

## **SELKIRK BIDS RIGHT OF ACCESS POLICY 30.01.23**

Individuals have the right to ask whether, or not, Selkirk BIDS are using or storing their personal information. They can ask for copies of their personal information, verbally or in writing.

This is called the right of access and is commonly known as making a subject access request or SAR.

This policy explains how to respond to a subject access request.

Individuals can make a subject access request to find out:

- what personal information Selkirk BIDS holds about them
- how we are using it
- who we are sharing it with
- where we got their data from

When Selkirk BIDS responds to requests, they should normally explain whether or not they process individual's personal information and, if they do, give them copies of it. This information should also include (where applicable):

- what we are using individual's information for
- who we are sharing this information with
- how long we will store this information, and how we made this decision
- details on individual's rights to challenge the accuracy of Selkirk BIDS information, to have it deleted, or to object to its use
- individual's rights to complain to the ICO
- details about where we got individual information from
- whether we use individual information for profiling or automated decision-making and how we are doing this; and
- what security measures we took if we have transferred individual's information to a third country or an international organisation.

How long does an organisation have to respond?

As an organisation Selkirk BIDS normally will respond to a request within 40 days.

The Operations Manager is responsible for documenting each request.

All nominated staff will be Disclosure Checked in accordance with current Legislation.

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### **CCTV**

All requests for CCTV access will be recorded using the Selkirk BIDS Disclosure Decision form [Appendix C D] detailing:

- the date, time and purpose of the request
- the decision to release or withhold the images and the reasons for the decision in each case
- the date and time at which access was allowed/or disclosure made
- the extent of the information accessed/ or disclosed
- the name and role of the Data Protection officer making the decision to allow or withhold access
- the name of the nominated person providing access.

Selkirk BIDS must comply with section 7 of the Data Protection Act, 2018, in informing individuals whether or not images and other information relating to them have been processed by the CCTV Surveillance System. Individuals whose images are recorded have a right to make a request to view the images of themselves and, unless they agree otherwise, to be provided with a copy of the images.

In order to comply with a request, Selkirk BIDS needs to satisfy itself as to the identity of the person making the request for their own personal data. The person making the request also needs to provide enough information to enable Selkirk BIDS staff to locate their images. Therefore, Data Subjects wishing to make a subject access request (request for data about themselves) for CCTV images / recordings / information must apply in writing to the Data Protection Officer at the address given at the end of this Procedure.

In the request, the requestor must provide the following information

- Dates and times of the incident or their visit to Selkirk BIDS with details of the location.
- TWO pieces of ID (e.g. driving licence/passport containing a photograph); one of these must show the applicants current address proof of identity (e.g. driving licence/passport containing a photograph);
- Payment of the sum of £10.00;
- Whether they require copies or view of the images in question.

A written decision will be sent to the data subject within 14 working days of receipt of the request. If access is agreed, such access will be provided within forty days of receipt of the request or, if later, on the date when Selkirk BIDS receives confirmation of identification from the data subject.

In responding to a subject access request, Selkirk BIDS staff will use red action tools to obscure images of other individuals in cases where, releasing the unredacted images would involve an unfair intrusion into the privacy of the third parties concerned. Where Selkirk BIDS is unable to comply with a subject access request without disclosing information relating to another individual who can be identified from that information, it is not obliged to comply with the request unless that individual

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has consented to the disclosure or it is reasonable, in the circumstances, to comply without the consent of the individual.

### **Access by the Police**

A police officer may request access to CCTV images held by Selkirk BIDS either by viewing such data within the Control Room at 48 High Street or requesting a copy of the data. In most cases the police will request such access in response to a request by Selkirk BIDS to investigate an alleged offence. In cases where the police request Selkirk BIDS CCTV footage to investigate an alleged offence that the Selkirk BIDS has not reported, such requests for access to images are subject to the approval process set out in the Procedures for Liaison with Police.

During working hours, requests for CCTV footage should be referred to the Data Protection Officer

Outside of working hours requests for access to images should wherever possible be deferred until they can be considered by the appropriate Data Protection officer during working hours. In an emergency, if a request is straightforward and justifiable, for instance, a request for images of one incident involving criminal activity such as theft of a vehicle or equipment, the Operations Manager or nominated person may authorise disclosure to the police provided that:

- the request is in writing using the appropriate form (Appendix A) signed by a Senior Police Officer, who must cite the relevant exemption/s to the non-disclosure provisions of the Data Protection Act; and
- the police demonstrate that the request is proportionate and necessary for the purposes of a specific crime enquiry. In all other cases the Operations Manager or nominated person will report the request to the Data Controller to seek authorisation to take appropriate action. These procedures will be supported by underpinning guidance which will set out examples of straightforward and justifiable requests and those requiring escalation.

The Operations manager will complete form to confirm the authenticity of the recordings and arrange for all data on recordings required for disclosure to be copied onto secure encrypted media.

The Operations manager must complete details of the request and any disclosure made in the Incident Report in the Selkirk BIDS's Safeguard electronic recording system. For each disclosure request, a copy of the completed police request form, including the reasons given for the request, together with a Selkirk BIDS Disclosure Decision form [Appendix C] recording the decision to withhold or release the information, an encrypted copy of the recording disclosed, where applicable, and reasons for the decision must be lodged with the following responsible officers who maintain a complete confidential record of all such cases on behalf of the Data Protection officer.

Images and recordings requested for police investigations must be supplied directly to the police, not to any third party. Requests by individuals for their own images captured on CCTV will be dealt with in accordance with the section

The Operations Manager will liaise with the police to ensure that the Selkirk BIDS is informed of the outcome of the police investigation and authorise the police to destroy any Selkirk BIDS CCTV images and recordings when they are no longer required.

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**FURTHER HELP AND ADVICE**

For more information and advice about this policy contact

Data Protection Officer

Selkirk BIDS

48 High Street

SELKIRK

TD7 4DD

Email: [DAVCANDERSON@AOL.COM](mailto:DAVCANDERSON@AOL.COM)

Web: <https://www.exploreselkirk.co.uk>

**ICO Scotland contact details**

The Information Commissioner's Office – Scotland

Queen Elizabeth House

Sibbald Walk

Edinburgh

EH8 8FT

Telephone: 0303 123 1115

Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

**SELKIRK BIDS  
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**SUBJECT ACCESS REQUEST FORM**

**SELKIRK BIDS – CCTV**

**DATA PROTECTION ACT 2018**

**(incorporating the GDPR 2018)**

How to Apply For Access To Information Held On the Selkirk BIDS – CCTV System

These notes explain how you can find out what information, if any, is held about you on the CCTV System. Please note that CCTV images are only retained for 28 days.

**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. Selkirk BIDS will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), 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)

**Selkirk BID's Rights**

Selkirk BIDS may deny access to information where the Regulation 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
- And giving you the information may be likely to prejudice any of these purposes.

**Fee**

A fee to deal with this request is £20.00 in most circumstances. Applications can be made using this form

**The Application Form:**

(NB all sections of the form must be completed. Failure to provide all the information may delay your application)

Section 1 Asks you to give information about yourself that will help the Council to confirm your identity. NDCC 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 Asks you to confirm whether you will accept just viewing the information, or if you want a copy of the information.

Section 4 You must sign the declaration

When you have completed and checked this form, take or send it together with the required TWO identification documents and photograph to:

CCTV Data Protection Officer, Selkirk BIDS, 48 High Street, Selkirk, TD7 4DD

Email Requests: These can be made direct to [secretary@newcastletoncommunitytrust.co.uk](mailto:secretary@newcastletoncommunitytrust.co.uk)

If you have any queries regarding this form, or your application, please email [secretary@newcastletoncommunitytrust.co.uk](mailto:secretary@newcastletoncommunitytrust.co.uk)

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SELKIRK BIDS CCTV SURVEILLANCE SYSTEM				
DATA PROTECTION ACT 2018				
(incorporating the GDPR 2018)				
SECTION 1 About Yourself				
The information requested below is to help the Council (a) satisfy itself as to your identity and (b) find any data held about you.				
<b>PLEASE USE BLOCK LETTERS</b>				
Title (tick box as appropriate)	Mr	Mrs	Miss	Ms
Other title (e.g. Dr., Rev., etc.)				
Surname/family name				
First names				
Maiden name/former names				
Sex (tick box)	Male		Female	
Height				
Date of Birth				
Place of Birth	Town		County	
Your Current Home Address				
Post Code				
(to which we will reply)				
A telephone number will be helpful in case you need to be contacted.				
Tel. No.				
SECTION 2 Proof of Identity				
To help establish your identity your application must be accompanied by TWO official documents that between them clearly show your name, date of birth and current address.				
For example: a birth/adoption certificate, driving licence, medical card, passport or other official document that shows your name and address. Also a recent, full face photograph of yourself.				
<b>Failure to provide this proof of identity may delay your application.</b>				
SECTION 3 Supply of Information				
You have a right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to:				
(a) View the information and receive a permanent copy	YES/NO			
(b) Only view the information	YES/NO			
<b>NOW – please complete Section 4 and then check the ‘CHECK’ box (on page 5) before returning the form.</b>				
SECTION 4 Declaration				
DECLARATION (to be signed by the applicant)				
The information that I have supplied in this application is correct and I am the person to whom it relates.				
Signed by	Date			
<b>Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.</b>				