The Bishop Wheeler Catholic Academy Trust

Policy

CCTV

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The Bishop Wheeler Catholic Academy Trust

Our Mission

Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

This policy was approved by the Chief Executive Officer on behalf of the Trust Board

Signature:

Mr D Beardsley
Chief Executive Officer

Date: 4th September 2023

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Version	**Date**	**Description**	**Revision Author/s**
1.0 Published	June 2020	Trust Policy	JJN/DBY/GNE/NFR/Schofield Sweeny Solicitors
2.0 Review	September 2023	Trust Policy Review	JJN/DBY/GNE/NFR

Change review

Version	**Date**	**Changes**
1.0	June 2018	New Policy
2.0	September 2023	**Introduction** – updated **Purpose** – updated **Relevant legislation and guidance** – Information added **Roles and Responsibilities** – updated **DPO details** – information added **Operation of the CCTV System** – information added **Storage and Retention** – updated **Subject Access Request** – updated **Monitoring of this policy** -information added **Links to other policies** – information added

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Definitions

In this policy for CCTV, unless the context otherwise requires, the following expressions shall have the following meanings:

BWCAT	The Bishop Wheeler Catholic Academy Trust.
Trust, we and our	Covers all of the schools within The Bishop Wheeler Catholic Academy Trust and The Bishop Wheeler Catholic Academy Trust Office.
Governing Body	The Directors of the Trust Board.
Academy Council	Governors elected or appointed to individual Academy Councils.
CEO	The Chief Executive Officer for the Trust.
Executive Headteacher/Headteacher	Executive Headteacher/Headteacher responsible for individual academies.
DPO	Data Protection Officer
ICO	Information Commissioner's Office
GDPR	UK General Data Protection Regulation
CCTV	Closed-Circuit Television and is the use of video cameras to transmit a signal to a specific place on a limited set of monitors. The images may then be recorded on video tape or DVD or other removable digital recording mechanisms.
Surveillance	Monitoring the movements and behaviour of individuals; this can include video, audio or live footage. However, on the advice of the ICO code of practice, this policy does not permit the use of audio recording.

Introduction

The Trust is committed to ensuring that CCTV is used appropriately in accordance with the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

The CCTV systems in all of the Trust schools are registered with the Information Commissioners Office (ICO).

This policy outlines the Trust's use of CCTV and how it complies with current regulation.

Purpose

The purpose of this policy is to regulate the management, operation and use of CCTV systems within the Trust.

This policy applies to all employees of the Trust, pupils at each academy, visitors and all other persons whose images may be captured by the CCTV system.

The purpose of the CCTV system is to:

- Make members of the school community feel safe
- Protect members of the school community from harm to themselves or to their property
- Deter criminality in the school
- Protect school assets and buildings
- Assist police to deter and detect crime
- Determine the cause of accidents
- Assist in the effective resolution of any disputes which may arise in the course of disciplinary and grievance proceedings
- To assist in the defense of any litigation proceedings

The CCTV system will not be used to:

- Encroach on an individual's right to privacy
- Monitor people in spaces where they have a heightened expectation of privacy (including toilets and changing rooms)
- Follow particular individuals, unless there is an ongoing emergency incident occurring

The list of uses of CCTV is not exhaustive and other purposes may be or become relevant.

Footage or any information gleaned through the CCTV system will never be used for commercial purposes.

In the unlikely event that the police request that CCTV footage be released to the media, the request will only be complied with when written authority has been provided by the police, and only to assist in the investigation of a specific crime.

The footage generated by the system should be of good enough quality to be of use to the police or the court in identifying suspects.

Relevant legislation and guidance

This policy has due regard to legislation and statutory guidance, including:

- UK General Data Protection Regulation
- Data Protection Act 2018
- Human Rights Act 1998
- European Convention on Human Rights
- The Regulation of Investigatory Powers Act 2000
- The Protection of Freedoms Act 2012
- The Freedom of Information Act 2000
- The Children Act 1989
- The Children Act 2004
- The Equality Act 2010

Roles and responsibilities

Governing Body

The Trust Board has overall responsibility for ensuring that all academies comply with the guidance in this policy.

Academy Council

The Academy Council will support their Academy in ensuring the CCTV system is operated within the parameters of this policy and that the relevant legislation is complied with. The Academy Council will also report any strategic issues with this

policy or its operation, and any proposals for development, through the appropriate channel to the Trust's senior executive officers and/or the Trust Board.

Executive Headteacher/Headteacher

The Headteacher is responsible for ensuring that this policy is followed by all staff and pupils and visitors to the school.

The Headteacher will consult and liaise with the Data Protection Officer (DPO) to decide where CCTV is needed and to justify its use.

The Headteacher will consult the DPO about how to ensure the lawful processing of the surveillance and CCTV footage.

The Headteacher will identify staff within their academy who shall be responsible for the operation and viewing of the CCTV system. This should be limited to two members of staff. The Headteacher is responsible for ensuring that only the identified staff have access to the operation and viewing of the CCTV system

The Headteacher will ensure that their identified staff are trained by the DPO in their responsibilities under the ICO CCTV Code of Practice.

Identified Staff

Staff who have been identified by the Headteacher will be responsible for:

- Managing surveillance and CCTV footage for legitimate reasons and ensuring that it is used accordingly.
- Ensuring surveillance and CCTV footage that is relevant, adequate and not excessive in relation to the reason for its collection.
- Ensuring that any surveillance and CCTV footage identifying an individual is not kept for longer than is necessary.
- Protecting footage containing personal data against accidental, unlawful destruction, alteration and disclosure.
- Accurately recording any request to view or download any footage.
- Accurately recording any footage that has been downloaded and disclosed to a third party such as the police.
- Receiving relevant training from the DPO to understand their responsibilities under the ICO CCTV Code of Practice.
- Identifying a Subject Access Request for any CCTV footage.
- Ensuring any such request is brought to the attention of the Headteacher and DPO before a disclosure is made.
- Check the system for faults and security flaws each term.
- Ensure each term that the data and time stamps are accurate.

Data Protection Officer (DPO)

The Data Protection Officer is:

Jemma Johnson

Trust Head of Governance

j.johnson@bwcat.org

The role and responsibilities of the DPO include:

- Dealing with subject access requests (SAR) in line with legislation, for any disclosure of CCTV footage held by the Trust.
- Ensuring that all identified staff at each academy within the Trust handle and process surveillance and CCTV footage in accordance with data protection legislation.
- Ensuring that surveillance and CCTV footage is obtained in line with legal requirements.
- Ensuring that surveillance and CCTV footage is destroyed in line with legal requirements when it falls outside of its retention period.
- Informing data subjects of how their data captured in surveillance and CCTV footage will be used by the academy, their rights for the data to be destroyed and the measures implemented by the academy to protect individuals' personal information.
- Ensuring each academy in the Trust has completed a privacy impact assessment (PIA), and a data protection impact assessment (DPIA), to ensure the use of surveillance and CCTV is justified and monitors the risks of using such systems.
- Train all identified staff in the Trust to understand their responsibilities as set out in the ICO CCTV Codes of Practice and to be able to identify any Subject Access Request.
- Act as a point of contact for communications from the Information Commissioner's Office.
- Ensure that the CCTV system is not infringing on any individual's reasonable right to privacy in public spaces.
- Receive and consider requests for third-party access to CCTV footage.

Siting of Cameras

- Cameras will be sited so they only capture images relevant to the purposes for which they are installed (as described in the introduction above) and care will be taken to ensure that reasonable privacy expectations are not violated. Each academy will ensure that the location of equipment is carefully considered to ensure that images captured comply with the GDPR.

- Each academy will make every effort to position cameras so that their coverage is restricted to the academy premises and minimise the recording of passer-by or of another person's private property.
- The cameras will be sited to ensure that they can produce images of the right quality, taking into account their technical capabilities and the environment in which they are placed.
- CCTV will only be sited in classrooms if there is a clear reason to do so, such as damage to equipment or the building. This must be discussed with the Headteacher and DPO prior to the installation of any camera.
- CCTV cameras will not be placed in toilets or changing rooms, to protect privacy.
- Signs will be displayed to inform individuals that they are in an area within which CCTV is in operation.

Data Protection Impact Assessments (DPIA)

A Data Protection Impact Assessment (DPIA) will be completed whenever the development or review of a CCTV system is being considered. This is to ensure that the purpose of the system is and remains justifiable.

A DPIA will be reviewed prior to the installation of any additional surveillance and CCTV system equipment. If the DPIA reveals any potential security risks or other data protection issues, the Headteacher will discuss these risks with the DPO and ensure any appropriate safeguards can be put in place.

The DPIA should be carried out by the Headteacher at each academy that has responsibility for the CCTV system and the DPO.

If after completing the DPIA the use of a surveillance and CCTV system is deemed too intrusive to privacy, the academy will make the appropriate changes or need to seek alternative provision.

Operation of the CCTV system

CCTV systems will be operational 24 hours a day, 365 days a year.

The system is registered with the Information Commissioner's Office.

The system will not record audio.

Recordings will have date and time stamps. These will be checked by the identified member of staff for CCTV, termly and when the clocks change.

Management and Access

Access to recorded images will be restricted to those staff authorised to view them and will not be made more widely available.

A log of any access to view the CCTV recordings will be maintained by each academy and must include: the time and date of access; the name of the authorised person accessing the recordings; and the reason for accessing the information. Please see **Appendix A** as an example of a template for the log.

There will be no disclosure of recorded footage to third parties other than to authorised personnel such as the police and service providers to the schools in the Trust where these would reasonably need access to the footage (e.g. HR Department, Trust solicitors for internal investigations, insurance companies in relation to a claim)

In relevant circumstances, CCTV footage may be provided to:

- law enforcement where the Trust are required by law to make a report regarding the commission of a suspected crime; or
- Following a request by law enforcement when a crime or suspected crime has taken place and/or when it is suspected that illegal/anti-social behaviour is taking place on the Trust's property; or
- the HSE and/or any other statutory body charged with child safeguarding; or
- data subjects (or their legal representatives), pursuant to an access request where the time, date and location of the recordings is furnished to the Trust; or
- individuals (or their legal representatives) subject to a court order; or
- the Trust's insurance company where the insurance company requires information in order to pursue a claim for damage done to the insured property.

If a request is received from a law enforcement agency or other service provider for disclosure of CCTV images, the Headteacher or Identified Staff member must obtain an official written request outlining reasons for the request and liaise with the DPO as to whether the disclosure of CCTV is permissible.

The CCTV system will be operated by the identified staff members in each academy only.

No other individual will have the right to view or have access to any CCTV images, unless authorised by the Headteacher at each academy.

The CCTV System will be checked every term by the identified staff member in each academy, to ensure that the system is operating effectively.

Any cameras that present faults will be repaired as soon as possible to avoid any risk of loss of security functionality or potential data breach.

The location of the CCTV recording systems should be a secure room and only accessed by the Headteacher and their Identified staff members.

Storage and Retention

Recorded images will be kept for no longer than 30 days. On occasion footage may be retained for longer than 30 days for a specific and exceptional reason, for example where a law enforcement body is investigating a crime, to give them the opportunity to view the images as part of an active investigation.

While retained, the integrity of the recordings will be maintained to ensure their evidential value and to protect the rights of the people whose images have been recorded.

All retained data will be stored securely at all times and then permanently deleted when no longer required.

Subject Access Request (SAR)

Any individual recorded in any CCTV image is a data subject for the purpose of data protection legislation and has a right to request access to those images, unless an exemption applies under the General Data Protection Regulations.

Any individual who requests access to images of themselves will be considered to have made a Subject Access Request.

When a request is made, the DPO must be informed. The DPO will then assist the Headteacher to ensure the Trust's SAR Guidance is followed. This needs to take place before reviewing the CCTV footage.

If the CCTV footage contains only the individual making the Subject Access Request, then the individual may be permitted to view the footage. This must be strictly limited to the footage which contains images of the individual making the request.

If the CCTV footage contains images of other individuals, then the Headteacher and DPO must consider whether:

- The request requires the disclosure of images of individuals other than the requester, for example, whether the images can be distorted so as not to identify other individuals.
- The other individuals in the footage have consented to the disclosure of the images, or their consent could be obtained

A record must be kept and held securely of all disclosures, which sets out:

- When the request was received;
- The process followed by the Headteacher/DPO in determining whether the images contained third parties;
- The considerations as to whether to allow access to those images;

- The individuals that were permitted to the view the images, recording the date and time;
- DPO to also record on the SAR's central register.

See **Appendix A** for a template record of requests

Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee can be charged, or an exemption may be applied. The DPO must be consulted prior to charging a fee or application for an exemption.

All requests will be responded to without delay and at the latest, within one month of receiving the request. However, the ability of the school to service such requests may be reduced or impossible due to staff absence and school closure over the school holidays. Staff with permission to access pupil information are not contracted to work within school holidays. Administrative school staff may also not be contracted to work outside of term time, rendering the request impossible to fulfil in the absence of staff and school closure. Should a school holiday closedown period severely affect the school's ability to facilitate the production of the required information, the requestor will be notified and school may extend the period of compliance.

Where possible requests should be made in writing to the Headteacher at the academy. Individuals submitting requests for access will be asked to provide sufficient information to enable the footage relating to them to be identified. This should include the date, time and location.

The Trust reserves the right to refuse access to CCTV footage where this would prejudice the legal rights of other individuals or jeopardise an ongoing investigation.

CCTV footage can be viewed by the requestor at the academy or central team office at a convenient time for the requestor and the academy. CCTV footage will not be downloaded and given to the requestor to take away with them.

Misuse of CCTV System

The misuse of a CCTV system could constitute a criminal offence. Any member of staff or pupil who breaches this policy may be subject to disciplinary action.

Monitoring of this policy

This policy will be reviewed every three years or when updates to statutory guidance are made. The policy will be reviewed by the DPO to consider whether the continued use of a surveillance camera remains necessary, proportionate and effective in meeting its stated purposes.

Links to other policies

- Data protection policy
- Privacy notices for parents, pupils, staff, governors and volunteers
- Safeguarding policy

Appendix A

Record of Access to CCTV Footage

Name & Job Title of person making request	Contact Details	Date & time of access to CCTV footage	Details of recording to be viewed	Details of person/Company downloading CCTV footage	Reason why the footage is being looked at	Name of staff viewing the footage	Signature of identified staff member

The 13 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy

St. Joseph's Catholic Primary School Otley, a Voluntary Academy

Ss Peter and Paul Catholic Primary School, a Voluntary Academy

Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy

St Mary's Horsforth Catholic Voluntary Academy

St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy

St Joseph's Catholic Primary School Harrogate, a Voluntary Academy

St Mary's Catholic Primary School Knaresborough, a Voluntary Academy

St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy

Holy Name Catholic Voluntary Academy

St Roberts Catholic Primary School, a Voluntary Academy

St John Fisher Catholic High School Harrogate, a Voluntary Academy

St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy

The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

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