

CCTV and Monitoring Devices Policy

Sponsor:	Senior Information Risk Owner
Owner:	Data Protection Officer
Date Approved:	May 2022
Date for Review:	Every three years unless significant changes to process
Distribution:	Unrestricted; Internal and External Use

1. Purpose

The purpose of this policy is to outline Barnardo's position on the use of CCTV and other monitoring devices across the organisation.

Barnardo's is committed to the effective and conscientious use of CCTV and monitoring devices to deliver excellent services and protect its staff, service-users and property.

Why does this policy matter?

- Barnardo's has legal obligations regarding responsibly capturing images, video and audio of individuals. The UK's data protection regulator, the ICO, can impose fines and other sanctions on Barnardo's if it fails to comply with its legal obligations for recorded monitoring
- Barnardo's values its staff, supporters and service-users and needs to ensure that these individuals, and their personal data, are safe. In order to do this, it is important for Barnardo's to ensure that data gathered by monitoring devices is regulated effectively.

2. Scope

This policy covers all matters relating to the use of monitoring devices for the purposes of improving our services to vulnerable children, as well as improving the safety of Barnardo's staff, premises and service-users. Monitoring devices constitute any devices that capture live or stored audio, images or video data. Examples of this include:

- CCTV on Barnardo's premises
- Recording used during counselling sessions at a mental health service
- Supporter relations calls that are recorded for training, monitoring and auditing purposes
- A recorded video conference
- TV recording for publicity purposes
- The use of movement detectors and auditory devices for the safety and welfare of a child
- CCTV, internal monitoring devices and video doorbells in foster homes

The policy covers the justifications for using monitoring devices, and installing equipment conscientiously, mitigating the intrusiveness of monitoring equipment, securely storing data, sharing captured images, video or audio, inspecting installed monitoring devices, and deleting data responsibly.

Adherence to this policy should be considered in conjunction with Barnardo's other statutory and regulatory requirements.

3. Roles and Responsibilities

The policy applies to everyone that works at, for, or with Barnardo's; including Barnardo's trustees, committee members, staff, advisers, volunteers, foster carers and contractors. It is especially significant to Barnardo's staff that rely on monitoring devices to secure premises or support service delivery.

The Data Protection Officer has the responsibility for ensuring Barnardo's complies with the relevant Data Protection laws, maintaining the Policy, providing advice and guidance on all matters related to the Policy, reporting on and developing Data Protection practice

All Managers are directly responsible for implementing the policy within their operational areas and for adherence by staff they line manage.

It is the responsibility of all relevant **staff, agency workers, contractors, foster carers and volunteers** to comply with this policy and engage in any relevant training at appropriate intervals.

4. Policy

It is crucial that any use of recorded monitoring across Barnardo's justifies the capturing of individuals' personal data and is a proportionate response to the issue. Barnardo's considers it justified to use recorded monitoring if, and only if, it meets at least one of the following criteria:

- The improvement of security to Barnardo's premises and property
- Aiding in preventing, detecting or prosecuting criminal acts
- Greatly improving the welfare or safety of Barnardo's service-users and staff
- Assisting in the resolution of disputes which arise in the course of disciplinary or grievance proceedings
- Aiding the defence of any civil litigation, including employment tribunal proceedings
- The improvement of the personal safety of staff, visitors and other members of the public and to act as a deterrent against crime

If one of these criteria are met, then the installation of recorded monitoring needs to still be shown to be a proportional response to a perceived risk. It will be the responsibility of any staff considering the use of recorded monitoring to ensure that other less-intrusive attempts that don't require monitoring have been made to resolve the problem, where appropriate.

Example: Installing additional lighting in a car park that has had numerous thefts may result in the same outcome as costly and intrusive CCTV devices.

Barnardo's considers how intrusive monitoring devices are and will not justify the use of monitoring devices if it excessively infringes on an individual's privacy. This includes the monitoring of children and or young people in foster placements

Call recordings

Barnardo's regularly records telephone conversations with supporters and members of the public. The phone calls are used to keep a record of customer needs, and additionally for training, monitoring and auditing purposes. Due to the sensitive nature of these calls, Barnardo's retains this data in line with its retention schedules. Additionally, calls are securely stored via protected Barnardo's software and are accessed on a need to know

basis. Calls outside the scope of supporter relations and marketing services should not be recorded without prior consent from all parties involved.

Installation

During the installation of monitoring devices, staff should consider how the intrusiveness of devices can be mitigated as effectively as possible, for example, continuous and real time recording should be avoided where appropriate and cameras placed to avoid irrelevant recordings of the public. All devices that have been installed by Barnardo's for the purposes of monitoring should be explicitly labelled with clear signage on the premises or done orally in some circumstances. Signage should include basic details such as Barnardo's logo, website, telephone number, and an email contact. Where monitoring devices are used the subject must be informed or their parent/carer if they don't have the capacity to understand.

All monitoring devices that retain audio or visual data are capable of storing and transferring information onto Barnardo's electronic systems securely. Barnardo's ensures that all data captured in this way can be easily transferred to third parties, who would have the authority to act upon it.

Responsibility for monitoring and securing the data captured by Barnardo's monitoring devices is always clearly identified. Responsible individuals ensure that viewing areas are appropriately secure and can only be accessed by a limited number of staff on a need to see or hear basis. Data subjects have the right to request footage as part of a subject access request.

Sharing data with third parties

There are cases when data on the monitoring devices will need to be shared with a Third Party.

Data which is shared to Third Parties can only be disclosed for a police investigation, a safeguarding concern, or within the grounds of what the recording device was installed for. Any data which is shared with a Third Party is in accordance Barnardo's Policy on Information Sharing.

Retention and deletion

Barnardo's retains and deletes information in line with its Record Management Policy and Retention Schedule.

Where third parties monitoring devices are agreed (landlords, foster carers), an assessment of use, storage and deletion should be undertaken.

Covert monitoring

Barnardo's should not engage in covert monitoring or surveillance (that is, where individuals are unaware that the monitoring or surveillance is taking place) unless, in highly exceptional circumstances, there are reasonable grounds to suspect that criminal activity or extremely serious malpractice (eg, gross misconduct or practices that jeopardise the safety of others) is taking place and, after suitable consideration, Barnardo's reasonably believe there is no less intrusive way to tackle the issue.

Where the use of covert monitoring is considered to be justified, it will only be carried out with the express authorisation of the Head of Retail Operations. Prior to engaging in covert monitoring, Barnardo's will conduct a Privacy Impact Assessment. The Privacy Impact Assessment will consider the nature of the problem that Barnardo's is trying to address at that time and whether the covert monitoring is likely to be an effective solution, or whether a better solution exists. The decision to carry out

covert monitoring will be fully documented and will set out how the decision to use covert monitoring was reached and by whom. The risk of intrusion on innocent workers will always be a primary consideration in reaching any such decision.

Access to, and the disclosure of, covert monitoring recordings will be limited to authorised individuals only. Where covert monitoring takes place, it will only be carried out for a limited period of time (up to a maximum of 2 weeks) that is consistent with the objectives of making the recording and will only relate to the specific suspected criminal or unauthorised activity.

Barnardo's uses an external vendor to undertake covert monitoring on its behalf. This vendor meets the security, due diligence and safeguarding criteria outlined in Barnardo's vendor risk assessment.

5. Associated Legislation, Guidance, References and Documents

Data Protection legislation sets out essential principles, which are the foundation on which our organisation is bound and measured.

- The **UK General Data Protection Regulation** (UK-GDPR) is the **UK's** data privacy law that governs the processing of personal data from individuals inside the **UK**. The **UK-GDPR** was drafted as a result of the **UK** leaving the EU.
- The **Data Protection Act** 2018 is the UK's implementation of the General Data Protection Regulation (UK-GDPR). Everyone responsible for using personal data has to follow strict rules called 'data protection principles'.
- [Guidance on the use of domestic CCTV - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/using-cctv)
- [Domestic CCTV systems - guidance for people using CCTV | ICO](https://ico.org.uk/for-the-public/cctv/domestic-cctv/)
- [Surveillance & Monitoring Devices Guidance - Barnardo's Fostering Services](#)

6. Compliance and Oversight

In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:

- The Policy Owner will ensure that management information demonstrating adherence to and compliance with this policy is produced and provided to relevant parties as required.
- Departments and services where monitoring and surveillance devices exist will ensure local procedures are in place to demonstrate compliance with this policy.
- The Audit and Assurance team will periodically and independently review adherence to and compliance with this policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans.

7. Document History

Version	Date	Author	Status	Comments
1	25/03/19	Martine King	Awaiting approval	None
2	25/02/20	Martine King	Approved by SIRO	None
3	17/05/20	Martine King	Reviewed	None
4	21.06.21	Martine King	Updated	To include UK-GDPR and the consideration of other Regulatory and Statutory requirements