

Release of data to third parties

(I) General Policy

- a) Every request for the release of data must be channelled through the system manager. Access to recorded images will be restricted to those staff that needs to have access in order to achieve the purposes of using the equipment.
- b) All access to the medium on which the images are recorded will be documented.
- c) Disclosure of the recorded images to the third parties will only be made in limited and prescribed circumstances.

II Primary Request to View Data

Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:

- a) Providing evidence in criminal proceedings
- b) Providing evidence in civil proceedings or tribunals
- c) The prevention of crime
- d) The investigation and detection of crime
- e) Identification of witnesses

All third parties will be obliged to show adequate grounds for the disclosure of such data and are likely to include, but not limited to:

- a) Police.
- b) Statutory authorities with powers to prosecute.
- c) Relevant Legal Representatives.
- d) Plaintiffs in civil proceedings.
- e) Defendants in criminal proceedings.

III Secondary Request to View Data

A secondary request for access to data may be defined as any request being made which does not fall within the definition of a primary request.

Before complying with such a request, the system manager will ensure that:

- a) The request does not contravene and that compliance with the request would not breach current relevant legislation.
- b) Any legislative requirements have been complied with.
- c) Due regard has been taken of any known case law which may be relevant.
- d) The request would pass a test of 'disclosure in the public interest.
- e) The system manager is supplied with sufficient information to establish the true identity of the person making the request in writing.
- f) Sufficient accurate information has been supplied to enable the system manager to locate the relevant information that has been requested in writing.
- g) The information relates to personal data of the person making the request unless all other individuals identified from the same information have consented to the disclosure.
- h) All other personal data which would enable the identification of any other person must be concealed or erased.
- i) If a third party or company is used to carry out such editing then the system manager must ensure:

- ii) There is a contractual relationship between the system manager and the third party or company.
- iii) That appropriate guarantees regarding security measures are taken in relation to the images that have been given.
- iv) That checks have been made to ensure that they are carried out.
- v) That written consent makes it explicit that the third party or company can only use the images in accordance with the instructions of the system manager.
- vi) That a written contract setting out such conditions and guarantees has been signed.
- vii) The appropriate fee has been paid.
- viii) All requests must be treated with absolute confidentiality.

If in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards will be put in place before surrendering the material:

If the material is to be released under the auspices of public well being, health or safety then written agreement to the release of material must be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practise.

- k) Recorded material may be used for bona fide training purposes such as police or staff training. Under no circumstances will the recorded material be released for commercial sale or for entertainment purposes.
- l) The system manager is entitled to refuse an individual request to view data or supply a copy of such data under these provisions if insufficient or inaccurate information is provided, although every effort must be made to comply with such a request and each one will be treated on its own merit.
- m) The system manager must be satisfied that the data is:

- i) Not currently, and as far as can be reasonably ascertained, not likely to become part of a live criminal investigation or civil proceedings.
- ii) Not the subject of a complaint or dispute which has not yet been actioned.
- iii) The original audit trail has been maintained.
- iv) For individual disclosure only.
- v) If the system manager decides that the request will not be complied with the reasons for refusal must be set out in writing to the individual within 20 days of receiving the request to view.

IV Process of Disclosure:

Individuals will be provided with an access request form which describes the individual's rights, the local authority's rights, access request fee and the application form.

All subject access requests should be dealt with by a manager or designated member of staff.

The manager or designated member of staff should locate the images requested.

The manager or designated member of staff will determine whether disclosure to the individual would entail disclosing images of third parties.

The manager or designated member of staff will need to determine whether the images of third parties are held under a duty of confidence. For example it may be that members of the public whose images have been recorded when they were in town centres or streets have less expectation that their images are held under a duty of confidence than individuals whose images have been recorded in more private spaces such as the waiting room of a doctor's surgery.

If third party images are not to be disclosed, the manager or designated member of staff shall arrange for the third party images to be disguised or blurred.

If the system does not have the facility to carry out that type of editing, a third party or company may be hired to carry it out.

If a manager or designated member of staff decides that a subject access request from an individual is not to be complied with, the following should be documented:

- a) The identity of the individual making the request.
- b) The date of the request.
- c) The reason for refusing to supply the images requested.
- d) The name and signature of the manager or designated member of staff making the decision

All staff should be aware of the individual's rights under this section of the Code of Practise.

V Media disclosure

If a request from the media for access to recorded material has been agreed then the following procedures must be adopted:

- a) The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits for its use.
- b) The release form must set out the manner in which the data is to be processed.
- c) It must also require proof of editing, either for approval or final consent, prior to its intended use by the media.
- d) The release form shall be considered a contract and signed by all parties involved.

VI Photographs/Video Prints

All still photographs or video prints will be destroyed within 28 days to ensure the information is correct and up to date unless required for evidential purposes.

All of the rules for handling and storage of tapes shall apply to such items and the Data Protection Rules will also apply.

VIII Principles

This Code of Practice is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to comply with all relevant Legislation.

The main principles are:

- a) Recorded material will only be processed lawfully and fairly and used only for the purposes outlined in this Code of Practise.
- b) Access to recorded material will only take place in accordance with this Code of Practise standard.
- c) The release or disclosure of data for commercial or entertainment purposes will be strictly prohibited.

**Hart District Council CCTV Surveillance System
Data Protection Act 1998
Access Request Form**

How to Apply for Access to Information Held on the CCTV System.

These notes explain how you can find out what information, if any, is held about you on the CCTV System.

YOUR RIGHTS

Subject to certain exemptions, you have the right to be told whether any personal data is held about you. You also have the right to a copy of that information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or if you agree otherwise. Hart District Council will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, then Hart District Council is not obliged to comply with an access request unless:

- The other individual has consented to the disclosure of information. Or it is reasonable in all the circumstances to comply with the request without the consent of the other individual.

The Council's Rights

Hart District Council may deny access to information where the Act allows. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
- Apprehension and prosecution of offenders

And giving you the information may be likely to prejudice any of these purposes.

Fee

A fee of £10 is payable for each access request, which must be in pounds sterling. Cheques, postal orders etc should be made payable to Hart District Council.

An Application Form

NB: All section of the form must be completed. Failure to do so may delay your application.

Section 1 Asks you to give information about yourself that will help us to confirming our identity. We have a duty to ensure that information it holds is secure and it must be satisfied that you are who you say you are.

Section 2 Asks you to provide evidence of your identity by producing TWO official documents (which between them clearly shows your names, date of birth and current address) together with a recent full face photograph of you.

Section 3 The declaration must be signed by you.

When you have completed and checked this form, take or send it together with the required TWO identification documents, photograph and fee to:

HART DISTRICT COUNCIL

Civic Offices

Harlington way

Fleet

Hampshire

GU51 4AE

If you have any queries regarding this form, or your application, please ring the CCTV Supervisor on 01252 774167.

SECTION I About Yourself

The information requested below is to help us (a) satisfy ourselves as to your identity and (b) find any data held about you.

PLEASE USE BLOCK LETTERS

Title (Tick box as appropriate)	Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>
Other (e.g. Dr, Rev, etc)								
Surname/family name								
First names								
Maiden name/former name								
Sex	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>				
Height								
Date of Birth								
Place of Birth	Town	<input type="checkbox"/>	Country	<input type="checkbox"/>				

Your Current Home Address (to which we will reply)		
A telephone number will be helpful in case you need to be contacted	Postcode	Tel No

If you have lived at the above address for less than 10 years please give your previous addresses for that period.

Previous address(es)		
Dates of occupancy	From:	To:
Dates of occupancy	From:	To:

SECTION 2 Proof of Identity

To help establish your identity your application must be accompanied by TWO official documents that between them clearly show your name, date of birth and current address.

For example: a birth/adoption certificate, driving licence, medical card, passport or other official documents that shows your name and address (electricity, gas, telephone bill).

Also a recent full face photograph of yourself.

Failure to provide this proof of identity may delay your application.

SECTION 3 Supply of Information

You have the right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to?

- a) Receive a permanent copy YES/NO
- b) Only view the information YES/NO

SECTION 4 Declaration

To be signed by the applicant.

The information that I have received in this application is correct and I am the person to whom it relates.

Signed by: _____ Date: _____

Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.

SECTION 5 To help us find the Information

If the information you have requested refers to a specific offence or incident, please complete this section.

Were you: (Tick Box Below)

A person reporting an offence or incident

A witness to an offence or incident

A victim of an offence

A person accused or convicted of an offence

Other - please explain:

Date(s) and Time(s) of incident	
Place incident happened	
Brief details of incident	

Before returning this form:

- Have you completed all sections in the form?

Please check:

- Have you enclosed TWO identification documents?
- Have you signed and dated the form?
- Have you enclosed the £10.00 (ten pounds) fee?

Further Information

These notes are only a guide. The law is set out in the Data Protection Act 1998, obtainable from the stationary office. Further information and advice may be obtained from.

Information Commissioner's Office

Wycliffe House

Water lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545745

08456 306060

Website: www.ico.gov.uk

Please note that this application for access to information must be made to Hart District Council and **NOT** to the Data Protection Office.