

BROTHERS OF CHARITY SERVICES IRELAND

NATIONAL POLICY

Closed Circuit Television (CCTV) Policy & Guidelines


Document reference number	2015NP12	Revision No.	1
Approved by	Brothers of Charity Services Ireland		
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Approval date	12/10/2018	Next Revision Date	12/10/2021

Table of Contents

Ethos	3
1.0 Introduction	3
2.0 Policy Statement	3
3.0 Purpose.....	3
4.0 Scope.....	3
5.0 Legislation/other related policies	4
6.0 Glossary of Terms and Definitions	5
7.0 Roles and Responsibilities	5
8.0 Guidelines.....	6
8.1 Purposes of CCTV.....	6
8.2 Purpose Limitation.....	6
8.3 Considerations in the Use of Closed Circuit Television Camera.....	6
8.4 Siting of Cameras.....	7
8.5 Signage	7
8.6 Quality of the Images from CCTV	8
8.7 Retaining Information & Processing Images	8
8.8 Access to the Images	8
8.9 Subject Access Requests	9
9.0 Revision and Audit:	10
10.0 References/bibliography:	10

Ethos

'We are committed to working with people with an intellectual disability to claim their rightful place as valued citizens. Inclusion is a fundamental principle that underlies all aspects of our work. We believe in the intrinsic value of every person and we aim to further the dignity of all associated with our services.'

'We continue the Brothers of Charity Services' tradition of being open to the best contemporary influences. We want to be inspired by the most creative ideas ...and to ask how we give them concrete expression.'

The Brothers of Charity Services Ethos (2001), Going Forward Together.

1.0 Introduction

The Brothers of Charity Services Ireland endeavour to offer services/supports in local communities. This enables each person who is supported by our Services to positively engage in the social and economic life of their local towns and villages and in doing so, develop a range of relationships that enhance their quality of life.

Our responses are based on the recognition of each person (who is supported by our service) as an individual, an equal citizen with equal rights and an absolute respect of that status. We, therefore, support each person to live their lives based on their own personal visions and choices, to identify and select their personal goals in life and to develop their personal plan to achieve those goals.

2.0 Policy Statement

2.1 It is the policy of the Brothers of Charity Services Ireland to provide a safe and secure environment for individuals supported by the Services, staff and all those who enter Brothers of Charity Services Ireland premises. Closed Circuit Television (CCTV) may be installed on Brothers of Charity Services premises to support this policy and its use will be legal, proportional and evidence based.

3.0 Purpose

3.1 The purpose of this policy is to outline the safeguards in place in regard to the operation of and access to the CCTV systems, and the resultant images.

4.0 Scope

4.1 This policy applies to all staff and services under the remit of the Brothers of Charity Services Ireland and relates directly to the location, use and purpose of CCTV and the monitoring, recording, processing and subsequent use of Recorded Data recorded by the CCTV.

4.2 This policy also applies where CCTV systems are used in "satellite"

services e.g. Homsharing/Contract Family situations where the monitoring is at the direction and control of the Services

5.0 Legislation/other related policies

- 5.1 European General Data Protection Regulations 2018(GDPR) and associated Irish legislation
- 5.2 Data Protection Principles
 - Obtain and process data fairly;
 - Only keep personal data for one or more specified, explicit and lawful purpose;
 - Process personal data only in ways compatible with the original purpose;
 - Keep personal data safe and secure;
 - Keep personal data accurate, complete and up to date;
 - Ensure that personal data is adequate, relevant and not excessive;
 - Retain personal data no longer than is necessary for the specified purpose;
 - Provide a copy of his/her personal data to any individual, on request.
- 5.3 The use of CCTV cameras is controlled by European General Data Protection Regulations 2018(GDPR) and associated Irish legislation.
- 5.4 The Data Commissioner's office states that CCTV may be used legitimately for security related purposes at the perimeters of buildings. Use beyond this purpose must be fully justifiable and evidence-based with a very high threshold for such evidence. There must be special circumstances of a very specific nature that would need to demonstrate that the installation of CCTV is proportionate in addressing specific health and safety concerns prior to the installation of CCTV. Ongoing recording of a person would not be considered compliant with the Data Protection legislation The fair processing requirements of the Acts require that individuals are informed of the purpose of the CCTV camera. In addition, the consent of the person being recorded must be obtained if CCTV is ever to be used. In the case of obtaining informed consent, it will be necessary to refer to the Assisted Decision-Making (Capacity) Bill 2013 for guidance.
- 5.5 Standard 2.2 of the National Standards for Residential Services for Children and Adults with Disabilities (HIQA, 2013), requires that any policy on the use of closed circuit television (CCTV) is informed by relevant legislation and that where CCTV systems are used they do not intrude on privacy.
- 5.6 Health Act 2007 (Care and Support of Residents in Designated Centres

for Persons (Children and Adults) with Disabilities) Regulations 2013

- 5.7 Mental Health Commission Rules Governing the use of Seclusion and Mechanical Means of Bodily Restraint (2009).
- 5.8 This policy/procedural guideline document must be used with the Organisation's policy and procedural guidelines in the areas of Human Rights; Person Centred Planning (Personal Outcomes); Safeguarding; Codes of Practice; Behavioural Support; Medication Management; Risk Management; and Data Protection.

6.0 Glossary of Terms and Definitions

- 6.1 The Services refers to the Brothers of Charity Services Ireland (BOCSI)
- 6.2 Staff includes all persons paid or unpaid who support individuals in our Services
- 6.3 CCTV refers to Closed Circuit Television but may also refer to other audio/visual processing or recording devices such as audio or visual or combined monitors.
- 6.4 Personal Data is defined under Article 4 of the EU General Protection Regulation ('GDPR') as "*any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person*".
- 6.5 Data is information in any format that can be processed.

7.0 Roles and Responsibilities

- 7.1 The Director of Services must approve the use of any CCTV
- 7.2 The Facilities Manager has overall responsibility for overseeing the contractual CCTV services.
- 7.2 The Local Services Manager is responsible for ensuring that:
 - The system is operational at times agreed by the Director of Services.
 - Servicing and repairs are carried out as necessary to the system by PSA licenced contractors
 - Prominent signage is in place
 - The operation of any CCTV system in operation is regularly monitored, assessed and reviewed.

8.0 Guidelines

8.1 Purposes of CCTV

- 8.1.1 The CCTV system is operated on premises occupied by the Services for the safety and security of the people we support our staff, buildings, information located or stored on the premises, and assets.
- 8.1.2 The CCTV system may be used to investigate security incidents in order to secure evidence, should such incidents occur.
- 8.1.3 In exceptional circumstances, where it is considered appropriate, the CCTV system may be used to visually monitor the health and/or behaviour of people we support. These images will be captured and processed on the CCTV system. Not all images/audio will be recorded but where recording occurs recordings will be reviewed by nominated personnel who are involved in the therapeutic intervention and will only be used for this purpose. Recordings that are required to be stored for a longer time than is outlined in 8.8.1 below must have a specific therapeutic purpose.
- 8.1.4 Written consent for such processing and/or recording of such data will be sought beforehand from the person themselves and/or from their parent/ guardian/ advocate and the Director of Services

8.2 Purpose Limitation

- 8.2.1 The CCTV system is not used for any other purpose than that outlined in 8.1 above.
- 8.2.2 CCTV used to monitor individuals should respect the privacy of the individual and should not be used in bedrooms or bathrooms

8.3 Considerations in the Use of Closed Circuit Television Camera

- 8.3.1 There is a requirement in the 2006 Regulations associated with the Mental Health Act 2001 that CCTV use is limited to exceptional situations. It is the policy of the Services to significantly limit the use of CCTV devices to exceptional situations.
- 8.3.2 Prior to putting in a CCTV system to an areas where individuals supported by the Services, staff, visitors, or students, could be monitored/recorded there would have to be a judgement weighing safety and security against the right to privacy. The following steps should be carried out and documented:
 - A Risk Assessment;
 - A Privacy Impact Assessment;
 - A Specific Data Protection policy drawn up for use of the devices in a limited and defined set of circumstances only (this policy should include documented data retention and disposal policy for the footage if recorded and retained);

- Documentary evidence of previous incidents giving rise to security/health and safety concerns; and
- Clear signage indicating image recording in operation.

8.3.3 If CCTV or other camera monitoring devices are used in exceptional situations, a multidisciplinary staff team, in addition to following the “Procedural Guidelines when Considering the Use of Restrictive Interventions”, must also take the following considerations into account:

- Ensure viewing is restricted to designated staff
- Ensure that the CCTV camera/ monitor is evident and clearly labelled
- The recording and storing a person’s image on a disc, tape, hard drive or in any other form, where this occurs, is in line with the purpose and limitations of this policy and agreements with the Director of Services.
- Ensure that the CCTV camera is incapable of transmitting images other than to a stationary monitor within the building/house and ensure that the monitor is only visible to staff members. responsible for the health and welfare of the person
- Disclose the existence and usage of the CCTV camera to the person, his/her next of kin, advocate, and relevant others.
- Ensure it is used only at specifically agreed times, as appropriate, and necessary.
- Discontinue CCTV use as soon as its use is no longer necessary
- The installation of a CCTV camera or other device containing a camera must also be approved by the Director of Services

8.3.4 The use of any CCTV system in operation is regularly monitored, assessed and reviewed.

8.4 Siting of Cameras

8.4.1 It is essential that CCTV equipment is sited in such a way that it only monitors those areas intended to be covered by the equipment.

8.4.2 If it is not possible to restrict coverage, the owner of a property or space being overlooked should be consulted. If cameras are adjustable, this should be restricted in such a way that it is not possible to manipulate them to overlook areas not intended to be covered.

8.5 Signage

8.5.1 It is essential that legible *CCTV Recording in Use* signs are displayed in a prominent place at appropriate locations where they will be clearly seen by staff, individuals supported by Services, and the public.

- 8.5.2 The signs should contain the following information:
- Identify Brothers of Charity Services Ireland as responsible for the surveillance;
 - Purpose of the surveillance;
 - Contact details;
 - The image of a camera.

8.6 Quality of the Images from CCTV

- 8.6.1 It is important that the images produced by the equipment are as clear as possible in order that they are effective for the purpose/s for which they are intended.
- 8.6.2 The equipment and recording media should be maintained on a regular basis by a PSA licenced contractor to ensure the quality of the images is upheld.

8.7 Retaining Information & Processing Images

- 8.7.1 It is important that images are not retained for longer than is considered necessary for the purpose/s for which they were processed. Therefore, unless the images are required for evidential purposes in legal proceedings, they will not be retained beyond a maximum of 90 days.
- 8.7.2 In order to protect the security of the CCTV system, a number of technical and organisational measures have been put in place, including:
- Administrative measures include the obligation of all outsourced personnel having access to the system (including those maintaining the equipment and the systems) being individually security cleared;
 - Access is restricted to authorised personnel
 - The storage medium should be stored in a secure environment with a log of access kept.
 - Only a named Senior Manager (after consulting with the Services Data Protection Officer) is able to grant, alter or annul any access rights of any persons.

8.8 Access to the Images

- 8.8.1 It is important that access to, and disclosure of images to third parties are strictly controlled and documented. This is to ensure that the rights of the individual are maintained, and that the chain of evidence remains intact should the images and sound be required for evidential purposes. Access to these images and sound will normally be through the following: Court Order for Discovery, Freedom of Information access request, a Data Protection access request and in cases where obliged by law e.g. An Garda Síochána when investigating a criminal

offence.

8.8.2 In certain circumstances images may be disclosed to those carrying out a formal internal investigation or disciplinary procedure, where it can reasonably be expected that the disclosure of the images may help the investigation or prosecution of a sufficiently serious disciplinary offence or a criminal offence.

8.8.3 A copy of this policy will be made available on request to contractors and visitors to the premises.

8.9 Subject Access Requests

8.9.1 Under Data Protection legislation, an individual has the right to view any personal information held about them by a Data Controller, such as the Brothers of Charity Services Ireland. All requests should be made in writing to the National Data Protection Officer or the Data Protection Representative in the Services region.

8.9.2 The following information should be logged where access is provided:

- Record the reason for disclosure;
- Record the details of the image and sound disclosed i.e. the date, time and location of the image;
- Record who was present when the images were disclosed;
- Record whether any images were disguised/blurred to prevent identification of individuals other than the data subject.

8.9.3 If it is not possible to disguise the images, an external company may be contracted to facilitate this. This will need to be recorded.

8.9.4 Requests will not be complied with where there are insufficient details supplied relating to the date and time of the recording. Correspondence is to be sent to the requester advising them of this.

8.9.5 If the data subject wishes to view the images on site, as opposed to a copy being sent, the viewing should take place in a closed office with only the relevant individuals present.

8.9.6 In line with Section 8 of the General Data Protection Regulations and associated Irish Legislation. An Garda Síochána are entitled to view personal information about individuals, if it is for the following purposes:

- For the prevention or detection of crime;
- For the apprehension or prosecution of offenders;
- When it is required urgently to prevent injury or other damage to the health of a person, or serious loss of or damage to property;
- When it is required by, or under any enactment, or by a rule of law or order of a Court.

Requests must be made on the official Garda Data Protection Form and retained on file.

9.0 Revision and Audit:

- 9.1 A periodic audit of the necessity and effectiveness of the use of CCTV will be carried out at each specific location; this will take place at least every 2 years or sooner if deemed appropriate
- 9.2 This Policy will be reviewed at intervals not exceeding three years to ensure it is in line with best practice and legislation.

10.0 References/bibliography:

- 10.1 Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013
- 10.2 Mental Health Commission Rules Governing the use of Seclusion and Mechanical Means of Bodily Restraint (2009).
- 10.3 Policy on Use of Closed Circuit Television (CCTV) Systems - Western Care
- 10.4 CCTV Policy and Procedure (Sytoris)

