

## **CCTV (Closed Circuit Television)**

### Being monitored at work

Employers may wish to monitor their workplace for various reasons, the Data Protection Act doesn't prevent employers from monitoring workers, but employers should remember workers are entitled to some privacy at work. Employers must tell employees about any monitoring arrangements and the reason for it.

### Key points

- Employers should have written policies and procedures in place regarding monitoring at work.
- Monitoring shouldn't be excessive and should be justified.
- Staff should be told what information will be recorded and how long it will be kept.
- If employers monitor workers by collecting or using information the Data Protection Act will apply.
- Information collected through monitoring should be kept secure.

Monitoring in the workplace can occur for a variety of reasons; it can be used to safeguard employees, for example to ensure workers aren't at risk from unsafe working practices. In some sectors employers may have a legal or regulatory need to carry out some monitoring. The information gathered through monitoring should only be used for the purpose it was carried out for, unless it leads to the discovery of other things such as a breach of health and safety.

Employers may monitor staff at work in various ways, this can include:

- CCTV
- looking at use of email or website visits
- listening in on telephone calls
- bag searches
- email and web monitoring.

Although employers don't have to allow workers the use of phone, email or internet for personal use, many employers will allow some access as long as it doesn't interfere with their work. If employers do monitor this use the workers should be clearly informed and given the reason why it will be carried out.

Employers should have procedures in place setting out what is and isn't allowed, some websites may be banned or marked as at risk. Employers should tell workers:

- if they are being monitored
- what counts as a reasonable amount of personal emails and phone calls
- if personal calls and e mails are not allowed.

These procedures should be made clear and understood by all workers. If a worker does not comply with the policy and procedures they may be liable to disciplinary action.

### CCTV monitoring

CCTV monitoring can be used in the workplace for a number of reasons, however, if CCTV is installed the employer should make sure the employees are aware it, this is usually done by displaying signs to say where the locations of the cameras are. Workers should also be given the reason for the monitoring.

Signs should:

- be clear, visible and readable
- contain details of the purpose of the surveillance and who to contact about the scheme
- include contact details such as website address, telephone number or e mail address.

Under the Data Protection Act if the employer gives a reason for the cameras for example to prevent theft, the employer cannot then use the footage for another reason such as recording entry and exit of workers from the workplace.

Further information is available from the Information Commissioner's Office guidance **In the picture: A data protection code of practice for surveillance cameras and personal information [PDF, 312kb]**

This document provides a policy framework on the use of CCTV and similar devices such as webcams for monitoring and surveillance purposes in a care home. The exact contents should depend on the decisions taken by the home on the use or non-use of such methods for monitoring purposes. The focus here is the monitoring of service users' care and behaviour and the implications for staff and others involved in the running of the home. The use of CCTV solely for external security purposes falls outside the scope of this policy framework.

## Policy Statement

This policy is written to describe the use of CCTV and similar electronic monitoring devices, including auditory recording, in this care home, when used for surveillance purposes. Surveillance is defined in Care Quality Commission (CQC) guidance (June 2015) as "the monitoring of a place, person, group, or ongoing activity to gather information".

The policy is written in line with CQC and Information Commissioner Office guidance and Codes of Practice, and adopts the definitions and scope of the issues that can be found in these documents. The relevant publications are:

- Information Commissioner Office: *CCTV Code of Practice*
- Information Commissioner Office: *CCTV Guidance for Organisations* (see [www.ico.org.uk](http://www.ico.org.uk))
- Care Quality Commission: *Using Surveillance. Information for Providers of Health and Social Care* (December 2014 updated June 2015) (see [www.cqc.org.uk](http://www.cqc.org.uk)).

The policy should be used with reference to the home's policies on Data Protection and Stress at Work.

## Data Protection Issues

As an employer, we understand that visual images such as photographs and video recordings are defined as data and are covered in the same way as written records by data protection principles in organisations, where data protection laws apply.

## Scope of a Surveillance Policy

CCTV surveillance equipment can be used in several areas of the house, including for premises security purposes. It will not be installed in staff bedrooms, toilets and bathrooms. A decision to use CCTV must be consistent with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the "fundamental standards" ensuring that it will comply with the following regulations.

- Regulation 12: Safe Care and Treatment, for example, where monitoring methods are used to ensure that people are receiving safe care and treatment.

- Regulation 13: Safeguarding Service Users from abuse and improper treatment, which is often the main justification for the use of surveillance.
- Regulation 17: Good Governance, particularly in relation to record keeping and data protection.

[Sign off sheet for staff to acknowledge they have read this policy](#)

**Print your name**

**Sign your name**

**Date**

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