



**PWYLLGOR IECHYD A DIOGELWCH  
HEALTH & SAFETY COMMITTEE**

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	10 January 2022
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	Policy 323 – Closed Circuit Television (CCTV) Policy
<b>CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:</b>	Mandy Rayani, Director of Nursing, Quality and Patient Experience
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Tim Harrison, Head of Health, Safety & Security

**Pwrpas yr Adroddiad (dewiswch fel yn addas)**

**Purpose of the Report (select as appropriate)**

Ar Gyfer Penderfyniad/For Decision

**ADRODDIAD SCAA**

**SBAR REPORT**

**Sefyllfa / Situation**

The Health & Safety Committee (HSC) is requested to approve the revised Policy 323 – CCTV Policy. The report provides the required assurance that Policy 190 – Written Control Documentation has been adhered to in the review of the above mentioned written control document and that therefore the document is in line with legislation/regulations, available evidence base and can be implemented within the Hywel Dda University Health Board (HDdUHB).

**Cefndir / Background**

The policy outlines the HDdUHB wide approach to the use of CCTV systems, defining roles and responsibilities, describing practices that are compliant with all relevant legislation including the viewing and disclosure of recorded data and how the organisation will manage and systems in line with current legislation.

The policy covers everyone employed by HDdUHB whilst in the course of their duties including temporary staff and any visitors to HDdUHB sites.

**Asesiad / Assessment**

A full assessment of the policy has been undertaken with considerable input from an information governance perspective to ensure that the content is up to date and meets relevant legislation.

An equality impact assessment has been undertaken.

**Argymhelliad / Recommendation**

For the Health & Safety Committee to approve the revised Policy 323 – Closed Circuit Television (CCTV) Policy.

<b>Amcanion: (rhaid cwblhau)</b> <b>Objectives: (must be completed)</b>	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	3.16 Approve organisational Health and Safety Policies, Procedures, Guidelines and Codes of Practice (policies within the scope of the Committee).
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	This discipline covers a variety of operational risks that have been scored and identified on the Datix system.
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	2.1 Managing Risk and Promoting Health and Safety Governance, Leadership & Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic Objectives are applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report</a>	9. All HDdUHB Well-being Objectives apply

<b>Gwybodaeth Ychwanegol:</b> <b>Further Information:</b>	
Ar sail tystiolaeth: Evidence Base:	The content of this policy is developed utilising expert advice, with reference to legislation and guidance documentation.
Rhestr Termau: Glossary of Terms:	Contained within the body of the report.
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ansawdd Iechyd a Diogelwch: Parties / Committees consulted prior to Health and Safety Committee:	Information Governance Team.

<b>Effaith: (rhaid cwblhau)</b> <b>Impact: (must be completed)</b>	
<b>Ariannol / Gwerth am Arian:</b> <b>Financial / Service:</b>	No additional financial impact from approving this updated Policy.
<b>Ansawdd / Gofal Claf:</b> <b>Quality / Patient Care:</b>	There is a positive impact of the safety of staff, patients and visitors through compliance with the Policy.
<b>Gweithlu:</b> <b>Workforce:</b>	Not applicable.
<b>Risg:</b> <b>Risk:</b>	Not applicable.

<b>Cyfreithiol: Legal:</b>	Not applicable.
<b>Enw Da: Reputational:</b>	Not applicable.
<b>Gyfrinachedd: Privacy:</b>	The content of this policy is developed utilising expert advice, with reference to legislation and guidance documentation.
<b>Cydraddoldeb: Equality:</b>	The Equality Impact Assessment (EqIA) document from 2018 has been reviewed and updated.

## SUMMARY EQUALITY IMPACT ASSESSMENT –

<b>Organisation:</b>	Hywel Dda University Health Board
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<b>Proposal Sponsored by:</b>	<b>Name:</b>	Brett Jenkins
	<b>Title:</b>	Security Advisor
	<b>Department:</b>	Planning and Performance

<b>Policy Title:</b>	<b>CCTV POLICY</b>
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<b>Brief Aims and Objectives of Policy:</b>	<p>A Hywel Dda University Health Board (HDdUHB) wide approach to the use of CCTV systems, defining roles and responsibilities.</p> <p>Describing practices that are compliant with all relevant legislation including the viewing and disclosure of recorded data. The aim of this policy is to formulate consistent working practices in relation to the use of CCTV on HDdUHB premises. These practices will protect data held by HDdUHB whilst allowing the appropriate level of access to material when requested by individuals or other agencies. The effectiveness of CCTV will also be improved utilising its ability to prevent and detect crime, reduce the fear of crime and thereby enhance staff, patient and visitor safety. The main objective of this Policy is to allow, where practicable, data to be recorded, reviewed, copied and disclosed with compliance to all legislation. The accurate recording of all relevant information will also improve the integrity of the CCTV systems. This will allow robust lawful procedures should future reviews or audits be carried out.</p>
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<p><b>Was the decision reached to proceed to full Equality Impact Assessment?:</b></p>		<p><b>No</b></p>
	<p>The Policy will have a positive impact across all protected characteristics in terms of enhancing staff, patient and visitor safety. This would be particularly pertinent for those groups and individuals who may be more vulnerable to violence or abuse such as women, Lesbian, Gay, Bisexual and Transgender (LGBT), older people, Black, Asian and Minority Ethnic (BAME), gypsy/travellers, children, those whose religion/belief or perceived religion/belief is identifiable and may be targeted, and people with disabilities. In terms of human rights, this upholds the Article 2 The Right to Life and Article 3 right not to be tortured or treated in an inhuman or degrading way.</p> <p>Update June 2020:</p> <p>Changes made during this review were legislative or added to strengthen the policy in terms of people’s awareness of CCTV activity. Changes have been assessed as having a neutral impact in relation to protected characteristics and positive in ensuring that HDdUHB operates within legislative requirements.</p>	
<p><b>If no, are there any issues to be addressed?</b></p>		<p><b>No</b></p>
	<p>In terms of Article 8, the Right to Privacy, as a public body, HDdUHB has an obligation to respect this. It is a qualified right, which means that it may be interfered with when such interference is in accordance with law, for a legitimate purpose (e.g. to prevent crime, for public safety) and the interference is proportionate in trying to achieve the necessary aim. In such cases which apply to HDdUHB, these would be for security reasons and to investigate and prevent crime (Your Rights – the Liberty Guide to Human Rights). These are addressed within the Policy.</p>	
<p><b>Is the Policy Lawful?</b></p>	<p>Yes <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• CCTV Code of Practice, Information Commissioners Office</li> </ul>

		<p><a href="http://www.ico.gov.uk/upload/documents/.../ico_cctvfinal_2301.pdf">www.ico.gov.uk/upload/documents/.../ico_cctvfinal_2301.pdf</a></p> <ul style="list-style-type: none"> <li>• Data Protection Act 1998 Principles, Information Commissioners Office <a href="http://www.ico.gov.uk/for_organisations/data_protection/the_guide/the_principles.aspx">http://www.ico.gov.uk/for_organisations/data_protection/the_guide/the_principles.aspx</a></li> <li>• Health and Safety at Work Act 1974 <a href="http://www.hse.gov.uk/legislation/hswa.htm">http://www.hse.gov.uk/legislation/hswa.htm</a></li> <li>• Management of Health and Safety at Work Regulations 1999 <a href="http://www.opsi.gov.uk/si/si1999/19993242.htm">http://www.opsi.gov.uk/si/si1999/19993242.htm</a></li> <li>• Regulations of Investigatory Powers Act 2000 <a href="http://www.legislation.gov.uk/ukpga/2000/23/contents">http://www.legislation.gov.uk/ukpga/2000/23/contents</a> CCTV- Code of Practice NHS Business Authority</li> <li>• <a href="http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/CCTV_Code_of_Practice_nov2011.pdf">http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/CCTV_Code_of_Practice_nov2011.pdf</a></li> <li>• WHC (2006) 060 <a href="http://www.wales.nhs.uk/documents/WHC_(2006)_060.pdf">http://www.wales.nhs.uk/documents/WHC_(2006)_060.pdf</a></li> </ul> <p>– UPDATE June 2020 As outlined within the policy.</p>
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<b>Will the Policy be</b>	<b>Yes</b> <input type="checkbox"/>	<b>This is an update of an existing policy</b>
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<b>adopted?</b>	<b>If no, please record the reason and any further action required:</b>
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<b>Are monitoring arrangements in place?</b>	Yes <input type="checkbox"/>	
	<p>Procedural documents will be reviewed by the procedural document owner within 2 years of approval. However, a review earlier than this may be prompted by factors including:</p> <ul style="list-style-type: none"> <li>▪ Legislative or regulatory changes.</li> <li>▪ Structural or role changes.</li> <li>▪ Operational or technological changes in the evidence-base.</li> <li>▪ Organisational learning.</li> <li>▪ Audits and reviews of the effectiveness of the policy.</li> </ul> <p>Any complaints received in relation to equality, diversity and human rights issues will be addressed on an individual basis and appropriate action taken.</p>	

<b>Who is the Lead Officer?</b>	<b>Name:</b>	Tim Harrison
	<b>Title:</b>	Head of Health, Safety and Security
	<b>Department:</b>	
<b>Review Date of Policy:</b>	Bi-annually or sooner as required.	

Signature of all parties:	Name	Title	Signature
	Brett Jenkins	Security Advisor	
	Bob Mander	Information Governance Manager	1 Feb 2013
	Jackie Hooper	Equality and Diversity Advisor	1 Feb 2013
	Ceri Williams	Workforce and OD Manager	1 Feb 2013
	<b>UPDATE JUNE 2020</b>		
	Jackie Hooper	Senior Diversity and Inclusion Officer	16 June 2020

**Please Note: An Action Plan should be attached to this Outcome Report prior to signature**

**n/a 1 Feb 2013**

**16 June 2020**



# HYWEL DDA UNIVERSITY HEALTH BOARD



## CCTV POLICY

&

## Documentation

**FOR HSC APPROVAL**

Policy Number:	323	Classification	Corporate		
Supersedes					
Version No	Date of EqIA:	Approved by:	Date of Approval:	Date made Active:	Review Date:
1		HSC			3 years

Brief Summary of Document:	A Health Board wide approach to the use of CCTV systems, defining roles and responsibilities. Describing practices that are compliant with all relevant legislation including the viewing and disclosure of recorded data.
Scope:	This policy covers everyone that is employed by Hywel Dda University Health Board whilst in the course of their duties including temporary staff and any visitors to Hywel Dda Health Board sites.
To be read in conjunction with:	ICO Commissioners Code of Practice for CCTV UK General Data Protection Regulation (GDPR) All Wales Disciplinary Policy
Patient information:	Include links to <a href="#">Patient Information Library</a>
Owning Committee/ Group	Task and finish group (H&S/IG)

## HYWEL DDA LOCAL HEALTH BOARD

Executive Director:	Mandy Rayani	Job Title	Director of Nursing, Quality and Patient Experience
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Reviews and updates		
Version no:	Summary of Amendments:	Date Approved:
1	New Policy	23/04/2013
2	Full review	

### Glossary of terms

Term	Definition
CCTV	Closed circuit television
BWV	Body worn video
UK GDPR	UK General Data protection Regulation
CFSMS	Counter Fraud and Security Management Service

Keywords	CCTV, recording, police, evidence, data, data protection, disclosure, playback, DVR, access, disc, copy, security, footage, prosecution, violence, aggression, criminal, proceedings. GDPR
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# HYWEL DDA LOCAL HEALTH BOARD

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# HYWEL DDA UNIVERSITY HEALTH BOARD

## 1. INTRODUCTION

This document sets out the appropriate actions and procedures, which must be followed to comply with the Data Protection Act 2018, UK GDPR (General Data Protection Regulation) and codes of practice in respect of the use of CCTV (closed circuit television) and BWV (body worn video) recording or surveillance systems managed by Hywel Dda University Health Board and will include buildings subject to shared working arrangements.

## 2. POLICY STATEMENT

Hywel Dda University Health Board is committed to providing a safe and secure environment for all staff, users and visitors to its premises, this includes the protection of medical equipment and assets that all contribute to health care delivery. CCTV/BWV will be used to record events, where recording is lawful and available, thereby protecting the Health Board's assets, preventing and deterring crime, securing the successful prosecution of offenders, reducing the fear of crime whilst enhancing patient, staff and visitor safety. At all times Health Board, staff will ensure compliance to relevant legislation and this policy.

In drawing up this policy, due account has been taken of the following:

- UK General Data Protection Regulation.
- The CCTV Code of Practice produced by the Information Commissioner.
- The Human Rights Act 1998.
- The Regulation of Investigatory Powers Act 2000.
- Freedom of Information Act 2000.
- Caldicott Report 1997.

GDPR was adopted in the United Kingdom on 14<sup>th</sup> April 2016 and became enforceable on 25<sup>th</sup> May 2018. The regulation contains 7 key principles for the management of personal data held by businesses and organisations and covers the processing of images of individuals caught by CCTV/BWV cameras. The changes and principles of the UK General Data Protection Regulation are as follows:

- Lawfulness, fairness and transparency.
- Purpose limitation.
- Data minimisation.
- Accuracy.
- Storage limitation.
- Data Security.
- Accountability.

It is paramount to consider that recorded images of individuals is classed as personal data and should be managed to the highest standards giving regard to the GDPR principles at all times as material breaches expose individuals and the Health Board to potentially criminal offences and sanction including sizable financial penalties.

An important feature of the legislation regarding the use of surveillance camera systems is the CCTV Code of Practice that sets out the measures that must be adopted to comply with the latest version of the Data Protection Act and should be considered in conjunction with the UK General Data Protection Regulation. This goes on to set out guidance for the following of good data protection practice. The code of Practice has the dual purpose of assisting owners and operators of CCTV systems to understand their legal obligations while also reassuring the public about the safeguards that should be in place. Organisations should also look to gain compliance as good practice and minimum standards to the

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Information Commissioners CCTV checklist report from 11<sup>th</sup> March 2020.

Where CCTV Systems are the responsibility of Hywel Dda University Health Board, all staff must abide by this policy and comply with procedures detailed within it.

### 3. SCOPE

This policy covers everyone that is employed by Hywel Dda University Health Board whilst in the course of their duties including temporary staff and any visitors to Hywel Dda University Health Board sites.

### 4. AIMS

The aim of this policy is to formulate legislation compliant, consistent working practices in relation to the use of CCTV/BWV on Hywel Dda University Health Board premises. These practices will protect data held by Hywel Dda University Health Board whilst allowing the appropriate level of access to material when requested by individuals or other agencies. The effectiveness of CCTV/BWV will also be improved utilising its ability to prevent and detect crime, reduce the fear of crime and thereby enhance staff, patient and visitor safety. Retention of copied images is also covered in the Policy together with monthly/annual reviews to consider and lawfully justify the installation and continued use of cameras or devices.

### 5. OBJECTIVES

The main objective of this Policy is to allow, where practicable, data to be recorded, stored securely, reviewed, copied and disclosed with compliance to all legislation. The accurate recording of all relevant information will also improve the integrity of the CCTV/BWV systems. This will allow robust lawful compliant procedures should future reviews or audits be carried out.

### 6. DEFINITIONS AND EXPLANATION OF TERMS

Prior to considering compliance with the principles of the Data Protection Act 2018 and UK General Data Protection Regulation, a user of CCTV or similar surveillance equipment, will need to determine two issues:

**The type of personal data being processed**, i.e. is there any personal data, or data that falls within the definition of sensitive personal data as defined by Article 9 (1) GDPR; Sensitive personal data' includes:

- personal data revealing **racial or ethnic origin**;
- personal data revealing **political opinions**;
- personal data revealing **religious or philosophical beliefs**;
- personal data revealing **trade union membership**;
- genetic data**;
- biometric data** (where used for identification purposes)
- data concerning **health**;
- data concerning a person's **sex life**; and
- data concerning a person's **sexual orientation**.

The **purpose(s)** for which both personal and sensitive personal data is being processed.

The Information Commissioner will take into account the extent to which users of CCTV/BWV and similar surveillance equipment have complied with GDPR and CCTV/BWV Code of Practice when determining whether they have met their legal obligations when exercising their powers of enforcement.

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### 7. POLICY APPLICATION

#### 7.1. Initial Assessment of Procedures

The Chief Executive has the legal responsibility for the Hywel Dda University Health Board CCTV/BWV systems. Any authorised user of the systems will have responsibility for the day-to-day compliance with the requirements of the UK GDPR and latest CCTV Codes of Practice and this policy.

For the purpose of this Policy, Hywel Dda University Health Board CCTV/BWV, schemes are installed/used for the:

- a) Prevention or detection of crime or disorder;
- b) Apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings);
- c) Interest of public and employee Health and Safety;
- d) Protection of public health;
- e) Protection of Hywel Dda University Health Board property and assets;
- f) To promote safe sites and effective traffic management and parking control.

Any breach of the Codes of Practice will be detected via controlled access to the system and auditing. Employees found to have inappropriately accessed the CCTV/BWV systems will be reported under Hywel Dda University Health Board's Disciplinary Policy and potentially face both criminal and disciplinary process.

#### 7.2. Positioning/Review of the Cameras

It is essential that the purpose and location of the equipment be carefully considered, so as not to unnecessarily invade the privacy/activity of persons inside/outside the perimeter of Hywel Dda University Health Board premises because the way in which images are captured will need to comply with the UK General Data Protection Regulation 2016, Data Protection Act 2018, Human Rights Legislation and CCTV/BWV codes of Practice.

All cameras are to be located in prominent positions within public and staff view and do not infringe on clinical / treatment areas unless authorised by Welsh government. All CCTV surveillance with the exception of some legacy systems is automatically recorded. BWV will be utilised in order to secure evidence of disorder or criminal activity and shall be of a design to make this obvious when it is in operation and recording together with a verbal disclosure by the user where practicable. The phrase **“Everything you say and do is being recorded on video”**. Although minor deviations are acceptable, the overriding burden is to ensure that persons know they are being recorded. In some instances of serious or spontaneous violence then to give a verbal warning would increase risks to the user or is not practicable, devices may be activated and the reasons and footage recorded on Form D (Appendix D).

Signs are to be erected on all entrance points to Hywel Dda University Health Board premises and throughout the site to ensure staff and visitors are aware they are entering an area that is covered by CCTV surveillance equipment. Where BWV (body worn video) is present this will be displayed in a clear and transparent manner with notices informing all persons on the premises that such a system exists and the purpose for which it is used for.

Signage reinforces the deterrent and protective properties that CCTV/BWV has to offer but also satisfies the criteria for being for a defined purpose, lawful fair and transparent.

Use of Covert CCTV (directed) surveillance if required must be requested through the Police. If the request through the Police is refused, then authority can only be given by the Chief Executive NHS Wales or the Director of Resources, Department for Health and Social

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Services, regarding a requirement for directed surveillance activities within healthcare premises for security related matters. This is covered by Welsh Health Circular (2006) 060 following amendments to the Regulation of Investigatory Powers Act 2000 (RIPA), which removed NHS establishments from the schedules of the Act.

Counter Fraud and Security Management Service (CFSMS) previously known as the NHS Counter Fraud Service should undertake surveillance (involving fraud and corruption) on behalf of the NHS bodies in England and Wales.

Prior to any camera installation, the Estates Manager/Department Manager in conjunction with the Head of Information Governance and security provider will ensure that the installation complies with UK GDPR, CCTV Code of Practice and Surveillance Camera Code of Practice. Installations need to consider the purpose for which they are installed giving consideration to privacy impact assessments using a PLAN model. In that, the installation of cameras has a clear need satisfying the following:

- P - Proportionate;
- L - Lawful;
- A - Appropriate;
- N - Necessary.

Where less intrusive methods of resolving an issue are practicable, such as increased lighting for car park areas, then these should be considered and implemented in preference to CCTV.

All cameras should be checked at least monthly together with recording devices, BWV units, NVR's or DVR's to ensure their correct operation and functionality and a yearly review should consider the purpose use and necessity of cameras on every Hywel Dda University Health Board site using the PLAN standard.

### **7.3. Quality of Images**

It is important that the images produced by the equipment are as clear as possible in order that they are effective for the purpose(s) for which they are intended. This is why it is essential that the purpose of the scheme be clearly identified. For example if a system has been installed to prevent and detect crime, then it is essential that the images are adequate for that purpose.

Approved security companies should undertake all camera installations and service contracts. Upon installation, all equipment is tested to ensure that only the designated areas are monitored and high quality pictures are available in live and play back mode. All CCTV/BWV equipment should be serviced and maintained on a regular basis. Existing CCTV systems can be updated through the purchase and installation of improved cameras, providing it does not impact on the areas of coverage. This process should be continuous as legislation and technology changes.

### **7.4. Processing of Images**

Images, which are not required for the purpose(s) for which the equipment is being used, should not be retained for longer than is necessary, with regards CCTV systems, Digital and Network video recorders currently overwrite to ensure this process, while BWV images would need to be downloaded and stored securely with stored images on the devices being erased once images had been downloaded. While images are retained, it is essential that their integrity be maintained, whether it is to ensure their evidential value or to protect the rights of people whose images may have been recorded. It is therefore important that access to and security of the images is controlled in accordance with the requirements of the Data

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Protection Act 2018 and GDPR. No images should be retained longer than is needed, with steps made to ensure the data is recorded of being disposed and ensuring that no breaches or use of the images can occur from this point.

Where images are required for evidential purposes in legal or NHS disciplinary proceedings and a data recording is made, encryption techniques should be considered and deployed. The data can then be placed in a sealed envelope signed and dated and retained securely by the relevant department or head of investigation until all processes are completed. As stipulated, this data at the conclusion of proceedings should be retained in accordance with Data and evidential guidelines and destroyed in compliance with those guidelines.

Viewing of images is controlled by the Data Protection Lead or a person nominated to act on their behalf (e.g. Investigating Officer, Human Resources, Department managers, hotel services staff, Estates staff, Buildings managers). Only persons trained in the use of the equipment and authorised by the relevant IT Department can access data.

All images viewed in playback mode shall be recorded on the appropriate record sheet and a further record made if data is copied (Appendix A/B). On no account is there to be unrecorded viewing of recorded Data unless in the event of an emergency to prevent loss or life, serious harm or loss.

### 7.5. Access to and Disclosure of Images to Third Parties ([Appendix A](#))

It is important that access to, and disclosure of, the images recorded by CCTV/BWV and similar surveillance equipment is restricted and carefully controlled. This will ensure compliance with GDPR the CCTV/BWV codes of practice and that the rights of individuals are preserved, but also ensure that the continuity of evidence remains intact should the images be required for evidential purposes e.g. a Police enquiry or an investigation being undertaken as part of the NHS disciplinary procedure.

Access and disclosure to images is permitted only if it supports the purpose of the investigation. Under these conditions, the CCTV/BWV images view / release form ([Appendix A](#)) must be completed. Each request must be received in writing signed and assessed prior to any images being reviewed copied or released.

Data will only be reviewed or disclosed upon receipt of a correctly completed authority. For police purposes, this will be an officer not below the rank of Inspector for normal investigations and Superintendent where grounds are not disclosed to Hywel Dda University Health Board. On no account are Hywel Dda University Health Board staff to access or request data unless compliant with the above process.

### 7.6. Access to Images by Individuals (Please use [Appendix C](#))

Article 15 of the General Data Protection Regulation gives any individual the right to request access to CCTV/BWV images. These are known as **subject access requests**.

Individuals who request access to images must be issued an access request form ([appendix C](#)). Upon receipt of the completed form, the Information Governance Team and Data Protection Officer will determine whether disclosure is appropriate and whether there is a duty of care to protect the images of any third parties. If the duty of care cannot be discharged then the request can be refused.

A written response will be made to the individual, giving the decision (and if the request has been refused, giving reasons) within 30 days of receipt of the enquiry.



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### 7.7. Enforcement

The Information Commissioner has the power to issue Enforcement Notices and proceedings against individuals or Hywel Dda University Health Board where they consider that there has been a breach of one or more of the UK General Data Protection Regulation principles or CCTV/BWV codes of Practice. An Enforcement Notice would set out the remedial action that the Commissioner requires of any health board to ensure future compliance with the requirements of the Act together with consideration of prosecution and financial penalties.

## 8. DUTIES (ROLES AND RESPONSIBILITIES)

### 8.1. Chief Executive

Shall have overall responsibility for the implementation of this policy

Shall be overall accountability for the management of health & safety and will delegate responsibility to ensure that adequate and appropriate resources are made available to ensure that the Hywel Dda Health Board meets its legislative statutory and operational obligations.

### 8.2. Director of Estates

Shall be responsible for the overall management of the Hywel Dda University Health Board CCTV/BWV systems in regards to signage, positioning and coverage of cameras including maintenance and repair and ensuring this policy and that UK GDPR and the CCTV/BWV Code of Practice issued by the Information Commissioner (ICO) is complied with wherever practicable in relation to those matters.

Shall ensure that where users identify defects to any registered CCTV/BWV systems, there are processes for prompt assessment and repair wherever practicable within acceptable timelines.

### 8.3. Assistant Director of Informatics

Shall be responsible for the overall management of the Hywel Dda University Health Board CCTV/BWV systems in regards to Data recording devices, network access and security measures including maintenance and repair of information technology hardware and systems. Ensuring this policy and the Code of Practice issued by the Information Commissioner (IC) is complied with wherever practicable in relation to those matters.

Shall ensure that where users identify equipment or systems failures, there are processes for prompt assessment and repair wherever practicable within acceptable timelines.

### 8.4. Security Adviser

Shall be responsible for ensuring that the sites within Hywel Dda University Health Board that have CCTV/BWV are aware of this policy and implement its requirements. Providing practical and lawful procedures/advice for its use.

To advise on operational and strategic issues that involve the use of CCTV/BWV for investigative and preventative purposes.

To assist the Information Governance Lead in investigations in relation to the use of CCTV/BWV.

### 8.5. Information Governance Lead (Data Protection Officer)

Shall be responsible for ensuring that systems and procedures are in place on all sites for which they have responsibility to ensure compliance with this policy and the ICO's Code of

## HYWEL DDA LOCAL HEALTH BOARD

Practice and the Data Protection Act 2018 and UK GDPR.

Shall ensure that the use of CCTV/BWV equipment on Hywel Dda Health University Health Board premises has been registered with the Information Commissioner and the notification for the purpose is maintained.

Shall be responsible for identifying breaches of policy or legislation and taking remedial or investigative actions.

Shall be responsible for investigating any violations that are identified by the ICO.

### 8.6. County Heads/Site Managers/Building managers

Shall ensure that all CCTV/BWV systems can be accessed appropriately at all times by identifying and training authorised members of staff.

Shall ensure that monthly checks and yearly reviews of CCTV/BWV are conducted.

### 8.7. CCTV Users

All operators and users of Hywel Dda University Health Board CCTV/BWV systems will be responsible for upholding and adhering to the arrangements in this policy as well as compliance with UK GDPR and the Information Commissioners CCTV/BWV codes of Practice.

Shall ensure that all data/images are handled securely and responsibly within the aims of the policy. (Breaches and violations may result in internal or criminal investigations).

Shall report any breaches of this policy to the Health Board Data Protection lead.

Shall attend training/refresher sessions as may be required in order to maintain compliance with legislation.

## 9. TRAINING / SUPPORT

All staff will receive awareness of this policy through their induction and mandatory training updates.

This policy will be available to view on the Hywel Dda University Health Board intranet.

Should anyone require support, advice or guidance on any element outlines in this policy they should speak to their line manager, Estates and Facilities Manager, Trade Union Representative, Data Protection Lead or Security Adviser.

## 10. IMPLEMENTATION

This policy will be implemented throughout the Hwyl Dda University Health Board at all sites holding any CCTV systems and will apply to all staff.

## 11. FURTHER INFORMATION

The listed references below can be used in order to gain further information

- CCTV Code of Practice, Information Commissioners Office  
<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>
- Data Protection Act 2018, Information Commissioners Office  
[http://www.ico.gov.uk/for\\_organisations/data\\_protection/the\\_guide/the\\_principles.aspx](http://www.ico.gov.uk/for_organisations/data_protection/the_guide/the_principles.aspx)
- Health and Safety at Work Act 1974  
<http://www.hse.gov.uk/legislation/hswa.htm>
- Management of Health and Safety at Work Regulations 1999  
<http://www.opsi.gov.uk/si/si1999/19993242.htm>

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- Regulations of Investigatory Powers Act 2000  
<http://www.legislation.gov.uk/ukpga/2000/23/contents>
- Guide to UK GDPR  
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>
- WHC (2006) 060  
[http://www.wales.nhs.uk/documents/WHC\\_\(2006\)\\_060.pdf](http://www.wales.nhs.uk/documents/WHC_(2006)_060.pdf)
- Surveillance Camera Code of Practice  
<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

### 12. REVIEW ARRANGEMENTS

Procedural documents will be reviewed by the procedural document owner within 2 years of approval. However, a review earlier than this may be prompted by factors including:

- Legislative or regulatory changes;
- Structural or role changes;
- Operational or technological changes;
- In the evidence-base;
- Organisational learning;
- Audits and reviews of the effectiveness of the policy.

# HYWEL DDA LOCAL HEALTH BOARD

## 13. APPENDIX A – PERSONAL DATA REQUEST FORM



# Personal Data Request Form



<b>Part A</b>	<b>Application</b>
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To: (name and position if known) \_\_\_\_\_

Organisation: Hywel Dda Health Board

In line with the protocol agreed between Dyfed Powys Police and the Hywel Dda Health Board I herewith make formal application for access to view / listen to and (if necessary) copy CCTV recorded data of an occurrence/incident within the site which occurred:

at approx: (time) \_\_\_\_\_ on (date) \_\_\_\_\_

Specific details of the data referred to is attached. (See Part B)

I require access to this personal data for one or more of the following purpose(s)  
( tick appropriate reasons )

Purpose:	Legal Basis	<input checked="" type="checkbox"/>
For the prevention, investigation and detection of crime	1 & 2	<input type="checkbox"/>
For the apprehension and prosecution of offenders	1 & 2	<input type="checkbox"/>
To confirm or corroborate information for intelligence purposes	1 & 2	<input type="checkbox"/>
To put before a court to obtain a search warrant.	1 & 2	<input type="checkbox"/>
To prepare a file for the Coroner's Court	3	<input type="checkbox"/>
To further a money laundering or confiscation investigation.	4	<input type="checkbox"/>
To risk assess and address Health and Safety issues.	1, 2 & 5	<input type="checkbox"/>
To identify, assess or confirm any Child Protection issues.	6	<input type="checkbox"/>
To progress enquiries into a Road Traffic incident	1 & 2	<input type="checkbox"/>
To protect life or property	1 & 2	<input type="checkbox"/>

Key to legal basis:	1	Police Act 1996	2	Common Law
	3	Coroner's instructions	4	Proceeds of Crime Act 2002
	5	Health and Safety Law	6	Children's' Act 2004

I can confirm that:

- (a) The information / data will only be used in connection with the enquiry, held, and used only as long as this is required for policing purposes including any subsequent criminal justice or Coroner's proceedings.
- (b) if this personal data is not disclosed it will prejudice the purpose(s) indicated above

Requesting Police Officers Details

Print Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_

Authorising Police Officer

Print Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_

# HYWEL DDA LOCAL HEALTH BOARD



## Personal Data Request Form



<b>Part B</b>	<b>Details of the Data to be Viewed / Copied</b>
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The personal data which I am seeking authority to view and / or copy is:

*Describe the information sought and the subject of the enquiries as far as is possible without prejudicing them. Also – please specify which specific area(s) of the department did the incident / occurrence(s) take place.*

**Requesting Police Officers Details**

Print Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_

**Authorising Police Officer (Inspector or above)**

Print Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_

# HYWEL DDA LOCAL HEALTH BOARD



## Request for Access to Personal Data Hospital Response Form



NB: Please respond to all requests in order to help prevent duplication.

To: (name and applicant) \_\_\_\_\_

Organisation: **Dyfed Powys Police**

Please strike through whichever Part is inappropriate.

<b>Part A</b>	<b>Application Approved</b>
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I refer to the Access to Personal Data Request Form submitted by you on: \_\_\_\_\_

and I can confirm that:

- (a) I am authorised by the Hywel Dda Health Board to consider such applications; and
- (b) having considered your application I hereby authorise you:

(i) access to view the data

Tick which boxes are appropriate

(ii) to receive a copy of the data

<b>Part B</b>	<b>Application Refused</b>
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I refer to the Access to Personal Data Request Form submitted by you on: \_\_\_\_\_

I can confirm that:

- (a) I am authorised to undertake this duty by the Hywel Dda Health Board and
- (b) having considered your application - authority is denied for the following reason(s):

(please state reason for refusal here so that applicant can ascertain whether you need additional information before perhaps reconsidering the application or in order that the applicant can consider whether a Court Disclosure Order is appropriate/necessary)

Signed: \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Print Name

NB The subject of the request should not be given any indication that this request has been made prior to consultation with the requesting officer.  
If your organisation subsequently receives a request for a copy of this document (e.g. under the Data Protection Act or Freedom of Information Act), please contact the Dyfed Powys Police Data Protection or Freedom of Information Officer.

# HYWEL DDA LOCAL HEALTH BOARD

## 14. APPENDIX B: ACCESS TO VIEW/COPY IMAGES (INTERNAL)



### Hywel Dda Health Board Viewing or Copy Images – Internal

<b>Name of the person making the Request:</b>	
<b>Department:</b>	
<b>Position:</b>	
<b>Address:</b>	
<b>Telephone Number:</b>	

#### DETAILS OF IMAGES TO BE VIEWED

<b>Date:</b>	
<b>Reason:</b>	

<b>Signed</b>		<b>Dated:</b>	
<b>Request Granted:</b>		<b>Request Denied: (Reason)</b>	

#### TO BE COMPLETED IF IMAGES ARE REMOVED

<b>Ref No:</b>			
<b>Issued to:</b>			
<b>Authorised by:</b>			
<b>Date Issued:</b>			
<b>Issued by:</b>			
<b>Return Date:</b>			
<b>I acknowledge receipt of the above CD:</b>			
<b>Signed</b>		<b>Date:</b>	

# HYWEL DDA LOCAL HEALTH BOARD

## 15. APPENDIX C: REQUEST FOR CCTV IMAGE:

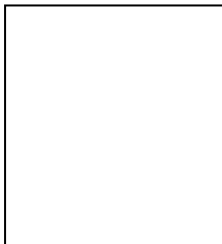


### INDIVIDUAL RELEASE FORM SUBJECT ACCESS UNDER THE DATA PROTECTION ACT 2018

You are advised that the making of false or misleading statements in order to obtain access to personal information to which you are not entitled is a criminal offence.

#### SECTION 1: DATA SUBJECT DETAILS

Please supply a photo to aid in identification (where applicable)



<b>Surname:</b>		<b>Date of Birth:</b>	
<b>Forename(s):</b>		<b>Gender:</b>	
<b>Address:</b>		<b>Home Telephone:</b>	
<b>Postcode:</b>		<b>Work Telephone:</b>	

#### SECTION 2: LOCATION (note 1)

Date	Area	Approx Time	Description



# HYWEL DDA LOCAL HEALTH BOARD

## SECTION 3: DECLARATION STATEMENT (note 2)

*This section must be signed in the presence of the person who certifies your application.* I declare that the information in this form is correct to the best of my knowledge and that I am entitled to apply for access to personal data referred to above under *Please tick appropriate box*

I am the person named (go to section 6)

Signature of Data Subject: \_\_\_\_\_ Date: \_\_\_\_\_

**OR**

The terms of the Data Protection Act 2018.

I am the agent for the person named and I have completed the authorisation section

I am the parent/guardian of the person who is under 16 years old and has completed the authorisation section

I am the parent/guardian of the person who is under 16 years old and who is unable to understand the request (go to section 6)

I have been appointed by the court to manage the affairs of the person (go to section 6)

## SECTION 4: APPLICANT DETAILS (note 3)

<b>Applicants Name: (please print)</b>	
<b>Address to which reply should be sent (if different from over, inc Postcode)</b>	
<b>Signature of Applicant</b>	

## SECTION 5: AUTHORISATION STATEMENT

I hereby authorise Hywel Dda Health Board to release CCTV images they may hold relating to me to

\_\_\_\_\_ (Enter the name of the person acting on your behalf) to whom I have given consent to act on my behalf

<b>Signature of Data Subject:</b>	
<b>Date:</b>	

# HYWEL DDA LOCAL HEALTH BOARD

## SECTION 6: COUNTERSIGNATURE (note 4)

To be completed by the person required to confirm the applicant's identity

I *(insert full name)* \_\_\_\_\_

Certify that the applicant *(insert name)* \_\_\_\_\_

Has been known to me as a *(insert in what capacity e.g. employee, client, patient etc)*

For \_\_\_\_\_ years and that I have witnessed the signing on the above declaration

<b>Name:</b> (please print)		<b>Profession:</b>	
<b>Address:</b>		<b>Telephone Number:</b>	
<b>Postcode:</b>		<b>Date:</b>	

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### OFFICIAL USE ONLY

Date Request Received:			
Date Form sent to applicant:			
Date Form Returned:		Date sent to Systems Administrators	
Certification Checked:		Date Checked	
		Date Completed	

# HYWEL DDA LOCAL HEALTH BOARD

## NOTES TO ASSIST IN COMPLETION OF THE REQUEST FOR CCTV IMAGE: INDIVIDUAL RELEASE FORM

### LOCATION (Note 1)

Provide details of the camera location, and the date and time of the image(s) you would like to see, as well as a general description of your appearance, clothing etc at the time in question.

### DECLARATION (Note 2)

The person making the application must complete this section.

- a) If you are the data subject- tick the first box and sign the authorisation then proceed to Section 6
- b) If you are completing this application on behalf of another person, in most instances, we will require their authorisation before we can release the data to you. The data subject whose information is being requested should be asked to complete the 'Authorisation' section of the form. (Section 5)
- c) If the data subject is a child i.e. under 16 years of age the application may be made by someone with parental responsibilities, in most cases this means a parent or guardian. If the child is capable, of understanding, the nature of the application his/her consent should be obtained or alternatively the child may submit an application on their own behalf. Generally, children will be presumed to understand the nature of the application if aged between 12 and 16. However, all cases will be considered individually.

### APPLICANT (Note 3)

The applicant is the person who is applying on behalf of the data subject to get access to the CCTV image(s).

### COUNTERSIGNATURE (Note 4)

Because of the confidential nature of data held by Hywel Dda Health Board it is essential for us to obtain proof of your identity and your right to receive CCTV image(s). For this purpose, it is essential that your application should include a copy of your photo-driving license or a photocopy of your passport.

The person who countersigns your application is only required to confirm your identity and witness you signing the 'Declaration' There is no requirement for this person either to see the contents of the rest of the form or to give any assurance that the other particulars supplied are correct.

# HYWEL DDA LOCAL HEALTH BOARD

## 16. APPENDIX D ACTIVATION OF BODY WORN VIDEO (INTERNAL)



### Hywel Dda Health Board Recording made with Body Worn Video – Internal

<b>Name of the person completing form:</b>	
<b>Department:</b> <b>Position:</b>	
<b>Address:</b>	
<b>Telephone Number:</b>	

#### DETAILS OF IMAGES TO BE VIEWED

<b>Date:</b>	Time recording started Time recording ended
<b>Reason:</b>	Give details including Datix Reference

<b>Signed</b>	Recording person	<b>Dated:</b>	
<b>Images required for Police</b>		<b>Request Approved/ Denied: (Reason)</b>	

#### TO BE COMPLETED IF IMAGES ARE COPIED

<b>Ref No:</b>			
<b>Issued to:</b>			
<b>Authorised by:</b>			
<b>Date Issued:</b>			
<b>Issued by:</b>			
<b>Return Date:</b>			
<b>I acknowledge receipt of the above CD:</b>			
<b>Signed</b>		<b>Date:</b>	

Please send copy of this form to [phil.lloyd@wales.nhs.uk](mailto:phil.lloyd@wales.nhs.uk) upon completion.