

# Goudhurst Parish Council



## STANDING ORDERS POLICY ON CCTV AND CODE OF PRACTICE

Reviewed and Approved by Council 16 May 2023, Minute 099/23

*To be reviewed May 2025*

### Introduction

Closed circuit television (CCTV) is installed at Goudhurst Parish Council premises and other public areas for general security purposes. Cameras are located at various places and images from the cameras are recorded.

The use of CCTV falls within the scope of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). In order to comply with the requirements of the law, 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

1. Goudhurst Parish Council is the Data Controller under the Act.
2. CCTV is installed for the purpose of Parish Council premises and public areas security.
3. Access to stored images will be controlled on a restricted basis by the Council.
4. Use of images, including the provision of images to a third party, will be in accordance with the Council's Data Protection registration.
5. CCTV may be used to monitor the movements and activities of staff and visitors whilst on the premises.
6. CCTV images may be used where appropriate as part of staff counselling or disciplinary procedures.
7. External and internal signs are displayed on the premises stating of the presence of CCTV and indicating the names of the Data Controller and a contact number during office hours for enquiries.

### Retention of Images

Images from cameras are recorded on a secure hard drive ("the recordings"). Where recordings are retained for the purposes of security of staff and premises, these will be held in secure storage, and access controlled. Recordings which are not required for the purposes of security of staff, and premises, will not be retained for longer than is necessary (usually 30 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. The nominated Data Protection Agents for Goudhurst Parish Council are the Clerk to the Parish Council together with Cllr Phil Kirkby and Mr Peter Rolington. Access of images by the Data Protection Agents is monitored and audited by the Data Controller. Data Protection Agents are required to sign a declaration acknowledging their responsibilities under this policy (Appendix 2).

## **Access to Images by Council Staff**

Access to recorded images is restricted to the Data Protection Agents and Data Controller. The Clerk, as Proper Officer, 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 Third Parties**

Requests for access to images will be made using the 'Application to access to CCTV images' form (Appendix 1).

The Clerk, as Proper Officer (and Deputy Clerk in the Clerk's absence), assesses applications and decides 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.

### **Access by Data Subjects**

This is a right of access under the 1998 Act, the GDPR and the DPA 2018. Requests for access to images will be made using the 'Application to access to CCTV images' form (Appendix 1). The requestor needs to provide enough information so that they can be identified in the footage, such as a specific date and time, proof of their identity and a description of themselves. Any footage provided may be edited to protect the identities of any other people.

### **Procedures for Dealing with an Access Request**

All requests for access by Data Subjects will be dealt with by the Clerk to Goudhurst Parish Council (or Deputy Clerk in the Clerk's absence) together with the Parish Council's Data Protection Officer (DPO) GDPR-*info* Ltd. The Clerk will locate the images requested and will determine whether disclosure to the data subject would entail disclosing images of third parties.

The Clerk (or Deputy Clerk in the Clerk's absence) will need to determine whether the images of third parties are held under a duty of confidence. In all circumstances the Council'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 Clerk (or Deputy Clerk in the Clerk's absence) 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 Clerk (and Deputy Clerk in the Clerk's absence) will provide a written response to the data subject within **30 days** of receiving the request setting out the Data Controllers' decision on the request.

A copy of the request and response should be retained for as long as is necessary.

## Complaints

Complaints must be in writing and addressed to:

The Clerk to Goudhurst Parish Council  
The Hop Bine  
Risebridge Farm  
Ranters Lane  
Goudhurst  
TN17 1HN

01580 212552

[clerk@goudhurst-pc.gov.uk](mailto:clerk@goudhurst-pc.gov.uk)

Where the complainant is a third party, and the complaint or enquiry relates to someone else, the written consent of the data subject is required.

All complaints will be acknowledged within seven days, and a written response issued within 30 days.

## Appendix 1

### Data Protection Act/General Data Protection Regulation

### Application for CCTV Data 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 signed consent from the Data Subject.	Signature of Data Subject:  Date of signature:
If it is not possible to obtain the signature of the Data Subject, please state the reasons why.	
Please state your reasons for requesting the image.	

<p>Date and time the requested image was taken.</p>	
<p>Location of the Data Subject at the time the image was taken (e.g. which camera or cameras).</p>	
<p>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.</p>	
<p>Please indicate whether you (The Applicant) will be satisfied by viewing the image only.</p>	

**FOR COUNCIL USE ONLY**

Access granted (tick)

Access not granted (tick)

Reason for not granting access (if applicable):

Signed on behalf of the Data Controller

If access is not granted - Refusal agreed by the Data Controller

Name:

Date:

Position:

Minute reference:

Signature:

Date and Time:

## Appendix 2

### Data Protection Act/General Data Protection Regulation

### Declaration by Data Control Agent for CCTV Data Access

<b>FOR COUNCIL USE ONLY</b>	
Name of Data Control Agent	Position
Reason for granting access:	
I confirm I have read and understand my responsibilities under; <ul style="list-style-type: none"><li>• Goudhurst Parish Council's CCTV Policy and Code of Practice;</li><li>• The General Data Protection Regulation (GDPR);</li><li>• The Data Protection Act 2018 (DPA).</li></ul>	
Signed	Date
Name (please print)	



I understand that access to the CCTV data is controlled by Goudhurst Parish Council, the 'Data Controller', and that any requests for data must be forwarded to the Clerk to the Goudhurst Parish Council for approval **before** data is accessed. Any access to live or recorded CCTV data held by Goudhurst Parish Council will be monitored to ensure compliance with the necessary legislation.

Signed

Date

Name (please print)

Signed on behalf of the Data Controller

Signed

Date

Name (please print)

Position