Policy on:	Close Circuit Television (CCTV)

Compliant with Charter Outcomes and Standards:	Yes
Compliant with Equalities:	Yes
Compliant with Business Plan:	Yes
Compliant with Risk:	Yes

Date for Approval:	**May 2023**
Date for Review:	**May 2026**

Responsible Officers:	**Director of Housing**

This policy is available, on request, in different languages and in other formats such as large print, audio format and braille as required.

1. Introduction

To fulfil our vision of Great Homes, Great People and Vibrant Communities, Shire Housing Association is committed to putting our customers at the heart of what we do and how we do it, with have a Business Plan and a number of associated Strategies and Policies that support this Vision.

We have developed this policy to outline the criteria and rules for tenants, staff, and visitors on the installation of Close Circuit Television (CCTV) on or around domestic premises.

We will use CCTV images to protect the Associations property and provide a safe and secure environment for tenants, employees, and visitors to the premises. This policy also sets out the details of how we will collect, use, and store CCTV images from overt cameras (where the camera is clearly on display with appropriate signs) and confirms that Shire Housing Association will not install covert cameras (where the camera is not intended to be seen).

2. Policy Aims and Objectives

We will operate CCTV in accordance with our Data Protection Policy and procedure and will comply with all relevant statutory guidance and legislation.

In developing this policy, we have considered and implemented recommendations from the Information Commissioners Office (ICO) Code of Practice for surveillance cameras and personal information and Biometrics and Surveillance Camera Commissioners Code of Practice. Whilst Shire HA as a body is not subject to Regulation of Investigatory Powers Act 2000 (RIPA) we will adopt their guidelines for best practice.

We will consider the installation and use of a CCTV system where we have assessed that it is necessary and proportionate, and that the system will assist in:

- Protecting public safety and increasing tenancy sustainment by creating safe, secure sustainable estates and communities and reducing the fear of crime.
- Prevention or detection of crime against our staff or representatives or equivalent malpractice.
- Monitoring the security of our premises and assets
- Working with Police, local authorities and other partners to identify and take appropriate action against perpetrators of crime, Anti-Social Behaviour or breaches of tenancy.

We recognise that some tenants and residents may find the installation of a CCTV camera to be an invasion of their privacy and will seek to find a balance between the two situations to allow a tenant or resident to feel safer and secure by installing a CCTV camera whilst protecting the privacy of their neighbours. This will include:

- Consultation and engagement with the tenants and residents at the location prior to installation of any CCTV systems.

- Ensuring that any neighbouring gardens and/or properties not owned by Shire are not monitored without obtaining consent from the owners.

- Ensuring that the placing of CCTV at the location which needs to be monitored also minimises as far as practicable, any adverse impact on people's privacy.

- Clear signage will be displayed to ensure all tenants, visitors, and staff and aware that CCTV is in operation, including a contact point for access to information and complaints.

- Any CCTV camera will be set to only monitor an adequate and not excessive area as necessary for the purpose of capture images of our property and any communal areas that is around and associated with a specific building. It will not be viewing or monitoring any other properties but may include:

    - The reception area and doorways at our local office.
    - External common areas, stairwells, and doorways within the agreed location.

3. Policy Principals

Our key policy principal is to ensure that where we have installed CCTV, we comply with Data Protection and GDPR requirements, for systems owned by us, this includes:

- Comply with the Biometrics and Surveillance Camera Comissioners Code of Practice on the Surveillance Camera Commissioner's website.
- Conduct a Data Privacy Impact Assessment(appx1) for each CCTV system.
- Apply our Cyber security systems such as Cyber Essentials, to keep data safe.
- Conduct an annual visual check of the CCTV system.
- Conduct a three yearly enhanced check of the CCTV system.
- Ensure the quality of the cameras is sufficient to identify persons.
- Ensure the system is time and date stamped accurately.
- Display visible CCTV signs confirming we are recording and who to contact for enquires.
- Remove cameras when they are no longer required for their original purpose.

For our tenants and residents in areas where we think it is appropriate to install overt CCTV, we will write to them to confirm:

- The purpose and location of the CCTV
- We've the appropriate controls in place to keep the CCTV data secure.

- Whether it is a temporary or permanent installation
- Whether there is a cost recoverable from their service charges for the CCTV.
- We have conducted a privacy impact assessment.
- Who to contact if the cameras are damaged.
- How they can access their data.

4. Supporting Legislation, Regulations, Guidance, Strategies and Policies

This policy takes account of legal, regulatory, and best practice requirements, including (but not limited to):

- The Equalities Act 2010
- Protection of Freedoms Act 2021
- Human Rights Act 1998
- General Data Protection Regulation and policy
- Biometrics and Surveillance Camera Commissioners Code of Practice
- The Housing (Scotland) Act 2010
- Section 9 of Raising Standards in Housing
- The Scottish Social Housing Charter
- Section 5.3 of the Regulatory Standards of Governance and Financial Management
- Anti-Social Behaviour policy and procedures
- Complaints policy

5. Roles and Responsibilities

- The Director of Housing or another senior manager must authorise the use of CCTV. An appropriate member of staff will only review images or recordings. Advice should be taken before sharing any images/recordings with Police, Local Authorities, or partners with reference to our Data Protection policy and procedure.

- The Data Protection Officer shall be responsible for applying Cyber Security in compliance with industry standards such as Cyber Essentials.

- The Housing Manager, ICT Officer, Customer Services Officers will be responsible for viewing recorded images from the CCTV and for the purposes of storage of and any requests for access to images/recordings.

- The ICT Officer will hold a central list for all our cameras and staff authorised to operate our CCTV equipment.

- The ICT Officer will be responsible for viewing, storage, and any requests for access to images/recordings relating our Shires premises.

- The Housing and/or Asset Manager will be responsible for reviewing CCTV sites regularly to ensure there is still a need for CCTV in line with RIPA and ICO best practice. This review shall be done on an annual basis to ensure compliance with legal obligations and policies.

- The Asset Manager will ensure that any contractors we use to maintain CCTV equipment meet the Information Commissioners standards and requirements.

- The Senior Management Team will ensure that all employees handling CCTV images or recordings are trained in the operation and administration of the CCTV system and on the impact of the laws regulating data protection and privacy.

- The Senior Management Team will ensure that any staff found abusing CCTV systems will be subject to disciplinary action on accordance with the Disciplinary policy and procedures and consider whether the staff member may be subject to criminal action.

6. Compliance with Data Protection legislation

In its administration of its CCTV system, Shire Housing Association complies with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Due regard is given to the data protection principles embodied in GDPR.

These principles require that personal data shall be:

a) processed lawfully, fairly and in a transparent manner.
b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
c) adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
d) accurate and, where necessary, kept up to date.
e) kept in a form which permits identification of the data subjects for no longer than is necessary for the purposes for which the personal data are processed.
f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

7. Retention and Access of images

For our administration of CCTV systems and in compliance with GDPR and the Data Protection Act 2018, we apply the following rules to retention and access of images:

- Unless required for evidential purposes, the investigation of an offence or as required by law,

CCTV images will be retained for no longer than 14 days from the date of recording. Images will be automatically overwritten after this point.

- Where images are recorded directly onto a storage, these will be data encrypted to prevent unauthorised access.

- Where an image is required to be held for more than the started retention period the ICT Officer, will be responsible for authorising such a request.

- Images held for more than their retention period will be reviewed on a three-monthly basis and any not required for evidential purposes will be deleted.

- Access to retained CCTV images is restricted to the ICT Officer and other persons as required and as authorised by the ICT Officer.

- Provide guidance to staff and tenants on the criteria and rules for allowing the installation of CCTV within our properties and its purpose.

- Any images captured by a member of staff on a mobile phone (or equivalent) will be transferred to a cyber secure system as soon as possible and the images deleted from the device.

8. Requests for access to images

Access to and disclosure of images to third parties will be limited to law enforcement agencies or the Local Authority where it is believed that the images will assist in a legal enquiry or prosecution of an offender.

Residents and other third parties may not view CCTV footage, apart from residents who have been recorded on the CCTV and make a Subject Access Request.

In complying with an individual's legal right to view overtly recorded images via a Subject Access Request, we will not release images of other people and will not share any images of them with other people. There may be situations where we need to tell an individual that we are unable to comply with a request because access could prejudice the prevention or detection of crime.

Any request for images made by a third party should be made in writing to the Data Protection Officer with the submission or a 'Subject Access Request' that includes the location, date, and time when the image was recorded.

We will not record sound via CCTV cameras when tackling anti-social behaviour and crime or for general observation. Where we have audio recording equipment such as audio based alert systems, we will only trigger recording due to a specific threat, e.g., a 'panic button' in an office and will put up signs must make it very clear audio recording is in use.

We will erase images and audio recordings after a maximum of 29 days unless the information relates to an ongoing investigation or legal case. Where this is the case, we will erase the images within three months of closing the ASB case or on the conclusion of any legal proceedings.

Only staff authorised and trained to operate CCTV equipment can review, download, or share data and we will keep a record when we review and/or download images or where we disclose data to a third party. We shall also record when we move data to another location or process a subject access request.

9. Tenant Requests to Install CCTV

We will generally allow tenants to install their own domestic CCTV cameras provided they comply with the instructions and advice that we issue in relation to such installation.

Tenants must contact us before they install CCTV, or a camera doorbell and we will ask about other solutions that could be considered for example security lighting or neighbourhood watch schemes.

Tenants will be permitted to install and operate CCTV, or a camera doorbell, on the following grounds:

- Must comply with the law. On receipt of contact from the tenant, we will direct them to information about the law they must follow for example, the Biometrics and Surveillance Camera Commissioner's website has a user-friendly self-assessment tool available
- Must cover only their property and not a neighbour's property or any communal areas. This means it is unlikely that we will permit CCTV if they live in a flat with a shared entrance.
- Must have a doorbell which does not record or save footage, if it covers a neighbour's property or any communal areas. This means in locations where it is a flat with a shared entrance, only a camera doorbell with a live video stream will be permitted.
- Must make good if any damage is caused when installing or removing the equipment. If installation will cause any disruption to the property e.g., by using the electricity supply the tenant will need to request permission under the Repairs and Maintenance Policy.
- Must not compromise fire safety (e.g., damage fire doors including flat entrance doors).

Failure to meet these requirements may be a breach of the tenancy and we may ask that the CCTV equipment or doorbell is removed. If the tenant won't remove the equipment, we will take action to remove it and recover the costs from the tenant.

10. Equality and Diversity

This Policy complies fully with Shire Housing Association' Equality and Diversity Policy. Shire Housing Association will be proactive in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures.

We are committed to providing fair and equal treatment for all our stakeholders including customers and will not discriminate against anyone on the grounds of age; disability; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; race; religion and belief; sex; and sexual orientation.

We carry out Equality Impact Assessments when we review our policies. We check policies and associated procedures regularly to ensure accessibility for all. We take appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

11. Feedback and Complaints

Shire Housing Association strives to always provide an excellent customer service and welcomes feedback and comments from our customers. We will seek feedback via our website, e-mail, in writing and verbally to learn from service users' experiences, using them to shape and develop our service.

We operate a Complaints Policy that is open and transparent, should any customer or service user feel the need to make a complaint against an individual or the organisation, the complaints policy and procedure will be implemented. All complaints will be recorded and dealt with under Complaints Policy and Procedures, which meet the requirements of the Scottish Public Services Ombudsman.

12. Performance Monitoring and Review

In addition to the annual submission of performance against the Annual Return on the Charter to the Scottish Housing Regulator, the Management Board will review and approve Key Performance Indicators and targets on an annual basis and outcomes will be monitored at quarterly meetings.

This policy will be reviewed every 3 years or earlier if deemed necessary due to legislative, best practice or other changes.

13. Appendices

Data Privacy Impact Assessment Template