management of CCTV located on Trust sites will be the responsibility of the Head of H&S / LSMS. All Wards / Departments are responsible for identifying and reporting issues with their CCTV.

8.3 Cameras under the CCTV system will be operated 24 hours a day, 365/6 days a year unless under operational maintenance.

8.4 Requests for CCTV viewing and recording during office hours will be logged under the intranet log a request/fault. Any urgent recordings will be directed to the Head of H&S / LSMS for authorisation. Out of hours urgent requests will be directed to the On-Call Director / Manager or CSP for authorisation.

9. ARCHIVING PROCEDURES AND STILL IMAGES

9.1 In order to maintain and preserve the integrity of recordings for use in any future proceedings, the following procedures for use and retention must be strictly adhered to:

- The Digital Video Disc (DVD) or Compact Disc (CD) must be identified by a Name, Date, Time, Camera Location and Recording Equipment used.

- The DVD or CD must be sealed, signed by the controller, dated, witnessed and stored in a designated secure unit.
- The CCTV Log Book will be completed and maintained by the Head of H&S / LSMS detailing the release of DVD or CD to the Police or other authorised applicants.
- Viewing of data images by the Police must be recorded in writing and entered in the CCTV Log Book. Requests by the Police to view images can only be actioned under Section 29 of the Data Protection Act 1998 and the Police and Criminal Evidence Act (PACE) 1984.
- If a DVD or CD is required as evidence, a copy may be released to the Police. DVD or CD's will only be released to the Police on the clear understanding that the DVD or CD remains the property of the Trust.
- The Police may require the Trust to retain stored DVD or CD's for possible future evidence. Such DVDs will be indexed and securely stored until they are required to be produced as evidence.
- Applications received from external agencies (e.g. solicitors) to view archives/recordings must in the first instance be made to the Head of H&S / LSMS. If appropriate and after liaison with the Director of Governance and the Head of Legal Services, DVD or CDs will only be released where satisfactory documentary evidence is produced confirming legal proceedings, a Subject Access Request (see Appendix 1) or in response to a court order.

9.2 Still photographs of CCTV images should not be taken as a matter of routine. The taking of each photograph must be capable of justification (prevention or detection of crime) and only done with authorisation from the Head of H&S / LSMS, SMD or Director of Estate & Facilities.

9.3 All still photographs of CCTV images shall remain the property of the Trust and shall be indexed in sequence. A record is to be kept of the reason for the production of the photograph, date, and time, the particulars of production of a live photograph.

9.4 Still photographs of CCTV images released to the Police shall be dealt with by the Police as an exhibit and shall at no time be used for anything other than the purpose specified and identified when released to the Police.

9.5 Still photographs of CCTV images shall not be kept for longer than is necessary for the purpose of Police evidence. Once there is no need to keep the CCTV images, they must be destroyed as confidential waste.

10. USE OF BODY WORN VIDEO CAMERAS

Body Worn Video (BWV) involves the use of cameras that are worn by a person and are usually attached to their clothing or uniform to enable both hands to be kept free.

These devices can often record both visual and audio information and are an overt method of obtaining and securing evidence at the scenes of incidents or crimes. This policy intends to enable Security Officers to comply with legislation and guidance from the Code of Practice for Surveillance Cameras and Personal Information to create evidence for use in court proceedings, whilst having due regard to the Human Rights Act.

Security Officers both in-house and contracted will receive all necessary training in the use and recording of BWV and the Security Industry Authority (SIA) Licence covers use of CCTV.

Recordings on the BWV will be transferred to the Head of H&S / LSMS computer and this will be saved in accordance with the Data Protection Act. Any recordings for the Police or other parties will be treated in the same manner as CCTV recording.

10.1 Activate BWV

When the Security Officer is of the belief that recording of the incident or criminal act is required, it is crucial for the Security Officer to inform the individual/s of concern that images and audio footage are being recorded. Security officers must do this at the earliest practical and safest opportunity, irrespective of whether they have just arrived at the scene of an ongoing incident and the equipment was turned on 'on-route' as a matter of practicality or in response to a 'no- notice' event or incident that unfolds in front of them. The following notice should be given to the individual/s of concern:

'I must now inform you that your behaviour has now become/is unacceptable and your word and actions are now being recorded and the recorded footage obtained may be used in evidence and may be passed to the police'

Where possible all attending officers should record events or incidents, where it is the case that two officers are attending it may be best practice for one officer to take a step back to ensure the whole incident and the surrounding area is being recorded albeit without causing unnecessary compromise or breach of confidentiality or dignity for those not involved, e.g. patients/public.

10.2 When not to Activate

The BWV should not be activated:

- Continuously when on patrol.
- To provide recorded images for social media forum.
- Outside the line of duty.
- To deliberately embarrass or take away the dignity of another.
- If a warning of the recording has not been given.
- Where aggression or bad behaviour is deemed to be as a result of a patient lacking capacity.

Where a person responsible for aggressive or bad behaviour is any person in a state of undress or who is a minor, but who is deemed to have capacity, security staff are first to seek the approval and support of the doctor / nurse in charge as to whether recording should continue/be started.

Any breaches of these instructions may be seen as gross misconduct and lead to disciplinary action being taken.

11. BREACHES OF THIS POLICY

11.1 Any breach of this policy shall be reported on the Trust's incident reporting system. It will be initially investigated by the Head of H&S / LSMS and may result in disciplinary action.

11.2 Investigations following breach of this policy will result in recommendations to remedy the breach where appropriate.

12. COMPLAINTS

12.1 Any complaints concerning the Trust's CCTV systems should be addressed to the Director of Governance.

13. SUBJECT ACCESS REQUEST

The Data Protection Act provides Data Subjects (individuals to whom 'personal data' relates) with a right to access data concerning them, including data obtained by CCTV.

Subject Access requests should be made via the intranet log a request/fault or on the Trust internet site by searching CCTV.

Access and disclosure to images is permitted only if it supports the purpose of the investigation. Under these circumstances the request will be made to the Head of H&S / LSMS and discussed with the Director of Governance as to whether disclosure is appropriate and whether there is a duty of care to protect the images of any third parties, taking advice from the Information Governance lead or the Head of Legal Services.

14. MONITORING COMPLAINCE AND EFFECTIVNESS

The Health and Safety Group will monitor the effectiveness of this policy.

Where monitoring has identified deficiencies, recommendations and action plans will be developed and changes implemented accordingly. Progress on these reports will be reported to the Quality Committee.

All cameras will be maintained and serviced annually ensuring that the software is up-to-date.

15. REVIEW

This policy will be formally reviewed in 3 years, or earlier depending on the results of monitoring, changes in legislation, recommendation from National bodies or as a result of an incident or accident, complaints, or claims data analysis or investigation.

16. REFERENCES

- The Data Protection Act 1998
- Information Commissioner's Office: A Data Protection Code of Practice for Surveillance Cameras and Personal Information
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000

Appendix 1

REQUEST FOR CCTV IMAGE
SUBJECT ACCESS UNDER DATA PROTECTION ACT 1998

You are advised that the making of false or misleading statements in order to obtain access to personal information to which you are not entitled is a criminal offence.

SECTION 1: DATA SUBJECT DETAILS

Please supply a photo to aid in identification:

Surname:		**Date of Birth:**	
Forename(s):		**Sex:**	
Address: **Postcode:**		**Home Telephone No:** **Work Telephone No:**	

SECTION 2: LOCATION (note 1)

DATE	AREA	APPROX TIME	DESCRIPTION OF CLOTHING ETC

SECTION 3: DECLARATION STATEMENT (note 2)

This section must be signed in the presence of the person who certifies your application.

I declare that the information in this form is correct to the best of my knowledge and that I am entitled to apply for access to personal data referred to above under *Please tick appropriate box*

□ I am the person named *(go to section 6)*

Signature of Data Subject: ……Date:……

or

The terms of the Data Protection Act 1998

□ I am the agent for the person named and I have completed the authorisation Section

□ I am the parent/guardian of the person who is under 16 years old and has completed the authorisation section

□ I am the parent/guardian of the person who is under 16 years old and who is unable to understand the request *(go to section 6)*

□ I have been appointed by the Court to manage the affairs of the person *(go to section 6).*

SECTION 4: APPLICANT DETAILS (note 3)

Applicants Name (please print)	
Address to which reply should be sent (if different from over, inc Postcode)	
Signature of Applicant	

SECTION 5: AUTHORISATION STATEMENT

I hereby authorise Burton Hospitals NHS Foundation Trust to release CCTV images they may hold relating to me to (Enter the name of the person acting on your behalf) to whom I have given consent to act on my behalf.

……
Signature of Data Subject

.....
Date

SECTION 6: COUNTERSIGNATURE (note 4)

To be completed by the person required to confirm the applicant's identity

I (insert full name).....

Certify that the applicant (insert name).....

Has been known to me as a (insert in what capacity e.g. employee, client, patient etc.)

….. …….....

For _____ years and that I have witnessed the signing of the above declaration.

Name: *please print*		**Profession:**	
Address (inc Postcode):		**Telephone Number:**	
Signature:		**Date:**	

OFFICIAL USE ONLY

Date Request Received		Amount Paid	
Date Form sent to applicant		Method of Payment	
Date Form Returned		Date sent to System Administrators	
Certification Checked		Data checked	
		Date completed	

Appendix 2

APPLICATION FORM
FOR
ACCESS TO CCTV IMAGES
UNDER THE DATA PROTECTION ACT 1998

Burton Hospitals NHS Foundation Trust uses close circuit television (CCTV) systems for the purposes of crime prevention, the prosecution of offenders and public safety.

The Data Protection Act 1998 gives you the statutory right of access to the CCTV images we process about you. Please complete this form if you wish to access a CCTV image. If you require assistance please contact the Local Security Management Specialist (details listed below).

FEES PAYABLE
Please enclose a fee of £10 with your completed application form.

TIMESCALE
On receipt of your completed form and fee, we will respond to your request promptly, and in no more than 40 days. If we encounter any difficulties in locating your image(s) we will keep you informed of our progress.

SUBMISSION OF FORM
Please return this form to:

Head of Health & Safety/Local Security Management Specialist Burton Hospitals NHS Foundation Trust
Belvedere Road
Burton on Trent
Staffordshire
DE13 ORB

NOTES TO ASSIST IN COMPLETION OF THE FORM

LOCATION (Note 1)

Provide details of the camera location, and the date and time of the image(s) you would like to see, as well as a general description of your appearance, clothing etc at the time in question.

DECLARATION (Note 2)

The person making the application must complete this section.

a) If you are the data subject- tick the first box and sign the authorisation then proceed to Section 6

b) If you are completing this application on behalf of another person, in most instances, we will require their authorisation before we can release the data to you. The data subject whose information is being requested should be asked to complete the 'Authorisation' section of the form. (Section 5)

c) If the data subject is a child i.e. under 16 years of age the application may be made by someone with parental responsibilities, in most cases this means a parent or guardian. If the child is capable of understanding the nature of the application his/her consent should be obtained or alternatively the child may submit an application on their own behalf. Generally children will be presumed to understand the nature of the application if aged between 12 and 16. However, all cases will be considered individually.

APPLICANT (Note 3)

The applicant is the person who is applying on behalf of the data subject to get access to the CCTV image(s).

COUNTERSIGNATURE (Note 4)

Because of the confidential nature of data held by Burton Hospitals NHS Foundation Trust, it is essential for us to obtain proof of your identity and your right to receive CCTV image(s). For this purpose it is essential that your application should be countersigned by any one of the following: a Member of Parliament, Justice of the Peace, Minister of Religion, a professionally qualified person (for example, Doctor, Lawyer, Engineer, Teacher), Bank Officer, Established Civil Servant, Police Officer or a person of similar standing WHO HAS KNOWN YOU PERSONALLY. **A relative should not countersign.** The responsibility of the Trusts' Information Manager includes a check to confirm that the countersignature is genuine. In certain cases you may be asked to produce further documentary evidence of identity.

The person who countersigns your application is only required to confirm your identity and witness you signing the 'Declaration' There is no requirement for this person to either see the contents of the rest of the form or to give any assurance that the other particulars supplied are correct.