

SafePod Network



SAFEPOD[®]

SECURE DATA ACCESS

CCTV Governance Statement

Copyright

“SafePod” is a registered trademark of the University Court of the University of St Andrews, Scotland, UK.

© 2021. The copyright of the content of this document and any associated, supplementary or supporting documents and any design rights contained therein are owned by the University Court of the University of St Andrews, Scotland, UK.

Version control

Updates to this document will be summarised in the table below.

Version No.	Name	Date	Update
1.1	Darren Lightfoot	10.11.20	Minor update to 'Controllers' section
1.2	Chris Milne	27.05.20	Minor updates and clarifications throughout document
1.3	Darren Lightfoot	27.05.20	Minor updates and clarifications throughout document
1.4	Chris Milne	28.05.20	Minor updates and clarifications throughout document
1.5	Darren Lightfoot	09.06.20	Updated to include SafeSpace

Authors

Christopher Milne, Head of Information Assurance and Governance and University Data Protection Officer, Office of the Principal, University of St Andrews.

Darren Lightfoot, University of St Andrews.

.

Introduction

This statement explains how the SPN CCTV System will operate fairly and lawfully in-line with UK data protection law.

Controllers

Controllers for personal data recorded by the SPN CCTV System are:

- **A Data Centre**, where they have:
 - (i) Determined that CCTV recording of a SafePod or SafeSpace booked session is necessary for a researcher to access and use their datasets in accordance with their terms and conditions of dataset access and use established between both parties; and
 - (ii) When managing the data protection rights of researchers captured by CCTV footage when using a SafePod or SafeSpace.

- **The University of St Andrews**, for the purposes of:
 - (i) Determining whether a SPN User has complied with the terms of the SPN User Agreement;
 - (ii) Determining whether an organisation has complied with their SafePod or SafeSpace agreement; and
 - (iii) Managing the data protection rights of individuals other than researchers, captured by CCTV footage when present in a SafePod or SafeSpace e.g. responding to a subject access request made from an employee of a SafePod or SafeSpace Organisation.

The legal basis for the recording of CCTV footage within the SPN

It is for each Controller to determine the legal basis for recording CCTV footage. For a Data Centre, it is anticipated that in most instances 'contract' will be an appropriate basis, as introduced below.

Determining CCTV recording

By default, footage inside a SafePod or SafeSpace is always recorded by CCTV camera (triggered by motion). For each booked session, it is for the relevant Data Centre to determine whether the CCTV camera is switched on or off to record a SafePod or SafeSpace booked session. Where the CCTV camera is to be switched off, the SPN will switch the camera off before the booked session starts.

For a booked session, where a Data Centre requires recorded CCTV footage, they are the Controller. For all CCTV footage recorded outside of SafePod or SafeSpace booked sessions, then the University of St Andrews is the Controller.

Transparency

When a SafePod or SafeSpace booking is made and the Data Centre requires that CCTV footage is recorded, the email confirming the booking will also remind the SPN User of that arrangement.

CCTV recording: Data Centre

Where a Data Centre has CCTV recording as a condition of access to their dataset(s) with a researcher, that requirement must be included in their terms and conditions of dataset access agreement and a relevant privacy notice must be provided to the researcher.

A Data Centre can access both live and recorded CCTV footage via the SPN CCTV System made available to them by the University of St Andrews.

The University of St Andrews as a Processor

The University of St Andrews will be a Processor for a Data Centre, as the third-party providing CCTV facilities to a Data Centre, as required.

Agreements between the University of St Andrews and a Data Centre contain the Processor provisions required by the General Data Protection Regulation, Article 28, 3.

Necessity

Where there is no requirement by a Data Centre for CCTV footage of a SafePod or SafeSpace booked session, then University of St Andrews must be notified by the Data Centre, and the CCTV system will be turned off for the specified booking.

CCTV recording: University of St Andrews

SPN Users

The University of St Andrews may make use of CCTV footage to establish whether a SPN User has or has not misused or damaged a SafePod or SPN equipment in accordance with the SPN agreement they have signed. The legal basis for use of personal data in these instances is contract.

SafePod and SafeSpace Organisations

The University of St Andrews may make use of CCTV footage to establish whether a SafePod or SafeSpace Organisation has undertaken their duties as set out in their terms and agreement with the SPN. Where individuals (working for a SafePod or SafeSpace Organisation) are recorded by CCTV inside a SafePod or SafeSpace when performing their duties, then the legal basis for the recording is legitimate interests, and the University of St Andrews is the Controller.

CCTV recording: SafePod or SafeSpace Organisation

Where individuals employed by a SafePod or SafeSpace Organisation (e.g. a cleaner, or technician), or other individuals have entered a SafePod or SafeSpace, then their footage will be recorded by CCTV.

In circumstances where a SafePod or Safespace Organisation believes that they require CCTV footage for internal purposes (e.g. to support an accident investigation), then they can request access to recorded CCTV footage from the SPN.

A SafePod or SafeSpace Organisation must demonstrate that their intended processing will be lawful before CCTV footage is made available. Requests for access should be emailed to safepodnetwork@st-andrews.ac.uk.

If there is any dispute as to whether CCTV footage cannot be made available from the University of St Andrews to a SafePod or SafeSpace Organisation, then the University of St Andrews DPO will adjudicate.

CCTV footage retention period

CCTV footage recorded inside a SafePod or SafeSpace will be held for 30 days. Where footage has been transferred then the footage will automatically be held by the SPN CCTV System supplier for up to 365 days before being deleted.

Transfer of CCTV footage

The SPN will only normally make CCTV footage available to an authorised member of staff at a Data Centre. Transfer of CCTV footage to other parties may be undertaken where there is a lawful basis to do so.

Requests for live footage will be provided online through the SPN CCTV system.

Where a request for recorded footage is approved, the footage will be encrypted and transferred to the requestor. The access credentials will be provided under separate cover, applying recognised best practice standards for their construction.

Data protection rights

The University of St Andrews will use personal data recorded by CCTV in a SafePod or SafeSpace (unless an exemption applies) to provide individuals with their data protection rights, as per the UK data protection laws. Notices in each SafePod or SafeSpace identifies the University of St Andrews as the operator of the CCTV camera.

If the University receives a data protection rights request from an individual and the University is not the Controller, that request will be passed to the appropriate Controller within 2 working days.

Summary of responsibilities

Data Centre	
	<ul style="list-style-type: none">• To confirm with an individual where CCTV footage is to be recorded as a requirement for access to their datasets.
	<ul style="list-style-type: none">• Confirm with the University of St Andrews where it is not necessary for a SafePod or SafeSpace booked session to be recorded.
	<ul style="list-style-type: none">• Make the relevant privacy notice information available to individuals, when an agreement for access to their datasets requires that CCTV imagery is to be recorded.
	<ul style="list-style-type: none">• To respond to an individual's data protection rights.

	<ul style="list-style-type: none"> To advise the University of St Andrews where CCTV footage is to be archived i.e. retained for longer than 30 days, before that retention period is reached.
--	---

The University of St Andrews	
	<ul style="list-style-type: none"> To have in place with the third-party CCTV supplier contractual provisions as stipulated by UK data protection laws, and to respond in full to those provisions.
	<ul style="list-style-type: none"> To provide CCTV services to Data Centres, acting under the instructions of a Data Centre, and per the Agreement between both Parties.
	<ul style="list-style-type: none"> To have in place and keep under review a legitimate interests assessment, for the capture of CCTV imagery out with that captured at the request of a Data Centre, for a SafePod or SafeSpace booked session.
	<ul style="list-style-type: none"> To provide CCTV footage to SafePod or SafeSpace Organisations, where a request has been validated.
	<ul style="list-style-type: none"> To provide a CCTV privacy notice for display inside a SafePod or SafeSpace.
	<ul style="list-style-type: none"> Refer to a Data Centre any requests received from individuals to exercise their data protection rights where the University is not the Controller.
	<ul style="list-style-type: none"> To establish whether SPN agreements has been adhered with.
	<ul style="list-style-type: none"> To delete CCTV footage and/or retain as per the agreements with Data Centres.

SafePod Organisation and SafeSpace Organisation	
	<ul style="list-style-type: none"> If requesting access to CCTV footage from the University of St Andrews to provide adequate detail on the purposes of the processing to allow the University of St Andrews to assess whether making footage available will be lawful.
	<ul style="list-style-type: none"> To ensure that the CCTV privacy notice supplied by the University of St Andrews is prominently displayed inside a SafePod or SafeSpace.

Data Privacy Impact Assessment (“DPIA”)

The DPIA for the scheme is available on request.

Legitimate Interests Assessment (“LIA”)

The LIA for the scheme is available on request.

SPN contact information

Darren Lightfoot
SPN User Support Service
University of St Andrews
Irvine Building
North Street
St Andrews
KY16 9AL

Website: www.safepodnetwork.ac.uk

Telephone: 01334 463901

Email: safepodnetwork@st-andrews.ac.uk



SAFEPOD[®]
S E C U R E D A T A A C C E S S

