

BRITISH SECURITY INDUSTRY ASSOCIATION

DATA PROTECTION ACT 1998 CCTV CODE OF PRACTICE

(TM/00/091)

INTRODUCTION

The BSIA welcomes the new Data Protection Act 1998 (DPA 1998) CCTV Code of Practice issued by Data Protection Commissioner. The Code of Practice is aimed at assisting operators and users of CCTV systems to understand their legal obligations when using CCTV and it also reassures the public by ensuring a standard is in place that controls the use of CCTV systems.

The following is a brief overview of the new Code of Practice.

The Code of Practice is different from the first draft of the Code issued earlier this year in many ways. The Commissioner has revised the Code of Practice in the light of comments made on the first draft Code. The new Code is in two parts

Part 1 - sets out the standards which must be met if the requirements of the DPA1998 are to be complied with.

Part 2 - sets out the interpretation of the Act and should be cross referenced with Part 1 to show practically how the different parts of the Act apply.

The Act will be revised on a regular basis to take account of technical developments and interpretations of the provisions of the Data Protection Act 1998.

The Code of Practice is aimed at most CCTV users; the exceptions being:

- a. "Targeted and intrusive surveillance activities."
- b. "Use of surveillance techniques by employers to monitor their employees' compliance with their contracts of employment."
- c. "Security equipment installed in home by individuals for home security purposes."
- d. "Use of cameras and similar equipment by the broadcast media for the purposes of journalism."

PART 1

INITIAL ASSESSMENT PROCEEDURES

This clause sets out clearly the requirement for ensuring what the CCTV scheme is to be used for, who is responsible for the scheme and what documentation needs to be put into place.

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SITING THE CAMERAS

This clause sets out the requirement for:

- a. Siting of cameras, and what should be taken into account if the cameras overlook private areas.
- b. The operators to be aware of the aim of the scheme, they must only use the cameras to achieve the aim and must be aware of and trained in recognising the privacy implications of such spaces being covered.
- c. Signs required to inform the public of the CCTV system and what information is to be contained on the signs.
- d. The user, if they feel the use of signs would be inappropriate to the aim of the scheme, and that the user must follow the guideline set out in this clause.
- e. Use of sound recording equipment and that this should not be used to record conversations between members of the public.

QUALITY OF IMAGES

This clause sets out the need to ensure the equipment used in the scheme is effective and adequate to meet the aims of the scheme

- a. It details what checks and tests on the system are required to ensure the images produced are of a quality to meet the aims of the scheme at all times.
- b. It lists good practices for the management of the recording material used.

PROCESSING OF IMAGES

This clause sets out guidelines on:

- a. The amount of time images can be held.
- b. If images are held how they should be managed.
- c. Access to images for use in legal proceedings and documentation required.
- d. Access to view images and documentation required if images are removed to view.
- e. Operator responsibilities on access to view and user disclosure policy.

ACCESS TO AND DISCLOSURE OF IMAGES TO THIRD PARTIES

This clause sets out guidelines on:

- a. The restrictions of access and disclosure of images to third parties
- b. The need to document all access to recorded material.
- c. The limited and prescribe reasons for disclosure of images to third parties. It also lists third parties to whom disclosure of images could be made.
- d. The need to disguise or blur images and the checks that need to be in place if this is undertaken by a third party.

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ACCESS BY DATA SUBJECTS

This clause sets out guidelines on:

- a. The rights of a data subject.
- b. Who should deal with a data subject request?
- c. The requirements of staff to act on a data subject request ensuring the correct identification and documentation is in place before releasing any recorded images.
- d. The time frame for action on a data subject's request.
- e. If disclosure would compromise a third party then what action is required.

OTHER RIGHTS

This clause sets out guidelines on:

- a. Individuals right to stop users processing images of them
- b. Actions to be undertaken by managers if a request is made by and individual to stop processing.
- c. Time frame for actions on a stop-processing request.

MONITORING COMPLIANCE WITH THIS CODE OF PRACTICE

This clause sets out guidelines on:

- a. How a user should document how they will comply with the code.
- b. What information is to be given to an individual on request with reference to the scheme and compliance to the code?
- c. What internal audits are required?

PART 2

DEFINITIONS

This clause lists the various definitions used in the document

PURPOSES FOR WHICH PERSONAL DATA/IMAGES ARE PROCESSED

This clause details the two issues any user will have to consider before installing a CCTV system they are:

- a. The type of data to be processed.
- b. To what purpose is the personal data being processed.

DATA PROTECTION PRINCIPLES

This clause sets out each of the 8 data protection principles in turn and expands each to give guidance on how they should be interpreted.

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RIGHT OF SUBJECT ACCESS

This clause gives guidance on what information an individual is entitled to and guidance to the data controller on how to ensure only the correct information is given in a timely manner.

EXEMPTIONS TO SUBJECT ACCESS RIGHTS

This clause sets out the exemptions to an individuals rights of data access.

OTHER RIGHTS

This clause sets out guidance on the right to prevent processing or automatic decision-taking.

*To register your system or for further information please ring the Office of the Data Protection Commissioner on **01625 545745**.*

For a copy of the CCTV Code of Practice visit www.dataprotection.gov.uk

Alex Carmichael
Technical Services