

Lawnswood Campus



CCTV Policy

Review Date: Autumn 2020

Please read

Governors as Management Board

Schools as PRUs

Signed by the Chair of the Management Board: Date:

1. INTRODUCTION

1.1 Lawnswood Campus uses CCTV for a number of reasons - for example, to protect against crime and to protect pupils, staff, parents and members of the public when they are on school premises.

1.2 Images of people captured on CCTV where they can be easily identified are defined as personal data under the Data Protection Act 1998. This means that all Pupil Referral Units (PRUs) on Lawnswood Campus must meet the requirements of the Act when using CCTV.

1.3 The PRUs justify their use of CCTV under the Data Protection Act 1998 and subsequent guidance released by the Information Commissioner's Office and under the Human Rights Act 1998.

1.4 The policy applies to the open use of CCTV. This covers classrooms, corridors, playgrounds etc. It does not apply to covert surveillance activities. Any operation of this kind may only be carried out with reference to the Regulation of Investigatory Powers Act (RIPA) 2000 in consultation with the Council's RIPA office and/or the Police. For further details see section 6.

1.5 This policy will be reviewed annually, or as appropriate or when legal advice changes.

2. RESPONSIBILITIES FOR CCTV OPERATION

2.1 CCTV schemes will be administered and managed by the Executive Headteacher in accordance with this policy and with guidance from the LA where necessary. Lawnswood Campus has two schemes: one operates within each Centre (internal) and one covers entrances, exits and car parks (external).

2.2 The day-to-day management of the internal CCTV scheme in each Centre (corridors, communal areas, exits and entrances) will be the responsibility of the senior management team.

2.3 Precautions are in place to control access to CCTV equipment and to prevent unauthorised access and misuse. All staff with access to the system must ensure that they adhere to the Data Protection Act 1998 and any security precautions.

2.4 An annual notification for CCTV use is required, therefore checks are carried out on a regular basis to ensure that all procedures are correctly followed and this is reported annually to Management Board.

3. LEGAL BASIS FOR USE OF CCTV SYSTEMS

3.1 The use of CCTV and the images recorded must comply with the Data Protection principles and must be:

- Fairly and lawfully obtained;
- Adequate, relevant and not excessive;
- Accurate;

- Used only for purposes about which people have been informed;
- Secure and protected from unauthorised access;
- Not held longer than required for the purposes they were recorded;
- Accessible to data subjects where a request has been made under the Data Protection Act and where the images are defined as personal data.

3.2 Lawnswood Campus uses CCTV for these legitimate purposes:

- To ensure the safety of pupils and others present on school premises
- To protect the school buildings and assets
- To increase the perception of safety and reduce the fear of crime
- To protect members of the public and private property
- Prevention and detection of crime, eg, theft, arson and criminal damage.

3.3 Our use of CCTV is fair and not excessive or prejudicial to any individual or any group of individuals. We inform people that CCTV is in use on our premises by means of notices.

3.4 The Human Rights Act (HRA) gives every individual a right to private life and correspondence. This means that CCTV should not be used inappropriately and in areas where people could expect privacy. The HRA also makes it imperative that people are informed when CCTV is in operation.

4. ENSURING THAT USE OF CCTV IS FAIR

4.1 Each PRU on Lawnswood Campus includes the use of CCTV on their annual Data Protection notification (registration) to the Information Commissioner's Office as one of the purposes for which they use personal data.

4.2 We only use CCTV for the purposes that are in this policy.

4.3 Parents and pupils are made aware of the use of CCTV on the school site during their induction. This policy is also available on request and it is one of the policies available on the PRU website.

4.4 In each PRU there is a notice that includes the following information:

- The identity of the Data Controller (the school);
- The purposes for which CCTV is being used,
- Details of who to contact about the scheme and name/phone number where applicable.

4.5 The viewing of internal CCTV footage will be the responsibility of the Executive Headteacher and a very limited number of nominated staff. Appendix 1 outlines these procedures.

4.6 Staff or individuals connected to the PRU who wish to view CCTV footage should do so by written request (i.e. email) to the Executive Headteacher and the fact that the recording has been viewed will be logged (Appendix 2)

5 RETENTION OF RECORDINGS

5.1 Digital recordings are stored in a separate, locked room and access is strictly confined to authorised staff.

5.2 Recordings will be held for a limited period of time and will be destroyed when their use is no longer required. A maximum period of 28 days is recommended but this will be extended where the recordings are required for an ongoing investigation. When the retention period has been reached recordings will be destroyed.

6. PROCEDURES FOR DISCLOSURE OF CCTV RECORDS TO OTHER ORGANISATIONS

6.1 Access to CCTV recordings day-to-day will be restricted to staff who operate the system (Appendix 1)

6.2 CCTV recordings will be held only by the school unless there is a legitimate reason to disclose them.

6.3 Records may need to be disclosed for the following reasons:

- To the police, for the prevention and detection of crime;
- To a court for legal proceedings;
- To a solicitor for legal proceedings;

6.4 Where recordings have been disclosed or viewed by an authorised third party the school keeps a record of:

- When the images were disclosed;
- Why they have been disclosed;
- Any crime incident number to which they refer;
- Who the images have been viewed by or disclosed to.

6.5 Viewing of CCTV recordings by the Police will be recorded in writing. Requests by the Police are actioned under section 29 of the Data Protection Act. The Police should provide a completed section 29 form stating that the information is required for the prevention and detection of crime. If a form is not available, or in an emergency, the school will record in writing when and why the information has been released.

6.6 Should a recording be required as evidence, a copy may be released to the Police. Where this occurs the recording will remain the property of the school. The date of the release and the purpose for which it is to be used will be recorded.

6.7 The Police may require the school to retain recordings for possible use as evidence in the future. Such records will be stored and indexed so that they can be retrieved when required. They will be stored in a locked filing cabinet in the Executive Headteacher's office.

6.8 Applications received from other outside bodies (eg, solicitors) to view or release recordings will be referred to the Executive Headteacher. In these circumstances, recordings may be released where satisfactory evidence is produced showing that they are required for legal proceedings, or an information access request (see section 7) or in response to a Court Order.

6.9 Recordings will only be released to the media for use in the investigation of a specific crime following direct instruction from the Police.

7. SUBJECT ACCESS REQUESTS

7.1 Under section 7 of the Data Protection Act 1998, individuals who are the subject of personal data are entitled to request access to it. This includes CCTV images where they are defined as personal data within the meaning of the Act. If a request is received, a fee (up to a maximum £10) can be charged and a copy of the images must be provided within 40 days of the request.

7.2 Lawnswood Campus recognises that recent legal cases have raised the issue of when CCTV images are to be considered as personal data. Guidance arising from this implies that personal data must be substantially about the person and should affect their privacy in some way. In relation to CCTV this will not include all images. For example:

- A wide shot of a playground or school corridor with many people in view of the cameras would not normally be considered as the personal data of all those involved. However, where a camera has picked up an individual or group of individuals specifically, or has been moved to zoom in on them, the images recorded may be considered personal data.

7.3 Where a request has been made to view an image or recording, an application must be made in writing to the Executive Headteacher. This must include details of themselves to allow identification of them as the subject of the images and enough information to locate the images on the system. The individual may wish to access either a still image or part of a recording.

7.4 Where third parties are included in the images a balanced view will be taken by the Executive Headteacher which considers whether the images would involve an unfair intrusion into the privacy of third parties in the image(s), cause unwarranted harm or distress, and whether it is reasonable in all circumstances to release the information to the individual.

7.5 An individual may feel that the decision of the Executive Headteacher is wrong. If this is the case, an appeal would need to be made to the Chair of the Management Board, in order for the decision to be reviewed.

7.6 There is no obligation to provide information where a request has been made after CCTV records have been routinely destroyed in accordance with this policy. However, where a request has been made for recordings still in existence, they must not be destroyed until the request is complete.

7.7 For further information on dealing with requests under the Data Protection Act, Data Protection policies will need to be consulted along with LA guidance. Queries may be referred to the Local Authority's Data Protection Officer.

8. BREACHES OF POLICY

8.1 Any breach, or alleged breach, of this policy will be investigated by the Executive Headteacher.

8.2 Any breaches of policy may mean that procedures need to be reviewed in order to ensure that the situation does not arise again. Serious breaches may need to be referred to the Information Commissioner.

9. COMPLAINTS

9.1 Any complaints about the operation of the CCTV system should be addressed to the Executive Headteacher, where they will be dealt with according with the complaints procedures, with reference to this policy.

REFERENCES AND LINKS

Information Commissioners Office: ICO - CCTV

CCTV Code of Practice (revised edition 2008): Code of Practice

Chair of the Management Board:

Mr T Gallagher c/o Lawnswood Campus, Lawnswood Avenue, Parkfields, WV4 6SR.

Appendix 1

This Appendix is intended to ensure the safety of all users of the site by enabling incidents to be dealt with in line with the CCTV policy.

Agreed Procedure:

- Public areas can be viewed either by live feed or by playback. This can be done by Senior Management only, in their own Centres, at any time.
- Classrooms may be viewed by playback and only after a major incident has been reported.
- Classroom playback is protected by a two part password. Classroom playbacks will be logged and will only take place in the presence of the Executive Headteacher (or her Deputy) and the staff involved **unless** a safeguarding issue is identified.
- Once access has been activated by the second password holder, they must withdraw unless the incident involves them.
- At all viewings staff can request to be accompanied by a colleague or a union representative. The choice of representative must not compromise any investigation and should be agreed by the Executive Headteacher.
- Should the incident result in criminal proceedings, police will be informed that the footage has been viewed and by whom in line with the recording sheet (Appendix 2)
- If an allegation comes from the Police or Wolverhampton Safeguarding Board, without it being reported in the PRU, the video footage will be given to those bodies on receipt of the appropriate paperwork as specified in the CCTV policy.

The Executive Headteacher will nominate a Deputy if she is not able to carry out the duties outlined in the policy or this Appendix within a reasonable time.

Following this the password will be changed.

