

Document Review/Change Log

Issue	Date	Comment	Author	Sign
001	06 Apr 2018	Master Document Produced	Clark Ferguson	<i>C Ferguson</i>

**Introduction**

The **General Data Protection Regulation (GDPR)** (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. It addresses the export of personal data outside the EU. The GDPR will be brought in, in May 2018 and replaces the current Data Protection Act 1998 (DPA).

It provides a legal basis for the privacy and protection of individuals whose personal information is managed (or processed) by organisations. It places certain obligations on organisations regarding how they process such information and gives individuals certain rights regarding the information held about them. Furthermore, organisations are only permitted to hold and use a specific selection of information for limited purposes of which they must annually inform the government appointed independent watchdog, the Information Commissioner. The Act is very complex and although very clear in some areas is open to interpretation in a great deal of others.

Closed circuit television (CCTV) is installed at Duncan Self Drive Hire Ltd for the purposes of staff, customer and premises security. Cameras are located at various places on the premises, and images from the cameras are recorded.

The use of CCTV falls within the scope of the General Data Protection Regulation (GDPR).

In order to comply with the requirements of the GDPR, data must be:

- Fairly and lawfully processed
- Processed for limited purposes and not in any manner incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in accordance with individuals' rights
- Secure

## **Data protection statement**

- Clark Ferguson & Steve Damiral are the Data Controllers under the GDPR Act.
- CCTV is installed for the purpose of staff, customers and premises security.
- Access to stored images will be controlled on a restricted basis within the business.
- Use of images, including the provision of images to a third party, will be in accordance with GDPR.
- CCTV may be used to monitor the movements and activities of staff, customers and visitors whilst on the premises.
- External and internal signage are displayed on the premises stating of the presence of CCTV.

## **Retention of images**

Images from cameras are recorded on *videotape/disc/computer system* (“the recordings”). Where recordings are retained for the purposes of security of staff, customer and premises, these will be held in secure storage, and access controlled. Recordings which are not required for the purposes of security of staff, customer and premises, will not be retained for longer than is necessary (*57 Days*)

The system does not have an automatic power backup facility which may operate in the event of a main supply power failure.

## **Access to images**

It is important that access to, and disclosure of, images recorded by CCTV and similar surveillance equipment is restricted and carefully controlled, not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes.

## **Access to images by Duncan Self Drive Hire Ltd staff**

Access to recorded images is restricted to *the Data Controllers*, who will decide whether to allow requests for access by data subjects and/or third parties (see below).

Viewing of images must be documented as follows:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The name(s) of the person(s) viewing the images (including the names and organisations of any third parties)
- The reason for the viewing
- The outcome, if any, of the viewing
- The date and time of replacement of the recordings

## **Removal of images for use in legal proceedings**

In cases where recordings are removed from secure storage for use in legal proceedings, the following must be documented:

- The name of the person removing from secure storage, or otherwise accessing, the recordings
- The date and time of removal of the recordings
- The reason for removal
- Specific authorisation of removal and provision to a third party
- Any crime incident number to which the images may be relevant
- The place to which the recordings will be taken
- The signature of the collecting police officer, where appropriate
- The date and time of replacement into secure storage of the recordings

### **Access to images by 3<sup>rd</sup> parties**

Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1), accompanied by a £10 fee (which is non-refundable if the request is declined).

The data controller will assess applications and decide whether the requested access will be permitted. Release will be specifically authorised. Disclosure of recorded images to third parties will only be made in limited and prescribed circumstances. For example, in cases of the prevention and detection of crime, disclosure to third parties will be limited to the following:

- Law enforcement agencies where the images recorded would assist in a specific criminal enquiry
- Prosecution agencies
- Relevant legal representatives
- The press/media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account
- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)

All requests for access or for disclosure should be recorded. If access or disclosure is denied, the reason should be documented as above.

### **Disclosure of images to the media**

If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of other individuals must be disguised or blurred so that they are not readily identifiable.

If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out.

If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images

- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers
- The written contract makes the security guarantees provided by the editing company explicit

### **Access by data subjects**

This is a right of access, which is provided under GDPR. Requests for access to images will be made using the 'Application to access to CCTV images' form (which is at Appendix 1), accompanied by a £10 fee (non-refundable if the request is declined).

### **Procedures for dealing with an access request**

All requests for access by Data Subjects will be dealt with by the Business Manager.

The data controller will locate the images requested. The data controller will determine whether disclosure to the data subject would entail disclosing images of third parties.

The data controller will need to determine whether the images of third parties are held under a duty of confidence. In all circumstances the practice's indemnity insurers will be asked to advise on the desirability of releasing any information.

If third party images are not to be disclosed, the data controllers will arrange for the third party images to be disguised or blurred. If the CCTV system does not have the facilities to carry out that type of editing, an editing company may need to be used to carry it out. If an editing company is used, then the data controller must ensure that there is a contractual relationship between them and the editing company, and:

- That the editing company has given appropriate guarantees regarding the security measures they take in relation to the images
- The written contract makes it explicit that the editing company can only use the images in accordance with the instructions of the data controllers
- The written contract makes the security guarantees provided by the editing company explicit

The practice manager will provide a written response to the data subject within 21 days of receiving the request setting out the data controllers' decision on the request.

A copy of the request and response should be retained.

### **Complaints**

Complaints must be in writing and addressed to the business manager. Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the customer or data subject is required. All complaints will be acknowledged within 7 days, and a written response issued within 21 days.

*Peter Simpson*

[ Electronically Signed]

Peter Simpson

Director

Duncan Self Drive Hire Ltd

**APPENDIX 1**

**General Data Protection Act - Application for CCTV Access**  
**ALL Sections must be fully completed.** Attach a separate sheet if needed.

Name and address of Applicant	
Name and address of "Data Subject" – i.e. the person whose image is recorded	
If the data subject is not the person making the application, please obtain a signed consent from the data subject opposite	Data Subject signature.....
If it is not possible to obtain the signature of the data subject, please state your reasons.	
Please state your reasons for requesting the image.	
Date on which the requested image was taken.	
Time at which the requested image was taken.	
Location of the data subject at time image was taken (i.e. which camera or cameras.)	
Full description of the individual, or alternatively, attach to this application a range of photographs to enable the data subject to be identified by the operator.	
Please indicate whether you (the applicant) will be satisfied by viewing the image only.	

On receipt of a fully completed application and the £10 fee, a response will be provided as soon as possible, and in any event within 40 days. In the event of a declined application the fee is non-refundable.

<b>Duncan Self Drive Ltd use only</b>	<b>Duncan Self Drive Ltd use only</b>
Access granted (tick)	
Access <b>not</b> granted (tick)	Reason for not granting access:

Data Controller's name:	
Signature:	
Date:	