**CCTV Position – September 2014**

1. NHS Property Services Ltd (the Company) does not currently offer CCTV as a service. However, some systems have been inherited with buildings.
2. CCTV systems are used by the Company, and registered with the Information Commissioner’s Office (ICO), only for the purpose of crime prevention and detection and the apprehension and prosecution of offenders.

**Responsibility**

1. Where the Company operates and has direct access to a CCTV system, i.e. the person who operates the system is employed or directly contracted by Property Services, it is deemed to be the data controller and responsible for ensuring the system is operated in accordance with the law.
2. This is particularly important where the CCTV system enables identification of individuals, such as from facial images or via car number plates.  The privacy rights of those individuals must be respected.

**Requests for access to footage**

1. All requests should be forwarded immediately to the local site CCTV controller. This may not be the Company, for example where the Company owns the site but it is managed by the tenant or their agent. Where this information is not available, requests can be referred to the local FM team or HSSF Advisor so they can be routed to the correct party.
2. The Company has forms for common requests from a person, the police, insurance company and counter fraud representatives.
3. Local authorised persons are empowered to action simple requests.
4. Complex requests should be managed with the support of the local Health, Safety, Security and Fire Advisor.
5. Disclosure of images will be limited to the following:
* Law enforcement agencies (where the images would assist in a specific criminal enquiry) – often, they will provide their own form (such as a “section 29”) which is acceptable.
* Prosecution agencies.
* Relevant legal representatives (for example, where a court has ordered release).
1. Where a requestor is a subject of the images, the request will be considered as a Subject Access Request under the Data Protection Act 1998 and will be reviewed taking into account the rights of other data subjects and the requirements of the act. Generally, footage will be provided unless there are extenuating circumstances.
2. The Company has discretion, so it may elect to allow limited viewing of the footage where it will assist with the detection or apprehension of crime.
3. Where a request is made by a third party on behalf of a subject of the images, for example an insurance company, the subject must have consented.
4. Requests from **other** parties for access under the Freedom of Information Act 2000 may be considered. However, where there is data identifying individuals, requests are likely to be denied citing the section 40 exemption (contains personal data). This includes where faces can be identified and/or car registrations. The ICO has determined for footage containing such personal data *“release of this footage to the complainants or the general public would not only be unfair, but would also be unlawful”.*
5. NHS Property Services employs some staff that have accreditation with NHS Protect (Security Management Specialist status) and will be able to advise on local issues regarding CCTV. Details of accredited staff can be sought from the Regional Heads of Health, Safety, Security and Fire.

**Further information**

1. The Company’s position is in accordance with the following:
* The Company’s registration on the Information Commissioner’s Office Data Controllers Register.
* The Freedom of Information Act 2000.
* The Data Protection Act 1998 (Section1).
* The Human Rights Act 1998 (Sections 6 and 8).
* The Information Commissioner’s Office CCTV Code of Practice 2014.
* Case law and Information Commissioner’s Office decision notices.
1. Further information can be found at the following sites:

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| The Information Commissioner’s Office | <http://www.ico.org.uk/for_organisations/data_protection/topic_guides/cctv> |
| Ruling regarding release of CCTV footage of car park | <http://www.ico.org.uk/~/media/documents/decisionnotices/2006/DECISION_NOTICE_FS50066908.ashx> |
| The Data Protection Act 1998 | <http://www.legislation.gov.uk/ukpga/1998/29/contents> |
| The Freedom of Information Act 2000 | <http://www.legislation.gov.uk/ukpga/2000/36/contents> |
| The Human Rights Act 1998 | <http://www.legislation.gov.uk/ukpga/1998/42/contents> |