

Closed Circuit Television (CCTV) and Body Worn Video (BWV) Footage

What is a 'Privacy Notice'?

A "privacy notice" is a statement issued by an organisation which explains how personal and confidential information about patients, service users, staff and visitors is collected, used and shared. This may also be called a privacy statement, fair processing statement or privacy policy.

This privacy notice is issued by Liverpool University Hospitals NHS Foundation Trust (the Trust) as a healthcare provider and covers the information we hold about you.

Who are we and what do we do?

Liverpool University Hospitals NHS Foundation Trust is the data controller for all CCTV and BWV footage.

On 1 October 2019, the Trust was created, through the merger of Aintree University Hospital NHS Foundation Trust and Royal Liverpool and Broadgreen University Hospitals NHS Trust. The Trust is a major NHS Trust providing healthcare services across Merseyside and beyond. As well as providing general and specialist healthcare, it plays an important role in the teaching and education of healthcare professionals and in healthcare research and innovation. We are monitored by a number of different organisations including:

- NHS England.
- The Information Commissioners Office (ICO).
- Care Quality Commission (CQC).
- Department of Health.

Our consultants, doctors, nurses and healthcare professionals are also regulated and governed by professional bodies.

Why have we issued this privacy notice?

By issuing this privacy notice, we demonstrate our commitment to openness and accountability.

We recognise the importance of protecting personal and confidential information in all that we do, and take care to meet our legal and other duties, including compliance with the following:

- Data Protection Act 2018.
- Human Rights Act 1998.
- Access to Health Records Act 1990.
- Health and Social Care Act 2012, 2015.
- Public Records Act 1958.
- Copyright Design and Patents Act 1988.
- Re-use of Public Sector Information Regs 2004.
- Computer Misuse Act 1990.
- Common Law Duty of Confidentiality.
- NHS Care Records Guarantee for England.
- Social Care Records Guarantee for England.
- International Information Security Standards.
- Information Security Code of Practice.
- Records Management Code of Practice.
- Accessible Information Standards.
- UK-General Data Protection Regulations 2018.

What is the purpose of the CCTV and BWV System?

The purpose of the CCTV and BWV system is for the:

- prevention of crime or disorder.
- assistance with apprehension and prosecution of offenders (including the use of images as evidence in criminal proceedings).
- interests of public and employee Health and Safety.
- protection of Public Health.
- protection of Trust property and assets.
- supporting investigations in which Trust employees, (or others from an organisation providing a service to the Trust), is suspected of criminal activity, gross misconduct, or behaviour which puts others at risk.

CCTV and BWV systems are in operation across our hospital sites, for the purposes of public and staff safety, monitoring the security of premises and crime prevention.

CCTV is installed internally and externally on some of our premises.

BWVs are worn by relevant staff, in some areas and are activated in circumstances during a potential incident.

What is our lawful basis for processing CCTV and BWV footage?

CCTV:

Article 6(1)(f) Legitimate interest: The overall purpose of CCTV is to help in crime prevention, investigation of crime, to protect Trust staff and visitors, and to protect Trust premises from criminal activities. A full legitimate interests' assessment is available on request.

Body Worn Video:

Article 6 (1)(e) processing is necessary for the performance of a task carried out in the public interest: As part of the NHS constitution staff should be able to work in a safe environment and members of the public are expected to treat staff with respect. Where this is breached the recordings safeguard staff, patients, and the public during violent and aggressive or anti-social behaviour incidents and provide evidence where required.

The basis in law for this is the Crime and Disorder Act 1998 which sets out a statutory requirement for local authorities to reduce crime and disorder.

What information do we collect?

Visual images / video recordings are collected via CCTV monitoring whilst BWV collects visual images / video recording and audio recording.

Who can receive CCTV footage?

Data subjects have a right to request a copy of CCTV footage of themselves. This is called a Subject Access Request (SAR).

For CCTV subject access requests, usually we only provide footage relating to the individual making the request unless all other individuals who may be identified from the same information have consented to the disclosure or it is appropriate in all the circumstances to release the footage without their consent.

When we receive requests for CCTV footage, it is important to respect the privacy rights of others, in line with the Data Protection Act 2018 (Paragraph 16, Schedule 2 - Protections and rights of others).

We appreciate your understanding in this matter as we strive to maintain the privacy and rights of all individuals involved.

We are unable to accept Subject Access Requests for instances when you have been a victim of crime or have been involved in a road traffic incident, as we would only be able to provide images of you and not of third parties.

If you have been the victim of a crime, or it is a crime-related incident, you should report the matter to the police by calling either 999 in an emergency or 101 in a non-emergency. The police can make a request direct to us to view our footage, and it will be provided to the investigating officer.

If you have been involved in a road traffic collision or incident without police involvement, then you should contact your insurance company or solicitor who will request the footage on your behalf under Schedule 2, Part 1(5) of the Data Protection Act 2018, see below for more information relating to third party CCTV disclosure.

The Data Protection Act 2018 enables a request for CCTV footage to be made by third parties in the following circumstances, for any one or more of the following purposes:

- Providing evidence in criminal proceedings (Schedule 2 Part 1 5(3)).
- Providing evidence in civil proceedings or tribunals (Schedule 2 Part 1 5(3)).
- Prevention of crime (Schedule 2 Part 1 2(1)).
- Investigation and detection of crime (may include identification of offenders) (Schedule 2 Part 1 2(1)).
- Identification of witnesses. (Schedule 2 Part 1 2(1)).

Third parties must show adequate grounds for disclosure of data within the above criteria. Third parties may include, but are not limited to:

- Police.
- Statutory authorities with powers to prosecute, (e.g., Customs and Excise; Trading Standards, etc).
- Solicitors.
- Claimants in civil proceedings.
- Accused persons or defendants in criminal proceedings.
- Other agencies with a genuine purpose.

How do we keep your information safe and maintain confidentiality?

Under the Data Protection Act 2018, strict principles govern our use of information and our duty to ensure it is kept safe and secure. All our records are restricted so that only those individuals who have a need to know the information can acquire access.

Everyone working for the NHS is subject to the Common Law Duty of Confidentiality. This means that any information will only be used in connection with the purpose for which it was provided, unless we have specific consent from you or there are other special circumstances covered by law.

Technical protective measures: Access to CCTV and BWV footage is role based and password protected. A CCTV operation log is held and maintained.

Do we share your information with anyone else?

Access to recorded CCTV/BWV footage is restricted dependent on role. All requests for disclosure should be submitted to the Data Protection Office.

CCTV/BWV footage may only be accessed or disclosed to the extent necessary to deal with an incident which falls within the purpose identified above or to respond to a request made by a data subject under data protection legislation.

CCTV/BWV footage will not be accessed or used for any other purpose.

CCTV/BWV will only be released, if necessary, in line with Data Protection Act 2018 (DPA 2018) and General Data Protection Regulations (GDPR).

Disclosures are considered on a case-by-case basis and limited to what is necessary.

Unless there is a valid reason permitted by law, or there are exceptional circumstances (such as a likely risk to the safety of you or others), we will not disclose any information to third parties which can be used to identify you without your consent.

With which external agencies / bodies could the information / footage be shared?

- Government Agency and Prosecution.
- Judicial system.
- Data Subjects.
- Local government agencies.
- Legal representatives.
- National Fraud Initiative (NFI).

International Transfers

Will my data be transferred abroad? - No.

We will not sell your information for any purpose and will not provide third parties with your information for the purpose of marketing or sales.

How long do we keep your information?

Your information is kept in accordance with the Records Management Code of Practice for [Records Management Code of Practice for Health and Social Care](#).

Recordings are kept for 30 days on an encrypted Network Video Recorder, allowing adequate time for data requests to be processed if relevant. After the 30 days the data is automatically deleted, unless we have been informed it is necessary to retain for a longer period to assist with crime detection.

What rights do you have?

Under the Data Protection Act 2018, you have the right to find out what information the Trust hold about you.

These include the right to:

- be informed about how your data is being used.

- request access to your personal data - (there are several considerations to be made before we release your data, and some information may be redacted).
- ask us to change inaccurate data - (we may not always be able to change or remove that information, but we'll correct factual inaccuracies and may include your comments in the record to show that you disagree with it).
- ask us to delete information – (we may not always be able to delete or remove that information, but we'll inform you why this isn't possible).
- ask us to limit how we use your data - (when you have identified inaccurate information and have told us about it, or we have no legal reason to use that information, but you want us to restrict what we use it for rather than erase the information altogether).
- ask us to move your data to another provider – (if we are using your personal information with consent, not if we're required to by law, and if decisions were made by a computer and not a human being. It is more than likely that data portability won't apply to most of the services you receive from the Trust.).
- object to how your data is processed (**in certain circumstances**).

You also have rights when an organisation is using your personal data for:

- automated decision making (without human involvement).
- profiling, to predict your behaviour or interests.

There are exceptions to these rights.

How can you access the information that we hold about you?

Under the terms of the Data Protection Act 2018, you have the right to request access to the information that we hold about you.

If you would like to access CCTV / BWV footage, please submit your request to Data Protection Office – dpo@liverpoolft.nhs.uk.

Raising a concern

You have the right to make a complaint if you feel unhappy about how we process your data.

If you have any queries or concerns regarding the information that we hold about you or have a question regarding your privacy, please contact our Data Protection Officer:

Post: 1st Floor (Rear)
Aintree House Lower Lane,
Liverpool, L9 7LJ

Email: dpo@liverpoolft.nhs.uk

Phone: 0151 529 8878 / 6488

If you remain dissatisfied following the outcome of your complaint, you may then wish to contact the ICO:

Post: Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF

Web: <https://ico.org.uk/concerns/>

Phone: 0303 123 1113

You can also find details of our registration with the ICO online here:

**www.ico.org.uk/esdwebpages/search Our
ICO registration number is Z9553640.**

Please note that the ICO will not normally consider an appeal until you have exhausted your rights of complaint to us directly. Please see the website above for further advice.

A copy of this privacy notice is also available via our public website:

Feedback

Your feedback is important to us and helps us influence care in the future.

Following your discharge from hospital or attendance at your outpatient appointment you will receive a text asking if you would recommend our service to others. Please take the time to text back, you will not be charged for the text and can opt out at any point. Your co-operation is greatly appreciated.

Further information

If you have any further questions you can:

Write to us:

**Data Protection Officer
Executive Lounges
2nd Floor Aintree Lodge
Lower Lane
Fazakerley
Liverpool L9 7AL
Telephone: 0151 529 8878 or 0152 529 6562**

Email: DPO@liverpoolft.nhs.uk

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All Trust approved information is available on request in alternative formats, including other languages, easy read, large print, audio, Braille, moon and electronically.

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