

Private and Confidential

The Data Controller

Colne Town Council

Colne Town Hall

Albert Road

Colne

Lancashire

BB8 0AQ



Subject: Access Requests for CCTV Data

Access to personal data under the Data Protection Act

Under the terms of data protection legislation, an individual's access to personal data, of which that individual is the data subject, must be allowed providing:

The request is made in writing to Colne Town Council's Data Controller

(Using the attached form and notes -Appendix 1)

- A definite fee is paid for each individual search, this fee is £50 for civil litigation issues.
- The Data Controller is supplied with sufficient information to satisfy them as to the identity of the person making the request
- The person making the data access request provides sufficient and accurate information about the time, date and place to enable the Data Controller to locate the information which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances, it is recommended that within one hour of accuracy would be a reasonable requirement);
- The person making the request will only be shown information relevant to that particular requested search and which contains personal data of themselves only, unless all other individuals who may be identified from the same information have consented to the disclosure.
- In the event of the Data controller fulfilling a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied (all other personal data which may facilitate the identification of any other person should be concealed or erased which may incur an additional cost).

The Data Controller is permitted to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures by the Data Controller and each request will be treated on its own merit.

In addition to the principles contained within the data protection legislation, the Data Controller should be satisfied that the data is:

- Not currently and, as far as can be reasonably established, not likely to become, part of a 'active' criminal investigation
- Not currently and, as far as can be reasonably established, not likely to become, relevant to civil proceedings
- Not the subject of a complaint or dispute which has not been actioned
- The original data and that the audit trail has been maintained
- Not removed or copied without proper authority
- For the individual disclosure only (e.g. to be disclosed to a named subject only)

Upon receipt of a genuine request to verify the existence of relevant data and payment of the appropriate fee which is currently £50, the Town Clerk will ensure:

- No undue obstruction of any third-party investigation to verify existence of data
- The retention of data which may be relevant to a request
- That there is no connection with any existing data held by the Police in connection with the same investigation

Any member of staff receiving a subject access request must note the name and address of the person making the request in order that the appropriate form may be sent to them. The details should then be passed without delay to the Data Controller or Assistant to the Town Clerk.

The Data Controller, or Assistant to the Town Clerk, will then send by first class mail a subject access request application form.

The Data Controller will only deal with subject access requests that are in writing and that are accompanied by a fee of £50.

On receipt of the completed form and the payment of the fee, the Data Controller will assess if there is sufficient information to locate the data subject contained within the reply. If not he/she will, without delay, write to the Data Subject and request the necessary information. If a reply is not received within 7 working days he/she shall disregard the request and record the reason for so doing.

On receipt of a subject access request and the required fee, the Data Controller shall process the request within 31 days.

Only the Data Controller or Assistant to the Town Clerk will attempt to locate the images and be responsible for decisions regarding disclosure.

The Data Controller or Assistant to the Town Clerk will decide if disclosing images will identify third parties and whether those images are held under a duty of confidence.

Any images so held will have the images of third parties blurred out or disguised at a cost of £100

Data Subjects may be asked if they merely wish to view their data at a fee of £25, otherwise they will be provided with a copy of the CCTV data in standard DVD format included in the fee.

All third-party viewings will take place in a private area away from the CCTV recording and Monitoring facility.

If subject access is denied, the Data Controller will record the details of the refusal and inform the enquirer of the decision in writing within 21 days of the data request.

If the Data Controller receives a request to cease processing personal data on the grounds that it is likely to cause unwarranted damage or distress, he must respond in writing to the individual within 21 days and state whether or not he will comply with the request, giving reasons for the decision.

The Data Controller will maintain a record of all such requests and the resultant decision.

Primary request to view data

Primary requests (i.e. those from law enforcement agencies such as the police) to view data generated by the CCTV system are likely to be made by third parties for any one or more of the following purposes:

- Providing evidence in criminal proceedings (Police and Criminal Evidence Act 1984, Criminal Procedures & Investigations Act 1996)
- Providing evidence for civil proceedings or tribunals
- The investigation and detection of crime
- Identification of witnesses

Third parties will be required to show satisfactory grounds for disclosure of data within the above criteria, this may include, but is not limited to:

- Police
- Statutory authorities with powers to prosecute
- Solicitors
- Plaintiffs in civil proceedings
- Accused persons or defendants in criminal proceedings

All primary requests will be recorded in the CCTV Suite Log Book.

Secondary Request to view data

A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the data controller shall ensure that:

- The request does not contravene, and that compliance with the request would not breach, current relevant legislation (e.g. Data Protection Act 1998, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc.)

Any legislative requirements have been complied with (e.g. the requirements of the Data Protection Act 1998)

- Due regard has been taken of any known case law (current or past) which may be relevant (e.g. R v Brentwood BC ex p. Peck)
- The request would pass a test of 'disclosure in the public interest'

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

- In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice.
- If the material is to be released under the auspices of 'public well-being, health and safety', written agreement to the release of material should 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 Practice.

The media - Where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident will be considered. In all cases of media disclosures for the purposes of this clause the police authority will have the sole discretion of disclosure.

Road Traffic Collisions - If a request is made in relation to a road traffic collision, the plaintiff's insurance company will need to contact the Council to obtain footage of the incident.

The Data Controller does not have to disclose the data if it thinks there are not strong enough grounds to do so.

If the Council decides to release the data:

- The Council will verify the accuracy of the request. The requester will be shown the relevant footage only (or authorised person acting on their behalf)
- The viewing will take place in isolation from the Council office, with adequate supervision
- Only data which is specific to the request will be shown. It must not be possible to identify any other individual from the information being shown (any such information will be blanked-out, either by means of electronic de-pixilation, or manual editing on the monitor screen)
- If a copy of the material is requested and there is no on-site means of editing out other personal data, then the material shall be sent to an authorised editing house for processing prior to being sent to the requester (an additional fee would be payable for this)

All staff that handle or manage personal data derived from the CCTV system will receive appropriate training in the following fields:

1. Recognition of a subject access request
2. Recognition of a request to prevent processing likely to cause a Data Subject unwarranted damage or to prevent automated decision taking
3. The use of appropriate forms
4. What action to take on receipt of a request
5. How enquirers might be provided with a copy of this policy
6. How enquirers might make a complaint about the CCTV system either to the owner or Information Commissioner

Complaints

Any use of the CCTV system or materials produced which is outside the policy and is inconsistent with the objectives of the system will be considered gross misconduct.

Misuse of the system will not be tolerated; continuing public support is vital. Any person found operating outside this policy without good and reasonable cause will be dealt with under the Council's disciplinary system. If any breach constitutes an offence under criminal or civil law then court proceedings may be taken.

Any complaint concerning misuse of the system will be treated seriously and investigated by the Town Clerk. The Town Clerk or Assistant to the Town Clerk will ensure that every complaint is acknowledged in writing within seven working days, which will include advice to the complainant of the enquiry procedure to be undertaken.

Where appropriate the Police will be asked to investigate any matter recorded by the CCTV system which is deemed to be of a criminal nature.

Major incidents

In the event of a major incident arising, such as serious public disorder, bomb threats/explosions or serious fires, the Police will be given authority to supervise the CCTV. Such authority will be given by the Town Clerk or Assistant to the Town Clerk verbally or in writing under the constraints of The Regulation of Investigatory Powers Act 2000.

Chairman _____

Date _____

Town Clerk & Responsible Financial Officer _____

Date _____



Appendix 1 Colne Town Council CCTV Subject Access Request

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 a right to be told whether any personal data is held about you. You also have a 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.

Colne Town Council will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to other individuals, who can be identified from that information, the 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(s)

Colne Town Council's Rights

Colne Town 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
- Giving you the information may be likely to prejudice any of these purposes

Fee

A fee of £50 is payable for each access request, which must be in pounds sterling. Cheques, Postal

Orders, etc. should be made payable to '**Colne Town Council**' or BACs Payments to Name: Colne Town Council, Bank: Lloyds Bank, Burnley branch, Sort Code: 30 11 48, Account number: 00314107

THE APPLICATION FORM: (N.B. ALL sections 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 the Council to confirm your identity. Colne Town Council has 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 show your name, date of birth and current address) together with a recent full face photograph of you.

Section 3

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

Data Controller,
Colne Town Council,
Colne Town Hall,
Albert Road,
Colne, Lancashire,
BB8 0AQ



**Colne Town Council CCTV
Data Subject Access Request**

This form is used to confirm the identity of the Data Subject, the identity and authority of the applicant (where applicable) and to assist in locating personal data relating to the Data Subject. Please complete it and send it to the address at the end of the form. If you need any help please call **01282 861888**

SECTION 1

1 - Who is the Data Subject?

Data Subject's full name _____

Date of Birth _____

Address _____

Post Code _____

Telephone No. _____

E-mail address _____

(a) Are you the Data Subject?

Yes No

If you answered 'Yes', go straight to Question 3 . Otherwise, please provide the information below.

Your full name _____

Date of Birth _____

Address _____

Post Code _____

Telephone No. _____

E-mail address _____

b) If you are NOT the Data Subject, state your relationship to them.

What is your relationship to the Data Subject? _____

(c) If you are NOT the Data Subject, describe your entitlement to receive details of their personal data, and the written authority enclosed (e.g. from the Data Subject) which supports this entitlement.

Why are you entitled to their Personal Data? _____

What written authority have you enclosed? _____

3- Our search for information relating to the Data Subject will be based on the information provided below.

CCTV footage (please tick box)

Date and time of incident when you believe image was captured (within 1 hour)

Date _____

Time _____

Location of incident _____

Brief description of incident _____

Brief description of the clothing worn by the Data Subject at time of incident _____

SECTION 2

What documents can you send or produce to confirm the identity and Data Subject?

We must see the original documents and we cannot accept photocopies. Note that Colne Town Council will return all documents as soon as possible via recorded delivery. If you deliver your documents in person we will return them to you after verification - please call **01282 861888** for further information.

(a) You must **confirm the Data Subject's identity** by sending one of the documents listed below. Please tick the appropriate boxes to indicate which documents you have enclosed.

i) Full Valid Driving licence issued by a member state of the EC/EEA

ii) Birth Certificate **or** Certificate of Registry of Birth **or** Adoption certificate

iii) Full Valid Current Passport **or** ID Card issued by a member state of the EC/EEA **or** Travel Documents issued by the Home Office **or** Certificate of Naturalisation or Registration **or** Home Office Standard Acknowledgement Letter (SAL)

If the Data Subject's name is now different from that shown on the document you submit to confirm his/her identity, you must also supply original documentary evidence to confirm the Data Subject's change of name e.g Marriage Certificate, Decree Absolute or Decree Nisi papers, Deed Poll or Statutory Declaration.

(b) You must also confirm the Data Subject's address by sending us one of the documents listed below. Please tick the appropriate boxes to indicate which documents you have enclosed.

i) Gas, electricity, water or telephone bill in the Data Subject's name for the last quarter

ii) Council Tax demand in the Data Subject's name for the last quarter

iii) Bank, building society or credit card statement in the Data Subject's name for the last quarter

iv) Letter to Data Subject from solicitor/social worker/probation officer in the last quarter

(c) You must also send us arecent passport sized photograph of the Data Subject.

SECTION 3

Declaration

In exercise of the right granted to me under the terms of the Data Protection Act 1998, I request that you provide me with a copy of the personal data about the Data Subject which you process for the purposes I have indicated overleaf.

I confirm that this is all of the personal data to which I am requesting access. I also confirm that I am either the Data Subject, or am acting on their behalf.

Signed _____

Print Name _____

Date _____

Make sure you have:

- (a) completed this form
- (b) signed the declaration above
- (c) enclosed originals of identification documents

Send them to:

**Data Controller
Colne Town Council
Colne Town Hall
Albert Road
Colne
BB8 0AQ**

We recommend that you send your form and documents by a secure method e.g. Recorded Delivery.



SECTION 4

FOR OFFICIAL USE ONLY

Please complete ALL sections

Application checked and legible? YES NO

Date Application received _____

Identification documents checked?

Details of Document Produced _____

Documents Returned? YES NO

If no, why _____

Member of staff completing this section

Name _____

Location _____

Signature _____

Date _____

Request (Please tick) Granted Denied

If Granted, please complete the following section:

Camera Number _____

Camera Location _____

Operators Details _____

Video Print Log Reference Number _____

Master DVD Reference Number _____

Date of Issue _____

Subject Access Signature or Proof of delivery address _____

CCTV Managers Name _____

CCTV Managers Signature _____

Comments _____

Before returning this form

- Have you completed ALL Sections in this form?

Please check:

- Have you enclosed TWO identification documents?
- Have you signed and dated the form?
- Have you enclosed the £50 (Fifty pound) fee?

Further Information: These notes are only a guide. The law is set out in the Data Protection Act, 1998. Further information and advice may be obtained from: **The Information Commissioner**

Appendix 2

Colne Town Council
Colne Town Hall
Albert Road
Colne
Lancashire



Date:

Telephone:

My Ref:

Ask for:

Extension:

Dear Sirs,

Authority to view / request copy of CCTV digital hard drives.

In accordance with Colne Town Council's CCTV Policy, please permit _____
to view the digital hard drives following a recent incident.

a. OIS log Number and Date or Crime Reference Number _____

OR

b. Which occurred at about _____ (date/time/location)

i. I also ask that you retain the original exhibited master copy DVD(s) and produce an exhibited working copy with a supporting statement of evidence if required. (The Master DVD(s) must be retained under secure storage until the Police Liaison Officer confirms criminal proceedings have concluded).

ii. IN RELATION TO MAJOR INCIDENTS ONLY – that you produce a master and working copy DVD(s) from the digital hard drive and hand both to the officer against signature.

Yours faithfully

Requesting Officer

Time _____