

SD-10

POLICY AND PROCEDURE

CCTV Surveillance

Approved by: _____

Date Effective From: _____

Review Date: _____

CARRIGLEA CAIRDE SERVICES

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Title: CCTV Surveillance

1.0 Scope

1.1 The use and purpose of Closed Circuit Television (CCTV) surveillance and the gathering of footage to protect service users, staff and property owned and rented by the Services.

2.0 Aims and Values

2.1 To provide for the safety and security of service users, staff, visitors and the property of the Services.

2.2 To ensure that all staff understand the use of and location of CCTV Surveillance and how the Service manages the recorded material.

2.3 To ensure correct use of CCTV surveillance within the Services and compliance with General Data Protection Regulations (GDPR) and other relevant legislation.

3.0 Contents

6.0 Introduction

7.0 General Data Protection Regulations

8.0 Responsibilities

9.0 Use of CCTV for Investigation Purposes

10.0 Location of CCTV Cameras

11.0 Subject Access Requests

4.0 Referenced Documents

SD-25 Information Governance – Confidentiality, Data Protection and Freedom of Information.

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5.0 Responsibilities

5.1. Data Controller, Data Protection Officer, managers, and all staff

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6.0 INTRODUCTION

6.1 In compliance with its statutory responsibility, it is the policy of Carriglea Cáirde Services to provide a safe and secure environment for service users, staff and all who visit the Services.

6.2 **Purpose:** CCTV surveillance at the Services' premises is intended for the purposes of:

- Protecting the Services' buildings and assets, both during and after normal business hours.
- Promoting and protecting the health and safety of service users, staff and visitors at the premises.
- Reducing the potential for incidence of crime and anti-social behaviour (including theft and vandalism);
- Supporting An Garda Síochána in a bid to deter and detect crime.
- Providing assistance in criminal investigations (carried out by An Garda Síochána), including robbery, burglary and theft.
- Checking premises in the event of activation of a security alarm.
- Managing any health and safety risks and/or accidents in accordance with the Services health and safety obligations and relevant insurance policies.
- CCTV may be used in the event of a service users going missing for the purpose of trying to locate the person. See policy and procedure on *Missing Service User*.

6.3 **Signage:** There are signs posted in the vicinity of all cameras giving notice of CCTV monitoring in operation. A copy of this CCTV Policy is available in all residential and day service areas and it is also available on Carriglea Cáirde Services website.

Adequate signage will also be prominently displayed at the entrance to the Premises.

6.4 Any footage collected is used for security/health and safety purposes and in limited circumstances, where applicable, for disciplinary purposes.

6.5 Any deviation from this policy and the use of CCTV for other purposes is prohibited.

7.0 GENERAL DATA PROTECTION REGULATIONS (GDPR)

7.1 Recognisable images captured by CCTV systems are 'personal data'. They are therefore subject to the provisions of the Data Protection Acts. See Policy and Procedure on *Information Governance- Confidentiality, Data Protection and Freedom of Information*. Further guidance is also provided by the Office of the Irish Data Protection Commissioner (www.dataprotection.ie)

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- 7.2 **RESTRICTED ACCESS:** Access to Recorded data will be restricted to personnel authorised by the Services to access such Recorded data ('Authorised Personnel'). Supervising the access and maintenance of CCTV is the responsibility of the Chief Executive who may delegate the administration and control of CCTV to another member of management or staff.

The Services will maintain an access log recording all individuals accessing such Recorded data.

Recorded data and the monitoring equipment will be securely stored in restricted areas. The Services shall endeavour to prevent unauthorised access to the secure areas at any time. The Secure area will be locked when not occupied by the Authorised Personnel.

Where the Services deems it necessary, CCTV footage/ Recorded data may be accessed by additional Authorised Individuals e.g. An Garda Síochána or the Services insurers where the insurers require same in order to pursue a claim for damage done to the premises or in respect of any health and safety issue occurring or alleged to have occurred at the premises.

- 7.3 Any images that are collected on the CCTV equipment will be processed fairly and will only be retained for lawful purposes.

- 7.4 **RETENTION:** In compliance with GDPR, Personal data shall be "*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed*".

All Recorded data captured by the Services CCTV system will be retained for a maximum of one calendar month, except where the Services reasonably believes that an image (or images) of such recorded data identifies an issue or potential issue and is retained by the Services specifically in the context of an investigation/prosecution of that issue or potential issue.

- 7.5 Where it occurs that footage is the subject of investigation, the data may be held for more than 30 days and in the event of suspected criminal activity, it may be handed over to An Garda Síochána, following due process.

- 7.6 Should any member of staff be in breach of the General Data Protection Regulations, it may lead to disciplinary action being taken.

- 7.7 **STORAGE:** The GDPR states that Personal data shall be "*processed in a manner that ensures appropriate security of the personal data, including protection against*

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unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures”.

All Recorded data will be stored by the Services in a secure environment.

7.8 **LEGAL BASIS:** The legal basis for recording of CCTV footage is a based on ‘**legitimate interest**’ to protect the Services premises and property from crime or damage, and to ensure the health and safety of service users, staff members and the public.

7.9 Data subjects should be informed if their data is being shared with any third party.

8.0 RESPONSIBILITIES

8.1 Staff must co-operate fully with the measures set out in this policy to protect themselves and service users and also to ensure that the Services is compliant with its legal responsibilities.

8.2 Should a staff member notice any inappropriate activity in or around the Services property, he/she should report it to a manager so that it may be investigated. CCTV footage may be used if necessary, by an authorised person.

8.3 Should any member of staff notice a vehicle or an individual that they believe should not be on the grounds, it is their responsibility to contact the Health and Safety Coordinator or the most senior person on duty. If necessary, an authorised person will view the CCTV footage.

8.4 Although CCTV systems are put in place to endeavour to prevent theft and other unacceptable behaviour, it is still the responsibility of all staff to ensure that the premises and property is properly secured and that valuables are safe and hidden from view.

8.5 Staff should ensure that they understand the terms of this policy and abide by them at all times.

8.6 Managers must:

- ensure that all staff, when being inducted into the Services, are made aware of this policy and procedure.
- Ensure that the use of the CCTV system is implemented in accordance with this policy.

8.7 The Data Protection Officer must include the use of CCTV in audits of compliance with GDPR.

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9.0 USE OF CCTV FOR INVESTIGATION PURPOSES

- 9.1 In the event of an accident/incident or allegation against a staff member or any other person, CCTV footage may be used to aid in the investigation of the matter.
- 9.2 Footage from CCTV cameras may be used in evidence against a person. In such cases, the person may view the relevant footage should they wish to do so. An application must be made in writing to the data controller.
- 9.3 In the event of An Garda Síochána/other statutory bodies requesting access to CCTV images for a specific investigation, the data controller must satisfy himself/herself that there is a genuine investigation underway and follow due process. Recorded data obtained through the CCTV system may only be released to any third party when such release is authorised by the Chief Executive. Any requests from third parties including from An Garda Síochána for data recorded using the Services CCTV system will be appropriately logged by the Chief Executive. Legal advice sought be sought if deemed necessary.

The Data Protection Commissioner's guidance on the use of CCTV makes a distinction between a request by An Garda Síochána to view recorded data on the premises and a request to take away or download a copy of the recorded data. The Services will always seek confirmation in writing from An Garda Síochána (on An Garda Síochána headed paper) in respect of a request to take away or download recorded data and seek that the written request sets out the details of the recorded data required and the legal basis for such a request. In urgent matters, verbal requests from An Garda Síochána to view or access recorded data can be dealt with by the Chief Executive and can then be followed up by a written request from.

10.0 LOCATION OF CCTV CAMERAS

- 10.1 The Services does not seek to locate CCTV cameras to monitor areas of the premises where individuals would have a reasonable expectation of privacy. The Services endeavours to select locations for the installation of CCTV cameras which minimise such intrusion so as to protect the privacy of individuals at the premises, so far as is reasonable. Cameras placed by the Services so as to record external areas of the premises are, so far as is reasonably possible, positioned to prevent or minimise recording of passers-by or of another person's private property.
- 10.2 The Services does not engage in covert surveillance.

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10.3 CCTV is not currently used in the interior of service user's homes. Should this be considered a requirement for health and safety reasons in the future, account will be taken of risk assessments, data protection and data subject privacy rights.

10.4 CCTV cameras are located in public areas externally at:

- main entrance gate,
-

10.5

10.6 At White Strand Respite house, cameras are located on the outside of the building.

10.7 Gateway Day Service – CCTV surveillance outside the building is controlled by the management company of the rented premises.

10.8 There is a camera installed in the church in Carriglea which is not part of the CCTV system. This camera is focused on the altar and is used to relay Mass or other religious services to the TV sets in residential homes within the Services. Events in the church may be recorded on you-tube.

11.0 SUBJECT ACCESS REQUESTS

11.1 The GDPR provides that data subjects can request copies of images of themselves captured by the system.

11.2 **Access requests:** On written request to the Data Controller (Vincent O'Flynn, Chief Executive), any individual who is the subject of personal data (data subject) and whose image has been captured in the recorded data has a right to be given a copy of the recorded data retained at that time by the Services which relates to him/her, provided always that such recorded data exists at the time of the request i.e. has not been deleted and provided also that an exemption/prohibition does not apply to the release of such recorded data.

11.3 Where the relevant recorded data identifies another individual, that recorded data may only be released to the data subject where the relevant image(s) in the recorded data can reasonably be redacted/anonymised/pixelated so that any other person(s) are not identified or identifiable or where the other person(s) have provided explicit consent to the release of the recorded data to the data subject.

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- 11.4 To exercise their right of access to recorded data the data subject must make an application in writing to the Chief Executive, who must respond within one month of receipt of any such request.
- 11.5 A data subject requesting CCTV footage should provide all information which the Services deems necessary in order to assist in locating the requested data, such as the date, time and location of the relevant recorded data. If the relevant image(s) is of such poor quality as not to clearly identify an individual, that image may be deemed by the Services to not be personal data and may inform the data subject of that finding and may decline to hand over the relevant recorded data on that basis.
- 11.6 In circumstances where recorded data that is the subject of a request cannot be copied to another device, or in other exceptional circumstances, the Services will endeavour to provide stills of the relevant recorded data as alternative to video footage to the data subject.
- 11.7 In the event that the Services is providing CCTV footage to a third party the data subject/subjects should be informed.
- 11.8 Any complaint with regard to CCTV surveillance should be directed to a member of senior management. If the complaint cannot be resolved within the Services, and you feel that your rights have been infringed by the use of CCTV, the matter can be referred to the Data Protection Commissioner.

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