

# Fritch Green Parish Council

## Data Protection and Privacy Policy (incorporating CCTV)

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**Data Protection and Privacy Policy (Incorporating CCTV)**

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**Revision History**

<b>Version</b>	<b>Date</b>	<b>Revisions</b>
0.1	13/06/2018	Initial draft for review by Cllr. S Crawford and S Hennesey
0.2	18/06/2018	Second draft for review by Cllr. T Jack and Helen Mason (FGPC Clerk)
1.0	25/06/2018	Policy formally adopted by FGPC

# Flitch Green Parish Council

## Data Protection and Privacy Policy (Incorporating CCTV)

### 1 Introduction

Flitch Green Parish Council (FGPC or “The Council”) recognises its responsibility to comply with the General Data Protection Regulation (GDPR) which came into force on the 25<sup>th</sup> of May 2018.

The purpose of this document is to set out FGPC’s policy in respect of data protection and privacy and demonstrate its compliance with these regulations. This document is intended for use by FGPC employees, Councillors and anyone working for and on behalf of the Council. It is also freely available to members of the public on request.

The document also sets out FGPC’s policy in respect of its community CCTV solution, which also falls under the jurisdiction of the GDPR.

When dealing with personal data, FGPC staff and councillors must ensure that they comply with the six key principles of GDPR. These principles stipulate that all personal data must be:

- **Processed** lawfully, fairly and in a transparent manner
- **Collected** for specified, explicit and legitimate purposes
- **Adequate**, relevant and limited to what is necessary
- **Accurate** and, where necessary, kept up to date
- **Retained** only for as long as necessary
- **Processed securely**, in an appropriate manner to maintain security

#### Data protection officer and enquiries

Although FGPC is a public authority, Section 7(3) of the Data Protection Act 2018 (GDPR) states that Parish Councils are not considered as public authorities for the purposes of GDPR, and therefore are not required to appoint a data protection officer.

FGPCs primary contact for all data protection enquiries is the Parish Council Clerk (“The Clerk”), whose contact details can be found on the front page of this document.

#### ICO registration

FGPC has registered with the Information Commissioners Office (ICO), which also covers its use of CCTV within the community.

Our registration number is:

**ZA427194**

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## **2 Data Privacy**

### 2.1 Introduction

The following sections describe what information FGPC collects and how it processes it, in the normal execution of its duties. Specific policies in respect of FGPCs community CCTV implementation are detailed in section 5 of this document.

### 2.2 What information is collected

FGPC collects and processes a limited amount of personal data, which is usually collected as a result of enquiries, which may arise during the execution of its statutory duties.

Typically, personal data is limited to name, address, email address and contact telephone numbers. FGPC will only collect and process additional data beyond the above having gained explicit consent from the individual concerned and having established and confirmed the lawful basis for collecting that data.

### 2.3 How we collect personal information

Personal information is predominantly collected through the course of an enquiry, made by a member of the public to the Council. Typically, a member of the public would contact FGPC using the following methods:

- To the Parish Council Clerk by phone, email or post
- Directly to a Councillor, verbally, by phone, email, post or via social media (facebook)
- Via FGPCs facebook page (using the messaging facility)
- Via FGPCs website (note: the website does not have a specific contact form but will direct enquiries towards the Clerk's email address)

From time to time, FGPC will organise events that require the collection of a limited amount of data from children under the age of 16 (for example, events as part of FGPCs youth engagement strategy). The collection and processing of this data is covered in section 3 below.

Exceptionally, FGPC may also conduct public surveys to ascertain views or opinions on community related matters. In these cases, FGPC will ensure that explicit consent is obtained (and recorded) and that citizens are able to exercise their rights, in accordance with GDPR regulations (see section 4).

### 2.4 How we use and process personal information

The information we collect is typically used to action and resolve a specific enquiry, or to carry out a statutory duty. Personal information is also used to maintain contact with a citizen in the context of their enquiry.

Any survey data collected would typically be analysed and published publicly (on our website, in our community newsletter, on our facebook page or on our community notice boards). It is unlikely that survey results would contain any personal data, but where this is the case no personal data will be published externally without explicit consent being obtained from the citizens (data subjects) concerned.

FGPC does not currently operate any mailing lists and therefore has no requirement to collect and process data for marketing or any other related purposes. Should this change in the future, FGPC will update this policy accordingly and ensure that explicit consent is obtained from the data subjects concerned.

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#### 2.5 Disclosure of information to third parties

FGPC will not disclose any personal information to any third party without obtaining explicit consent from the citizen (data subject) unless it is specifically required to do so by law.

Where the third party is not a public authority, FGPC recommends that the citizen concerned ensures that the organisation has a published policy which states its compliance with the GDPR.

In the case of public authorities, FGPC will typically recommend direct contact, particularly if the enquiry relates to a crime or act of anti-social behaviour. From time to time, FGPC may be required to provide evidence to a law enforcement agency or other legal body, to support crime resolution.

FGPC will not, under any circumstances, sell any personal information to any third party.

#### 2.6 Retention of information

FGPC will retain personal information (including any employee records) for no longer than necessary, taking into account any legal obligations it has (e.g. to maintain records for tax purposes), or to maintain records of any consent given.

#### 2.7 Information security

All information held by FGPC is stored on secure servers and access to personal information is only granted to authorised persons (typically the Parish Council Clerk or a Parish Councillor).

#### 2.8 Use of automated decision making and profiling

FGPC does not use any automated decision making and/or profiling tools to process personal data.

#### 2.9 Sensitive personal information

FGPC does not knowingly or intentionally collect what is commonly referred to as 'sensitive personal information'. Citizens should not submit sensitive personal information about themselves or any other Citizen to FGPC.

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### **3 Collection and processing of children's data**

From time to time, FGPC may organise events which are specifically aimed at children, as part of its youth engagement strategy (for example, a careers evening held at the Community Hall).

Typically, these events will be advertised on social media (facebook, twitter and Instagram) and both children and their parents will register interest in the event using social media messaging or via email.

The data collected will be limited to Name, address, email address and contact telephone numbers. Where food is provided, the child's dietary requirements will also be collected.

The age of the child will need to be ascertained in order to determine whether explicit parental consent is required.

GDPR states that explicit consent must be obtained from whoever holds parental responsibility for the child, and in accordance with UK law this applies strictly to any child under the age of 13. FGPC will ensure that the purpose of the consent it is seeking (from either the child or the parent) is clearly described, is understandable by the child and explains how the child's rights (under GDPR) can be exercised.

FGPC understands that children have exactly the same rights under GDPR as any other citizen. Details of how FGPC handles these rights is outlined in section 4 of this document.

All children's data collected by FGPC will not be subject to any form of automated processing and any electronic data in the form of event spreadsheets and emails will be destroyed immediately following the event.

FGPC does not currently operate any mailing lists, although it will continue to advertise events on social media platforms, which will be visible to children that subscribe to the relevant pages.

#### **CCTV**

FGPC's community CCTV system is likely to capture video images of children, by virtue of the fact that the cameras are monitoring public spaces where children play. Our CCTV policies are detailed in section 5, but please note that the CCTV system is not manned, and images are only retrieved in accordance with FGPC's policies and GDPR.

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#### **4 Your rights and how to exercise them**

Under the General Data Protection Regulations (GDPR), all citizens (data subjects) have a series of rights in respect of their personal data. These rights apply to any citizen, regardless of their age and are as follows:

- to access your information and to receive information about its use
- to have your information corrected and/or completed
- to have your information deleted
- to restrict the use of your information
- to receive your information in a portable format
- to object to the use of your information
- to withdraw your consent to the use of your information

To exercise any of the above rights in respect of personal data that we may hold about you, please contact the Parish Council Clerk, whose details can be found on the front page of this document.

In accordance with the GDPR, FGPC is required to respond to subject information access requests within 30 days. Where possible FGPC will action all other rights (such as deletion and withdrawal of consent) immediately or as a soon as practicably possible.

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### 5 Flitch Green Community CCTV

#### 5.1 Introduction

The processing of personal data captured by CCTV systems (including images identifying individuals) is governed by the 2018 Data Protection act (General Data Protection Regulation / GDPR).

This policy explains how FGPC will operate the CCTV systems owned by it and located within the village of Flitch Green, and how it will comply with current legislation. It is prepared after taking due account of the *Code of Practice for Surveillance Cameras and Personal Information* published by the Information Commissioner.

This CCTV policy should be read in conjunction with FGPCs data protection and privacy policy, which is detailed in the previous sections of this document.

#### 5.2 Statement of purpose

The purpose(s) of the CCTV systems installed by FGPC is:

- To monitor the security of
  - the Community Hall and its car park
  - the Sports Pavilion
  - the multi-use games area (MUGA)
  - the neighbourhood equipped area for play (NEAP) adjacent to the Community Hall
  - the youth shelter
  - the sports playing field
  - the sports playing field car park
  - the outdoor gym area
  - the Tanton Road entrance to Flitch Green
  - the area surrounding the lake
  - the children's play area in Baynard avenue
  - all Parish Council equipment and assets in the areas surrounding the above
- To assist Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders of crime and anti-social behaviour in and around the above areas, by providing them with retrievable relative images
- To provide a safe and secure environment for users, visitors and staff and to help prevent loss or damage to any of the above
- To reduce the fear of crime and anti-social behaviour of persons using and working in these areas, so they can enter and leave the buildings and use the facilities provided without fear of intimidation by individuals or groups
- To deter potential offenders by publicly displaying the existence of CCTV and signs of its operation throughout the community

#### 5.3 Lawful basis for processing

FGPC is a public authority and has certain powers and obligations. Most personal information collected by it is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers.

A parish council may, for the detection or prevention of crime in its area install and maintain any equipment, establish and maintain any scheme, or assist others to install and maintain any equipment or to establish and maintain any scheme.

The purpose of installing the council's CCTV system is as set out above. Any personal information collected and used in connection with the CCTV system will be processed to assist in providing the

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general public with a safe and secure environment, free from crime and anti-social behaviour, and damage to buildings and assets provided for community use and enjoyment.

#### 5.4 Location

The current installation (phase 1) incorporates the following:

- 2 x high definition cameras covering the main sports hall within the Community Hall
- 1 x high definition cameras covering the entrance lobby to the Community Hall
- 2 x high definition cameras covering the Community Hall car park and the front entrance to the Community Hall
- 1 x high definition cameras covering the front entrance to the sports pavilion
- 1 x high definition cameras covering the NEAP children's play area and youth shelters
- 1 x high definition cameras covering the MUGA

Further phases covering the sports field car park and outdoor gym area will be completed by the end of the summer 2018 and this policy will be updated to reflect accordingly.

All the cameras have built-in infra-red ability for night-time usage and all recording equipment is located in a secure facility.

Every effort has been made to ensure that the CCTV cameras are sited, and image capture is restricted so as not to view or record areas that are not intended to be the subject of surveillance, such as individuals' private property and the Flitch Green Academy school.

The system does not have sound recording capability.

#### 5.5 Maintenance

The CCTV system is maintained for the Parish Council by BGE Digital under an annual maintenance contract.

#### 5.6 Signage

In areas where the CCTV is installed, FGPC will ensure that there are prominently placed signs at the entrances to the CCTV zone and within the controlled area. The signs will be clearly visible and readable, of an appropriate size depending on the context and will signal that FGPC is operating the system, the purpose for it and who to contact about the scheme.

The signs for the first phase of FGPCs CCTV deployment also indicate that security patrols operate in these areas.

#### 5.7 Management of the CCTV systems

FGPC has overall responsibility for the control of images and decisions on how the CCTV system is used.

Day-to-day operational responsibility rests with the Clerk and nominated Councillors. FGPC will control and grant access to a number of individuals that will operate the CCTV system (the **Operators**).

Access to recorded images is restricted to these Operators and FGPC will maintain a record of changes to these operators. When a Councillor or other authorised operator resigns his or her position and is no longer authorised to access the CCTV system, their system user credentials will be deleted.

The Operators will comprise designated and authorised persons from the following organisations:

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- Flitch Green Parish Council (FGPC) – The Clerk and designated Councillors
- The Flitch Green Trust (“The Trust”) – The trust has delegated responsibility for managing the majority of the key assets that are protected by the CCTV solution
- DEW Security Ltd (DEW) – DEW is contracted by FGPC to provide manned security patrols throughout the community.

The Operators are aware of the procedures that need to be followed when accessing recorded images and are trained in their responsibilities under the CCTV Code of Practice.

Where images and video footage are downloaded, a log will be maintained to record the date, time, operator and the reason they were downloaded.

All Councillors and Operators are aware of the restrictions in relation to access to, and disclosure of, recorded images.

FGPC has registered with the ICO, as a data controller. Details can be found in section 1 of this document.

#### 5.8 Image storage, viewing and retention

Recorded images will be stored in a way that ensures the security and integrity of the image and allows specific times and dates to be identified.

Access to live images is restricted to the Operators.

Recorded images can only be viewed in a restricted area approved by FGPC.

Periods of retention of images are intended to reflect FGPCs purpose for recording the information. Normally, images will be deleted at 14 day intervals which will provide adequate time for any incidents of a criminal or anti-social nature to have come to light and to have been reported to Law Enforcement Agencies (usually the police). On occasion, however, personal information may need to be retained longer where, for example, an incident has been identified and an access request has been made, or time is required to enable the police to collect relevant images, or the police are investigating a crime and ask for images to be preserved to afford them the opportunity to view the information as part of an active crime investigation. A record of this process will be captured.

Images retained for evidential purposes will be retained in a locked area accessible by the Operators only. The Clerk will ensure that the reason for retention is recorded, where the images are kept, any use made and when they are finally destroyed.

#### 5.9 Disclosure of images

Judgements regarding disclosure to third parties (such as system maintenance providers) can only be authorised by FGPC, as data controller, with the right to refuse any request for information unless there is an overriding legal obligation, such as a court order or information access rights.

Disclosure of information will be controlled and consistent with the purpose(s) for which the system is established. It is intended that CCTV images produced on the system will be used by Law Enforcement Agencies alone for their purposes of detecting, investigating and preventing criminal or anti-social behaviour. Once information is disclosed to the police or any other law enforcement body, they will become data controller for the copy they hold.

All requests for disclosure are recorded. If disclosure is denied, the reason is documented.

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#### 5.10 Individuals' access requests

Individuals whose images are recorded have a right to be provided with a copy of the images caught by the request that constitute their personal data, unless they agree otherwise, such as by viewing the footage. Requests for access should be made by email or in writing to the Clerk.

If a request is received the Clerk will comply with it within one month of receiving the request. No fee will be charged unless the request is manifestly unfounded or excessive.

Those requesting access must provide enough detail to allow the Operators to identify that they are the subject of images, and for the Operators to locate the images on the system, for example: date, time and location.

The images recorded by the CCTV system are extremely large and cannot be emailed. Citizens will be required to provide a USB data stick with significant capacity to hold the images and footage.

All requests for access are recorded. If disclosure is denied, the reason will be documented, and the individual will be informed within 30 days from the date of the original request. Individuals may exercise their right to complain to a statutory authority if they are unhappy with the decision.

Disclosure may be denied, for example, if the footage exposes images of other data subjects that have not given explicit consent to have their images disclosed.

#### 5.11 Other Individuals' Rights

The rights outlined in section 4 of this document apply equally to CCTV images.

#### 5.12 Enquires about the operation of the CCTV

Requests can be made to a public authority for information under the Freedom of Information Act 2000 relating to surveillance systems, such as the operation of the system, its siting or the cost of using and maintaining it. If such a request is received by FGPC it will consider whether disclosure is appropriate and/or whether an exemption under the Act applies.

Requests under the Freedom of Information Act must be in writing and will receive a written response within 20 working days of receipt, from the Clerk.

#### 5.13 Monitoring, compliance, evaluation and review

FGPC is committed to the recommendations of the *Code of Practice for Surveillance Cameras and Personal Information* published by the Information Commissioner.

To exercise any rights, queries or complaints, please in the first instance contact the FGPC Clerk, whose details can be found on the front page of this document.

For independent advice, data protection compliance concerns or to lodge a formal complaint, contact the Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/email> or Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

FGPC will undertake regular audits to ensure the use of the CCTV continues to be relevant and appropriate in accordance with its stated purpose, location, images recorded, storage length and deletion.

The efficacy of this policy will be reviewed at least annually by the Parish Council and any updates will be placed on this web page and the date below will indicate when this policy was last updated. Any changes are effective when we post the updated policy.

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Any major change that would have a significant impact on either the purpose(s) or this policy will take place after discussion by FGPC and resolution at a full Council meeting. All agendas are posted on the Parish Council notice board and website at least 3 clear days excluding weekends before Council meetings.

If FGPC decides to change the way in which it uses the CCTV, it will provide members of the public with information of the new purpose(s) prior to commencing the processing and setting out the relevant purposes and processing conditions and will inform the Information Commissioner within 28 days. Please note that this does not apply to the initial implementation phases of the CCTV system.