

THE WESTGATE SCHOOL

Hampshire's First 4-16 'All Through' School

*"The Westgate School is a community of learners where partnerships inspire success for all:
learning together – achieving excellence"*

Headteacher: Mrs F A Dean, MA (Ed)

Initial Policy date	April 2020	Next scheduled review	June 2024
Governor approved	June 2023	Key person/people	Senior Site & Facilities Strategic Lead
Model Policy		Model localised	Yes
Pupil leadership team review		Y / N / N/A	

CCTV Policy and Code of Practice.

1. Introduction.

Closed circuit television (CCTV) is primarily installed at The Westgate School premises for the purposes of employees, pupils and premises security. Cameras are located at various places within the internal and external area around the premises, and images from the cameras are recorded.

The use of CCTV falls within the scope of the Data Protection Act (DPA) 2018, which sits alongside the General Data Protection Regulation (GDPR), and tailors how GDPR applies in the UK. This code of practice follows the recommendations issued by The Commissioner's Office (ICO) in accordance with powers under the 2018 Act, along with the guidance on Video Surveillance issued by the ICO.

The Westgate School is the Controller of the personal data processed through use of the school CCTV system.

In order to comply with these requirements the school will need a lawful basis for each of these processing purposes, data must be:

- Fairly and lawfully processed
- Processed for limited purposes and not in any manner incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in accordance with individuals' rights
- Secure

2. Data Protection statement.

2.1 As the Data Protection Officer, the Senior Site & Facilities Strategic Lead is the appointed individual with responsibility for the school's CCTV use, management and oversight

2.2 CCTV is installed for the purposes of:

- 2.2.1 employees, pupils, visitors and premises security;
- 2.2.2 monitoring the movements and activities of employees and pupils whilst on the premises;

- 2.2.3 use of images, where necessary and appropriate as part of employee and/or pupil counselling or disciplinary procedures.
- 2.3 Access to the live CCTV system processing and stored images will be controlled on a restricted basis within The Westgate School.
- 2.4 Use of images, including the provision of images to a third party, will be in accordance with The Westgate Schools Data Protection policy.
- 2.5 External and internal signage are displayed stating of the presence of CCTV.

3. Retention of images.

Images are retained for as long as necessary in accordance with the purpose' and refer the reader to the school's data retention table

The system does not have an automatic power backup facility which may operate in the event of a main supply power failure.

4. Control of access to images.

It is important that access to, and disclosure of, images recorded by CCTV and similar surveillance equipment is restricted and 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 the images be required for evidential purposes.

5. Access to images by authorised Employees.

Access to recorded images is restricted to the approved appointed roles, who will decide whether to disclose images and recordings following receipt of requests for access by data subjects and/or third parties (see serial 7), and in accordance with the law.

The appointed roles are

- **Members of the governing body:** on a need to know only basis and for ensuring CCTV system is operated within the parameters of this policy
- **The Headteacher:** liaise with the DPO to ensure use of CCTV system is in accordance with the stated scope of this policy
- **Data Protection Officer (DPO):** Monitor compliance within this policy in accordance with UK data protection law. Deal with subject access requests in line with the Freedom of Information Act (2000)
- **The system managers :** Oversee security and maintenance of system.
- **Senior Leadership Team:** is authorised to view footage in response to an incident
- **Authorised employees.** Any authorised colleagues under express permission of the Headteacher

Viewing of images must be documented as follows:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- The reason for the viewing
- The outcome, if any, of the viewing
- The date and time of replacement of the recordings

6. Removal of image for use in legal proceedings.

In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The reason for removal
- Specific authorisation of removal and provision to a third party
- Any crime incident number to which the images may be relevant
- The place to which the recordings will be taken
- The signature of the collecting police officer, where appropriate
- The date and time of replacement into secure storage of the recordings

7. Access to images by third parties.

Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1).

The data controller will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry – upon recipient of a data request form
- Prosecution agencies
- Relevant legal representatives
- The press/media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

8. Access by data subjects.

Under UK data protection laws, individuals have a right to access and receive a copy of their personal data, and other supplementary information. Using the 'Application to access to CCTV images' form (found at Appendix one).

9. Procedures for dealing with an access request.

All requests for access by Data Subjects will be dealt with by the Data Protection Officer (DPO).

The data controller will locate the images requested. The data controller will determine whether disclosure to the data subject would entail disclosing images of third parties, and where appropriate consent will be sought.

The data controller will need to determine whether the images of third parties are held under a duty of confidence. In all circumstances The Westgate School indemnity insurers will be asked for advice on the desirability of releasing any information.

If third party images are not to be disclosed, the data controllers will arrange for the third party images to be disguised or blurred. If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers
- The written contract makes the security guarantees provided by the editing company explicit

An individual is only permitted to have access to data or information that is about or relates to themselves. If others are present in the footage, then generally these should be redacted unless there is clearly no risk to that individual from being disclosed.

Where possible, The Data Controller will consider whether it is possible to comply with the request without disclosing information that identifies another individual.

The DPO will provide an acknowledgement of receiving the request setting out the data controllers' decision on the request.

A copy of the request and response should be retained.

10. Complaints.

Complaints must be in writing and addressed to the Senior Site & Facilities Strategic Lead, or emailed to contact@westgate.hants.sch.uk. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the parent or data subject is required. All complaints will be acknowledged within 7 days, and a written response issued within 21 days.

Appendix one. Data Protection Act 2018 – Application for CCTV Data Access.

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ALL Sections must be fully completed. Attach a separate sheet if needed.

Name and address of Applicant	
Name and address of “Data Subject” – i.e. the person whose image is recorded	
If the data subject is not the person making the application, please obtain a signed consent from the data subject opposite	Data Subject signature.....
If it is not possible to obtain the signature of the data subject, please state your reasons.	
Please state your reasons for requesting the image.	
Date on which the requested image was taken.	
Time at which the requested image was taken.	
Location of the data subject at time image was taken (i.e. which camera or cameras.)	
Full description of the individual, or alternatively, attach to this application a range of photographs to enable the data subject to be identified by the operator.	
Please indicate whether you (the applicant) will be satisfied by viewing the image only.	

OFFICE USE ONLY	OFFICE USE ONLY
Access granted (tick)	
Access not granted (tick)	Reason for not granting access:
Data Controller’s name:	
Signature:	
Date:	