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**PRIVACY IMPACT ASSESSMENT & GUIDANCE**

Title of activity subject to PIA:  **Use of CCTV**

Reference Number:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**WHAT IS A PRIVACY IMPACT ASSESSMENT?**

A Privacy Impact Assessment (PIA) allows an organisation to identify and minimise the risks posed to Data Subjects, as defined in the General Data Protection Regulation, when carrying out a new project.

A PIA should be conducted where:

* New technologies are being used; or
* the processing is likely to result in a risk to the rights and freedoms of individuals.

In this context, risk should be regarded as any physical, material, or non-material harm to individuals.

1. **HOW TO COMPLETE A PRIVACY IMPACT ASSESSMENT (PIA)**

Describe the information flows:

* Explain how the information will be obtained, used, and retained – there may be several options to consider. This step can be based on, or form part of, a wider project plan.

Identify the privacy and related risks:

* Record the risks to individuals, including possible intrusions on privacy where appropriate.
* Assess the corporate risks, including regulatory action, reputational damage, and loss of public trust.
* Conduct a compliance check against the GDPR, Data Protection Act and other relevant legislation.
* Maintain a record of the identified risks.

Identify and evaluate the privacy solutions:

* Devise a way to reduce or eliminate privacy risks.
* Assess the cost benefits of each approach, looking at the impact on privacy and the effect on the project outcomes.
* Refer back to the privacy risk register until satisfied with the overall privacy impact.

Sign off and record the PIA outcomes:

* Obtain appropriate signoff within the organisation.
* Produce a PIA report, drawing on material produced earlier during the PIA.
* Consider publishing the report or other relevant information about the process.

Integrate the outcomes into the project plan:

* Ensure that the steps recommending the PIA are implemented.
* Continue to use the PIA throughout the project lifecycle when appropriate.

Consult with internal and external stakeholders as needed throughout the process.

***Please Note:***

*This document is provided in a template format and it is your responsibility to ensure that it is properly completed and implemented. Stephens Scown LLP are not liable for any failure to correctly complete or implement this template document. We have included some examples, however it is your responsibility to decide whether or not they are applicable to your circumstances.*

1. **PRIVACY IMPACT (PIA) SCREENING QUESTIONS**

These questions are intended to help decide whether a PIA is necessary. Answering “yes” to any of these questions is an indication that a PIA would be a useful exercise.

|  |  |
| --- | --- |
| **QUESTION** | **YES/NO** |
| Will the project involve the collection of new information about individuals? | YES |
| Will the project compel individuals to provide information about themselves? | YES |
| Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information? | [Yes/No, delete where applicable, answer is dependent on who is running / hosting the CCTV] |
| Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used? | YES |
| Does the project involve you using new technology which might be perceived as being intrusive to privacy? *(For example, the use of biometrics or facial recognition)*. | YES |
| Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them? | YES |
| Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? *(For example, health records, criminal records, or other information that people would consider to be particularly private).* | NO |
| Will the project require you to contact individuals in ways which they may find intrusive? | NO |
| Does the proposal involve systems or processes that monitor staff or the public? | YES |

1. **REQUIREMENT ASSESSMENT**

Based on the response to the questions in section 2 (above), use the table provided below to record the decision as to whether a PIA will be required for the processing.

|  |  |  |
| --- | --- | --- |
| **PIA ASSESSMENT** | **SELECTED** | **Notes** |
| A PIA is not required. |  |  |
| A PIA is not required as long as the appropriate remedial action (provide detail) is carried out. |  |  |
| A PIA is required (attached). | X | The use of CCTV is a form of monitoring that requires a PIA to be carried out. |

Where remedial action is required in order to offset the need to carry out a PIA, this decision, as well as the action to be carried out, must be recorded in a separate document, and maintained in your data protection register.

1. **PRIVACY IMPACT ASSESSMENT FORM**

| **QUESTION** | **GUIDANCE** | **RESPONSE** |
| --- | --- | --- |
| **Overview of Activity** | | |
| **Describe the activity and the reason for implementing it?** | Describe the activity and, where possible, provide evidence to support the need for this activity. | [Installation of CCTV systems in [insert areas where CCTV will be e.g., entrances / car parks]  [insert here the reasons for using surveillance and why it is needed e.g., previous criminal activity or other past issues – the more reasons you can include the easier it will be to justify the implementation of CCTV]  [CCTV is needed for safety and security reasons and for the prevention of criminal activities. The installation of CCTV has proven to be a good deterrent for criminals] |
| **What does the activity seek to achieve?** | Provide details of the intended outcomes of conducting this activity. | [To prevent/deter crime, ensure the safety of our guests, employees and visitors and protect our property].  [insert details of what you seek to achieve by installing CCTV – one suggestion is included above but you may have other motivations, and these should be included here] |
| **What categories / types of personal data will be processed as a result of this activity?** | Names, email addresses, special category data (health / child information). | [Images of individuals. Images of individuals caught on CCTV may result in the collection of information which reveals an individual’s health, race or religion but such collection will be incidental and is not deliberately processed. CCTV footage may collect images of children.] |
| **What is the lawful basis for conducting the proposed activity?** | Article 6 of the General Data Protection Regulations provides a list of lawful bases for processing personal data. | [Article 6(1)(f), Legitimate interests]  [A separate legitimate interests assessment will need to be carried out] |
| **Have similar or less intrusive activities been considered or attempted?** | Other, less intrusive methods of processing data should be considered or attempted prior to implementing any other activities.  e.g. have previously hired security staff | [Other methods have been considered including employing a permanent security guard, but this would not be cost effective and would be a risk for a lone worker. CCTV has proven to be an effective deterrent for criminal damage]  [insert details of what other ways of achieving your intended outcome (for example reducing damage to property / crime) have been considered which may be less invasive to privacy and why they cannot be used instead – one suggestion is included above which may or may not apply dependent on your particular circumstances] |
| **Provide details of the information flows.** | What data will be captured as a result of this activity and how is it to be captured? | [Images will be caught by CCTV cameras]  [Images will be stored on [insert details of storage e.g. internal systems, third party provider etc] |
| **Nature and Scope of the Processing** | | |
| **What is the source of the data / how is it collected?** | Direct from the individuals or from another party? Will it be communicated to the individuals? | [Images will be collected by the CCTV cameras]  [Insert details of the number of cameras and their positions here e.g., in the entrance hall / car park area]  [Signs will be put up notifying individuals that CCTV is in use] |
| **How will the data be stored?** | Will appropriate protection be afforded to the data (given consideration of the type of data)? | [Images will be stored electronically on [insert details of storage e.g., internal server, third party server (the cloud) etc]  [Appropriate technologically and organisational measures will be put in place to ensure the data is kept secure]  [Images will be stored for [insert time period]] |
| **Will this data be shared with any other party?** | Any third-party processors etc. | [CCTV images will be stored by a third party]  [The CCTV system will be operated internally, and recordings will be processed in-house and not processed by a third party security provider.]  [Delete as applicable]  [include here if any third party will be running the system for you and also include any of your other IT providers who may have access to the data for example your server provider / IT support]  [The data will only be shared with other third parties where sharing is necessary and in compliance with data protection laws – e.g., where data is used in a criminal inquiry.] |
| **How many individuals will be affected by the processing?** | Provide an estimation of numbers of customers and employees affected. | Approximately [please insert an approximate number of staff and guests on the premises on a regular basis based on the maximum occupancy] per day are likely to be captured by the CCTV cameras. [If members of the public not related to your property are likely to be captured which we would recommend against if possible include this here also] |
| **What are the privacy risks of undertaking this activity?** | Consider whether the activity and the processing which will occur as a result if it is covered by your Privacy Policy or does it need to be updated to include relevant information – retention times, sharing of data, etc. | [Data subjects may consider the use of CCTV cameras as intrusive]  [Privacy policies and notices will need to be updated.]  [Risk of unauthorised access to the data.]  [Individuals will not be able to opt out of this processing given the nature of it – this may lead to increased requests for erasure.] |
| **How will you inform people that you are conducting this activity?** | (Where applicable) Signs for CCTV, notices on website etc. | [Signs will be erected and our privacy notices for guests / employees will be updated]  [All staff will be made aware that CCTV is in operation at the premises.]  [We have registered with the ICO] |
| **Management of Risk** | | |
| **What are the impacts on individuals in carrying out this activity?** | Consider any adverse impacts on individuals’ rights and freedoms which may come as a result of this activity or the processing, i.e., criminal investigations. | [Individuals may be subject to criminal investigations in the event they are carrying out criminal activity, but this is considered proportionate.] |
| **How will the impacts on individuals be mitigated?** | (Where applicable) Consider how any of the impacts might be mitigated or avoided. | [Recordings captured will be retained for no longer than absolutely necessary – the shortest period of time possible – and will not be disclosed to any third party unless justified under data protection legislation]  [Only public areas will be under surveillance and signs clearly displayed to inform individuals of their presence.]  [No audio recordings will be collected.]  [Only authorised personnel will have access to the recordings and the recordings will be kept secure.]  [ Authorised personnel will receive training on how to use the cameras and footage.]  [The privacy notice for staff will be updated to include use of CCTV as well privacy notices for guests]  [Individuals requesting access to any of the footage captured by the cameras will be provided with the option to either view the requested footage on site or be provided with a trimmed copy of the footage which shows just the individual making the request.]  [The outside cameras will not cover any public highways.]  [Delete as applicable] |
| **What technological and organisational measures are in place?** | Appropriate technological and organisational measures must be in place to protect against unauthorised/unlawful access to or processing of personal data. | [All necessary safeguards are in place in order to protect the electronic data, which is recorded and stored, as required by data protection legislation.]  [Only authorised personnel will have access to the recordings and the recordings will be kept secure.]  [Data will be encrypted and stored securely and only reviewed where absolutely necessary, limiting the amount of people who may interact with it.]  [Data will be deleted automatically after [INSERT TIME PERIOD]  [Delete as applicable] |
| **How often will you conduct a review of this activity to ensure it is still required?** | Ensuring periodic reviews will allow you to assess whether your organisation still needs to undertake the activity at a later date or if it is no longer justifiable. | [Every 6 months]  [insert here how often reviews of using the CCTV will be carried out, at least every 6 months is recommended] |

1. **Outcome**

[To be completed]

|  |  |
| --- | --- |
| **OUTCOME** | **DECISION DETAIL** |
| FAIL |  |
| PASS |  |
| REASONS AND/OR  REQUIREMENTS |  |

|  |  |
| --- | --- |
| *Completed by* |  |
| *Name:* |  |
| *Role:* |  |
| *Date:* |  |
| *Signed:* |  |
| *Authorised by* |  |
| *Name:* |  |
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