



NHS Lothian

Closed Circuit

Television (CCTV) Policy

Unique ID: NHSL.
Category/Level/Type:
Status: Final

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NHS Lothian Closed Circuit Television (CCTV) Policy – Executive Summary

KEY MESSAGES

NHS Lothian is fully committed to ensuring that the safety of staff, patients and visitors remains the highest level as possible. NHS Lothian has installed CCTV around all major Acute Sites, Primary Care sites and Local Health Centres.

NHS Lothian's purpose of operating CCTV is the prevention of crime and the enabling of official legitimate business.

The CCTV installed in these areas is monitored by trained staff who will fully comply with the following Codes of Practice.

- 1.Data Protection Legislation
2. NHS Lothian Policy and Procedures

The person who has overall responsible for CCTV within NHS Lothian is the Chief Executive; however this will be delegated to NHS Lothian's Director of Operation's - Facilities to ensure full compliance. Appropriate Site Managers are responsible for security in relevant areas.

MINIMUM IMPLEMENTATION STANDARDS

1. Facilities Managers will ensure that NHS Lothian remain fully compliant with information Governance and the Data Protection Legislation with regard to CCTV
2. Facility Managers will ensure that all staff are trained appropriately and remain compliant with the Data Protection Legislation
3. Security staff or staff employed to operate CCTV systems will ensure that they comply with legislation and local policy
4. NHS Lothian will ensure that all sites which have CCTV recording images have the appropriate signage installed

OTHER MANAGERS AND STAFF

1. Ensure that they have read and understood the NHS Lothian CCTV Policy
2. Ensure viewing of CCTV will comply with policy and procedures

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Aim of Policy

1. The aims of this policy are

- To ensure Lothian NHS Board provide a safe and secure environment for all staff, patients, visitors and others on premises.
- That NHS Lothian complies with all appropriate legislation and the Data Protection Legislation.

2. Scope

- 2.1. For the purposes of this policy CCTV is used for Crime Prevention and the promotion of Public Safety and legitimate NHS Lothian business which includes but not exclusive to
- 2.2. The deterrence of theft from NHS premises or vehicles
- 2.3. The deterrence of acts of vandalism
- 2.4. The prevention of inappropriate access to vulnerable and high risk areas such as the entrances to Maternity units Children's units, High Dependency wards, Cashiers offices and Pharmacy suites etc
- 2.5. Monitoring of Car parks, and Traffic management
- 2.6. The monitoring of Site perimeters
- 2.7. Legitimate NHS Lothian business

3. Responsibilities

Responsibility for ensuring compliance rests with NHS Lothian's Chief Executive

- 3.1. Management of Security is delegated to the Director of Operations (Facilities)
- 3.2. The compliance monitoring of CCTV comes under Facilities management and where applicable subcontractors. A nominated manager has been appointed to provide advice relating to security matters

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3.3. The day to day management of CCTV systems rests with the local facilities site management whose remit sits under security.

3.4. Where NHS Lothian shares its accommodation with other partners including PFI sites, partners and contractors (Data processor) will comply with NHS Lothian policy

4. CCTV Management and Reporting and Monitoring Arrangements

Cameras

4.1 Any incident or potential misuse of CCTV cameras or systems must be reported to a Supervisor or Manager for investigation and recorded on the Incident Management System (DATIX).

4.2 Recordings and downloading of images may be requested by Police or other agencies however the appropriate level of authorisation must be given before any downloading begins.

4.3 A CCTV viewing proforma must be completed and signed before the release or the downloading of any images. This also includes voice recordings. Images may only be downloaded for lawful purposes and must not be processed in any manner other than the intended purpose

4.4 All CD's must be encrypted and images recorded on them must be properly secured, labelled and a record kept. They must not be kept longer than for the intended use. Images and recordings must be destroyed or deleted in line with NHS Lothian Records Management Policy.

4.5 All faults with CCTV must be reported as per local fault reporting procedures

Body Worn Cameras

NHS Lothian has implemented the use of body worn CCTV cameras within the security department in order to assist the security officers in their duties with regards to evidence gathering in the event of any security incident. It is a single measure, but part of the larger Estates and Facilities strategy to protect the staff, visitors and physical buildings and equipment with the NHS Lothian.

This procedure covers all staff of NHS Lothian and others working on behalf of their behalf in respect of the use of BWC and compliance with Data Protection.

NHS Lothian acknowledges the benefits of using BWC in specific locations as a means of:

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- Assisting security personnel in their duties with regards to evidence gathering in the event of any security incident
- Assisting in the prevention and detection of crime (and the fear of crime) against persons and property.
- Enabling the identification and subsequent apprehension (and prosecution) of offenders, in relation to any crimes actually committed.
- Helping to ensure the security of property belonging to NHS Lothian, their patients, employees and visitors.

5. Covert CCTV Operations

5.1. NHS Lothian or contractors will not undertake covert operations for their own purposes.

5.2. *Covert surveillance will only take place in exceptional and limited cases where it is deemed necessary and will be executed in accordance with the Regulation of Investigatory Powers Act 2000 This may be authorised by the Common Services Agency Counter Fraud Service or Police Scotland.*

5.3. If Covert monitoring is authorised it will be carried out in a manner calculated to ensure those subject to it are not aware that it is taking place. It will be deployed only as part of a specific investigation and involve a limited number of people in the investigation.

5.4. The covert use of CCTV will always require authorisation from the appropriate Executive Directors of NHS Lothian under advice of Police Scotland or Common Services Agency Counter Fraud Service .

5.5. Monitoring in areas where employees would genuinely and reasonably expect privacy, e.g. toilets or private offices, will not be undertaken.

6. Signage

6.1. All signs should be placed so that public are aware that they are entering a zone which is covered by CCTV surveillance equipment. The signs must contain the following information:

- Identify a person or organisation responsible for the scheme (NHSL or Partners)
- the purposes of the scheme;
- details of who to contact regarding the scheme (e.g. the phone number of

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reception where the equipment is used.

- 6.2.** The following wording is recommended either where an image is not used on a sign or where an image of a camera is used on a sign.

“Images are being monitored and recorded for the prevention and detection of crime, the prosecution of offenders and any other legitimate NHS Lothian business. This scheme is controlled by NHSL or Partners. Contact details and telephone number.”

7. QUALITY OF THE IMAGES

- 7.1.** The CCTV installation must perform effectively and provide clear identification standard images within the designated areas.
- 7.2.** Where TV monitors display the location of the camera/date and time reference, these must be accurate. CCTV operatives will therefore document the accuracy in the security log on a daily basis and report defects to the appointed Security Manager.
- 7.3.** Images recorded must be able to comply with the purpose of the CCTV installation. Cameras must be sited either in such a way, or provide the operator with the ability to enable the identification of potential criminal offenders or others.
- 7.4.** Every consideration must be given to the physical conditions in which cameras are located. Infrared equipment may be required in poorly lit areas if the purpose for its installation cannot otherwise be met.
- 7.5.** Evidence has shown that hospital surroundings can encounter potential criminal or other activity at any time of the week. CCTV recording will therefore operate continuously.
- 7.6.** NHS Lothian or Partners will audit the Security Service to ensure that all equipment is properly maintained and serviced appropriately to ensure clear images are recorded. When defects are reported the maintenance contractor will, ensure that repairs are undertaken within one business day. Should this not be the case, The Security Manager shall advise the Data Controller(s) of the anticipated date of repair and the scale of the problem within two business days. This should also be forwarded to the NHSL Monitoring team within the same working day.
- 7.7.** All defect reports will be recorded in the Security log. The time and date of repairs will be similarly recorded.

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7.8. The Site Manager will be responsible for making arrangements for repairs to be carried out and for monitoring the quality of the repair/maintenance work.

8. PROCESSING THE IMAGES

8.1. CCTV images will not be retained for longer than is necessary. Normally this will be 31 days except where images are requested for preservation for potential evidential and legitimate investigation purposes.

8.2. When images are retained for such purposes they will be retained in a secure environment.

8.3. When data has been burnt to CD for approved disclosure the legal responsibility for the viewing copy will lie with the third party to whom it was issued, and they will be required to sign for this. The Security Manager will retain an archive copy.

8.4. Following retention of an archive CD for three months, the Security Manager will confirm with the relevant third party if it is still required for evidential and legitimate investigation purposes. If not, then the Security Manager will arrange for secure destruction.

8.5. Only NHS Lothian or Partners CCTV operators shall have access to recording equipment. They will ensure that equipment is always securely locked away in the cabinets provided.

8.6. When hard drives have reached the end of their life span the appointed Security Manager will arrange for their secure destruction in line with NHS Lothian policy

8.7. Secure destruction of CDs will be undertaken by the Security Manager and supported by documentary evidence, witnessed by a second member of security staff.

9. INTERNAL RELEASE OR VIEWING OF RECORDED IMAGES

9.1. Requests for viewing or release of footage must be in writing from one of the authorised personnel (Police Scotland, legal representatives or listed management). The purpose of this policy is to provide appropriate access to data for the purpose of official investigations or statutory obligations, *no internal authorisation will be required when relevant documentation is*

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supplied for legal/statutory requests; court order/ Sec29 Form from Police Scotland.

9.2. Information will be made available to authorised personnel giving reasonable notice whenever possible.

Authorised Personnel are;

- Contractor Hospital Manager
- Director of HR
- Director of Facilities
- Associate Director of HR
- Associate Director of Facilities
- Heads of HR

9.3. However for any suspected serious policy breach, potential Criminal or legal issue, authorised personnel may authorise urgent or immediate request of data for investigation. Justification must be recorded, with the appropriate data request form completed.

9.4. Authority for transferring footage to a CD for release to a third party must be sought from the Site Manager/Deputy, NHS Lothian (Data Controller). In each case an original archive copy will be retained by the Security Manager and a secondary viewing copy given to the third party, Security personnel will record:

- The written request
- the date and time span of footage released
- the data that was burnt to disk
- the date the viewing CD was released
- the details and signature of the third party
- the reason for releasing the footage
- the name/signature of the person releasing the CD
- the identification reference of the archive and viewing copy CDs

9.5. Viewing of recorded images on site will take place in the control room.

9.6. Access to the recorded images will only be made available on the written request to the Site Manager, NHS Lothian (Data Controller).

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9.7. The disclosure of images to third parties will comply with the process outlined in this policy.

9.8. When activating playback on the CCTV equipment for viewing purposes an entry should be made in the Security log detailing:

- The date and time of viewing
- The time period and camera footage viewed
- The name(s) of the person(s) viewing
- The reason and if appropriate outcome of the viewing

10. ACCESS TO AND DISCLOSURE OF IMAGES TO THIRD PARTIES

All access to recorded material must be documented.

Disclosure of recorded personal data will only be made to the following third parties:

- Prosecution Agencies
- Relevant legal representatives. However access by defence solicitors will accord with legal guidelines and can only be made through the police.
- Law enforcement agencies.
- Data Subjects whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal investigations/proceedings).
- The relevant Data Controller(s) of the specified scheme.

All Law Enforcement requests for access or disclosure should be documented and in writing to the Site Manager or Data Controller.

Details should include:-

- Location of footage to be viewed
- Requesters details
- Duration of footage to be viewed
- Purpose of viewing footage

The Data Controller, NHS Lothian may consult the Security Manager, Site Manager or Hospital Manager to determine if the footage can be viewed based on the written request. Only written requests on headed paper, appropriately signed, including contact details will be accepted.

If a decision is made to deny access then the response shall be issued by the Data Controller, NHS Lothian, or Site manager on their behalf following agreed processes.

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If access or disclosure of the images is approved, the following detail should be entered into the Security log by the Site manager:

- The date and time at which access was allowed or the date on which disclosure was made.
- Copy of the Authorised Section 29 request from Police Scotland
- The identification of any third party who was allowed access or to whom disclosure was made. i.e. Badge Number if police request.
- The reason for allowing access or disclosure.
- The extent of the information to which access was allowed or which was disclosed.

Recorded images should not be made more widely available, e.g. they will not be made available to the media or placed on the Internet without executive authorisation and in compliance with the law.

11. ACCESS BY DATA SUBJECTS

This is a right that is provided by Data Protection Legislation and all staff involved in operating CCTV equipment must recognise the legal implications when dealing with request for access to recorded images by data subjects. Data subjects requesting such access should be advised to make that request in writing to the responsible Manager, at the address shown on CCTV signage; or where appropriate, the Data Protection Officer, NHS Lothian, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

NHS Lothian will provide the data subject with a standard subject access form which:

- Indicates the information required in order to locate the images requested, i.e. the date, time and location of the hospital visited.
- Indicates the information required in order to identify the person making the request i.e. a photograph of the individual if he/she is unknown to the user of the equipment.
- Indicates the fee that will be charged for carrying out the search for the images requested. A maximum of £10.00 may be charged for provision of images. Indicates that the response will be provided promptly and in any event within 40 day legal time period of receiving the fee and information.

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Individuals should also be provided with the details of the ICO website and a links showing where they can find further information on their rights under the Data Protection Act.

Once a completed form is received, The Data Controller, NHS Lothian, in consultation with the Hospital Manager and Security Manager shall determine whether disclosure to the individual would entail disclosing images of third parties.

That same process will determine whether the images of third parties are held under a duty of confidentiality. For a variety of reasons users of the hospital will have a far greater expectation of confidentiality than those whose images.

If third party images are not to be disclosed, arrangements will be made by the Site Manager to have those images edited to prevent the identification of third parties. This would typically relate to the release of a number of still images.

If NHS Lothian decides that a subject access request from an individual is not to be complied with, the following should be documented:

- The identity of the person making the request.
- The date of the request.
- The reason for refusing to supply the images requested under Data Protection Legislation
- The name and signature of the person making the decision.

12. MONITORING COMPLIANCE WITH THE CODE OF PRACTICE

Enquirers about the CCTV operation should be provided, on request with a copy of this Code of Practice by NHS Lothian.

Complaints about the CCTV operation must be directed initially to The responsible Manager, or where appropriate the Data Protection Officer, NHS Lothian, Waverley gate, 2-4 Waterloo Place, Edinburgh, EH1 3EG

Any complaints received should be forwarded to the Patient Experience and Feedback Team, Waverley Gate, 2-4 Waterloo Place, Edinburgh, EH1 3 EG as soon as possible.

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The Security Manager/deputy will undertake periodic reviews of the documented procedures along with NHSL Facilities Management Team to ensure that the provisions of this Code are being complied with.

NHS Lothian Site Facilities Management (unless this procedure has been delegated to an onsite contractor) is responsible for the day to day operation and maintenance of the installed system. Where additional hardware is agreed as required a formal change request should be initiated by NHS Lothian.

13. CONSULTATION

This Code of Practice has been drawn up in consultation with and by reference to:

- Data Protection Code of Practice- Information Commissioners Office v1 (2014)
- Information Commissioner's CCTV Code of Practice:
<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- NHS Lothian
- Data Protection Legislation

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Appendix 1a

Internal Request to Download CCTV Images

All requests must be made on this proforma and be must be authorised by at least 1 of the authorised signatories listed below prior to downloading of images.

No CCTV images should be shown to anyone without approved permission.

Details of Incident *(brief description of incident)*

Date	
Time	
Location	
Reason for Downloading Images	

Requestors Details

Name	
Designation	
Location	
Reason for Request	

Details of Security Officer Downloading Images

Name	
Signature	
Position	
Location	

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Date	
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CD Disc Identification number / name _____

No. Of CD's downloaded	
Serial No. (identification No)	
Devices downloaded from	CCTV Cameras Body Worn Cameras

I confirm this request to download images held by NHS Lothian *has been authorised/ * has not been authorised by one of the below (*delete as appropriate)

Signature	
Designation	
Print	
Date	

Authorised signatories:

- **Director of Human Resources**
- **Director of Facilities**
- **Associate Director of Human Resources**
- **Associate Director of Facilities**
- **Site Directors**
- **Heads of Human Resources**

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Appendix 1b

Subject Access Request to Download CCTV Images

All requests must be made on this proforma and be must be authorised by at least 1 of the authorised signatories listed below prior to downloading of images.

No CCTV images should be shown to anyone without approved permission.

Details of Incident *(brief description of incident)*

Date	
Time	
Location	
Reason for Downloading Images	

Requestors Details

Name	
Designation	
Location	
Reason for Request	

Details of Security Officer Downloading Images

Name	
Signature	
Position	
Location	

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Date	

CD Disc Identification number / name _____

No. Of CD's downloaded	
Serial No. (identification No)	
Devices downloaded from	CCTV Cameras Body Worn Cameras

Information Released by

Name	
Designation	
Location	
Date	

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Appendix 1c

Police Scotland Request to Download CCTV Images

All requests must be made on this proforma and be must be authorised by at least 1 of the authorised signatories listed below prior to downloading of images.

No CCTV images should be shown to anyone without approved permission.

Details of Incident *(brief description of incident)*

Date	
Time	
Location	
Reason for Downloading Images	

Police Officers Details

Name	
Designation	
Location	
Badge No.	
Reason for Request	
Signature	

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Details of Security Officer Downloading Images

Name	
Signature	
Position	
Location	
Date	

CD Disc Identification number / name _____

No. Of CD's downloaded	
Serial No. (identification No)	
Devices downloaded from	CCTV Cameras Body Worn Cameras

Information Released by

Name	
Designation	
Location	
Date	

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