
DEPARTMENT OF JUSTICE

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**17 June 2014
AQW/33802/11-15**

Lord Morrow (Fermanagh and South Tyrone) has asked:

To ask the Minister of Justice (i) to detail the Northern Ireland Courts and Tribunal Services CCTV policy; (ii) to provide a copy of the policy; (iii) when the policy was last updated or amended; and (iv) what monitoring is in place to ensure all aspects of the policy are adhered to.

ANSWER

The Northern Ireland Courts and Tribunals Service (NICTS) policy on the usage of CCTV on NICTS premises sets out the stated purpose of CCTV cameras, including the operation, retention, access and disclosure of recorded images to third parties. As the data owner, NICTS can monitor and download CCTV footage at any time. The policy, issued on 5 September 2012, has not been amended and a copy has been placed in the Assembly Library. G4S Solutions (UK) Ltd, the NICTS contracted security and ancillary service provider, has delegated responsibility for viewing and

downloading CCTV footage. NICTS monitor policy compliance and it is a
Key Performance Indicator in the G4S contract.

A handwritten signature in black ink, appearing to read 'D. Ford', written in a cursive style.

DAVID FORD MLA



Northern Ireland

**Courts and
Tribunals Service**

www.courtsni.gov.uk

CCTV Usage Guidance

serving the community through the administration of justice

Document Details

Version:	2.0
Date issued:	5 September 2012
Date last updated:	
Document Authors:	Security Branch

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1. Introduction

The Northern Ireland Courts and Tribunals Service (NICTS) uses Closed Circuit Television (CCTV) images to provide a safe and secure environment for building users, to protect the Estate property and to assist with the prevention and investigation of crime.

This document sets out the accepted use and management of the CCTV equipment and images to ensure the Service complies with the Data Protection Act 1998, Human Rights Act 1998 and other relevant legislation.

The NICTS has produced this policy in line with the Information Commissioner's CCTV Code of Practice.

Contracted security staff licensed through the Security Industry Authority (SIA) to monitor CCTV should not permit access to or downloading of information without prior permission from the Contracts Team. Only contracted security staff who possess the CCTV SIA Public Space Surveillance frontline licence are permitted to view and download images. Licensing requirements do not impact on NICTS staff.

2. Purpose of CCTV

The NICTS has installed CCTV systems to:

- deter crime;
- assist with the prevention and detection of crime;
- assist with the identification, apprehension and prosecution of offenders; and
- monitor the security of the estate

3. Cameras

The NICTS will position cameras to cover NICTS premises but will also cover public footpaths and streets next to the perimeter of the building.

The NICTS will clearly display signs so that staff and visitors are aware they are entering an area covered by CCTV.

Signs will state:-

- that the NICTS is responsible for the CCTV scheme;
- the purpose(s) of the scheme; and
- whom to contact regarding the scheme.

4. Images

4.1 Quality

Images produced by the equipment must be of sufficient quality for the purpose(s) for which they are intended.

- Cameras should be sited so they will capture images relevant to the purpose(s) for which the scheme has been established (this should be done in conjunction with the Agency Security Officer (ASO)).
- It is NICTS policy that all digital recorders capture images at a minimum of six frames per second, 24 hours per day.

- Cameras should be properly maintained and serviced with maintenance logs kept; Cameras should be kept in working order and protected from vandalism; any required maintenance work should be carried out under the Estates Maintenance Contract.

The security staff on site will perform regular checks to ensure the system is working and will report any faults immediately to the local Premises Officer. Checks should include the system date and time to ensure accuracy, and that the system is recording for the minimum requirement of 31 days. All checks should be documented. It is the Contract Manager's responsibility under the Security and Ancillary Services Contract Monitoring arrangements to ensure that appropriate checks take place. Further information can be found in Section 8 – Responsibilities.

4.2 Retention

Digital recording systems - CCTV images held on the hard drive of a PC or server will be overwritten on a recycling basis once the drive is full. All footage must be held for a minimum of 31 days. Security and Ancillary staff will carry out appropriate checks and report any issues to the local Premises Officer who will notify Estates Branch.

Images stored on removable media will be erased or destroyed:-

- once the purpose of the recording is no longer relevant; or
- once they have been retained for longer than 3 months and the requesting body fails to further request or collect downloaded images.

Recording media no longer in use will be securely destroyed using a licenced contractor. Confirmation of destruction must be retained by Contracts Branch.

5. Operation

The NICTS Security and Ancillary Services Contractor monitors the NICTS CCTV systems during core hours only with the exception of the Royal Courts of Justice where CCTV is monitored on a 24 hour basis.

The Contractor will complete all CCTV viewing and download requests on receipt of approval from the Contracts Team.

6. Access to and Disclosure of Images to Third Parties

Access to, and disclosure of, images recorded on CCTV will be restricted and carefully controlled. This will ensure that the rights of individuals are protected although images may be used as evidence if required. Contracted staff must have the appropriate SIA licence to monitor and access CCTV. Images can only be disclosed in accordance with the purposes for which they were originally collected, and in accordance with the NICTS /Department of Justice's Notification to the Office of the Information Commissioner.

Access will be:-

- granted to a law enforcement agency (e.g. PSNI or the Office of the Police Ombudsman for NI) for the detection and prevention of crime;
- considered where a member of the public applies by way of a Subject Access Request under the Data Protection legislation (any request would be considered and assessed against the Data Protection legislation by NICTS); and
- considered where someone applies under the Freedom of Information (FOI) legislation (any request would be considered and assessed against the FOI legislation by NICTS).

This document separates access (viewing of images) and disclosure (releasing of images) into two subsections.

6.1 Access to images

Access to (i.e. viewing of) recorded images will be restricted to those NICTS staff or contractors staff authorised to view them, and will not be made more widely available without the permission of the Contracts Team. Contractor's staff should not permit access to images by anyone without the permission of the Contracts Team and the appropriate documentation (FORM 1). Monitors displaying images from areas in which individuals would have an expectation of privacy should only be seen by staff authorised to use the equipment.

Viewing of recorded images should take place in a restricted area not accessible to other personnel while viewing is occurring.

The Applicant should complete FORM 1 to request permission to view CCTV images. This form should be forwarded to Contracts Branch. Contracts Branch should obtain approval from Central Management Team for any non-PSNI requests before facilitating viewing of images.

Contractors acting on behalf of NICTS, who have access to CCTV, should not access images, other than the contracted live time monitoring, without the prior permission of the Contracts Team, to ensure that there are no breaches of legislation or any conflict of interest. **CCTV should not be used as a general management tool.** Unauthorised access and use by NICTS staff and contractor's staff may contravene the Data Protection legislation and guidance.

6.2 Disclosure of Images

Disclosures (download/removal of footage) to third parties will only be made in accordance with the purpose(s) for which the system is used and will be limited to:

- police and other law enforcement agencies, where the images recorded could assist in a specific criminal enquiry and/or the prevention of terrorism and disorder;
- people whose images have been recorded and retained (Subject

Access Request) (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings); and

- in exceptional cases, to others to assist in identification of a victim, witness or perpetrator in relation to a criminal incident.

6.2.1 Police and other Law Enforcement Agencies.

All requests for disclosure to PSNI must be on foot of **PSNI Form 81**.

If recording media i.e. the hard drives on which images are recorded are removed for viewing/evidence purposes, this should be documented. **FORM 2** should be completed, noting that the hard drive has been removed by an authorised person. It will generally be the PSNI who remove the hard drive. In such circumstances the PSNI should make every effort to replace the hard drive with a compatible replacement. NICTS should not be left without a means of recording. The ASO should be consulted if this is the case or if there are any issues.

Following the return of the original hard drive(s), it may be necessary for the replacement hard drive to remain accessible for a period of 31 days to ensure that the NICTS has access to information recorded during the period of its use. Advice should be sought from the ASO or their deputy in such circumstances.

6.2.2 Individuals (Subject Access Request)

The Data Protection Act 1998 gives individuals the right to access personal information about themselves, including CCTV images (Subject Access Request).

All requests for access to images by individuals (when they are asking for access to images of themselves) must be in writing to the Central Management Team. If required, a member of Central Management Team will liaise with the Contracts Team to determine whether disclosure of the images will reveal third-party information.

If necessary, the CCTV footage can be downloaded to preserve the images pending the decision to release.

Requests for access to CCTV images must include:

- the date and time period when the images were recorded;
- the location of the CCTV camera; further information to identify the individual if necessary.

The NICTS must respond within 40 days of receiving the sufficient information to identify the images requested.

If the NICTS cannot comply with the request or refuse the release of images, the reasons must be documented. The requester will be advised of the reason for refusal in writing, where possible.

No access to images or release of information should be provided directly to enquirers. Please contact the Central Management Team or the Contracts Team to ensure full compliance with the relevant legislation.

Images preserved pending determination should be destroyed following refusal (and once any appeals have been exhausted).

6.2.3 Other

Requests for disclosure from any other parties must be in writing, providing full details of the date and time period of requested footage, together with reasons for request. If disclosure is allowed/ denied, the reason should also be recorded. All decisions relating to disclosure must be made by the Central Management Team (where necessary in consultation with the Contracts Team) to ensure full compliance with all relevant legislation.

Images retained for evidence should be securely stored.

Once media or images are released to an authorised person, that person then becomes the data controller of that information and must ensure that the information is used and stored in accordance with the Information Commissioner's Office (ICO) guidance and Data Protection principles.

6.2.4 Content of Images

It should be noted that where applications are made under 5.2.2 and 5.2.3 and the requested images include or identify individuals other than the 'Subject(s) of the request', these images must be 'blurred' or 'disguised' before release. Central Management Team will arrange to have the necessary 'blurring' carried out.

Images must not be released without considering the need to obscure images of such third parties.

7. Forms to be Used

There are three forms used when permitting access and downloading of information.

<p>FORM 1</p>	<p>Request for Playback of CCTV Images</p> <p>This form records the request and if applicable subsequent viewing of recorded images. This should be used when requests for <u>viewing only</u> are made from PSNI and other persons/ bodies.</p>
<p>FORM 81* (PSNI)</p>	<p>Request for Disclosure of Personal Data (This is a PSNI form).</p> <p>This form authorises the PSNI Officer to <u>request</u> to view <u>and</u> download CCTV footage. Approval by NICTS via Form 2 (below) must be provided before CCTV images or hard drives can be released to the PSNI.</p>
<p>FORM 2</p>	<p>Release of CCTV Images.</p> <p>This form must be completed if any CCTV footage is authorised to be downloaded to disc or if hard drives are to be removed.</p>

As CCTV footage and images are used in evidence, those that facilitate viewing and download information may be called to Court. As the NICTS receives numerous requests for information recorded from its CCTV, it is useful if a contemporaneous note for the record is made of any issues such as monitors showing incorrect times or dates etc.

***PSNI FORM 81** - The PSNI have their own form (Form 81 Request for Disclosure of Personal Data), as a request form for the viewing/ downloading of images. This form should be signed by the PSNI Investigating Officer and must be authorised by a senior officer of the rank of Inspector or above. In the absence of a Form 81, a FORM 1 should be completed by the PSNI if a request for access i.e. viewing only is made.

8. Responsibility for CCTV Systems

Maintenance of the CCTV system is the responsibility of Estates Branch. Any issues should be raised by the Premises Officer through the Maintenance Contract.

Security Team should be consulted immediately if images are not being recorded for any reason. The Security Team will assess the risks and advise on the call priority.

Contracts Team should be contacted to arrange for the viewing and downloading of CCTV images. Central Management Team will provide guidance on the impact of the Data Protection Act 1998 and Freedom of Information Act 2000 with regard to those systems.

9. Complaints

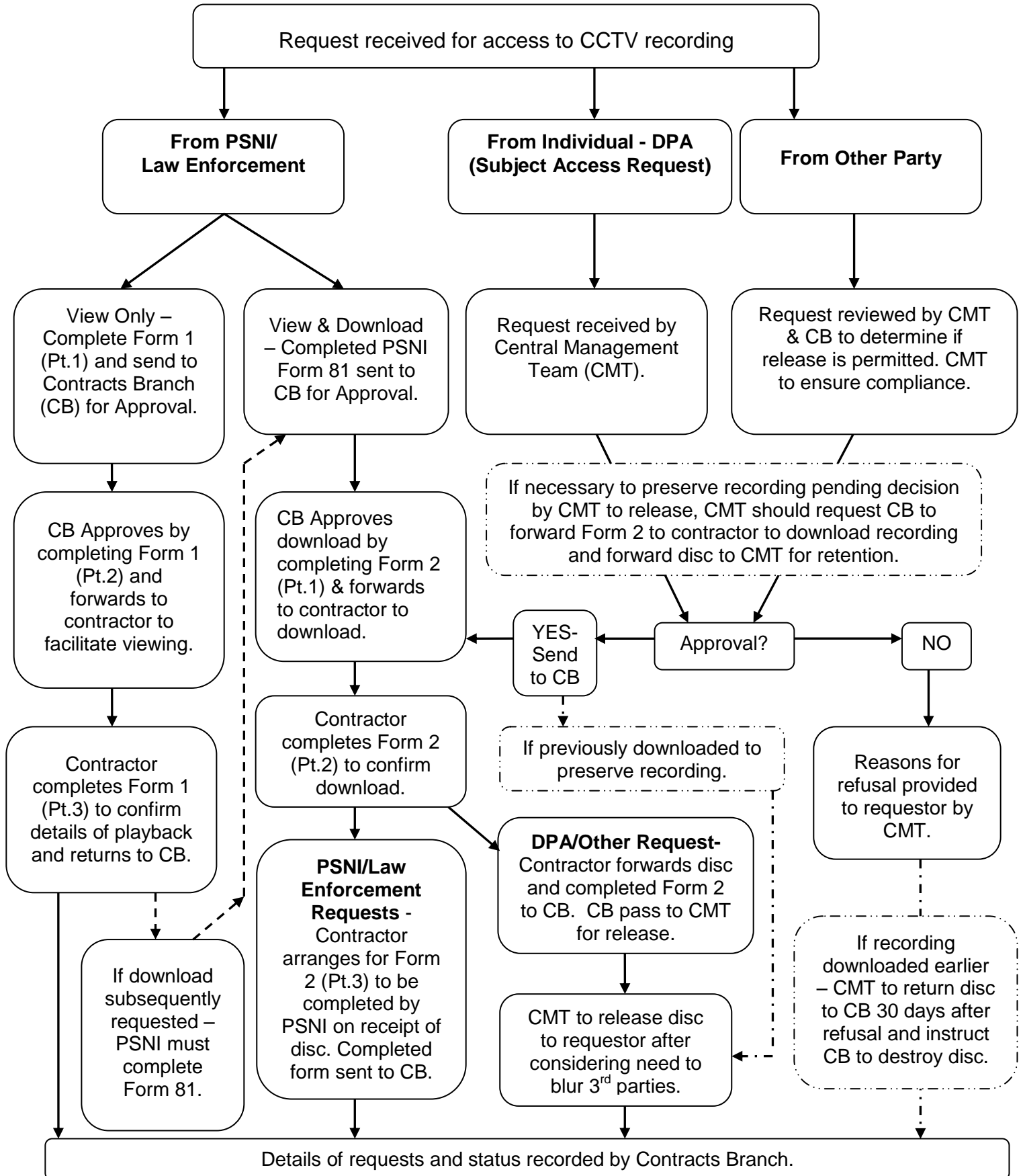
Complaints and enquiries about the use of the NICTS CCTV systems should be addressed to the Security Team. Enquiries relating to the Data Protection Act should be addressed to the Senior Information Risk Owner (SIRO).

10. Monitoring Compliance

Central Management Team will undertake reviews to ensure compliance with this policy and relevant legislation.

Annex A - Process Flowchart

Process for Handling Request to View/Download CCTV Recordings



FORM 1: REQUEST FOR PLAYBACK OF CCTV IMAGES Pg.1/2

Request for the playback of CCTV images must be completed by the person making the request and authorised by NICTS Contracts Branch.

Part 1 – To be completed by the person making the request for playback.

Full Name of Person making the Request	:	
Organisation	:	
Position/Title/Rank	:	
Contact Number	:	
Court Venue	:	
Reason for Request including Brief Description of Occurrence	:	
Playback Period Requested –	Date	:
	From	:
	To	:
Area(s) Required to be Viewed (or camera number(s) if known)	:	
Signature	:	
Date	:	

Send completed form to NICTS Contracts Branch for approval.

FORM 1: REQUEST FOR PLAYBACK OF CCTV IMAGES Pg.2/2

Part 2 – To be completed by NICTS Contracts Branch.

Signature of Person	:	
Authorising Playback	:	
Full Name (<i>in block capitals</i>)	:	
Date	:	

Part 3 – To be completed by person performing playback.

Playback Details -	Date	:	
Time: From - To		:	

Persons Present during playback	:	
Full Name (include their employer/PSNI)	:	
	:	
	:	

Result of Playback	:	
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Other Information	:	
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Signature of Person	:	
Performing Playback	:	
Full Name (in block capitals)	:	
Date playback performed	:	

Return completed form to NICTS Contracts Branch.

FORM 2: RELEASE OF CCTV IMAGES

Part 1 – To be completed by NICTS Contracts Branch.

Request received from (Name/Employer/Contact Number) On Date	:	
Location of CCTV Images Date/Time of requested Images	:	
Release of CCTV images approved by Date	:	
*Disc to be released to (Either requestor above or Contracts Branch)	:	

Part 2 – To be completed by person downloading digital images.

Images Downloaded -	On Date	:	
	Time	:	
Signature of Person Completing Download		:	
Full Name <i>(in block capitals)</i>		:	
Any Other Information			

Release disc to person named* in Part 1

Part 3 – To be completed by person receiving digital images.

I confirm receipt of the images requested. I have also received the Notice (Part 4) outlining my responsibilities under the Data Protection Act 1998.

Signature	:	
Full Name <i>(in block capitals)</i>	:	
Employer/PSNI	:	
Crime/Incident reference number	:	
Date Received	:	

Return completed form to NICTS Contracts Branch.

FORM 2: RELEASE OF CCTV IMAGES

Pg.2/2

Part 4 – Data Protection Notice

To be given to the recipient of CCTV Footage at time of Disclosure.



DISCLOSURE OF CCTV FOOTAGE UNDER THE DATA PROTECTION ACT 1998

Under the Data Protection Act 1998 the disclosure of any data including CCTV images which can identify an individual is treated as Personal Data. Therefore the images must be treated in accordance with the eight Data Protection Principles.

The attached CD/DVD contains 'personal data' which can only be used for the purposes declared on your **letter of request/ PSNI Form 81***. Under the Data Protection Act you, on behalf of your organisation, are now the Data Controller for the 'personal data' contained on the CD/DVD. This means that it is your responsibility to comply with the Data Protection Act in relation to further disclosures of the images.

***delete as appropriate**

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