

Title:

NHS Lothian Closed Circuit Television (CCTV) Policy

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Executive Summary

NHS Lothian is committed to ensuring that the safety of staff, patients and visitors remains at the highest level possible. NHS Lothian has installed Closed-Circuit Television (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 comply with this policy.

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 Estates & Facilities to ensure full compliance. Appropriate Site Managers are responsible for security in relevant areas.

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1.0 Purpose

The purpose of this policy is to support NHS Lothian in providing a safe and secure environment for all staff, patients, visitors, and others on NHS Lothian premises, and to ensure that NHS Lothian complies with all relevant legislation (see Section 7 of this policy).

2.0 Policy statement

NHS Lothian is committed to ensuring that the safety of staff, patients and visitors remains at the highest level possible. NHS Lothian has installed Closed-Circuit Television (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 comply with this policy.

3.0 Scope

This policy applies to all NHS Lothian staff on all NHS Lothian sites, and others working on NHS Lothian sites on behalf of NHS Lothian, in respect of the use of Closed-Circuit Television (CCTV) and Body Worn Cameras (BWC), in compliance with Data Protection legislation.

- 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 committed.
- Helping to ensure the security of property belonging to NHS Lothian, their patients, employees, and visitors.
- NHS Lothian will ensure that all sites which have CCTV recording images have the appropriate signage installed.

4.0 Definitions

For the purposes of this policy, Closed Circuit Television (CCTV) is defined as video surveillance systems used to view and record individuals and property for crime prevention, the promotion of public safety, and legitimate NHS Lothian business, which includes but is not limited to:

- The deterrence of theft from NHS premises or vehicles

- The deterrence of acts of vandalism
- The prevention of inappropriate access to vulnerable and high-risk areas, such as the entrances to maternity units, children's units, high-dependency wards, cashier's offices, and pharmacy suites
- Monitoring of car parks, and traffic management
- The monitoring of site perimeters
- Other legitimate NHS Lothian business.

5.0 Implementation roles and responsibilities

5.1 Staff responsibilities

5.1.1 NHS Lothian Chief Executive

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

5.1.2 Director of Estates & Facilities

Management of security is delegated to the Director of Estates & Facilities

5.1.3 Facilities Managers

- 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.
- The day-to-day management of CCTV systems rests with the local Facilities Site Management whose remit sits under security.
- Facilities Managers will ensure that NHS Lothian remain compliant with Information Governance and the Data Protection legislation regarding CCTV.
- Facilities managers are to ensure that 'all staff that operate the CCTV systems' are appropriately trained and remain compliant with the Data Protection legislation.

5.1.4 Security staff

Security staff or staff employed to operate CCTV systems will ensure that they comply with relevant legislation and with this policy.

- 5.1.5 All staff, including contractors, students and volunteers must ensure that they have read and understood the NHS Lothian CCTV Policy

5.1.6 Other partners

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

5.2 CCTV management, reporting and monitoring arrangements

- 5.2.1 Any incident or potential misuse of CCTV cameras or systems must be reported to a supervisor or manager for investigation and recorded on the NHS Lothian Incident Management System (DATIX).
- 5.2.2 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.
- 5.2.3 An appropriate proforma (see Section 6 of this policy) 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 and specified purpose.
- 5.2.4 All CDs 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](#).
- 5.2.5 All faults with CCTV must be reported as per local fault reporting procedures.

5.3 Body Worn Cameras (BWC)

NHS Lothian has implemented the use of Body Worn Cameras within the security and car parking departments to assist the security and car parking staff in their duties with regards to evidence gathering, in the event of any incident. It is part of a multi layered approach of the wider Estates & Facilities strategy to protect staff, patients, visitors, buildings and equipment within NHS Lothian.

They are also used for the purposes of supporting crime prevention and the investigation of crime.

5.4 Covert CCTV operations

- 5.4.1 NHS Lothian and/or contractors will not undertake covert operations for their own purposes.
- 5.4.2 Covert surveillance will only take place in exceptional and limited cases where it is deemed necessary and proportionate and will be executed in accordance with the Regulation of Investigatory Powers (Scotland) Act 2000. This may be authorised by the NHS National Services Scotland Counter Fraud Service or Police Scotland.

- 5.4.3 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.
- 5.4.4 The covert use of CCTV will always require agreement from the appropriate NHS Lothian Executive Directors and will be authorised by Police Scotland or NHS National Services Scotland Counter Fraud Services.
- 5.4.5 Monitoring in areas where employees would generally and reasonably expect privacy, e.g., toilets or private offices, will not be undertaken.

5.5 Signage

- 5.5.1 All signs should be located so that the public, staff and patients are aware that they are entering a zone which is covered by CCTV surveillance equipment. The signs must contain the following information:
 - The person or organisation responsible for the scheme (NHSL or partners)
 - The purpose of the scheme
 - Details of who to contact regarding the scheme (e.g., the phone number of reception where the equipment is used)
- 5.5.2 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.”

5.6 Quality of the images

- 5.6.1 The CCTV installation must perform effectively and provide clear identification standard images within the designated areas.
- 5.6.2 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 Manager with responsibility for security.
- 5.6.3 Images recorded must be able to comply with the purpose of the CCTV installation. Cameras must be sited in such a way as to provide the operator with the ability to enable the identification of potential criminal offenders or others.
- 5.6.4 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.

- 5.6.5 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.

5.7 Processing the images

- 5.7.1 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.
- 5.7.2 When images are retained for such purposes, they will be retained in a secure environment.
- 5.7.3 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 Manager with responsibility for security will retain an archive copy.
- 5.7.4 Following retention of an archive CD for three months, the Manager with responsibility for security will confirm with the relevant third party if it is still required for evidential and legitimate investigation purposes. If not, then the Manager with responsibility for security will arrange for secure destruction.
- 5.7.5 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.
- 5.7.6 When hard drives have reached the end of their life span the appointed Manager with responsibility for security will arrange for their secure destruction in line with NHS Lothian policy.
- 5.7.7 Secure destruction of CDs will be undertaken by the Manager with responsibility for security and supported by documentary evidence witnessed by a second member of security staff.

5.8 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 requests 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, Woodlands House, 74 Canaan Lane, Edinburgh EH9 2TB.

NHS Lothian will provide the data subject with a standard Subject Access Request form to request a copy of the CCTV images [hyperlink to be added] which:

- Indicates the information required to locate the images requested, i.e., the date, time and location of the hospital visited.

- Indicates the information required 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 there will be no fee for the provision of images.
- Indicates that the response will be provided promptly and, in any event, within the one-month legal time period of receiving all information necessary to process the request.

Individuals should also be provided with the details of the [Information Commissioner's Office \(ICO\) website](#) and any links showing where they can find further information on their rights under Data Protection legislation.

Once a completed form is received, The Data Controller, NHS Lothian, in consultation with the Manager responsible for security 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.

If third party images are not to be disclosed, arrangements will be made by the Manager with responsibility for security to have those images redacted 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.

All requests for CCTV made via Patient Experience/Complaints will be treated as Subject Access Requests.

5.9 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

5.10 Internal release or viewing of recorded images

- 5.10.1 Requests for viewing or release of footage must be in writing from one of the authorised personnel. The purpose of this policy is to ensure that appropriate access to relevant NHS Lothian data is provided for the purpose of official investigations or statutory obligations.

No internal authorisation will be required when relevant documentation is supplied for legal/statutory requests, i.e., court order/Schedule 2 Form from Police Scotland or Procurator Fiscal.

- 5.10.2 Information will be made available to authorised personnel, giving reasonable notice whenever possible.

Authorised personnel are:

- Director of Estates & Facilities
- Associate Director of Facilities
- Data Protection Officers
- Contractor Hospital Managers
- Director of H.R
- Associate Director of H.R
- Heads of H.R
- Data Protection Officer (for Subject Access Requests)

- 5.10.3 However, for any suspected serious policy breach, potential criminal or legal issue, authorised personnel may authorise urgent or immediate release of appropriate data for investigation. Justification must be recorded, and the appropriate data request form completed.

- 5.10.4 Authority for transferring footage to a CD for release to a third party must be sought from the NHS Lothian (Data Controller) Site Manager or Deputy with responsibility for security. 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
- date and time span of footage released
- data that was burnt to disk
- date the viewing CD was released
- details and signature of the third party

- reason for releasing the footage
- name/signature of the person releasing the CD
- identification reference of the archive and viewing copy CDs.

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

5.10.6 Access to the recorded images will only be made available on the written request to the NHS Lothian (Data Controller) Manager with responsibility for Security.

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

5.10.8 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
- time period and camera footage viewed
- name(s) of the person(s) viewing
- reason and, if appropriate, the outcome of the viewing.

All Law Enforcement requests for access or disclosure should be documented in writing to the Manager with responsibility for security, or the Data Protection Officer.

Details should include:

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

The NHS Lothian Data Protection Officer may consult the Manager with responsibility for security 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.

5.11 Monitoring compliance with the Code of Practice

Enquirers about the CCTV operation should be provided, on request, with a copy of this policy 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, Woodlands House, 74 Canaan Lane, Edinburgh EH9 2TB.

Any complaints received should be forwarded to the Patient Experience and Feedback Team, NHS Lothian, 102 Westport, Edinburgh EH3 9DN.

The Manager responsible for security, or their deputy, will undertake periodic reviews of the documented procedures along with NHS Lothian Facilities Management Team to ensure that the provisions of this policy are being complied with.

NHS Lothian Site Facilities Management (unless this procedure has been delegated to an onsite contractor) are 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.

6.0 Associated materials

[Internal Request to Download CCTV Images](#), approved by the NHS Lothian Security Committee, February 2025

[Subject Access Request to Download CCTV Images](#), approved by the NHS Lothian Security Committee, February 2025

[Police Scotland Request to Download CCTV Images](#), approved by the NHS Lothian Security Committee, February 2025

[Closed Circuit Television \(CCTV\) Legal Compliance](#), approved by the NHS Lothian Security Committee, February 2025

[NHS Lothian Physical Security Policy](#), approved by the Policy Approval Group, September 2023

7.0 Evidence base

- Data Protection Code of Practice- Information Commissioners Office v1 (2014) [About this code | ICO](#)
- Information Commissioner’s CCTV Code of Practice: [Information Commissioner's Office \(ICO\)](#)
- NHS Lothian Information Governance [Information Governance \(scot.nhs.uk\)](#)
- UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018) [Data Protection Act 2018 \(legislation.gov.uk\)](#)
- [Human Rights Act 1998 \(legislation.gov.uk\)](#)

8.0 Stakeholder consultation

This policy has been developed in consultation with stakeholders including the Estates & Facilities Soft FM Area Managers (responsible for Security Teams), NHS Lothian Security Committee, and the Estates & Facilities Policy Review Group.

A draft of this policy was placed on the NHS Lothian Consultation Zone to give NHS Lothian staff an opportunity to provide feedback.

9.0 Monitoring and review

Good practice requires regular and frequent monitoring of compliance with this policy. These will be monitored by the Lead for Security and Car Parking and the Security Committee. The effectiveness of this policy may also be monitored and evaluated using the outputs from:

- Annual risk assessment reviews and updates
- Monitoring of security logs
- SAE Reviews
- DATIX investigations
- Complaint investigations/improvement plans
- Health & Safety Quarterly Reports (compliance with relevant policies/risk assessments)

This policy will be reviewed, as a minimum, every three years, but may be subject to earlier review in the event of changes in best practice, guidance or legislation, results from performance reviews and audits, or any other factors that may render the policy in need of review.