

## CCTV Procedure

**This procedure implements the Information Governance Policy providing information on CCTV and outlining processes to be followed to ensure compliance with all legislative, regulatory and best practice requirements**

### BACKGROUND

Young Epilepsy recognises that CCTV can be a valuable tool both in unobtrusively observing our students and in increasing security. For these reasons, it may be approved for use on Young Epilepsy premises.

To ensure that all legal, regulatory and best practice standards are met, CCTV can only be implemented if the processes outlined in this document are completed. All CCTV must be annually approved by the Executive team member responsible for the area in which the CCTV will be operational.

CCTV may record both sensitive and confidential information. Its use and retention must therefore meet information governance, data protection and confidentiality standards. Failure by staff to do so may be gross misconduct and could result in disciplinary action.

In drafting this procedure the following statutory obligations and guidance have been considered:

- Data Protection Act 2018;
- UK General Data Protection Regulation;
- Protection of Freedoms Act 2012;
- Computer Misuse Act 1990;
- Regulation of Investigatory Powers Act 2000;
- Malicious Communications Act 1988;
- Human Rights Act 1998;
- Information Commissioner Office's Code of Practice;
- Surveillance Commissioner's Surveillance Camera Code of Practice.

### Use of CCTV

Young Epilepsy will use surveillance equipment as deemed necessary in the following situations:

- For the observation of live footage to provide assistance to Young Epilepsy students;
- For the observation of live footage of staff attending to vulnerable students unaccompanied with a view to provide assistance if necessary;

- For the recording of students in situations where evidence of behaviour or activity might be necessary;
  - To record the movement of people in vulnerable areas for security purposes; and
- The CCTV may be recorded on Young Epilepsy's servers or act as a live feed.

### **CCTV standards**

Young Epilepsy undertakes to enforce best practice regarding the use of CCTV as follows :

- A notice making people aware of the presence of CCTV in a specific area must be placed so it is clearly visible to everyone in that area;
- Where possible, the manager of the area in which the CCTV is placed should also verbally inform people of the use of CCTV;
- Only signage approved by the Speech & Language Therapists as being student friendly should be used on campus;
- Only IT Services staff, requiring access for maintenance and support of such systems, will have routine access to saved CCTV images.
- Requests by staff for access to saved CCTV images ,must be made on the 'Request for Surveillance Information' form and appropriately approved;
- Whenever appropriate CCTV will be live feed, rather than recorded;
- CCTV images must not be used any other purpose than originally intended, unless instructed by a legal agency or representative;
- CCTV images may only be retained for a limited time in accordance with their purpose. This time period should be specified in the original paperwork and can only be extended if an incident requiring further investigation is identified in the footage and appropriate approval obtained;
- CCTV images are confidential and must be treated in the same manner as all other confidential records (please refer to the Confidentiality Procedure for further details on the confidentiality requirements);
- It is a disciplinary offence for CCTV to be used in any way not outlined by this procedure;
- In exceptional cases CCTV may be used in student bedrooms to monitor medical conditions, such a sleep apnoea or silent seizures, that cannot otherwise be detected without obtrusive monitoring. In such cases additional protections must be put in place and a live feed is favoured.

## PROCEDURE

### Process for the installation of CCTV within Young Epilepsy

It is the responsibility of the relevant Manager/Head of Department to ensure any CCTV surveillance within their area of operation has gone through the process outlined in this procedure. Failure to do so may be a matter of gross misconduct and could result in disciplinary action.

#### Assessments/Support forms

The following assessment/support forms must be completed, in liaison with relevant staff, before CCTV is installed:-

a. Impact Assessment.

To be completed by the Manager/Head of Department with responsibility for the area in which CCTV will operate. This assesses the impact of the CCTV on staff and student privacy and details the proposed CCTV location.

If the CCTV is to operate in a student bedroom written consent or a supporting best interests decision must be obtained. (The nature of the consent must accord with Young Epilepsy's Consent procedure and will depend on age and capacity).

b. Organisational Assessment.

To be completed by the Information Governance Manager.

c. Technical Assessment.

To be completed by Head of IT Services.

d. Medical support form (only to be used when the CCTV monitors students)

To be completed by a medical professional, where the CCTV is to be used for a medical purpose, such as monitoring for sleep apnoea or for seizures that are not picked up by audio monitoring. It must provide details of the medical need for this CCTV. (N.B. CCTV is unlikely to be used in bedroom areas without medical support.)

#### Approvals

Approval should be obtained from:-

1. Head of Care (if the CCTV is in a residential setting);
2. Executive

The member of the Executive team with responsibility for the area in which CCTV will operate must complete the Executive Approval form, taking into account:-

- The Assessments – Impact, Organisational and Technical;
- Medical support form (if relevant); and
- Head of Care approval (if relevant).

If Executive approval is not given then CCTV may not be installed in that instance, although the matter may be reviewed later.

### Following approval

If Executive approval is obtained then:-

- The installation should be arranged by the Head of IT;
- The paperwork should be sent by the IG Manager to the relevant Manager/Head of Department for retention within their departmental or a student's records.

### **Process for the continued use of CCTV surveillance**

All uses of CCTV must be annually reviewed and renewed.

Annual Renewal forms are available for the following job roles and must be completed by the:-

- Manager/Head of Department, responsible for the area where the CCTV is sited;
- Head of IT;
- Information Governance Manager;
- Medical professional (where the CCTV has a medical purpose);
- Head of Care (where the CCTV is to be used in a residential setting); and
- Relevant member of the Executive;

If Executive Approval to continue using CCTV is not obtained then the CCTV surveillance must cease immediately. It is the responsibility of the Head of IT to ensure that this happens.

If Executive Approval to continue using CCTV is obtained then the CCTV can continue in use until the date specified in the Annual Renewal of Executive Approval form, which can be no more than 12 months following approval.

### **Process for accessing CCTV surveillance footage**

In order for a member of staff to have access to the CCTV footage, the Request for Surveillance footage form must be completed. This requires the approval of the relevant member of the Executive team and either the Information Governance Manager or the Head of IT Services

In the first instance, the member of staff making the request will only be able to view the footage. A copy will only be provided if the footage suggests the need for further action and if IG, IT and security standards, as identified by the Head of IT and the Information Governance Manager, are met.

CCTV footage may form part of an Access Request.

The Police or safeguarding authorities may be granted access to CCTV under the Schedule 2-4 exemptions of the Data Protection Act 2018, which allows for the disclosure of data if it will prevent or detect crime or if it allows for the apprehension or prosecution of offenders. The decision to release on these grounds will be taken by the relevant member of the Exec team. The Police and other third parties will be granted access to the CCTV if a court order is made requiring Young Epilepsy to do so or if Young Epilepsy is subject to some other legal duty, such as regulatory compliance or the legal duty to report a potential crime.

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**This procedure is agreed by the Director of Human Resources and the Senior Information Risk Owner and will be implemented by all departments.**

**Signed:** .....

**Sarah Stookes**  
**Director of HR and SIRO**

**Date:** .....

Date of next review: 30<sup>th</sup> June 2023