

Privacy Notice for Public Space CCTV in North Lanarkshire

Your personal data

“Personal data” is any information about a living individual, which allows them to be identified from that data (for example a name, photographs, videos, email address, or address).

Identification can be by directly using the data itself or by combining it with other information, which helps to identify a living individual.

The processing of personal data is governed by legislation relating to personal data, which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR) and other legislation relating to personal data, Data Protection Act 2018 and rights such as the Human Rights Act.

Who will process your information?

Public Space Closed Circuit Television (CCTV) within North Lanarkshire is monitored by North Lanarkshire Council (“NLC” or “the Council”), a local authority established under the Local Government etc. (Scotland) Act 1994. Its headquarters are located at Motherwell Civic Centre, Windmillhill Street, Motherwell, ML1 1AB.

NLC has an appointed Data Protection Officer; you can contact the Data Protection Officer by post at the above addresses, or by email at:

AITeam@northlan.gov.uk, and by telephone on 01236 638916.

CCTV recordings are used for public safety interests and the prevention and detection of crime. Recordings also provide enforcement agencies with evidence of criminal activity, for formal actions including prosecutions in court and identification of offenders in investigations.

These recordings contain images of the public going about their daily business as well as offenders, persons wanted and missing.

The CCTV database is used to record incidents that are actioned by the CCTV control room staff. This information can be used as an evidential log if needed for court. It is also used to produce reports, charts etc for performance and intelligence purposes as well as for internal/external partner agencies and Police Scotland.

The database also documents the location, time, date, and relevant Police data. We will record and share details and activities relating to those suspected of criminal offences under investigation.

Police Scotland is able to access images from the Public Space CCTV in certain circumstances, described below. You should consult the Police Scotland website <https://www.scotland.police.uk/> for details of how Police Scotland handles personal information including CCTV footage.

Contact details for Police Scotland (data protection queries) can be found under 'More information' below.

NLC is also responsible for CCTV monitoring across various council buildings, including those managed by our arm's length organisations (Culture and Leisure North Lanarkshire Ltd and North Lanarkshire Properties LLP).

Why do we need your personal information and what do we do with it?

Your information is being collected to use for the following purposes.

- To help with the detection and prevention of criminal activity within the areas covered by the CCTV provision.
- To help with the increased apprehension and prosecution of offenders.
- To increase public safety and public reassurance.
- To reduce the fear of crime.
- To address environmental concerns and safeguard council assets.
- To assist in the management of major events and incidents.
- To support the council's risk management arrangements.
- To enhance and complement partnership working.

What is the legal basis for us to process your information?

Public Space CCTV is operated by NLC as part of its function as a local authority for the interest of public safety, prosecution of offenders and for legal proceedings. Processing your personal information is necessary for the performance of a task carried out in the public interest.

By its very nature, the Public Space CCTV System may capture more sensitive information about people. We also need to process this more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law.

We may also process data about the commission of offences. This is one of the main reasons for operating a Public Space CCTV system. Local authorities such as NLC are authorised to provide CCTV to promote the prevention and detection of crime or the welfare of victims of crime. This power is contained in section 163 of the Criminal Justice and Public Order Act 1994. In some circumstances the legal basis is to protect vital interests i.e. to protect someone's life.

Who do we share your information with?

Disclosure of images captured by the Public Space CCTV system will be controlled in terms of the purpose for which the CCTV System was established. As a partner organisation with Police Scotland, NLC has an obligation to assist in the prevention of crime and will therefore supply specific images which we are asked to provide to Police Scotland or other crime detection agencies / partners, provided we are satisfied that the request is connected to an investigation and that disclosure would be lawful and proportionate. Contact details for Police Scotland (data protection queries) can be found under 'More information' below.

NLC will ensure that any external agency that receives disclosed information is fully aware of and accepts its responsibility as outlined in the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Information will also be shared with:

- CCTV monitoring operators
- Internal/External enforcement agencies Trading Standards, HMRC .
- Other Police Forces
- Fire and Rescue Services
- National Health Services
- with members of the public under very strict Data Protection or Freedom of Information conditions (Subject Access Requests)

Do we transfer your information outside the UK?

All CCTV images captured are held by NLC and are stored within the UK.

How long do we keep your information for?

CCTV images are retained by NLC for a period of 31 days. After this time the images are automatically deleted unless there is a specific reason to keep particular footage for a longer period of time.

Specific reasons typically arise because the footage includes evidence of criminal behaviour or possible criminal behaviour. Where CCTV operators observe possible criminal behaviour they will alert Police Scotland to this fact. Police Scotland will generally request a copy of the relevant footage, which as a rule will be complied with. At the point of making such a request, Police Scotland becomes the data controller of the footage in question. If the footage is still, at this point, stored on NLC equipment, it is held on behalf of Police Scotland which is sole data controller of the footage and NLC are acting as data processors to Police Scotland. Contact details for Police Scotland (data protection queries) can be found under 'More information' below.

Your rights under data protection law

You have the right to:

1. Be informed of the Council's use of your information.

This notice is intended to give you relevant information to meet this right.

2. Access personal data held about you.

You have the right to request a copy of the personal information that the Council holds about you by making what is known as subject access request.

3. Request rectification of your personal data and correcting your information.

We want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.

4. Request that the Council restricts processing of your personal data.

In some cases, you may ask the Council staff to restrict how we use your personal information. This right might apply while we are dealing with a request for correction of your data or we are assessing an objection you have made to use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. When you successfully exercise this right we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

5. Object to the processing of your data.

You have the right to object to the Council's use of your personal data. The Council will generally have to demonstrate why it is appropriate to continue to use your data but you have an absolute right to tell us to stop using your personal information for direct marketing purposes. You should be assured that we do not use CCTV Data for any marketing activity.

6. Ask us to delete your information.

You have the right to ask us to delete personal information about you where:

- i. You think that we no longer need to hold the information for the purposes for which it was originally obtained;
- ii. You have a genuine objection to our use of your personal information (see '*Object to the processing of your data*' above);
- iii. Our use of your personal information is contrary to law or our other legal obligations.

Please contact us at the address below if you wish to exercise any of these rights.

Complaints

If you have a complaint about how we have handled your personal information, or if you wish to exercise any of the above rights in respect of your information, you can contact North Lanarkshire Council's data protection officer by post at:

The Data Protection Officer
North Lanarkshire Council
Civic Centre
Windmillhill Street
Motherwell
ML1 1AB

Or by e-mail at AITeam@northlan.gov.uk and by telephone on 01236 638916.

You also have the right to complain directly to the Information Commissioner's Office (ICO). The address of their head office is: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5EF. Telephone: 0303 123 1113.

Alternatively, you can report a concern via their website at www.ico.org.uk

The ICO also have a regional office at 45 Melville Street, Edinburgh, EH3 7HI.

Telephone: 0303 123 1115

e-mail: scotland@ico.org.uk

While you can go directly to the ICO, the Council would welcome the opportunity to address any issues you have in the first instance and would aim to resolve directly all complaints about how we handle personal information.

Please note, if your complaint is not about a data protection matter and concerns instead matters relating to service standards, service failure or staff conduct you can find details of how to make a complaint on our website at

<https://www.northlanarkshire.gov.uk/your-council/complaints-and-feedback/make-complaint>
More information / Details of Partner Organisations

For more information on how we process your personal information visit the 'Privacy and Cookies' pages on our website:

<https://www.northlanarkshire.gov.uk/your-council/communication-and-resources/website-guidance/privacy-and-cookies>

Police Scotland

To raise a data protection query with Police Scotland, or to request a copy of CCTV footage which has been passed to Police Scotland and is under their control, please contact the Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA or:

dataprotectionsubjectaccess@scotland.pnn.police.uk

Wider Family of Council Services

The Council's Data Protection Officer will be able to help with your queries in relation to the wider family of Council services, including our arm's length organisations such as Culture and Leisure North Lanarkshire Ltd and North Lanarkshire Properties LLP. You should also note that Culture and Leisure North Lanarkshire Ltd has its own Data Protection arrangements.

To raise a data protection query with Culture and Leisure North Lanarkshire Ltd please contact:

By mail: Records & Archives, North Lanarkshire Heritage Centre, High Road, Motherwell, ML1 3HU

By email: informationrequests@culturenl.co.uk

Or visit the Privacy Policy pages on Culture and North Lanarkshire Leisure Ltd's website:

<https://culturenl.co.uk/privacy-statement/>