CCTV Policy

The Downs Malvern

February 2025

Introduction

1.1 This policy sets out how The Downs Malvern (the **School**) will manage the operation and use of CCTV.

1.2 The purposes of this policy are:

1.2.1 to help the School to regulate and manage its use of CCTV;

1.2.2 to help the School be transparent about how the School uses CCTV;

1.2.3 to help ensure that the use of CCTV remains a proportionate and justified response to the problems that it seeks to address; and

1.2.4 to provide guidance for all School staff on how to comply with data protection legislation in relation to the use of CCTV.

1.3 This policy is aimed at members of staff working in the School (whether directly or indirectly), whether paid or unpaid, whatever their position, role or responsibilities, which includes employees, governors, contractors, agency staff, work experience / gap year / placement students and volunteers.

1.4 This policy is published on the School's website www.malverncollege.org.uk and is available on request from the data compliance officer (dataprotection@malverncollege.org.uk).

1.5 Staff should read this policy alongside the School's Information Security Policy and Data Protection Policy: Practical Guidance for Staff.

2 The use of CCTV

2.1 The School's CCTV system comprises a number of cameras located on the School premises.

2.2 The School uses CCTV for the following purposes:

2.2.1 to safeguard the welfare of pupils, parents, staff and visitors;

2.2.2 to protect the School, pupils, parents, staff and visitors from criminal activity such as theft and vandalism;

2.2.3 to increase personal safety;

2.2.4 to support the protection of property;

2.2.5 to aid in the investigation of accidents, incidents and breaches of our rules and policies;

2.2.6 to assist the School with its health and safety obligations; and

2.2.7 to support law enforcement agencies in the reduction, prevention and detection of crime and to assist in the identification, apprehension and potentially prosecution of offenders.

2.3 CCTV footage may contain the personal information of those individuals captured by the recording.

3 Governance

3.1 The Data Compliance Officer has overall responsibility for the management and operation of the CCTV and the implementation of this policy.

3.2 The Data Compliance Officer will ensure that the CCTV system is operated according to this policy.

4 Minimising privacy risks

4.1 The School has carried out a Data Protection Impact Assessment on the use of CCTV. The outcome of the assessment was that the use of CCTV is a necessary and proportionate measure to achieve the purposes, listed at 2.2, above provided that certain measures are put in place to mitigate the risks.

4.2 The School appreciates that the use of CCTV impacts on individuals' privacy but considers this intrusion to be justified because less privacy intrusive methods would not be sufficient to meet the School's purposes for using CCTV. In coming to this conclusion, the School has had particular regard to the safeguarding and welfare duties it owes to pupils.

4.3 The School will review its use of CCTV should a concern be raised about its practices.

5 The operation of CCTV

5.1 The School has sited the cameras to view only areas which need to be monitored, for example, they do not monitor neighbouring private residences.

5.2 Where CCTV cameras are placed on the School premises, we will display signs to alert individuals that their image may be recorded. Such signs will identify the School as the organisation operating the system, identify the purpose for using the surveillance system and who to contact for further information, where these things are not obvious to those being monitored.

5.3 CCTV is not used in areas where individuals will have a heightened expectation of privacy, for example, there are no cameras in toilets or changing rooms.

5.4 The cameras have been positioned in a way to ensure their security and to protect them from vandalism.

5.5 The School has ensured that the cameras can produce images of the necessary clarity and quality to meet the School's purposes.

5.6 Images can be easily extracted from the system if required. For example, under a disclosure to law enforcement agencies and / or under a subject access request (please see section 11 for more information on subject access requests). The School is able to obscure parts of the images where required to protect the identity of individuals.

5.7 The CCTV does not capture sound recordings.

5.8 The CCTV cameras which record the perimeter of the School site are in operation 24 hours a day every day of the year, because this is necessary to meet the purposes for which they were installed (for example, to detect intruders).

5.9 The School is solely responsible for the operation of all CCTV in accordance with this policy

for the purposes identified at section 2.2 above.

5.10 We will never engage in covert monitoring or surveillance (that is, where individuals are unaware that the monitoring or surveillance is taking place) unless, in highly exceptional circumstances, there are reasonable grounds to suspect that criminal activity or equivalent serious malpractice is taking place and, after suitable consideration, we reasonably believe there is no less intrusive way to tackle the issue.

5.11 In the unlikely event that covert monitoring is considered to be justified, the School will carry out a Data Protection Impact Assessment or update its existing Data Protection Impact Assessment (if needed). The rights of individuals whose images may be captured will always be taken into account in reaching any such decision.

6 Maintenance of the CCTV equipment

6.1 The IT Director will check on a weekly basis that the system is operating effectively and in particular that the equipment is recording properly and that cameras are functional. Any software updates will be applied by the IT Services team.

6.2 The system will be regularly serviced and maintained to ensure that clear images are recorded. If any defects are found these will be reported to the IT Service Desk for rectification.

6.3 The School will monitor the operation of the CCTV system by investigating any notifications or concerns regarding the functionality of the CCTV system.

7 Storage and security

7.1 The CCTV footage will be stored securely and will only be accessed by designated School staff, being Headmaster, the Senior Deputy Head, the Deputy Head Pastoral, the Head of Safeguarding The Chief Operating Officer, Director of Estates, the Proctor, the campus security team and the Director of IT Services (**Designated Staff**). Other staff may view the CCTV footage as and when required in exceptional circumstances with the permission of the Designated Staff. Designated Staff will be given additional training on CCTV, as appropriate.

7.2 CCTV recordings, including any copies made, are encrypted.

7.3 The Designated Staff are trained in the School's security procedures. The Designated Staff will ensure that camera footage is not accessed by any unauthorised person.

7.4 The only locations where CCTV footage can be viewed are in selected private and secure offices. The monitors which live stream the CCTV footage are held in security office and the recordings can be viewed in the IT Services department.

7.5 Only Designated Staff are authorised to make copies (electronic or paper) of the CCTV footage.

7.6 Only the Designated Staff may allow external persons or agencies to view the CCTV footage and this will be done in accordance with section 12 below.

7.7 Any personal data breach (for example, any unauthorised access to CCTV footage) must be reported immediately to the Data Compliance Officer in accordance with the School's Information Security Policy.

7.8 All maintenance of ICT or CCTV equipment which could provide access to CCTV footage will

only be carried out by the Designated Staff.

7.9 Staff should note that any misuse of the CCTV system might constitute a criminal offence, for example, accessing footage without authorisation from Designated Staff.

7.10 Where footage is saved following an incident this will be done securely.

8 Internal use of the CCTV

8.1 If a member of staff considers that CCTV footage might be needed for an internal matter (e.g. a pupil disciplinary issue) they should speak to the Data Compliance Officer in the first instance.

9 Retention

9.1 Compliance with data protection law means that the School does not retain personal data for longer than is required for the purposes for which it was obtained. Recorded images will normally be retained for 90 days from the date of recording in accordance with the School's Information and Records Retention Policy.

9.2 However, the School has procedures in place to retain information for a longer period if this is required. For example, where an incident caught by the CCTV footage is being investigated or where there has been a subject access request.

9.3 The School may permanently delete images after a shorter period, for example where it can be determined more quickly that there has been no incident giving rise to the need to retain the recorded images.

9.4 The School has procedures in place to ensure that information is disposed of securely. This is the responsibility of the Data Compliance Officer and the IT Manager.

10 Informing individuals about the use of CCTV

10.1 The School appreciates the importance of being open and transparent about the use of CCTV. This policy is published on the School's website http://www.malverncollege.org.uk/about-malvern/policies.html and is available on request from the dataprotection@malverncollege.org.uk.

10.2 The School's privacy notices for staff, parents and pupils include information about the use of CCTV, by the School, including for what purpose it is used. A copy of the privacy notices can be found here http://www.malverncollege.org.uk/about-malvern/policies.html.

10.3 There are prominently displayed signs in areas where CCTV is in operation (for example, at all access routes into and out of the School). These signs can be seen before entering the areas covered by the cameras.

11 Subject access requests and other data protection rights

11.1 The School has procedures in place to respond to individuals' requests under data protection law involving CCTV footage, for example, subject access requests and right to erasure requests. More information about individuals' rights can be found in the School's privacy notices here http://www.malverncollege.org.uk/about-malvern/policies.html.

11.2 Any data protection request in relation to recorded CCTV images should include the date and time of the recording, the location where the footage was captured and, if a subject

access request, information to allow us to identify the individual e.g. what they were wearing.

11.3 We reserve the right to obscure images of third parties when disclosing CCTV footage as part of our response, where we consider it necessary to do so. We also reserve the right to provide stills rather than a recording, where appropriate.

11.4 Members of staff have been trained to recognise when an individual is exercising a right and understand that such a request may cover CCTV footage. Staff must refer all rights requests to the Data Compliance Officer immediately because such requests are complex and there is a statutory timeframe for the School's response.

12 Disclosure to law enforcement agencies

12.1 Images from the CCTV system may be disclosed to law enforcement agencies (e.g. the police) where the School considers such disclosure necessary (for example, for the prevention and detection of crime). However, any such disclosure will only be in accordance with data protection law.

12.2 Requests from law enforcement agencies should be referred to the Data Compliance Officer.

12.3 If CCTV footage is disclosed to a law enforcement agency the School will record what information has been disclosed, when the disclosure was made, to whom the information was disclosed and for what purpose(s). The law enforcement agency should produce a written request using the appropriate form to support its request for disclosure. The School will keep a copy of this on file as well.

12.4 The School will ensure that the disclosure of CCTV footage is carried out securely. The precise method of communication will be determined by the Data Compliance Officer but encrypting the footage will be considered.

12.5 If a law enforcement agency requires the School to retain the stored CCTV footage for possible use as evidence in the future, the information will be indexed and securely stored until it is needed.

13 Other requests for information

13.1 CCTV footage may be disclosed in other circumstances if this is in accordance with data protection legislation. For example, if required by a court order or if in connection with legal proceedings.

13.2 Applications received from outside bodies (e.g. solicitors) to view footage must be referred by staff to the Data Protection Officer.

13.3 CCTV footage will not be made available to the media for commercial or entertainment purposes.

13.4 We will maintain a record of all disclosures of CCTV footage.

14 Processors

14.1 The School is required to have a written agreement in place with any organisation that handles the CCTV footage on its behalf (known as processors under data protection law). For example, if the School uses a third party to store CCTV images on its behalf. In addition, the School must carry out checks on the processor to make sure that they understand, and

comply with, data protection in practice. +

15 Breaches of this policy

15.1 If staff consider that this policy is not being followed in any respect, they must inform the Data Compliance Officer immediately.

15.2 Any breach of this policy by a member of staff will be taken seriously and may result in disciplinary action.

16 Lawful basis for processing

16.1 Under data protection law the School must identify the bases it is relying on to make and use CCTV footage.

16.2 The School considers that the following bases are applicable:

16.2.1 The School has a legitimate interest in using CCTV for the purposes described at paragraph 2.2 above. In addition, others, such as pupils, parents, and visitors to the School site, also have a legitimate interest in the School's use of CCTV (e.g. so that they are confident that the School site is safe). The use of CCTV is not unfair because the School has put measures in place to safeguard the rights of individuals identifiable from CCTV, as described in this policy. The School considers that the use of CCTV is necessary for the purposes described at paragraph 2.2.

16.2.2 The School also relies on public task as a lawful basis to use of CCTV for the purposes described in paragraph 2.2.

16.2.3 Sometimes the School's use of CCTV will be necessary for compliance with a legal obligation, for example, where it is required to disclose a CCTV recording to the police in accordance with a court order.

16.3 There may be other bases depending on the circumstances.

17 Complaints

17.1 Any complaints or concerns about the use of CCTV by the School should be addressed to the Data Compliance Officer (dataprotection@malverncollege.org.uk).

Date: February 2025

Owner: Steve Cragg, Data Compliance Officer