Organisational Policy

CCTV Policy

Our Commitment
Argyll Community Housing Association Group is committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist Argyll Community Housing Association (ACHA) and Argyll Homes for All (AHFA) to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.

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Section 1 – Context

1.1 The Association has a mobile CCTV system that we can use if required, in exceptional circumstances both as a deterrent and a means of detection and to maintain a safe environment for tenants, owners, staff and visitors. The Group also use dash cams on our vehicles and there are CCTV cameras in some of our offices. The Association recognises that using a CCTV system can be intrusive but we also recognise the potential value of this system. In installing CCTV the impact on people's right to privacy will be a key consideration, and we recognise that the images of individuals recorded by CCTV are personal data which must be processed in accordance with data protection legislation.

1.2 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers, interns, ACHA tenants and owners, and anyone visiting ACHA's premises or properties, or using ACHA vehicles.

1.3 The Data Protection Officer (DPO) has the overall responsibility for the effective operation of this policy. Any queries regarding this policy should be directed to our Data Protection Officer.

Section 2 – The Law and Good Practise

2.1 In order to effectively deliver the aims and obligations of this policy ACHA will meet the requirements of the following:-

- Antisocial Behaviour Etc. (Scotland) Act 2004;
- Housing (Scotland) Act 2001;
- Human Rights Act 1998;
- Data Protection Act 2018;
- UK General Data Protection Regulation (UK GDPR);
- Regulation of Investigatory Powers (Scotland) Act 2000;
- Housing (Scotland) Act 2014;
- Equality Act 2010;
- Protection from Harassment Act 1997;
- The Performance Standards for Registered Social Landlords in Scotland as detailed in the Scottish Housing Charter;
- The Terms of the Scottish Secure Tenancy Agreement and any other lease or agreement in place;
- Group Actions by Unreasonable Complainants Policy;
- Group Safeguarding Policy;
- Group Estate Management Policy;
- Group Data Protection and Privacy Policy;
- Group Data Retention Policy;
- Group Complaint Handling Procedure;

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Section 3 – Our Policy Aims and Objectives

3.1 By publishing this policy ACHA aims to outline why and how we will use our mobile CCTV system and how we will process data recorded by our CCTV systems including dash cams on our vehicles and CCTV at our offices.

3.2 Ensure that when we do use our CCTV system that individuals legal rights are recognised and respected.

3.3 Explain how to make a Subject Access Request (SAR) in respect of personal data created by our CCTV.

3.4 This policy is supported by a Guidance Note for staff to use when considering the use of our CCTV system.

Section 4 – Implementing Our Policy Objectives

4.1 We believe that the use of CCTV by ACHA is necessary for legitimate purposes including:-

(a) For the personal safety of tenants, staff, visitors and other members of the public to act as a deterrent against crime and anti-social behaviour.

(b) To prevent crime and protect buildings and assets from damage, disruption, vandalism and other crime.

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

4.2 The Association has a mobile CCTV unit which we may install in exceptional circumstances in order to prevent and or detect anti-social behaviour or criminal behaviour or for other exceptional circumstances agreed by the DPO and where there are reasonable grounds for doing so and after suitable consideration, we reasonably believe there is no less intrusive way to tackle the issue. The Group also have some permanently installed CCTV at some of our offices and there are Dash cams installed on our vehicles.

4.3 Any installation of ACHA's own mobile CCTV system will be subject to a Data Protection Impact Assessment (DPIA). These will follow the Information Commissioners Office (ICO) guidance. The Association will maintain a record of DPIA's as a record of decision making and installation and review. A DPIA and consultation survey are not required for use of dash cams on our Groups vehicles or the permanent CCTV at our offices.

4.4 A consultation survey will also be conducted with all residents and stakeholders whose privacy is likely to be affected, where appropriate and their views taken into account before installing any CCTV.

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4.5 When erecting our CCTV camera the location will be chosen to minimise the viewing of spaces not relevant to the legitimate purpose of the monitoring. The following criteria will also be used:-

- Ensure images are of a good quality relevant to their purpose.
- Ensure that the date and time images are captured and identifiable.
- Ensure unnecessary images are not viewed or recorded.
- Ensure relevant retention periods are complied with.
- Install image only systems which have no sound recording capability as standard. In exceptional circumstances where we can evidence that audio recording is necessary we may install a system which is capable of recording audio.
- Ensure camera is sited in a secure location protected from vandalism.

4.6 Our CCTV camera will NOT be used to record sound. Although we do reserve the right to record sound in exceptional and very limited circumstances where we can evidence that audio recording is necessary.

4.7 Where our CCTV camera is in operation we will ensure that signs are displayed at the entrance of the surveillance zone to alert individuals that their image may be recorded. The signs will contain details of the organisation operating the system, the purpose for using the CCTV system and who to contact for further information, where these things are not obvious to those being monitored.

4.8 Access to all equipment and images will be strictly controlled and measures will be put in place to ensure that access to the footage is limited to authorised personnel only. Staff using surveillance systems will be given appropriate training to ensure they understand and observe the legal requirements related to the processing of relevant data.

4.9 In order to ensure that the rights of individuals recorded by our CCTV system are protected, we will ensure that data gathered by our CCTV camera is stored in a way that maintains its integrity and security. This may include encrypting the data where it is possible to do so. Given the large amount of data generated by surveillance systems we may store video footage using a cloud storage system. We will take all reasonable steps to ensure that any cloud service provided maintains the security of our information in accordance with industry standards. We may engage data processors to process data on our behalf. We will ensure reasonable contractual safeguards are in place to protect the security and integrity of the data.

4.10 Live feeds from CCTV cameras will only be monitored where this is reasonably necessary, for example to protect health and safety.

4.11 The Association shall not undertake routine monitoring of images captured in residential locations. Access to images will be on an as and when required basis and in accordance with the purpose for which the system was installed. This will

only be carried out where an incident has been reported that requires investigation or where there is clear suspicion that an incident has taken place. Occasional monitoring on a short term basis may be required in order to substantiate claims of anti-social behaviour or criminal behaviour through detecting ongoing or repeated incidents.

4.12 Data recorded by our CCTV system will be stored digitally using a cloud storage system. Data from CCTV cameras will not be retained indefinitely but will be permanently deleted once there is no reason to retain the recorded information. Exactly how long images will be retained for will vary according to the purpose for which they are being recorded. 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.

4.13 CCTV footage from our CCTV system will be kept for a maximum of 31 days before being erased unless required for a specific enquiry or as evidence.

4.14 Footage from our CCTV system may be made available to the following third parties:-

- The Police where it is believed that the images will assist in an enquiry;
- Prosecuting agencies;
- Legal representatives;
- The Local Authority where appropriate.

4.15 No images from our CCTV cameras will be disclosed to any third party without express permission being given by our Data Protection Officer. Residents and other third parties will not be permitted to view CCTV footage with the exception of persons who have been recorded on the CCTV and make a Subject Access Request that has been agreed.

4.16 We will maintain a record of all disclosures of CCTV footage.

4.17 Subject Access Requests (SAR's) – access to images captured by all our CCTV system may be required in order to respond to a SAR. All requests for system footage by individuals will be treated as a SAR and handled in line with the Associations SAR procedures. In doing so the Association acknowledges the requirement to balance the rights of data subjects against those of other individuals who appear in the requested images. On receipt of a SAR, arrangement will be made to retain and prevent automatic deletion of all images of the individual submitting the SAR that have been captured.

4.18 A Subject Access Request should be made in writing in line with our Data Protection and Privacy Policy available online or by contacting any of our offices. In order for us 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. We reserve the right to obscure images of third parties when disclosing our CCTV data as part of a SAR, where we consider it necessary to do so.

4.19 We recognise that in rare circumstances individuals may have a legal right to request erasure of personal data concerning them or to restrict processing of their personal data. Any individual who considers that these rights apply to them in relation to our use of CCTV should speak to our Data Protection Officer in the first instance.

4.20 There may be circumstances where ACHA will work in partnership with the Police and Argyll and Bute Council to allow the Local Authority and/or Police to install their CCTV equipment on our properties. In these circumstances it would be the owner of the CCTV (Police or Council) who would be the data controller/processor.

Section 5 – Roles and Responsibilities

5.1 The roles and responsibilities of staff are as follows:

5.2 The Director of Finance and IT is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

5.3 The Regional Manager is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

5.4 Operational Managers will be responsible for the effective implementation of this policy, and the procedure which supports it, within their area of responsibility. They must also ensure that each member of their staff, through induction and e-learning, is made aware of this policy and participates in relevant training where applicable.

5.5 All ACHA employees are required to familiarise themselves with this policy, and the associated procedure which supports it, and comply with its provisions, as well as undertake any training implemented in association with this policy.

Section 6 – Performance Management

6.1 The Data Protection Officer (DPO) will monitor and evaluate the effectiveness of this policy annually. We will also review the ongoing use of our CCTV camera at least every 3 months to ensure that its use remains necessary and appropriate and that the surveillance system is continuing to address the needs that justified its use in the first place.

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Section 7 – Development and Training

7.1 ACHA is committed to training and developing staff in order that they have a good knowledge of this policy. Staff using ACHA's CCTV system will be given appropriate training to ensure they understand and observe the legal requirements related to the processing of relevant data.

7.2 Awareness sessions are made available to Governing body members on request as part of their development plan.

Section 8 – Dealing with Complaints

8.1 We value complaints and endeavour to use information from them to help us improve our services. If any individual has any concerns about our use of CCTV, their complaint will be dealt with in line with our complaint handling procedure. Complaints can be made if we fail to apply this policy properly or do not meet our organisational standards.

8.2 There may be times where we have communicated our decision to a complainant, yet they continue to report the same matters. On occasions we may have contact from people who are abusive or unreasonable. If the contact from a complainant becomes unreasonable, persistent or vexatious then we may consider taking action in line with our Unreasonable Actions by Complainants policy. We may also consider unreasonable contact to meet our definition of ASB and therefore deal with the matter in line with this policy.

8.3 We will always take a sensitive approach, seeking to understand the reasons for the unreasonable contact and trying to provide support where we believe it is due to an additional need, rather than an intention to cause nuisance or harassment.

Section 9 – Consultation and Review

9.1 This policy will be reviewed every five years or earlier if required due to substantive changes in legislation or regulatory requirements.

9.2 As part of the review process formal consultation will take place with relevant stakeholders, who include:

- Tenants and residents;
- Registered Tenant Organisations;
- The Feedback Forum;
- The Your Voice Scrutiny Group;
- Staff.

9.3 The outcome of the review process will be made available via our tenants' newsletter, website and social media platforms.

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Section 10 – Confidentiality and Data Protection

10.1 All information provided by tenants and residents will only be used for the purpose provided. We will ensure that we meet the requirements of the Data Protection Act 2018 and UK GDPR (General Data Protection Regulation). We will process and retain personal information in compliance with current data protection legislation and regulations.