



Crawley Homes CCTV Policy

Policy Date	
TLAP approval	10.6.24
SMT approval	6.11.24
CMT approval	19.11.24
Cabinet Approval	
Review Date	

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1. Introduction

- 1.1 This policy applies to CCTV that is installed and used by Crawley Homes, which is Crawley Borough Council's landlord service
- 1.2 It outlines our use of CCTV placed in communal areas of our premises for the purpose of assisting with law enforcement, public safety and other functions. This policy sets out how we will comply with law and regulation in this area.
- 1.3 This policy also covers private (domestic) installation of CCTV or surveillance by our residents, leaseholders and shared owners, and the processes that must be followed in order for secure permission to install these systems.
- 1.4 This policy covers only CCTV that is the responsibility of Crawley Homes. It does not include CCTV surveillance in the wider public realm operated by Crawley Borough Council in conjunction with Sussex Police. These cameras are viewed and monitored by Sussex Police and any request to view CCTV footage should be made to Sussex Police via a Rights of Access Request.
- 1.5 A separate policy applies to body-worn cameras which are owned by the Safer Crawley Partnership and are worn by a limited number of operatives within our cleaning and clearance team.
- 1.6 A list of key definitions is set out in Appendix A.

2. Background and Legal Context

- 2.1 Technological advances and widened access have led to greatly increased surveillance activity, both by organisations in pursuit of their work, and individuals operating private systems. This increases the potential for breaches to privacy and the law relating to these systems.
- 2.2 Crawley Homes will abide at all times with the requirements and principles of all relevant legislation and codes of practice, including:
 - The Human Rights Act 1998
 - Protection of Freedoms Act 2012
 - The Data Protection Act 2018
 - The UK General Data Protection Regulation
 - Biometrics and Surveillance Commissioner's Surveillance Camera Code of Practice Amended Surveillance Camera Code of Practice (accessible version) - GOV.UK (www.gov.uk)
 - We will closely follow case law in our decision making regarding private installation of surveillance equipment, and in particular, the judgement in Fairhurst vs Woodard 2021.

3. Policy statement

- 3.1 We (Crawley Homes) operate CCTV within the parameters of Crawley Borough Council's Data Protection Policy and will comply with all relevant statutory guidelines and legislation applicable to us.
- 3.2 We use CCTV for the following purposes:
- To provide a safe and secure environment for residents, staff and visitors
 - To prevent the loss of or damage to public spaces, buildings and/or assets
 - To assist in the investigation of antisocial behaviour
 - Capturing evidence to support breach of tenancy and
 - To assist in the detection and prevention of crime and with law enforcement.
- 3.3. We will ensure that any installation or use of CCTV is proportionate to the impact of crime, loss, or antisocial behaviour, and carefully balances individuals' rights to privacy with our responsibilities as a landlord. As such, any installation, whether by or on behalf of Crawley Homes, or privately installed with our permission, will be carefully assessed, monitored and its impact assessed.

4. Roles and Responsibilities

All staff and users of CCTV equipment

- 4.1 All staff and users with operational access to CCTV equipment are responsible for:
- Compliance with all procedures in this policy.
 - Reporting to management any CCTV equipment that is not working correctly or in accordance its purpose or appears to have been tampered with.

Data Protection Officer (DPO)

- 4.2 The Head of Governance, People and Performance acts as the Data Protection Officer for Crawley Borough Council and is responsible for:
- Maintaining Crawley Borough Council's Corporate CCTV Register.
 - In conjunction with the Head of Crawley Homes, ensuring that a CCTV Privacy Impact Assessment is completed prior to the approval and installation of any CCTV within Crawley Homes
 - The investigation of any breaches of CCTV data (recordings and images)
 - Responding to Subject Access Requests (SAR) by individuals
 - In cases of a serious breach involving CCTV data, the DPO is responsible for reporting the matter to the Information Commissioners Office (ICO.)

Head of Crawley Homes

- 4.3 The Head of Crawley Homes is accountable for ensuring the legitimate need and appropriate use of CCTV within Crawley Homes, including:
- Overseeing completion of a CCTV Privacy Impact Assessment. Where there is a high risk to personal privacy, this must be completed in conjunction with the Data Protection Officer. This ensures robust consideration of risks and the actions required to protect personal privacy.
 - Ensuring that appropriate consultation has taken place before installation of new CCTV systems.
 - Overall approval of installations, taking full account of evidence from the Privacy Impact Assessment and consultation feedback.
 - Authorising persons who may access, download or delete CCTV footage.

Compliance Manager

- 4.4 The Compliance Manager is responsible for:
- Approval or retrospective approval of applications from residents for privately owned (domestic) cameras or surveillance equipment (including smart doorbells) at Crawley Homes properties (as set out in Appendix B of this policy)
 - Ensuring the maintenance and effective operation of Crawley Homes' CCTV surveillance equipment, so that it can be used and accessed in accordance with its intended purpose and in compliance with the law.
 - These tasks may be delegated to Crawley Homes' mechanical and electrical surveyor or compliance surveyor, in line with their role description and responsibilities.

Tenants and Leaseholders

- 4.5 Tenants and leaseholders are responsible for ensuring they have the correct permissions, as set out in this policy, before installing private CCTV or any form of surveillance equipment within or in the grounds of their home (including smart doorbells.)
- 4.6 Compliance with all legal requirements under GDPR and DPA and Code of Practice outlined in section two.

5. Camera locations and coverage

- 5.1 Prior to the installation of any new council CCTV equipment, a CCTV Privacy Impact Assessment (PIA) will be conducted to ensure that the proposed installation is compliant with legislation and ICO guidance.
- 5.2 All CCTV installations and their locations will be recorded on Crawley Homes' CCTV Register. This is reviewed annually to ensure that any CCTV systems placed in these locations remain proportionate and fit for their intended purpose.
- 5.3 On occasion, Crawley Homes may access temporary or mobile surveillance. This will be subject to the same legal requirements and considerations within this policy.

5.4 Any use of surveillance equipment must be accompanied by clear, compliant 'CCTV in operation' signage, setting out the purpose and contact details of the operator.

6. Access to Images

6.1 As CCTV recordings contain personal (and sometimes special category) data, there is a legal obligation to ensure that access is limited to those with a genuine need and that any data held meets technical requirements for information security. In the event of a data breach, prompt steps will be taken in accordance with the Council's procedures to mitigate the breach and to notify relevant parties.

6.2 Only relevant, authorised persons are permitted access to images obtained via CCTV. Authorisation is determined by the Head of Crawley Homes and recorded on Crawley Homes' CCTV register. No other individual will have the right to view or access any CCTV images and to do so would be considered a disciplinary matter.

6.3 Authorisation is based upon job position, the level of sensitivity of the information being viewed, and the purpose for viewing. Viewing is only permitted on a need-to-know basis, in order to investigate suspicious, illegal or antisocial activity. Currently, those permitted to access and view Crawley Homes' CCTV footage are limited to:

- Head of Crawley Homes
- Public Protection and Enforcement Manager
- Community Protection Operations Manager
- Antisocial Behaviour Team Manager
- Compliance Manager
- Compliance Surveyor
- Tenancy Services Manager, for CCTV within our neighbourhood housing stock and hostels
- Older Persons Service Manager, for CCTV within our sheltered schemes
- Area Housing Managers for each specific patch

6.4 In rare instances where one of the above-named persons are unable to review footage within the necessary timeframe, they may give documented permission to a delegated individual, provided that there is clear justification to do so and that the individual has appropriate Level Two CCTV operator's training. They must agree this via a request form to be held with the viewing log.

6.5 Any staff action relating to the operation, viewing or downloading of CCTV must be logged, including the name, date, time and purpose of the action. This includes any actions which change the field of vision, any downloads or deletion of footage. The record must be made as soon as possible after the action. This will be a record of access only and will not include details of what has been seen or any identifying details.

6.6 Some CCTV equipment in operation by Crawley Homes can be accessed remotely, including, for example, on a mobile phone or computer. Any remote operation, viewing or downloading will be logged in the same way as if doing so on site.

6.7 Any action relating to the viewing of images will be made away from public view, e.g. in a private room with no unauthorised persons present, in order to protect the privacy of the images.

7. Third party requests for footage

- 7.1 We work closely with the police, enforcement authorities and other agencies in order to detect illegal or antisocial behaviour and ensure the safety of our communities. These organisations may apply to us to view images or captured footage in order to fulfil their statutory duties or legal functions. To access CCTV footage, a request must be made in writing, including, where applicable, a crime number or case reference details to DPO@crawley.gov.uk or to

The Data Protection Officer
Crawley Borough Council
Town Hall
The Boulevard
Crawley
RH10 1UZ

- 7.2 We will acknowledge receipt and ask for any further information we need to enable us to process your request.
- 7.3 We will only release footage for the purpose for which it was recorded, set out in section three of this policy, within 28 days of the incident, and in accordance with the law.

8. Data Protection and Subject Access Rights

- 8.1 Individuals whose personal data has been captured on CCTV have a right to access a copy of this data, unless an exemption applies within the law. The following rights apply:
- The right to make a Subject Access Request (SAR) for a copy of footage in which they are captured, subject to exemptions within the Data Protection Act 2018. However this must also be balanced against the rights and freedoms of others who may appear in that footage.
 - The right to object to processing where they believe that the field of vision or the siting of the camera is disproportionate to the stated purpose of the camera.
- 8.2. All subject access requests (SAR) will be reviewed by the Crawley Borough Council's Data Protection Office (DPO) and determined in accordance with the law.
- 8.3. Where there is an objection to the processing or siting of CCTV, the Council will consider the objection and review whether a lawful basis for processing can still be justified. Please visit [Data Protection rights request | Crawley GOV](#) for further details regarding how to make a request under your data protection right

9. Retention Periods

- 9.1 Crawley Homes' cameras are usually set to automatically over-write footage between 28 and 31 days after it is captured.
- 9.2 Where authorised bodies are granted access to data from surveillance cameras in order to carry out their statutory duties, copies may be made and provided securely for this purpose.
- 9.3 If footage is required for enforcement action or to support a case, it will be kept until the relevant case is closed or two years, whichever is the shortest.
- 9.4 These retention periods also apply to any footage or recordings passed to us from private installations, devices or recording equipment to assist with evidence collection, for example in investigation of antisocial behaviour cases.

10. Private (domestic) installations

- 10.1 Tenants and leaseholders must ask permission before the installation of any recording equipment, including CCTV cameras or smart doorbells. As a landlord, we are responsible for ensuring that your equipment does not cause a nuisance or disproportionate intrusion to others, and that the installation will not cause damage to communal walls or areas, safety or fire integrity of the building.
- 10.2 To request permission, please go to [Permissions for improvements | Crawley GOV](#) or contact us on 01293 438000.
- 10.3 If equipment has been installed without permission, retrospective permission must be sought. Any damage caused to the building by the installation will be rechargeable to the tenant.
- 10.4 We will grant any permissions in writing, setting out what equipment is covered and requirements for its installation, use and removal. The installation will be monitored to ensure our requirements are adhered to.
- 10.5 If the proposed equipment will capture recordings from outside the tenant or leaseholder's property boundary (for example, neighbouring homes or gardens, shared spaces or public areas) GDPR and the DPA requirements will apply. The tenant or leaseholder who owns the equipment is the person responsible for complying with the law.
- 10.6 The potential to capture images or recordings outside of the property boundary would not in itself prevent permission being given. We will base decisions on a range of factors including:
 - Any less intrusive remedy that can be explored with the householder - for example would additional security or lighting help or is there a housing management issue that could be resolved without the need for surveillance?
 - Can the camera/doorbell be sited in a different position, or privacy settings, filters or blocks used?
 - What the intention is for requesting to install equipment. If there is any concern from neighbours or any likelihood that its use would be inflammatory or disproportionate, we will refuse permission.

- Has the equipment been requested or supplied by a law enforcement agency or requested as a means of gathering evidence for a case?
- The signing of an agreement that the owner will abide by their responsibilities under data protection law, which are:

1. You must tell people that they are using recording equipment; for example a sign or letting those affected know. In most cases, it is best to inform your neighbours directly and ask if they would have any objection;
2. In most circumstances you must provide some of the recording if asked by a person whose images have been captured;
3. You will regularly or automatically delete footage;
4. In most circumstances you will delete recordings of people if they ask; and
5. If it is possible to do so, you will stop recording a person if they object to being recorded, For example, if you can point the camera in a different direction but still use it for the same purposes, e.g. keeping their property safe.

10.7 If you do not follow these requirements, you could be subject to regulatory action by the Information Commissioner's Office (including a fine) and could face legal action from individuals affected.

11. Disputes or concerns regarding private installations.

11.1. If you have specific concerns about privately installed CCTV systems or smart doorbell operation, we suggest the following action as recommended by the Information Commissioner's office:

1. **Talk to the person concerned** in the first instance. If you would rather not speak with them in person, try writing a letter.
2. **Ask what the reason is for using CCTV** – If you understand why they are recording, it may put your mind at ease. You might even come to an agreement where you share the system. You can then both benefit from the camera's safety features.
3. **Explain your concerns** – the CCTV user may not understand why you are worried about being recorded. If you explain your reasons, they may change the position of the cameras.
4. **Ask to see what area is being recorded** –the footage captured by the camera may not be as intrusive as you think. Seeing an example of what the camera records may make you feel less concerned.

- 11.1 If you believe that the user of the CCTV is breaching data protection rules, you can complain to the Information Commissioner's Office.
- 11.2 If you are concerned that the equipment is being used inappropriately, or is causing nuisance, alarm or distress, you may also report this to our antisocial behaviour team to investigate. This may result in permission being revoked or renegotiated to bring it in line with the intention of this policy and prevent breaches of privacy. We will always take a proportionate and fair approach to resolve any concerns.
- 11.3 If you have concerns about the inappropriate filming of children or vulnerable people, please report this to the police immediately.

12. Complaints or disputes about this policy

- 12.1 If you feel that this policy has been applied incorrectly you can escalate this through the council's complaints policy [Complaints | Crawley GOV.](#)

13. Staff training, monitoring and review

- 13.1. All employees for Crawley Borough Council receive GDPR training during induction. Additionally, any individual with approval to access footage and recordings will receive further training to ensure appropriate safeguards. This will include level two CCTV operator training as well as sufficient training to operate the specific equipment they will access.
- 13.2. Training requirements will be reviewed annually and as part of induction of new employees to specific, related roles.
- 13.3. This policy will be reviewed every three years or in line with changing legislation or regulatory requirements. Incidents, cases and complaints involving CCTV will be considered within this in order to monitor the effectiveness of our approach and its impact upon tenants, leaseholders and shared owners.

14. Equalities implications

- 14.1 An Equalities Impact Assessment has been completed in the development of this policy and no negative impacts have been identified.

15. Consultation

- 15.1 All residents have the right to share their views and influence Crawley Homes' policy decisions. During the development of this policy, this included online surveys and consultation with our Tenant and Leaseholder Action Panel (TLAP)
- 15.2 All policies have the agreement of Crawley Homes' Senior Management Team, and the Portfolio Holder for Housing.

Appendix 1: Definition of Terms

To aid the understanding of this document and the provisions of the Data Protection Act the following definitions are provided for assistance:-

CCTV stands for Closed Circuit Television. CCTV systems are designed to monitor a limited area. They are primarily used for surveillance and security purposes. Over time, CCTV technology has advanced significantly, incorporating new features and functionalities such as remote monitoring, motion detection, and face recognition.

Data is any information held or recorded in any form by a public authority.

Data Controller means the Council as the organisation who determines how data is processed.

Data Processor means any person, other than an employee of the Council, who processes data on behalf of the data controller

Data Protection Act (DPA) 2018 controls how your personal information is used by organisations, businesses or the government.

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Under the Data Protection Act 2018, you have the right to find out what information the government and other organisations store about you. These include the right to:

- be informed about how your data is being used
- access personal data
- have incorrect data updated
- have data erased
- stop or restrict the processing of your data
- data portability (allowing you to get and reuse your data for different services)
- object to how your data is processed in certain circumstances

You also have rights when an organisation is using your personal data for:

- automated decision-making processes (without human involvement)

- profiling, for example to predict your behaviour or interests

Data subject is the individual about whom personal data is processed.

GDPR is the General Data Protection Regulation. The UK GDPR sits alongside the DPA 2018

Personal Data means Data which relates to a living individual who can be identified- (a) either directly from that data, or (b) indirectly from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Privacy Notice means a notice created by the data controller and made available to the data subject which explains how personal data is being processed.

Special category data (Sensitive Personal Data) means personal data consisting of information as to any of the following:-

- racial or ethnic origin
- political opinion
- religious beliefs or other beliefs of a similar nature
- membership of a trade union
- genetics;
- biometrics (where used for ID purposes);
- physical or mental health or condition
- sexual life or sexual orientation.
- personal data relating to criminal allegations, proceedings or convictions.

Processing means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data including organisation, adaptation or alteration, disclosure and destruction of the information or data and includes onward disclosure or sharing.