

# CCTV in Schools

Closed Circuit Television (CCTV) surveillance is an increasing feature in our daily lives. Cameras seem to be springing up everywhere and schools are no exception to this. There is a growing desire to take action to help reduce and prevent crime and the installation of CCTV cameras is currently the favoured method of doing this. This article offers a brief insight into what you should do if you have or intend to have CCTV cameras installed and explains whether or not your camera(s) will be covered by the Data Protection Act 1998.

## ➤ Does the Data Protection Act apply?

Yes, in some circumstances it does. The Information Commissioners Office has produced a comprehensive guide detailing how and when CCTV cameras should be installed and explains about putting signs up to inform people that CCTV surveillance is in operation. The CCTV Code of Practice can be found on [www.ico.gov.uk](http://www.ico.gov.uk)

## ➤ Are there any best practice recommendations?

- Always assess the appropriateness of and reasons for using CCTV or similar surveillance equipment. This assessment should be documented and the reasons for installation clearly defined.
- Ensure that you have a legitimate basis for processing the information and document it e.g. "the installation and use of our camera(s) is required to help prevent crime and aid in the prosecution of offenders".
- Contact the Information Commissioner's Office to register your camera(s) if you use a camera that can follow the movements of people. Cameras which are 'fixed' and cannot be moved remotely are not covered by the Data Protection Act and therefore do not need to be registered with the Information Commissioner's Office.
- Record the name or the job title of the person responsible for the operation of the equipment and who also has responsibility for ensuring compliance with both the Data Protection Act 1998 and the CCTV Code of Practice (where relevant).
- Contact parents where the use of CCTV is proposed and document how the school will keep the images captured on tape, secure. Parents should also be told when and to whom the CCTV tapes may be disclosed e.g. to the Police as part of a criminal investigation.
- Put up signs in prominent places informing people that CCTV surveillance is in operation. You must put a telephone number of the person who is in charge of the CCTV, on the sign, in case a member of the public or the police, have a query regarding the camera and/or the images captured on it.
- Tapes should not be reused too many times, to ensure the quality of the images. It is recommended that all cameras installed, should be set up to record the date and accurate time of the images being captured.
- Images recorded on tape should not be kept for longer than is necessary. A retention period of 28 days is recommended. After this time, the images should be erased. The only exception to this is if the image(s) are required for legal proceedings. In these circumstances, tapes should be kept securely and in line with the school's security policy.

## ➤ HOT TOPICS

### When is CCTV not covered by the Data Protection Act?

There is quite a bit of confusion regarding this amongst organisations using CCTV. The easiest way to determine whether or not your camera is covered by the Data Protection Act is to find out from the company that supplied the camera and ask them what type of camera it is.

Cameras which are 'static' (e.g. don't/can't move) are usually outside of the scope of the Data Protection Act and the normal rules for handling personal information do not apply.

Cameras which can follow the movements of people remotely (by the use of a device e.g. a joystick, an arrow key etc.) are usually considered to be within the scope of the Act and therefore the Data Protection Personal Information Handling rules **will** apply. If the CCTV images are covered by the Data Protection Act then the cameras will need to be registered with the Information Commissioner's Office via their notification helpline **01625 545740**. This is a requirement by law.

### Are individuals entitled to see/have a copy of their image captured on camera?

Section 7 of the Data Protection Act 1998 gives individuals a general right of access (the Subject Access Right) to any '**personal data**' held about them by organisations. There are 2 points to consider when deciding whether or not a person is entitled to view their image captured on camera:

#### 1. Is the camera covered by the Data Protection Act e.g. can the camera move?

If the answer to this question is **NO**, then the individual is **not** entitled to the image under the provisions of 'Subject Access'. If the answer is **YES**, then go to question 2.

#### 2. Is the individual the focus of the image e.g. have they been singled out in any way and/or their movements followed?

If the answer to this question is **NO**, then the person's image is not classed as '**personal data**' and therefore, the individual is not entitled to the image under the provisions of Subject Access - Data Protection Act 1998. If the answer is **YES**, then the image is disclosable to them.

Please note that individuals may still be able to request a copy of the CCTV footage under other legislation or if it is required for civil purposes. When this is the case, legal advice must be sought before a disclosure is made (to either a solicitor or the individual).

This article was published in 'Password' in December 2005. If you would like to discuss any of the issues raised in this article, contact Devon County Council's Information Compliance Team at [dpoffice@devon.gov.uk](mailto:dpoffice@devon.gov.uk).

The Information Compliance Team is hoping to cover other 'hot topics' in future editions of 'Password'. If you have any particular areas of interest, let us know.