

SAFETY MANAGEMENT SYSTEM

SMS6.2 On Train CCTV Policies and Working Arrangements

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Synopsis & Briefing Note:

The purpose of this document is to detail the policies and working arrangements in place for the management and use of CCTV images taken from systems fitted on East Coast rolling stock.

The Procedure describes the requirements for the use, handling and management of CCTV images taken from CCTV recording systems fitted to East Coast rolling stock.

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1. Document History

Issue Number	Page Numbers	Date Amended	Details
Issue 1	All	Nov 10	First issue

2. Purpose

The purpose of this standard is to describe the requirements for the use, handling and management of CCTV images taken from CCTV recording systems fitted to East Coast rolling stock.

3. Scope

This document applies to all CCTV installations on East Coast operated trains.

4. Definitions

CCTV Systems	Closed Circuit Television Systems including cameras, Digital Video Recorders (DVR) and other associated equipment.
CCTV Manager	Dedicated person with the responsibility for downloading CCTV footage, authorising requests to view CCTV data and oversee processes relating to CCTV use within East Coast.
DPA	Data Protection Act 1998.
DVR	Digital Video Recorder.
HDD	Hard Disc Drive – storage device onto which data images are recorded and stored.
Information Commissioner	Person with the statutory responsibility for enforcing the Data Protection Act and who promotes good practice in the handling of personal information (data).
Data Controller	<p>The organisation registered with the Information Commissioner who has set out the purposes of use of the CCTV systems and who has implemented the policies relating to the use of data images. The Data Controller has been registered with the Information Commissioner as:</p> <p>East Coast Main Line Company Limited Department for Transport 76 Marsham Street London SW1P 4DR</p> <p>Registration Number: Z1992385</p>
Subject Access Requests	A request from an individual (public or employee) to view CCTV data, under statutory rights granted by the Data Protection Act.

5. Policies and Procedures

5.1 General overview

CCTV has been installed on Mk3 and Mk4 East Coast operated rolling stock to assist in providing a safe and secure environment for both customers and employees. General objectives and benefits of having CCTV installed are:

- to assist in the deterring, preventing and the investigation of crimes on board East Coast operated trains. Examples of crimes committed include staff assaults, theft of passenger property and general disorder;
- to promote public confidence in a 'safe' railway;
- to support initiatives such as Rail Industry Accreditation Schemes, and
- to assist in the investigation of accidents and incidents and so contribute to help reduce these, and where necessary, assist in the resolution of staff and passenger compensation claims.

5.2 Data Protection Act

In relation to the fitment of CCTV, the Data Protection Act 1998 requires measures to be put in place with regard to the collection, processing and storage of data relating to personal information of individuals. Specifically the DPA requires that personal data is:

- processed for limited purposes only – as registered with the Information Commissioner;
- not kept for longer than is necessary;
- processed in accordance with the rights of individuals; and
- kept secure.

Images obtained from CCTV have been registered by East Coast with the Information Controller to be used for the following purposes:

- to assist in deterring and preventing crime, assist in providing staff protection and in the apprehension and prosecution of offenders;
- to provide evidential material to support court procedures;
- to assist in the investigation of safety related accidents or incidents involving staff or members of the public; and
- to assist in the defence or pursuit of civil claims.

Where CCTV footage or information about an individual person is not a factor, footage can also be used for the following purposes:

- staff training and route awareness;
- monitoring of track, trackside conditions and infrastructure; and
- improving train operational or route performance.

5.3 Employee Issues: Use of CCTV

CCTV cameras will not be used for on going observation of employees except where specific monitoring of employees is justified and in accordance with the purposes of CCTV use shown in section 5.2. However CCTV data obtained generally may be used for checking, following the report of an event.

Employees who are the subject of an investigation will be permitted to view the relevant CCTV video data and given a full opportunity to make representations in relation to it, whether this is part of the investigation or a subsequent disciplinary process. Normal disciplinary procedures will be followed in all such cases, where appropriate, but only where data images have been reviewed in accordance with the purposes of CCTV use shown in section 5.2.

5.4 Covert Monitoring

Cameras are not sited in areas where employees and other users have a heightened expectation of privacy such as in toilets or staff only areas. In exceptional circumstances consideration can be given to use covert cameras in these or other areas where criminal activity is suspected, but this will only be in agreement with the relevant Police Authority and the HR Director. Any such specific covert monitoring must be strictly targeted at obtaining evidence within the scope of that particular investigation, and will be undertaken for a limited period of time and cease as soon as the investigation is completed.

5.5 Principles of Data Disclosure

CCTV video data will only be used for the purposes stated in this document. Access to CCTV video data will be in accordance with this document and will be restricted to those staff that need to have access in order to achieve the purpose (s) of using the equipment.

Information will not be disclosed for commercial or entertainment purposes.

All access to the medium on which the images are recorded will be documented.

Viewing of the recorded images will take place in a restricted area.

5.6 Disclosure to the media

CCTV images will only be made available to the media where it is necessary to seek assistance from the public in connection with a criminal investigation. Any such decision to release footage for these purposes will be approved by the HR Director following consultation with the relevant Police Authority.

5.7 Advice to staff and public

It is a requirement of the DPA to provide signage where CCTV systems are in operation and for the signage to be positioned so that the public are aware that they are entering a zone that is covered by a CCTV recording system. The signage provided must:

- be clearly visible and readable;
- summarise the reasons why CCTV is in use; and
- include contact details for anyone wanting information about the CCTV system.

On East Coast operated rolling stock, signage is provided in each vehicle vestibule end at the entrance to the passenger seating area.



5.8 Image security

In order to be used as evidence in court proceedings, images and CCTV footage must be maintained to ensure their integrity at all times. Security measures are in place to prevent unauthorised access to, alteration, disclosure, accidental loss or destruction of CCTV image data.

X

5.9 Maintenance of Equipment

To ensure compliance with the Information Commissioners CCTV Code of Practice, recorded images must be available to be used for the purposes that they have been recorded. Where an equipment fault is detected it must be reported immediately and the fault given the highest priority. CCTV equipment fitted on board trains has a built in self test facility which alerts East Coast Route Control when equipment is not working. Maintenance and repair of on board CCTV equipment has been specified with the supplier on a contractual basis.

5.10 Camera Positioning

Cameras on trains have been positioned and focused to provide images of optimum quality. Forward facing cameras have been positioned to ensure optimum quality images are made of both track and other railway infrastructure.

X

Specifically:

- **X** cameras have been positioned and focused to enable the identification of an individual, to enable their identity to be established beyond all reasonable doubt and to support a prosecution; and
- cameras positioned to cover seating areas have been focused to provide a wide field of view to enable the observation of activities around an incident potentially involving several individuals, whilst providing sufficient details of the individuals concerned to be recorded.

5.11 Staff Welfare

It must be recognised that the viewing and downloading of certain CCTV footage will on occasions be of a graphic and disturbing nature. Line Mangers of staff with these responsibilities are responsible for the welfare of their staff and must ensure Chain of Care support is offered where necessary.

5.12 Training

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Training is provided to all staff who have dedicated CCTV responsibilities. Specifically, training will be provided for staff who perform:

- Maintenance activities of train based CCTV systems **X**.
- Designated on call duties which may require them to 'view only' CCTV footage.
- CCTV footage review and data image retrieval.

All elements of training will include an awareness of the DPA and this procedure.

Refresher training for staff with designated on call duties will be provided during Train Operator Liaison Officer (TOLO) training courses which are undertaken on a 2 yearly basis.

It is the responsibility of the relevant Line Manager to ensure training is provided before any CCTV related duties are performed.

5.13 On Train CCTV System Overview

CCTV cameras and recording equipment are fitted to Mk3 and Mk4 East Coast operated rolling stock. Forward facing cameras are fitted to all HST power cars, Class 91 locomotives and Mk4 Driving Van Trailer vehicles.

X. All cameras fitted inside the train have been positioned in consideration following consultation and guidance provided by the British Transport Police.

X.

5.14 X

X

5.15 X

X

5.16 X

X

5.17 Release of Information

All requests for CCTV downloads will normally be made in the first instance to East Coast Control. East Coast Control will record the request in the daily Control Log. Alternatively, requests for CCTV footage can be made via completion of an application form, which has been made available to parties such as the BTP who are more likely to frequent requests for data. East Coast will normally provide CCTV data to parties including:

- East Coast Managers;
- the British Transport or Civil Police;
- Rail Accident Investigation Branch;
- Office of Rail Regulator (formerly HMRI);
- other Train Operating Companies; and
- Rolling Stock Leasing Companies

providing the request relates to:

- the identification of offenders and to support the investigation of crimes; or
- the investigation of safety related accidents or incidents.

Each request for a download will be reviewed on a case by case basis and must be authorised by the CCTV Manager prior to release. The CCTV Manager is responsible for ensuring:

- the request relates to the purposes of CCTV usage shown in section 5.2, and
- the individuals right under the DPA have not been contravened.

The CCTV Manager will then arrange to withdraw and replace the relevant drives from the vehicle (s) as applicable and produce the images in a relevant format.

A copy of the request pro forma is shown as Appendix C.

5.18 Subject Access Requests

Any request from the public or by an employee to view data images will be regarded as a Subject Access Request.

On Board Systems Support will take initial details from the requester and send a Subject Access Request (SAR) application form to the applicant. Initial details requested will include:

- the applicants name;
- Date and times of footage request
- The train the person was travelling on
- The coach the person was travelling in.
- Contact details including an email address

The applicant will be sent an application form within 2 working day of the initial request, preferably via email.

In order to progress the request further, a SAR application form must be received and the following information supplied:

- the location and specific area of coverage where the requester was at the time;
- a description of what the requester was wearing at the time and where possible, a recent photograph;
- two proofs of identity, one of which must include a photograph; and
- the purpose for the request.

All sections of the application form must be completed in order for East Coast to identify and verify the details of the person making the request.

Applicants wishing to see footage will be offered the option to either be sent it on a CD or be invited to view footage at a location specified by East Coast.

Requests for CCTV footage must be authorised by the CCTV Manager and be completed within 40 days of the request being made.

Where a request to view footage is unobtainable or rejected the reasons will be recorded in writing and the applicant will be advised. Reasons why footage may not be obtained include:

- the request was submitted outside the timescales for which CCTV images are recorded on train based recording equipment (approximately 7 days);
- failure to provide a fully completed application form with a good description of the data subject; and
- failure to provide the administration fee.

Applications may also be rejected where the images contained are already subject to a request from the Police and so considered to be part of a criminal investigation.

6. Summary of Responsibilities

East Coast Control	<ul style="list-style-type: none">○ Logging requests for downloads in the daily Control Log.○ X
On Board Systems Support	<ul style="list-style-type: none">○ Logging requests from members of the public and sending a data application request form.
CCTV Manager	<ul style="list-style-type: none">○ Reviewing East Coast Control Log on a daily basis and identifying requests for footage.○ Maintain and update a log/register of all CCTV requests.○ Processing requests for CCTV footage in accordance with this procedure.○ Authorising release of CCTV footage.○ Maintain lists of staff issued with security keys○ Oversee the application of this process.
Dedicated On Call Manager (view only access requirements)	<ul style="list-style-type: none">○ Recording details of who has viewed footage.○ X
Line Manager (of staff with CCTV responsibilities)	<ul style="list-style-type: none">○ Ensure chain of care and support is offered.
Maintenance Staff	<ul style="list-style-type: none">○ Maintenance activities relating to the CCTV system.

7. Competence

CCTV Manager	<ul style="list-style-type: none">○ Awareness and understanding of this Standard.○ X○ Awareness of Police evidence preservation policies.○ Understanding of the Data Protection Act.
Dedicated On Call Manager (view only access requirements)	<ul style="list-style-type: none">○ Awareness and understanding of this Standard.○ X
Route Control Staff	<ul style="list-style-type: none">○ Awareness and understanding of this standard.

Maintenance Staff

- Training in maintenance activities.

8. Records

The principles of the Data Protection Act will be applied in that personal data will be kept for as minimum a period as possible. Where data is required as part of a possible claim for compensation it may be retained for a period of up to 3 years. Where information is received that cases have been closed the information will be disposed of by the CCTV Manager.

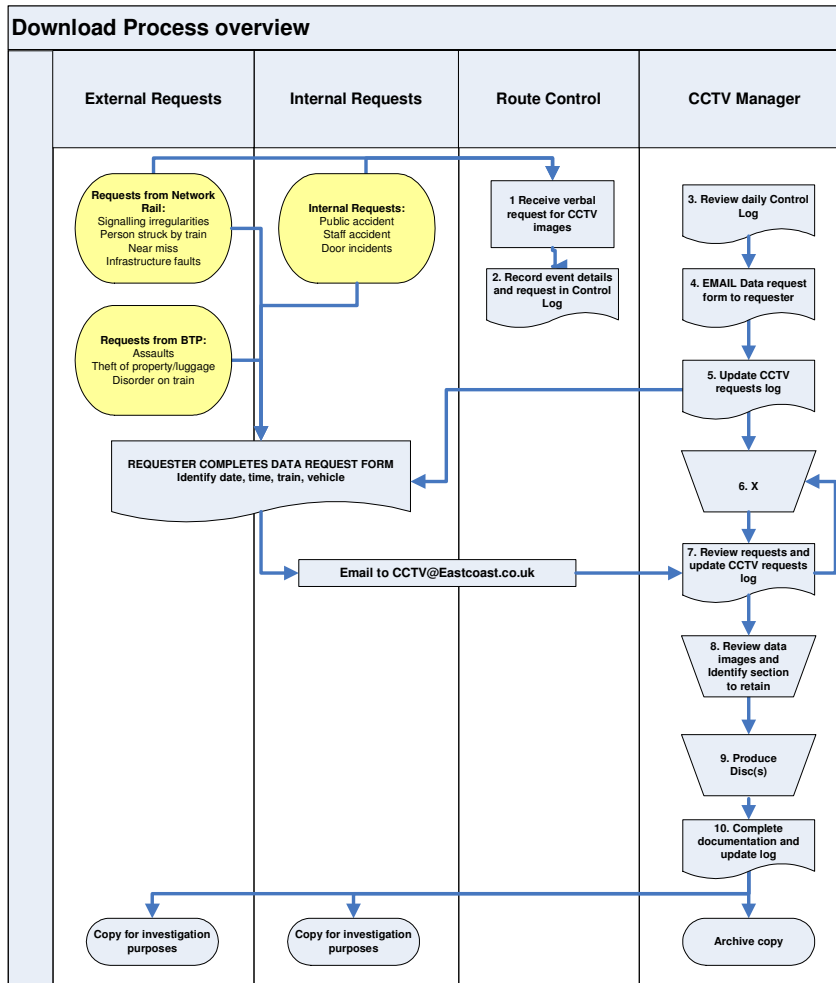
Record	Authorised Person (s) (access, disposal, retention)	Location	Minimum Retention Period	Index Method
CCTV Requests Log	CCTV Manager	CCTV Manager	3 years	Date
Train CCTV Data Application Requests	CCTV Manager	CCTV Manager	12 months	Date
Data Subject Access Requests	CCTV Manager	CCTV Manager	12 months	Date
CD's containing footage	CCTV Manager	CCTV Manager	3 years	Date

9. References

Information Commissioners CCTV Code of Practice (Revised edition 2008)

Output requirements from CCTV systems on stations, car parks and trains (April 2009)

Appendix A - Request and download process – Internal and external organisations



1. Receiving Requests

- Under normal circumstance, Route Control will be advised of an incident occurring and CCTV images will be requested.

2. Recording requests

- East Coast Control will log the event, the name of the requester and record details in the Daily Control Log.

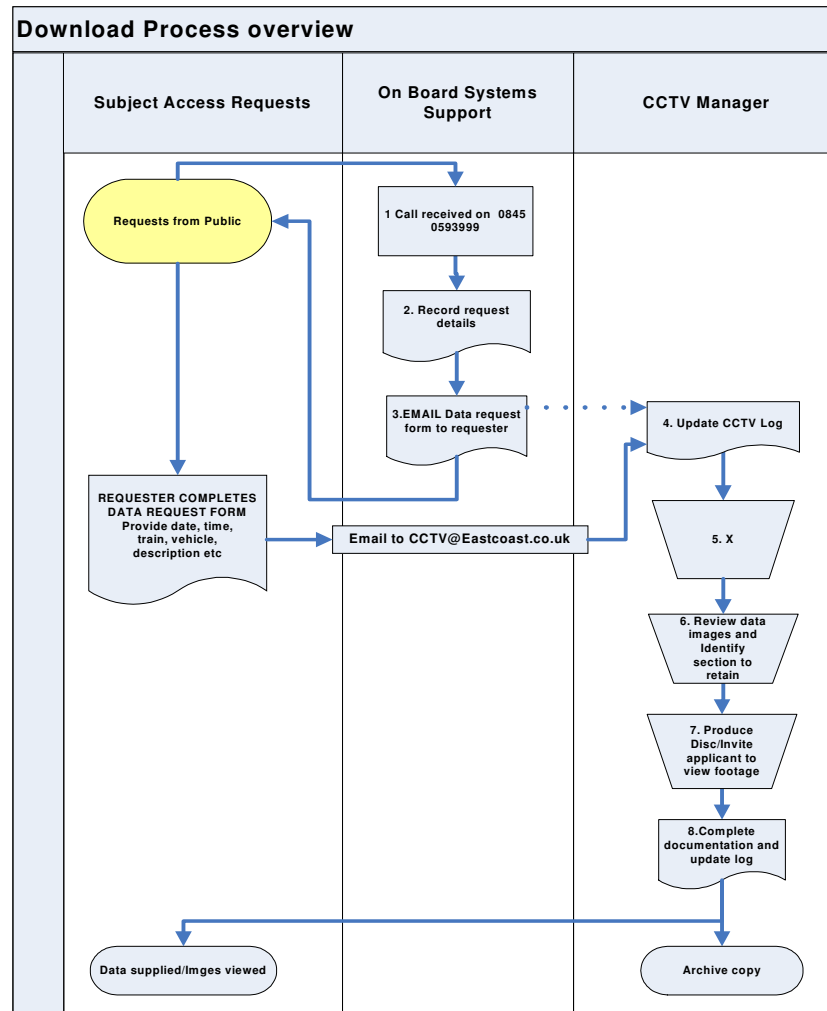
X

- Alternatively, requests for CCTV footage can be made by direct submission of a 'Train CCTV Data Application Request' form to:

CCTV@eastcoast.co.uk or by faxing a completed form to **01904 624833**

- | | | |
|-----|--------------------------------|--|
| 3. | Review of Control Log | ➤ The CCTV Manager will review the Control Log on a daily basis and identify events where CCTV footage has been requested. |
| 4. | Email data request Form | ➤ If not already received, a 'Train CCTV Data Application Request' form will be sent to the requester or person responsible for completing any associated part of the investigation process. |
| 5. | Update requests log | ➤ A record will be maintained (CCTV Requests Register) of all requests that have been made, which will show the status and progress of the requests that have been made. |
| 6. | X | ➤ X |
| 7. | Update requests log | ➤ At each stage of the download process, the CCTV Requests Register will be updated. |
| 8. | Review | ➤ On receipt of a completed application form, and authority from the East Coast CCTV Manager, footage will be reviewed in line with the details supplied on the application request. |
| 9. | Produce discs | ➤ X |
| 10. | Documentation | <ul style="list-style-type: none"> ➤ Where footage is required by the police authorities in connection with a crime, 2 copies and a witness statement (Form MG11 Appendix D) will be completed by the CCTV Manager. These will be sent by registered post to a contact nominated by the BTP. ➤ A copy of all footage provided will be retained until satisfactory completion of any related investigation. |

Appendix B - Request and download process – Public (Data Subject Access Requests)



1. **Receiving requests**
 - Requests from the Public will be made on 0845 059 3999 to the On Board Systems Support Team.
2. **Recording requests**
 - Initial request details will be recorded including:
 1. The applicants name
 2. Date and time span of footage requested
 3. The train the person was travelling on
 4. The coach the person was travelling in (if known)
 5. Contact details including an Email address where possible
3. **Email data request form**
 - The applicant will be sent a Subject Access Request form and advised to return it to:

CCTV@eastcoast.co.uk or by posting the application form to:

CCTV Manager
East Coast Main Line
East Coast House
25 Skeldergate
York
YO16DH

4. Update requests log

- On receipt of a completed application form - update the CCTV Request Register

In order to progress an application the following additional information must be supplied:

1. The location the data subject was sitting on the train
2. A description of what the data subject was wearing at the time
3. Proof of identity, one of which must include a photograph
4. The reason for the request
5. Payment of £10

Where a request to view footage is unobtainable or rejected the reasons will be recorded in writing and the applicant will be advised. Reasons why footage may not be obtained include:

1. The purpose of the request is outside the scope of the CCTV policy and uses registered with the Information Commissioner Proof of identity.
2. The request was submitted outside the timescales for which CCTV images are recorded on train based recording equipment (approximately 7 days)
3. Failure to provide a fully completed application form with a good description of the data subject
4. Failure to provide the £10 administration fee

5. X

- **X**

6. Review

- On authority of the East Coast CCTV Manager, review footage in line to the details supplied on the application request.

7. Produce discs

- Applicants will be offered the option to review data either on a CD for them to view at their convenience, or will be invited to view footage at a location specified by East Coast.

8. Documentation

- Update logs and archive copies.