



**SURVEILLANCE CAMERA
COMMISSIONER**

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Information Commissioner's Office

Data protection impact assessments
template for carrying out a data
protection impact assessment on
surveillance camera systems



Project name:

Data controller(s): SECRETARY: BARBARA ELBORN
NEWCASTLETON DISTRICT COMMUNITY COUNCIL

This DPIA template should be completed with reference to the guidance provided by the Surveillance Camera Commissioner and the ICO. It will help you to identify whether the use of surveillance cameras is appropriate for the problem you wish to address, assess the risks attached to your project and form a record of your decision making.

1. Identify why your deployment of surveillance cameras requires a DPIA¹:

- | | |
|---|--|
| <input type="checkbox"/> Systematic & extensive profiling | <input type="checkbox"/> Large scale use of sensitive data |
| <input checked="" type="checkbox"/> Public monitoring | <input type="checkbox"/> Innovative technology |
| <input type="checkbox"/> Denial of service | <input type="checkbox"/> Biometrics |
| <input type="checkbox"/> Data matching | <input type="checkbox"/> Invisible processing |
| <input type="checkbox"/> Tracking | <input type="checkbox"/> Targeting children / vulnerable adults |
| <input checked="" type="checkbox"/> Risk of harm | <input checked="" type="checkbox"/> Special category / criminal offence data |
| <input type="checkbox"/> Automated decision-making | <input checked="" type="checkbox"/> Other (please specify) |

2. What are the timescales and status of your surveillance camera deployment? Is this a proposal for a new deployment, or the expansion of an existing surveillance camera system? Which data protection regime will you be processing under (i.e. DPA 2018 or the GDPR)?

Newcastleton Public Space Close Circuit TV (CCTV) system will be owned and operated by Newcastleton & District Community Council.
This will be a new system which covers key local assets and roadways in 8 locations in Newcastleton. Handling of images and information within the Control Room will be carried out in accordance with the Data Protection Act 2018

Describe the processing

3. Where do you need to use a surveillance camera system and what are you trying to achieve?

Set out the **context** and **purposes** of the proposed surveillance cameras or the reasons for expanding an existing system. Provide evidence, where possible, including for example: crime statistics over an appropriate time period; housing and community issues, etc.

The 'Public Space CCTV system' will have 8 cameras situated at locations covering key local assets and roadways in Newcastleton.
The NDCC CCTV surveillance system has been installed and is monitored for the following purposes:

- Provides a series of linked cameras for all entrances to our village as well as capture locations prone to regular vandalism (school, Polysport, riverside).
- Reduces the likelihood of the village being used as a thoroughfare for criminal activity

¹ <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/when-do-we-need-to-do-a-dpia/>

- Reduces the likelihood of local and regional 'cruising' groups using the village as a racetrack
- Reduces the likelihood of criminal gangs using the forest roads as a getaway between Central Scotland and North East England.
- Provides 'remote live views' for our resilience team and SBC Emergency bunker to see real time events on the river Liddel.
- Captures footage over time to help understand changing river behaviours, using the findings to refine the flood scheme.
- Provides a 20-minute warning to residents to try to avoid the devastation Storm Dennis caused in Feb 2020 with a further flood event in Feb 20201 causing substantial damage within the community.

4. Whose personal data will you be processing, and over what area? Set out the **nature** and **scope** of the personal data you will be processing. Who are the data subjects, and what kind of information will you be collecting about them? Do they include children or vulnerable groups, and what is the scale and duration of the processing?

The personal data being processed will primarily be of members of the public while they are in the the general area of Newcastleton village.

The movements of some vulnerable individuals may be captured in some instances, and as the primary purpose of the system is to reduce, detect or prevent crime, disorder or anti-social behaviour or vandalism and the movements of offenders and victims will also be captured. Movement of young people will also be captured in some instances.

The general public will easily be aware that CCTV is monitoring the areas as there are a number of clear signs and warnings that CCTV is in use.

The use of the system will remain in line with the list of objectives in the Code of Practice.

Images are retained on the system for 28 days from the point of recording; unless required for evidential purposes, the images are automatically deleted at that point. Images provided for evidential purposes are kept until notification is received that they are no longer required. Images relating to flooding will be held for a period of 90 days.

The use of CCTV is deemed proportionate and not in conflict with Human Rights Act 1998.

5. Who will be making decisions about the uses of the system and which other parties are likely to be involved? Will you be the sole user of the data being processed or will you be sharing it with other organisations or agencies? Record any other parties you would disclose the data to, for what purposes, and any relevant data sharing agreements. Note that if you are processing for more than one purpose you may need to conduct separate DPIAs.

Who will be making decisions about the uses, NDCC Community Council have responsibility for systems and will be only be sharing the data with Nominated persons as indicated in our policies. Those being Chair of NDCC, Chair of Resilience Group, and NDCC Data Controller. Information would only be shared with organisations ie Police or other SIA approved persons.

6. How is information collected? (tick multiple options if necessary)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Fixed CCTV (networked) | <input type="checkbox"/> Body Worn Video |
| <input type="checkbox"/> ANPR | <input type="checkbox"/> Unmanned aerial systems (drones) |
| <input type="checkbox"/> Stand-alone cameras | <input type="checkbox"/> Redeployable CCTV |
| <input type="checkbox"/> Other (please specify) | |

7. Set out the information flow, from initial capture to eventual destruction. You may want to insert or attach a diagram. Indicate whether it will include audio data; the form of transmission; the presence of live monitoring or use of watchlists; whether data will be recorded; whether any integrated surveillance technologies such as automatic facial recognition are used; if there is auto deletion after the retention period. You may have additional points to add that affect the assessment.

Images captured by cameras will be collected and recorded on equipment via our encrypted data network, located securely within Buccleuch House (Control Room). The Control Room has monitoring equipment which has the capability of monitoring live images from the cameras. This operation is disabled from viewing and can only be used in the event there is a justification for doing so, an example of this will be a specific request from the police, and the appropriate completion of documentation to support this will be undertaken. Transfer of images onto other media will only take place from within the Control Room in line with these procedures. The Control Room is supported by a digital recording system which stores images on appropriate media for 28 days or until capacity is reached, and the images are then automatically erased. The exception to the 28 days of image storing will be flood images, which will be 90 days. The system recording and images are capable of being monitored twenty-four hours a day throughout the year. All CCTV cameras are configured to record images only: any sound recording facilities will be switched off or disabled. We currently do not have any automatic facial recognition software.

8. Does the system's technology enable recording?

- Yes No

If recording is enabled, state where it is undertaken (no need to stipulate address, just Local Authority CCTV Control room or on-site will suffice for stand-alone camera or BWV), and whether it also enables audio recording.

Buccleuch House is the location where recording is enabled, but non audio

9. If data is being disclosed, how will this be done?

- Only by on-site visiting
 Copies of footage released (detail method below, e.g. encrypted digital media, via courier, etc)
 Off-site from remote server
 Other (please specify)

If any information is required; a formal request must be made in writing via the appropriate department using our official Access Request forms. These are then checked and authorised by our Data Protection Officer. A review is then carried out by a fully trained CCTV operator in our secure facility. If anything is found it will then be burned and encrypted onto a disc. The department that requested the review will then be notified in writing regarding completion and a collection date and time will be agreed. On agreed arrival for the collection of encrypted data, the responsible party will show identification before being allowed access to our secure facility. They will then be entered into our operators log to ensure we have a record of their arrival and departure in written format. The identified party will then need to sign the relevant release papers; they are then free to take the evidence from the building.

10. How is the information used? (tick multiple options if necessary)

- Monitored in real time to detect and respond to unlawful activities
- Monitored in real time to track suspicious persons/activity
- Compared with reference data of persons of interest through processing of biometric data, such as facial recognition.
- Compared with reference data for vehicles of interest through Automatic Number Plate Recognition software
- Linked to sensor technology
- Used to search for vulnerable persons
- Used to search for wanted persons
- Recorded data disclosed to authorised agencies to support post incident investigation, including law enforcement agencies
- Recorded data disclosed to authorised agencies to provide intelligence
- Other (please specify)

Consultation

11. Record the stakeholders and data subjects you have consulted about the deployment, together with the outcomes of your engagement.

Stakeholder consulted	Consultation method	Views raised	Measures taken
Community	Written consultation	Supportive donations to the CCTV project plus agreement from community households and business to permit the use of their premises to position cameras on their properties	Documented
Scottish Border Council	Written consultation	Supportive planning application and the proposed use to detect crime, together with assisting with flooding	Documented
Police Scotland	Written consultation	Supportive of proposal of the scheme	Documented

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Consider necessity and proportionality

12. What is your lawful basis for using the surveillance camera system? Explain the rationale for your chosen lawful basis under the relevant data protection legislation. Consider whether you will be processing special categories of data.

Newcastleton & District Community Council is fully compliant with the lawful reasons for processing Personal Data, as detailed under Schedule 2 of the Data Protection Act 2018: •

Processing is necessary for the purposes of legitimate interests pursued by the appointed Data Controller and third-party discloser's and does not prejudice the rights and freedoms and legitimate interests of others and with the lawful reasons for processing Sensitive Personal Data, under Schedule 3 of the Act, wherein the process:

- Is in the substantive public interest.
- Is necessary for the purposes of the prevention and detection of any unlawful act.
- Must necessarily be carried out without the explicit consent of the data subjects so as not to prejudice those purposes.

13. How will you inform people that they are under surveillance and ensure that they are provided with relevant information? State what privacy notices will be made available and your approach to making more detailed information available. Consider whether data subjects would reasonably expect to be under surveillance in this context.

The public and community will be made aware of the presence of the system by appropriate ICO approved signage which sets out the purposes for processing the CCTV images and identifies the NDCC as the Data Controller responsible for processing those images
Obviously a number of residents will have legitimate concerns regarding the use to which CCTV is put. By ensuring compliance with current legislation we hope to show that the CCTV camera system is only used for the detection and reduction of crime and activities that ultimately assist the public. We have not received any complaints regarding the use of CCTV. The community is engaged via various local organisations with good support from them
Subject Access Requests, Privacy Notices and Complaints will detailed on the Visit Newcastleton website and in written format.

14. How will you ensure that the surveillance is limited to its lawful purposes and the minimum data that is necessary for those purposes? Explain the adequacy and relevance of the data you will be processing and how it is limited to the purposes for which the surveillance camera system will be deployed. How will you know if it is delivering the benefits it has been deployed for?

The surveillance is all activities, processes, procedures that incorporate the management, monitoring, reviewing, and storing of CCTV images.

The objectives of the system as determined by Newcastleton & District Community Council forming the lawful basis for the processing of this data are:

- For the purposes of monitoring river levels for flood prevention.
- Water safety and management.
- Prevention, investigation, and detection of crime.
- To help with the increased apprehending and prosecution of offenders.
- Risk management and environmental concerns.
- Increase in public safety and public reassurance

NDCC will ensure operators of the CCTV are fully trained to understand the objectives of the system, and the lawful basis for collecting data for the purpose detailed in our Code of Conduct.

Images must be adequate for the purpose of the system. For the prevention and detection of crime, the images should be capable of identifying individuals who may be suspects or witnesses to a criminal offence. This would include clothing, vehicle make and model and include registration numbers. For general public safety monitoring, the majority of images would be unidentifiable in relation to personal data unless the camera was being used to monitor an incident.

We will audit our system and produce regular data reports showing the benefits of the system to ensure it stays relevant for the elements outlined in our Codes of Practice.

15. How long is data stored? (please state and explain the retention period)

The Control Room is supported by a digital recording system which stores images on appropriate media for 28 days and the images are then automatically erased. Recording for the purpose of flood management will be stored for 90 days

16. Retention Procedure

- Data automatically deleted after retention period
- System operator required to initiate deletion
- Under certain circumstances authorised persons may override the retention period, e.g. retained for prosecution agency (please explain your procedure)

In the case where recordings are retained for prosecution agencies, The Operations Manager will liaise with the police to ensure that the NDCC is informed of the outcome of the police investigation and authorise the police to destroy any NDCC CCTV images and recordings when they are no longer required

17. How will you ensure the security and integrity of the data? How is the data processed in a manner that ensures appropriate security, protection against unauthorised or unlawful processing and against accidental loss, destruction or damage? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

NDCC have taken steps to implement our Security Policy and we have additional policies including training, code of conduct, privacy policies in place to enforce them. These policies have been assessed by the Community Council, and what we need to do by considering the security outcomes we want to achieve.

Privacy Zones are programmed on cameras where appropriate preventing any intentional or accidental intrusion into residential property.

We understand that we may also need to put other technical measures in place depending on our circumstances and the type of personal data we process. We use encryption in our communication where it is appropriate to do so.

NDCC has policies in place which covers volunteers/staff requirements of confidentiality, integrity and availability for the personal data we process. We make sure that we can restore access to personal data in the event of any incidents, such as by establishing an appropriate backup process.

NDCC conducts regular testing and reviews of our measures to ensure they remain effective, and act on the results of those tests where they highlight areas for improvement. Where appropriate, we implement measures that adhere to our code of conduct. We ensure that any data processor we use also implements appropriate technical and organisational measures.

18. How will you respond to any subject access requests, the exercise of any other rights of data subjects, complaints or requests for information?

Explain how you will provide for relevant data subject rights conferred under the legislation. You must have procedures in place to respond to requests for camera footage in which a subject appears, and to respond to any other request to meet data protection rights and obligations.

Subject Access Requests, Privacy Notices and Complaints Procedures will be listed on VIsit Newcastleton website and available if required in written format.

19. What other less intrusive solutions have been considered? You need to consider other options prior to any decision to use surveillance camera systems. For example, could better lighting or improved physical security measures adequately mitigate the risk? Does the camera operation need to be continuous? Where you have considered alternative approaches, provide your reasons for not relying on them and opting to use surveillance cameras as specified.

Other solutions are always considered including the use of additional resources such as preventative work and to work with other agencies and / or private businesses as appropriate before CCTV is installed.

20. Is there a written policy specifying the following? (tick multiple boxes if applicable)

The agencies that are granted access

How information is disclosed

How information is handled

Are these procedures made public? Yes No

Are there auditing mechanisms? Yes No

If so, please specify what is audited and how often (e.g. disclosure, production, accessed, handled, received, stored information)

Codes of Practice and Self Assessment of the system is undertaken on an annual basis. Procedures are altered in response to other factors such as the Covid-19 pandemic which has stopped access to the Control Room to all but the operators who are required to be in the Control Room. The Operators Manual is reviewed on a two-yearly basis or as individual processes are required to change.

Identify the risks

Identify and evaluate the inherent risks to the rights and freedoms of individuals relating to this surveillance camera system. Consider, for example, how long will recordings be retained? Will they be shared? What are the expectations of those under surveillance and impact on their behaviour, level of intrusion into their lives, effects on privacy if safeguards are not effective? Could it interfere with other human rights and freedoms such as those of conscience and religion, expression or association. Is there a risk of function creep? Assess both the likelihood and the severity of any impact on individuals.

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
Automatic deletion of images does not occur leading to images being kept longer than stated time period within the Codes of Practice	Remote, possible or probable Remote	Minimal, significant or severe Minimal	Low, medium or high Low
Operators monitor individuals inappropriately – outside of normal working practices, in breach of codes of conduct etc	Remote	Minimal	Low
Images are inappropriately shared on social media sites by Operators	Remote	Significant	Low
Access by unauthorised persons into the Control Room	Remote	Minimal	Low

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
Operators are able to monitor behaviour in individual's homes	Remote, possible or probable Remote	Minimal, significant or severe Significant	Low, medium or high Low

Address the risks

Explain how the effects of privacy enhancing techniques and other features mitigate the risks you have identified. For example, have you considered earlier deletion of data or data minimisation processes, has consideration been given to the use of technical measures to limit the acquisition of images, such as privacy masking on cameras that overlook residential properties? What security features, safeguards and training will be in place to reduce any risks to data subjects. Make an assessment of residual levels of risk.

Note that APPENDIX ONE allows you to record mitigations and safeguards particular to specific camera locations and functionality.

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk			
Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved?
System is checked regularly to ensure that deletion takes place as per the automatic settings	Eliminated reduced accepted Eliminated	Low medium high Low	Yes/no Yes
Training is undertaken, operators are checked, regular 121s take place, management auditing undertaken of patrols	Eliminated	Low	Yes
Access points are monitored by management, use of visitor book/Operators log is mandatory, room is locked when operators are not in the control room and live screens switched off.	Eliminated	Low	Yes

Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved?
Training is undertaken, and operators are checked, privacy panels are installed on each camera that may provide the opportunity for images to recorded from within people's homes	Eliminated reduced accepted Eliminated	Low medium high Low	Yes/no Yes

Authorisation

If you have not been able to mitigate the risk then you will need to submit the DPIA to the ICO for prior consultation. [Further information](#) is on the ICO website.

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion.
Residual risks approved by:		If you identify a high risk that you cannot mitigate adequately, you must consult the ICO before starting to capture and process images.
DPO advice provided by:		DPO should advise on compliance and whether processing can proceed.
Summary of DPO advice		
DPO advice accepted or overruled by: (specify role/title)		If overruled, you must explain your reasons.
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons.
Comments:		
This DPIA will be kept under review by: B Elborn		The DPO should also review ongoing compliance with DPIA.

APPENDIX ONE

This template will help you to record the location and scope of your surveillance camera system and the steps you've taken to mitigate risks particular to each location.

Location: Each system operator/owner should list and categorise the different areas covered by surveillance on their system. Examples are provided below.

Location type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
Location 1 South end of Village Polysport, camperdown TD9 0TA	Bullet/Turret	8Mp	24hrs	Unmanned 24hrs recording – Limited due to the fact that most are static cameras 28 day data storage	The privacy level expectation in the area is very low; the community are well signed with appropriate signage for CCTV its use and purpose with contact details
Location2. Dalkeith House, TD9 0QD	Bullet/Turret	8Mp	24hrs	Unmanned 24hrs recording – Limited due to the fact that most are static cameras 28 day data storage	The privacy level expectation in our Main Square is very low; our community is well signed with appropriate signage for CCTV its use and purpose with contact details
Location3. Grapes Hotel, TD9 0QD	180 degree	8Mp	24hrs	Unmanned 24hrs –Limited due to the fact that most are static cameras 28 day data storage	The privacy level expectation in our Main Square is very low; our community is well signed with appropriate signage for CCTV its use and purpose with contact details
Location 4. Spar / Post Office, TD9 0RB	180 degree	8Mp	24hrs	Unmanned 24hrs –Limited due to the fact that most are static cameras 28 day data storage	The privacy level expectation in our Main street is very low; our community is well signed with appropriate signage for CCTV its use and purpose with contact details
Location 5 Community Fuel station Td9 0DZ	Bullet/Turret	8Mp	24hrs	Unmanned 24hrs –Limited due to the fact that most are static cameras 28 day data storage	The privacy level expectation in our Main street is very low; our community is well signed with appropriate signage for CCTV its use and purpose with contact details
Location 6. Whithaugh Pool Community Recreation Land	Bullet/Turret	8Mp	24hrs	Unmanned 24hrs –Limited due to the fact that most are static cameras	The privacy level expectation in the area is very low; the community are well signed with appropriate signage for

Location type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
				90 day data storage	CCTV its use and purpose with contact details
Location 7 Village Primary School, TD9 0QZ	Bullet/Bullet	8Mp	24hrs	Unmanned 24hrs –Limited due to the fact that most are static cameras 28 day data storage	The privacy level expectation in our school grounds is very low; our community is well signed with appropriate signage for CCTV its use and purpose with contact details

APPENDIX TWO: STEPS IN CARRYING OUT A DPIA



APPENDIX THREE: DATA PROTECTION RISK ASSESSMENT MATRIX

Use this risk matrix to determine your score. This will highlight the risk factors associated with each site or functionality.

Matrix Example:

	Camera Types (low number low impact – High number, High Impact)									
	→									
Location										
Types										
A (low impact)										
Z (high impact)										

NOTES