



Specific Privacy Notice: Custody Closed Circuit Television (CCTV)

Introduction

This Privacy Notice has been created to make it easier for you to understand what personal data Lancashire Constabulary processes about you, how and why in connection with the use of CCTV in Custody at Lancashire Constabulary premises.

It meets the requirements placed upon the Chief Constable by the General Data Protection Regulation (Articles 13 and 14) in relation to general processing and the Data Protection Act 2018 (Section 44) in relation to law enforcement processing.

It should be read in conjunction with, the force's general Privacy Notice which can be accessed from the home page of Lancashire Constabulary's internet site. This high-level Privacy Notice provides you with complete details of the rights you have relating to the personal data we hold about you now and any personal data we might collect about you in the future.

If you have received a hard copy of this Notice and do not have access to the internet but require a copy of the Lancashire Constabulary Privacy Notice please contact the Lancashire Constabulary Data Protection Office (contact details below) and they will provide a copy to you.

For what purpose(s) is my personal data intended to be processed by Lancashire Constabulary?

Closed Circuit Television (CCTV) is an overt surveillance system. Currently, CCTV is situated in Custody Suites across the Constabulary.

CCTV within the Custody Suites will be used for the following purposes:

- Ensure the security of police premises and other police assets.

- Ensure the 'real-time' health and safety of police officers/staff, detainees and other visitors to custody suites (such as appropriate persons accompanying detainees, legal representatives and medical professionals).
- Monitoring vulnerable detainees and thereby reducing the instances of self-harm.
- Reviewing footage following receipt of any complaints of alleged or potential incidents of mistreatment of detainees to:
 - identify officers and any learning that may come as a result, for both the individual officers involved and as part of wider training to others or to assist in internal disciplinary investigations, where proportionate and appropriate to do so.
 - Assist in the incident investigation by the Independent Office for Police Conduct (IOPC) or the Force Professional Standards Department.
- Assists in the management of the custody function, thereby ensuring adherence with PACE
- Promotes a safer working environment for staff, visitors and any other persons who may be in the Custody Suite.

Lancashire Constabulary will use the minimum amount of personal information necessary to carry out a particular activity.

What is Lancashire Constabulary's legal basis for processing my personal data?

As a competent authority, Lancashire Constabulary will collect data for the purposes of law enforcement, which are defined at Section 31 of the Data Protection Act 2018, as:

"the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security".

Where general processing is undertaken, the lawful basis under UK GDPR will be:

- Article 6(d) – protection of vital interests
- Article 6(e) - *the processing is necessary for the performance of a task carried out in the public interest.*

When processing is undertaken on the grounds of public interest, the necessity for processing will arise from the exercise of a function conferred on a person by an enactment or rule of law. (Section 8 (c) Data Protection Act 2018). Such functions may be identified from common law policing powers and the following statutory provisions:

Section 39A of the Police Act 1996 requires Chief Officers to give "due regard" to statutory codes. The statutory Code of Practice relating to the Management of Police Information (MOPI) sets out the policing purposes as:

- protecting life and property,
- preserving order,

- preventing the commission of offences,
- bringing offenders to justice, and
- any duty or responsibility of the police arising from common or statute law.

Further, the Police Reform and Social Responsibility Act 2011, Sch 2. (7) provides that a Chief Constable may do anything which is calculated to facilitate, or is conducive to, the exercise of the functions of a Chief Constable, the delivery of efficient and effective policing, and managing complaints.

Should general processing include the capture of a special category of personal data, which is defined at Article 9 of GDPR as data revealing:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- genetic data, biometric data; or
- data concerning a natural person's sex life or sexual orientation

general processing will be undertaken in accordance with the condition set out at Article 9(g), substantial public interest on the basis of law, where one of the following conditions from Part 2, Schedule 1 is met:

- prevention/ detection of unlawful acts
- protecting the public against dishonesty
- regulatory activity
- safeguarding of children and adults at risk.

Sensitive processing for law enforcement purposes will be undertaken on the basis that it meets one of the conditions set out at Schedule 8 of the Data Protection Act 2018, namely:

- a function conferred by an enactment or rule of law, necessary in the substantial public interest
- the administration of justice
- the safeguarding children and individuals at risk

What are the categories of personal data collected?

The categories of personal data that we may collect within the Custody Suites includes video images of police officers, police staff, detainees and any other person with reason to be in them. It will record the time and date.

All charge desks and intoxilyser rooms record audio and the white board only records audio on handover.

Blackpool DHQ also records audio in all the cell corridors.

Who will my personal data be disclosed to by Lancashire Constabulary?

We may disclose your personal data internally with relevant departments for the purpose

of fulfilling the above objectives stated legal bases. For the same purpose, we may also engage the services of other agencies.

Where we have arrangements to share your personal data, there is a contract, memorandum of understanding or information sharing agreement in place to ensure that the requirement of the Data Protection legislation on handling personal information are met. Where we are required to disclose information by law, for example safeguarding purposes, we may do so without these arrangements.

Lancashire Constabulary will take steps to ensure any disclosures of personal data are necessary and proportionate as required by the law. Whenever we share your personal information, sharing options will be evaluated to ensure that your data is shared in the most secure manner.

Does Lancashire Constabulary intend to transfer my personal data out of the U.K. or to an international organisation and if so what are the safeguards in place?

There is no intention to transfer data out of the UK.

If data is transferred out of the UK appropriate safeguards will be taken to comply with the requirements of the Data Protection Act 2018.

How long will my personal data be retained by Lancashire Constabulary?

Lancashire Constabulary will only keep your information for as long as it is required to be retained.

All CCTV footage is kept for 90 days but if classed as 'evidential' it will be kept in line with the guidance relating to MOPI.

The content of the information in relation to CCTV footage will be held in accordance with the [Lancashire Constabulary Record Retention Schedule](#) dependent upon which category of record the information falls.

Your rights

Amongst other rights, you have a right to [request a copy](#) of personal information that Lancashire Constabulary holds about you.

Further details of all your rights can be found within the general [Privacy Notice](#) referred to above.

The person who determines the purpose and means by which your personal data is processed) is:

Chief Constable of Lancashire Constabulary
Lancashire Constabulary
HQ
Saunders Lane
Hutton
PR4 5SB

The contact details of Lancashire Constabulary's Data Protection Officer

The Data Protection Officer
Lancashire Constabulary
Police Headquarters
Saunders Lane
Hutton
PR4 5SB

Email: data.protection@lancashire.police.uk

If you wish to Complain

The Information Commissioner is the independent regulator responsible for enforcing the Data Protection Act and advising on privacy rights. The information Commissioner's Office contact details are as follows:

The Information Commissioner's Office can be contacted as follows:

Telephone: 0303 123 1113

Website: <https://ico.org.uk/make-a-complaint/>

Mail: The Information Commissioner's Office
Wycliffe House
Wilmslow
Cheshire
SK9 5AF