



CCTV Policy

Version 1.0

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Version Control

Note: minor updates increase version number by 0.1, major updates increase version number by 1.0.

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Introduction

As an employer and a provider of social housing, Yarlington has a legitimate interest in seeking to provide a safe environment for those who work or live in its premises. Yarlington has access and the ability to use both overt and covert CCTV which can in some circumstances also record sound. This policy sets out the principles by which Yarlington operates when using CCTV.

Yarlington is legally obliged to meet the Standards set by the Homes and Communities Agency to:

- Keep neighbourhood and communal areas associated with the homes it owns safe; and
- Prevent and tackle anti-social behaviour in the neighbourhoods where it owns homes.

Yarlington will give full consideration to all options available to promote safety and tackle reports of anti-social behaviour (ASB).

This policy should be read in conjunction with:

- Anti-Social Behaviour Policy
- General Data Protection Policy
- Safeguarding Adults Policy
- Safeguarding Children Policy
- Health and Safety Policy
- Safety and Security Policy
- Customer Engagement Policy
- Document Retention Policy
- Data Retention Policy
- Access to Personal Information Policy

Overt CCTV

Overt Surveillance occurs where adequate notice has been given to the subject of the surveillance and the subject is aware that they are being monitored. General observations made and recorded by employees in the course of their duties constitute overt surveillance. Warning the person(s) about the surveillance (preferably in writing) constitutes overt surveillance. This warning should include a notification of overt surveillance operations at least 7 working days prior to its installation.

The majority of surveillance carried out by Yarlington will be done overtly. Overt video surveillance is noticeable and can be seen. We will ensure that signs are installed so that residents, local people, visitors and staff know that their images are potentially being captured.

CCTV footage recorded on/near Yarlington housing will only be viewed by the Tenancy Compliance Team on notice that an incident has occurred. When an incident has been reported on Yarlington's corporate premises, CCTV footage may be viewed by an authorised IT manager, Head of HR, Head of Health and Safety and – if it involves a Yarlington Customer – the Head of Service.

In both cases, these images will be used to assist in identifying the perpetrator of either ASB or criminal offences, as well as the incident context.

Any requests from customers to install their own CCTV will be reviewed on a case by case basis. Numerous factors will be considered when considering installation of CCTV such as:

- Why is the CCTV needed
- Could any other means be used to protect the property or occupants
- What is the CCTV recording
- Will the CCTV be intrusive on neighbours or other's privacy
- How will the neighbour's feel about CCTV being installed
- Any other factor which Yarlington deems reasonable

Covert CCTV

Yarlington is aware that the gathering of information by covert surveillance is regulated by the Regulations of Investigatory Powers Act 2000 (RIPA), The Protection of Freedom Act 2012 (POFA), General Data Protection Regulation (GDPR) and the Human Rights Act 1998 (HRA) all as amended. RIPA applies to public authorities; so, as a Housing Association, Yarlington is not subject to RIPA. In order to ensure best practice, Yarlington will take account of the guidelines set out in the Information Commissioner's Office CCTV Code of Practice (<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>). The purpose behind RIPA is to ensure that covert surveillance is used only when it is necessary, reasonable and proportionate. Yarlington has determined that it will follow the principles of RIPA as closely as possible when using covert surveillance techniques. Yarlington will also comply with POFA, the associated Code of Practice and the Twelve Guiding Principles in all usage of CCTV surveillance.

Procedure

Before any form of surveillance can commence authorisation will be required. The Officer In Case (OIC) will need to complete the stages outlined below to make an application for authorisation with the approval of their line manager.

1. Impact Statement

In the circumstances set out below, a CCTV Privacy Impact Assessment will need to be completed and included with the application to determine whether CCTV equipment is justified and if so, how it should operate in practice.

- Where a CCTV system is being installed in a location for the first time
- Where an additional camera to an existing system is being installed in circumstances where it is likely that more extensive capture of imagery will take place
- Changing the field of view of an existing camera to substantially widen its scope
- Installation of upgraded technology eg.HD, IR lighting, 360 degree lenses; automated recognition technology; drone suspended cameras; automatic number recognition

2. Authorisation Request

All applications for both Overt and Covert Surveillance equipment must be made by the Officer in Case (OIC) with the support of their Line Manager. The application must include:

- A statement explaining the background to the authorisation request
- A reasoned proposal for the number, location and positioning of the recording equipment to be installed
- A copy of the completed Privacy Impact Assessment
- Any comments/ recommendations on the Privacy Impact Assessment by the Data controller

The Tenancy Sustainment Manager or the Customer Experience Manager will determine whether to grant authorisation on a case by case basis and will only approve surveillance where it is reasonable and proportionate to do so.

All authorisations will be in writing.

3. Duration

Overt

Unless stated otherwise, overt surveillance will be reviewed every January. Any requests to extend this time period will need to be made in writing to ensure that it is effective and proportionate to continue with the surveillance.

Covert

Covert surveillance will last no longer than one month in the first instance, but in all cases no longer than is strictly necessary for the purposes of the surveillance. If the authorised duration needs to be extended beyond the initial period the OIC will be required to justify the extension in writing and approval sought from the Authorising Tenancy Sustainment Manager or the Customer Experience Manager . The Privacy Impact Assessment will need to be updated.

4. Installation

Once authorisation has been given, the OIC and OIC's Line Manager will ensure that installation is carried out in compliance with the terms of the authorisation. When authority has expired the OIC and Line Manager are responsible to arrange the removal of the surveillance equipment. If a request has been made to extend the surveillance period the device shall be switched off pending the issue of a decision on an extension being authorised by either the Tenancy Sustainment Manager or the Customer Experience Manager .

5. Transparency

Overt

Customers, staff, residents and passers-by must know that they are in an area where CCTV surveillance is being carried out. Residents should be notified in writing within 7 working days prior to a new CCTV installation, and prominent signs should be placed at the entrance to the CCTV zone which will be installed by our authorised contractor or by Yarlington staff if the CCTV is owned by Yarlington.

Such signs ('Approved Signs') should:

- Be clearly visible and readable
- Contain contact details for Yarlington, the purpose for the CCTV and who to contact about the scheme (where these things are not obvious to those being monitored)
- Be an appropriate size depending on the context

Covert

Yarlington's Privacy Notice alerts tenants and residents to the potential use of covert CCTV. In cases of anti-social behaviour (ASB), communication by Approved Signs would undermine the effectiveness of the surveillance, so no signage will be made in relation to the Covert Surveillance to be undertaken. However it may be feasible to elicit the consent of persons living in neighbouring residential properties, particularly where there is a risk of collateral intrusion affecting their private lives and property.

6. Storage and Retention of CCTV

Copies of all applications and authorisations for CCTV shall be retained in accordance with the Document Retention Policy.

Imagery and sound recordings generated through the use of CCTV Surveillance shall be reviewed only if an incident has occurred, and a decision shall be made by the Line Manager whether the CCTV Surveillance Material should be retained because it is either:

- relevant to an ongoing ASB complaint; or
- potentially required for disclosure, in the circumstances set out in paragraph below

If it does not need to be retained it shall be destroyed securely and as soon as reasonably possible. If it does need to be retained, it shall be held in accordance with the provisions of the Data Retention Policy.

It is the responsibility of the OIC and their Line Manager to ensure that CCTV Surveillance Material is stored and retained in a way that maintains the integrity of the image or recording, and that any devices or media on which it is held, are securely stored in a locked cabinet or cupboard. Digital records, e.g. memory stick, must be password protected and encrypted to the standards required by the Head of IT.

Any CCTV Surveillance Material which is transferred into the Yarlington computer network will be stored at all times within a secured folder on a secured drive, accessible only to those who have been accorded clearance to view such material by the Tenancy Sustainment Manager. The Tenancy Compliance Team will have access when an incident has been reported and a review needs to be made. CCTV Surveillance Material shall not be uploaded into the open document management systems or be made accessible through Open Housing.

7. Disclosure

Disclosure of CCTV Surveillance Material will be strictly controlled and consistent with the purpose for which the surveillance was authorised. If the recordings are potentially relevant as evidence for use in Court proceedings, the OIC may, after consultation and approval of their Line Manager, provide copies of the recordings and/or transcribed statements to the

Police or Security Services as part of an ongoing criminal investigation, or to the CPS and/or defendant's solicitor, as part of the pre-trial discovery process. In some circumstances it may be justifiable to allow the media to reproduce and publish/broadcast imagery and/or recordings taken from the CCTV Surveillance Material, if we are advised by the Police or Security Services that this may facilitate the identification or apprehension of a criminal suspect. It should be made clear to any organisation that is provided with access to or copies of the CCTV Surveillance Material that Yarlinton owns the copyright in such material.

8. Subject Access Requests

CCTV footage may contain personal data, particularly if it clearly identifies a person, and so can be the subject of a Subject Access Request (SAR). Noise recordings may also contain personal data, if a voice is heard which is clearly that of an identifiable person. Other noise, e.g. dogs barking, loud music and general disturbance, banging of doors is not personal data. Before disclosing footage or sound recordings to a SAR applicant, following the Access to Personal Information Policy, it is important that the OIC and Data Controller be satisfied that the images or voice recording of any individual depicted in the footage or featured in the recording to be disclosed is that of the SAR applicant, and not a third party, unless consent from such a third party to the disclosure to the SAR applicant has been given. Consideration should also be given to whether other exemptions to the SAR right might apply and recorded material might be withheld e.g. based upon legal privilege.

For more detailed guidance on when and how we may disclose CCTV footage or sound recordings, which forms part of CCTV Surveillance Material as part of a SAR request, refer to the Access to Personal Information Policy, and consult with the Data Controller.

Monitoring and Review

This policy will be reviewed on an annual basis or following a significant change in law.

Roles and Responsibilities

Officer In Case (OIC) Compliance Specialist

Line Manager Tenancy Performance Team Leader

Head of Service Head of OCE, for corporate premises this would be Head of HR