

CCTV & Surveillance Policy

Classification: Governance

Status: Approved

Policy Lead:	Director of Business Support
Date Approved:	May 2024
Last Review Date:	New policy
Review Due Date:	May 2027
Review Period:	3 years unless required earlier due to changes in the law, regulation, best practice or requirement of the Association

REFERENCE PAGE

Document Title:	CCTV & Surveillance Policy
Aim:	To ensure compliance with Data Protection Act 2018 and CCTV Code of Practice
Objective:	1 The Eildon Group will ensure that the highest standards of governance and partnership working are adhered to, including compliance with our regulatory frameworks
Scope of Policy:	Board & Staff
Nominated Officer:	Digital Services Manager
Approval Source:	Executive Team
Legal & Regulatory References:	Data Protection Act 2018 and general GDPR regulations The Freedom of Information Act 2002 The Health & Safety at Work Act 1974 The CCTV Code of Practice produced by the Information Commissioner The Human Rights Act 1998
Procedural References:	CCTV & Surveillance Procedure CCTV & Surveillance Privacy Notice Domestic CCTV Customer Leaflet Job Applicants & Employee Privacy Notice
Consultation Completed:	Yes - Staff & customers
Risk Implications:	3- New policy
Equalities Assessment:	Full
Accessibility:	Accessible electronically/online and in print. All documents can be translated and made available in audio, braille and large print versions upon request.
Publish on Website:	Yes

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1. Introduction

- 1.1 The Eildon Group (“Eildon”) owns and operates CCTV and other forms of surveillance systems e.g. CCTV and door access systems at our main office & Extra Care Housing developments, portable CCTV equipment, dashcams in work vehicles and voice recording on incoming calls to our 03000 number. Eildon do this for the purpose of enhancing security where there is considered to be a risk of crime or potential threat to the health, safety and wellbeing of individuals; and to assist in the prevention and detection of criminal or anti-social behaviour.
- 1.2 Eildon acknowledges the obligations it incurs in operating such systems and the rights and freedoms of those whose images may be captured. We are committed to operating systems fairly and within the law at all times and in compliance with the requirements of the General Data Protection Regulation (EU) 2016/679 (the GDPR) and UK Data Protection Act 2018 (the DPA 2018).
- 1.3 This policy governs Eildon’s approach to installing surveillance systems and handling the information obtained. It is underpinned by the following key principles:
 - Systems will only be installed where:
 - there is a clear identified and documented need,
 - staff or customers have been consulted,
 - alternative options have been considered,
 - privacy impacts have been considered.
 - Systems will be appropriately specified and professionally installed, having due regard to appropriate technical and legal advice and other relevant guidance;
 - Appropriate technical and procedural measures will be employed to ensure the security of our systems and personal data, including relevant controls to govern access to and use of images;
 - Appropriate measures will be taken to provide clear and accessible privacy information to individuals whose personal data is to be processed by these systems.

This policy will be supplemented by comprehensive procedures, which provide detailed operational guidance on the access and use of images and voice recordings captured.

- 1.4 Eildon recognises the increasing popularity of personal household surveillance systems and that customers may wish to install these in their homes. Without exception, Eildon shall not accept any responsibility for such installations or liability for the images they capture. We will maintain appropriate procedures for responding to requests to install personal household surveillance systems. Our customer leaflet on domestic CCTV can be accessed [here](#).

2. Responsibilities

- 2.1 All Eildon colleagues have a responsibility to adhere to this policy at all times and the following post holders have specific responsibilities in relation to the management of CCTV and other surveillance systems.
- 2.2 Leaders & designated individuals at our Extra Care housing sites are responsible for ensuring that data processing of CCTV images & voice recordings comply with the law and best practice as set out in this policy and the associated procedure.
- 2.3 The Data Protection and Information Officer (DPIO) is responsible for defining work practices that are compliant with the law and holding the CCTV & Surveillance Access Register.
- 2.4 The Housing Services Team is responsible for the installation and monitoring of temporary installations of CCTV, in consultation with our customers.
- 2.5 The Property Management Team is responsible for:
 - The procurement, renewal and installation of any new or renewed dashcam, CCTV or door access system
 - Maintenance and servicing of dashcam, CCTV & door access systems in line with manufacturers' recommendations and good practice.
- 2.6 The Business Support Team is responsible for scheme signage in consultation with the DPIO and Executive Team.
- 2.7 The Digital Services Team is responsible for maintaining access controls for all surveillance systems and for providing guidance and training on the systems to designated individuals.

3. Decisions on installing CCTV and Surveillance Systems

- 3.1 Eildon recognises that using CCTV and other surveillance systems can be privacy intrusive. Notwithstanding this, we acknowledge the potential value of these systems as both a deterrent and a means of detection and will consider all potential installations on a case-by-case basis. In doing so the aim will be to demonstrate that installation is a justified, proportionate and effective solution to any identified problems or risks. The impact on people's right to privacy and the availability of alternative and less intrusive options will be a key consideration.
- 3.2 To this end, all new and permanent surveillance system installations will require Executive Team sign off and a Data Protection Impact Assessment (DPIA) to be completed. All DPIAs will be conducted, recorded and signed off in accordance with our DPIA procedures. These have been developed in accordance with Information Commissioner's Office (ICO) guidance and

prescribe the approach to be followed in identifying and assessing data protection risks, and in consulting with those whose privacy is likely to be affected. Where appropriate. Eildon's DPIO will advise on and review DPIAs as required.

- 3.3 Eildon will maintain a register of DPIAs as a record of decision making, together with system installation authorisation and review.

4. System Specification and Installation

- 4.1 Eildon will procure and site CCTV & other image systems in accordance with an agreed standard specification, which reflects recommended practices and incorporates privacy by design features. Relevant criteria will include, but not be limited to:

- Easy installation of cameras and extraction of images;
- Appropriate quality imagery, relevant to the purpose of installation;
- Images are date and time stamped for easy identification;
- Access to viewing and recorded images can be restricted;
- Appropriate retention periods are complied with;
- Ensuring that sound recording capabilities are turned off, as standard;
- Siting cameras to ensure only areas of interest are subject to surveillance and to minimise viewing areas not relevant to the purposes the system was installed for, with due regard given to planning permission requirements as necessary. If this isn't feasible, privacy masking must be used;
- Siting cameras and equipment in secure locations, protected from unauthorised access and possible vandalism.

- 4.2 Eildon will engage the services of specialist contractors for all surveillance systems, in accordance with relevant procurement procedures, to advise on technical specifications and system configuration and design. They will also be engaged to carry out installation and maintenance. Such contractors will be required to demonstrate the appropriate credentials, expertise, and understanding of data protection requirements.

- 4.3 Once installed, Eildon's Digital Services Team will ensure default passwords are reset immediately and access enabled for designated individuals only. All systems will be set to retain information for 30 days and CCTV audio recording will generally be disabled, unless required for short term monitoring to substantiate claims of anti-social behaviour or criminal activity.

- 4.4 Eildon's Digital Services Team will maintain a register of all surveillance system installations, detailing the location and installation date, cost of installation, relevant technical specifications, system design features, and likely renewal dates together with user guidance.

5. Access and use of surveillance information

- 5.1 Access to all equipment and live and recorded information will be strictly controlled and limited to designated individuals/managers of the service where surveillance is in operation. Eildon's Digital Services Team will maintain a register of designated individuals and provide training on the surveillance systems they manage and their features.
- 5.2 As the Data Controller, Eildon owns all the information captured on any CCTV or surveillance system that it owns and has control over. The designated individuals will process this information in line with Eildon's CCTV & Surveillance procedure. They will ensure recorded surveillance information e.g. images, voice calls and access information are only viewed/accessed by named individuals linked to the stated purpose of the surveillance system and/or a data request.
- 5.3 Generally Eildon shall not undertake routine monitoring of surveillance information e.g. access information, telephone calls or images captured by surveillance equipment, with the exception of:
- Entry and exit monitoring at our Extra Care schemes which is required to ensure the wellbeing of all customers;
 - Occasional monitoring of customers in our Extra Care schemes where there is concern for their wellbeing and/or health & safety;
 - Occasional routine monitoring, on a short-term basis, in order to substantiate claims of anti-social or criminal behaviour through detecting ongoing or repeated incidents in line with Eildon's permitted reasons for monitoring;
 - Training and development of colleagues in our Customer Experience Team
- 5.4 Access to surveillance information will be on a "as required" basis, and in accordance with the purpose for which the system was installed:
- Prevention and detection of anti-social and criminal behaviour or other actions which breach tenancy or occupancy agreements by customers of, or visitors to, residential properties
 - Prevention and detection of unacceptable behaviour, including aggressive or abusive actions, towards Eildon staff
 - Prevention and detection of unauthorised access to, or other criminal activity within, office premises; and/or our schemes and grounds
 - General compliance with relevant legal obligations, regulatory requirements and Group policies and procedures
 - Monitoring the welfare, including safeguarding, of staff, tenants and/or their visitors
 - To assist, where appropriate, in staff conduct investigations in our Extra Care schemes
 - For the purpose of training and development of colleagues in our Customer Experience Team
 - Identification, apprehension and prosecution of offenders

5.5 Data access will be dependent on an explicit and appropriate data request in response to an incident or a request where there is a clear suspicion that an incident has occurred. Requests should be documented and include:

- The date and time of the event or incident (or suspicion of an incident)
- Details of the requester and their contact details
- Location of the camera, if known
- Information about the reason for the request and who is to be identified
- Who requires access to the footage and why

Data requests will be authorised to ensure that appropriate security standards are maintained and logged in the CCTV & Surveillance Access Register. On receipt of a data request, designated individuals will review footage/calls etc and take steps to retain and prevent automatic deletion of the information requested. Information retained will be supplied to the Operational Manager that authorised the request, and receipt will be logged in the register.

5.6 Access to surveillance information may also be required in order to respond to a Subject Access Request (SAR). All requests for surveillance system information will be treated as a SAR and handled in line with Eildon's SAR procedures. In doing so Eildon acknowledges the requirement to balance the rights of data subjects against those of other individuals who appear or are heard in the requested images/calls. If Eildon are unable to get consent for sharing or to protect the privacy of any third parties then the request may be refused. On receipt of a SAR, as above, arrangements will be made to retain and prevent automatic deletion of the personal information required and the request will be entered on the CCTV & Surveillance Access Register.

5.7 Eildon may also receive requests for surveillance information under the Freedom of Information (Scotland) Act 2002. If individuals can be identified from CCTV images or call recordings then those images will not be disclosed as this would be in breach of Data Protection Principles.

5.8 Disclosure of information from systems will be controlled and consistent with the purpose(s) of which the system was installed. As such disclosure is likely to be limited to law enforcement agencies or the Group's legal advisers. The CCTV & Surveillance Access Register will contain relevant details of image or call disclosure, including named recipient and reason for disclosure.

5.9 Eildon will not routinely keep saved copies of images or calls obtained through CCTV or other surveillance systems. Any images that are returned following disclosure will be disposed of securely in accordance with Eildon's Information Retention and Disposal Policy and procedures.

5.10 Eildon considers any attempted or actual misuse of CCTV or other surveillance systems or surveillance information by staff members to be a disciplinary matter, which will be handled in accordance with the relevant policy and procedures.

6. Reviewing Installations

- 6.1 As a minimum, each system will be reviewed every year to ensure its continued use serves a legitimate purpose and is required; and that the installation specification and design is appropriate to this purpose. This will involve a review and, as necessary, an update of the DPIA to reflect changes or actions required. This will apply to our permanent and portable CCTV systems.
- 6.2 Where it is determined that a system is no longer needed, arrangements for decommissioning will be made promptly. This will involve removal of all cameras and associated equipment and signage in accordance with Eildon's CCTV and surveillance system procedures.
- 6.3 Notwithstanding these regular reviews, the Property Manager will separately instruct its contractors to undertake periodic maintenance to ensure the equipment is maintained in line with good practice and the manufacturer's instructions. Any works to repair or replace system components, or to amend system configuration or design will be carried out only under explicit instruction.
- 6.4 The DPIO will also undertake annual audits of the systems and their use by designated individuals to ensure that best practice is being observed.

7. Privacy Information

- 7.1 Eildon shall be as transparent as possible in its usage of CCTV and surveillance systems and Group Privacy Notices will reference the collection of personal data via these systems. Clear and prominent signage or messaging will also be in place where systems are in operation. In accordance with good practice these will state the general purpose for which the system is being used and contain relevant contact details where any enquiries should be directed. In this regard, complaints about implementation of or compliance with this policy or the associated procedures, will be handled in accordance with Eildon's Complaints Handling Procedure.
- 7.2 Eildon acknowledges that individuals also have the right to complain to the ICO directly if they feel Eildon is not operating CCTV and surveillance systems in accordance with GDPR and/or DPA 2018.

8. Review

- 8.1 This policy will be reviewed every three years or sooner if required by changes in legislation or regulatory guidance.

APPENDIX 1

Equalities Impact Assessment

Title of policy/ practice/ strategy	CCTV & Surveillance Policy
Department	Company
Who is involved in the EIA?	Julia Kelly
Type of policy/ practice/ strategy	New
Date completed	May 2024

Stage 1: Screening Record

What is the main purpose of the policy?

To ensure Eildon is fully compliant with UK GDPR and the Scottish Information Commissioner's CCTV Code of Practice.

Who will the policy benefit and how?

The policy will benefit all staff, customers and their visitors providing clarity around our approach to installing & reviewing the use of surveillance systems, their purpose and how we will use and share the information captured. It also recognises the positive benefits of using surveillance to tackle crime, anti-social behaviour and to help safeguard the wellbeing of vulnerable residents and our employees.

For each equality group, does or could the policy have a negative impact?

Protected characteristic	Negative	Positive/no impact	Don't know
Age		X	
Disability		X	
Gender reassignment		X	
Marriage & civil partnership		X	
Pregnancy & maternity		X	
Race		X	
Religion or belief (including no belief)		X	
Sex		X	
Sexual orientation		X	

If you answered negative or don't know to the previous question you should consider doing a full EIA.

Are there any potential barriers to implementing the policy?

No equality barriers identified by the policy but staff awareness and training will be required to ensure effective implementation.

	Yes	No
<i>Is a full EIA required?</i>	X	

If you answered no to the above question explain why a full EIA is not required:

No impact on equalities identified:	
Other:	

Stage 2: Assessing the impacts

How might the policy impact on people who share protected characteristics?

Include both positive and negative impacts.

Overall, the negative impacts relate to possible difficulties reading, seeing or understanding signage or information leaflets about surveillance measures in place at our sites.

Protected Characteristic	Description of Impact
Age	<p>Possible difficulty in reading, seeing or understanding signage. Staff will be able to highlight the use of surveillance to customers on our sites to address this potential impact.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Disability	<p>Possibly difficulty in reading, seeing or understanding signage or communicating with those who may need communication support e.g. people with learning difficulties, blind, deaf etc who might find written English difficult to see/understand. Staff will be able to highlight the use of surveillance to customers on our sites to address this potential impact.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Gender reassignment	<p>No specific negative impacts.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Marriage & civil partnership	<p>No specific negative impacts.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>

Protected Characteristic	Description of Impact
Pregnancy & maternity	<p>No specific negative impacts.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Race	<p>Potential language barriers concerning the ability to understand signage written in English. Staff will be able to help with translation of signs and other forms communication regarding the use of surveillance on our sites to address this potential impact.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Religion or belief (including no belief)	<p>No specific negative impacts.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Sex	<p>No specific negative impacts.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases.</p>
Sexual orientation	<p>No specific negative impacts.</p> <p>CCTV has a positive impact on fear or crime in communities and its use is generally positively supported when used to gather evidence of instances of anti-social behaviour cases,</p>

How does the policy promote equality of opportunity?

Staff will be aware of the potential negative impacts and recognise the need to address negative impacts related to signs and communication leaflets/materials etc.

How does the policy promote good relations?

As above.

Stage 3: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact.

Does the assessment show a potential for differential impact on any group(s)?	Yes		No	X
Is there potential for unlawful direct or indirect discrimination?	Yes		No	X

What arrangements could be implemented to reduce or mitigate any potential adverse or negative impacts identified?

Staff will be aware of the potential negative impacts around signage and communications and recognise the need to address negative impacts related to these on applicable sites.

Describing how Equality Impact Analysis has shaped the policy making process

The impact analysis has allowed us to check and consider the implications (both positive and negative) of this policy and to consider how we implement the policy and procedure in practice.

Monitoring and Review

The policy and EIA will be reviewed every 3 years.

Stage 4 - Authorisation of EIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes X

No

- ◆ Opportunities to promote equality in respect of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion or belief have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes X

No

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Equality Diversity and Human Rights Policy.

Name:

Position:

Authorisation date: