



# **DATA PROTECTION IMPACT ASSESSMENT**

Sussex Heights (Brighton) Ltd

January 2021

## Template – Level One

Location of surveillance camera system being assessed:

Sussex Heights, St Margarets Place, Brighton, BN1 2FQ

Date of assessment

13<sup>th</sup> January 2020

Review date

13<sup>th</sup> January 2021

Name of person responsible

Directors of Sussex Heights (Brighton) Ltd

Name of Data Protection Officer

Robert Smith CIPM, CIPP/E

### GDPR and Data Protection Act 2018 and Surveillance Camera Code of Practice

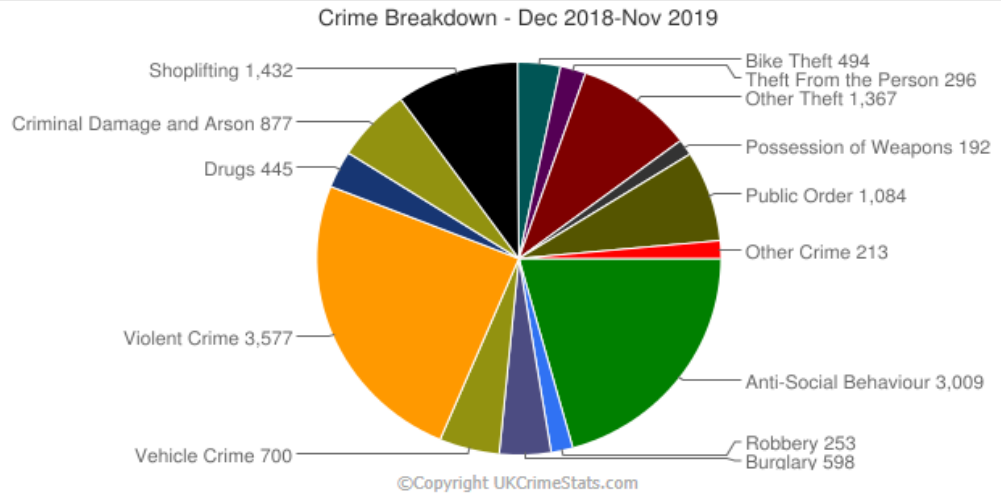
**1. What are the problems that you need to address in defining your purpose for using the surveillance camera system?** Evidence should be provided which includes relevant available information, such as crime statistics for the previous 12 months, the type, location, times and numbers of crime offences, housing issues relevant at the time, community issues relevant at the time and any environment issues relevant at the time.

Sussex Heights is a privately owned apartment block located in the city centre of Brighton. CCTV has been installed for some years for the purposes of deterring any breaches of security, unauthorised access to the property, theft, damage to property, anti-social behaviour, and abuse of reception and security staff. The building is regularly accessed by trades carrying out works to the apartments, post and parcel delivery staff, food delivery etc. With a building of this size having over 100 separate apartments located in the city centre, it is essential to have strong security measures in place.

Sussex Heights has in the past been subject to theft of property and drug taking in the basement entrances, and access by unauthorised persons, so CCTV will act as a deterrent and also provides video and audio evidence to enforcement authorities should this be required.

Crime statistics for the BN1 postcode area for the period December 2018 to November 2019 are as follows.

## Crime Plus ASB Breakdown for BN1



## Crime in BN1, Brighton and Hove

	AS B	Burglary	Robbery	Vehicle	Violent	Shoplifting	CD&A	Other Theft	Drugs	Bike Theft	Theft From the Person	Weapons	Public Order	Other	Total
Nov 2019	250	64	46	62	319	159	74	128	30	49	23	20	100	33	1,357
Oct 2019	268	83	33	81	369	190	100	117	31	36	20	16	118	21	1,483
Sep 2019	337	71	15	63	363	185	70	116	37	53	30	13	104	16	1,473
Aug 2019	339	57	24	67	377	172	72	152	83	68	41	16	132	24	1,624
Jul 2019	353	50	22	63	355	137	101	148	43	66	30	30	100	28	1,526
Jun 2019	272	45	17	66	281	94	81	104	26	42	27	15	94	7	1,171

SHBL therefore has a legitimate interest to record both images and audio (in the reception area) for the reasons outlined above.

**2. Can surveillance camera technology realistically mitigate the risks attached to those problems?** State why the use of surveillance cameras can mitigate the risks in practice, including evidence to justify why that would be likely to be the case.

Use of CCTV and audio recordings can provide evidence to both SHBL and the Police in the event of there being an incident. There have been several previous occasions where this has been requested by the authorities as part of an investigation. Quite frequently, individuals mistake Sussex Heights for the Hilton Metropole Hotel and attempt to gain access despite there being adequate signage.

There have also been some recent incidents of theft of property and evidence of drug taking on the lower basement levels by intruders.

**3. What other less privacy-intrusive solutions such as improved lighting have been considered?**

There is a need to consider other options prior to any decision to use surveillance camera systems. For example, could better lighting or improved physical security measures adequately mitigate the risk? Does the camera operation need to be 24/7? Where these types of restrictions have been considered, provide your reasons for not relying on them and opting to use surveillance cameras as specified.

CCTV is considered to be the best deterrent for the prevention of crime. The entrance areas are already lit adequately, and a door entry system only allows residents access to the building through the three entrances. The building is open 24/7 to provide access to residents so the CCTV operates continuously, although it is only monitored when reception and security staff are on site.

**4. What is the lawful basis for using the surveillance camera system?** State which lawful basis for processing set out in Article 6 of the GDPR or under Part 3 of DPA 2018 applies when you process the personal data that will be captured through your surveillance camera system.

SHBL clearly has a legitimate interest to protect its residents and staff from unlawful acts, and anti-social behaviour. It is considered common business practice to use CCTV in such a manner as both a deterrent and to capture evidence should an incident occur which may be shared with law enforcement.

**5. Can you describe the information flows?** State how data will be captured, whether it will include audio data, the form of transmission, if there is live monitoring or whether data will be recorded, whether any integrated surveillance technologies such as automatic facial recognition is used, if there is auto deletion after the retention period, written procedures for retention in line with stated purpose, written procedures for sharing data with an approved third party, record keeping requirements, cyber security arrangements and what induction and ongoing training is provided to operating staff. Specific template questions to assist in this description are included in **Appendix Three**.

Visual and Audio recording at the reception desk is in place covering the main reception area. Visual images are captured by all other cameras.

There is a door entry system in place that restricts entry to residents and leaseholders. During the hours of 8am to 5pm Monday to Friday, and 8am to 12.00 the reception is staffed. On Friday and Saturday evenings from 6pm to 6am, the reception area is staffed by a security officer who can monitor the other entrances using the CCTV.

Residents can by tuning their TV into channel 4 view one camera that is situated in the lobby area to ascertain the identity of any visitors using their intercom entry-phone system.

The CCTV is only monitored by reception and security staff as part of their normal day to day duties when required. There is no wholesale monitoring undertaken. They all receive training on the use of the CCTV system as part of their induction.

CCTV recordings are retained for a 1 month period and then deleted. They may be shared with enforcement agencies such as the Police should there be an incident. Only one Board member of SHBL has access to the CCTV system should they be required to be given in support of an investigation. These are automatically deleted after 1 calendar month in line with the SHBL data retention policy.

**6. What are the views of those who will be under surveillance?** Please outline the main comments from the public resulting from your consultation – as part of a DPIA, the data controller should seek the views of those subjects who are likely to come under surveillance or their representatives on the proposition, without prejudice to the protection of commercial or public interests or the security of processing operations. This can often be achieved by existing local consultation mechanisms such as local area committees or safer neighbourhood team meetings; but, if necessary depending on the privacy intrusion of the surveillance in question, other methods could be considered such as face to face interviews, online surveys, questionnaires being sent to residents/businesses and addressing focus groups, crime & disorder partnerships and community forums. The Data Protection Officer may be able to offer advice on how to carry out consultation.

The CCTV system has been in operation at Sussex Heights for many years. No consultation was undertaken since this is a private residential block and its use is to protect the residents and leaseholders for the stated purposes. There is no wholesale monitoring of the public undertaken as the position of the cameras is limited to the entrances to the building and the reception / lobby area. Whilst there will always be some negative comments from residents, the advantages of CCTV far outweigh any negative perception of the use of the system.

**7. What are the benefits to be gained from using surveillance cameras?** Give specific reasons why this is necessary compared to other alternatives. Consider if there is a specific need to prevent/detect crime in the area. Consider if there would be a need to reduce the fear of crime in the area, and be prepared to evaluate.

The benefits of CCTV cover the stated purposes and no other alternative solutions are deemed to be suitable. Whilst crime figures for the area are not considered high, there is an element of anti-social behaviour in the area especially at weekends.

**8. What are the privacy risks arising from this surveillance camera system?** State the main privacy risks relating to this particular system. For example, who is being recorded; will it only be subjects of interests? How long will recordings be retained? Will they be shared? What are the expectations of those under surveillance and impact on their behaviour, level of intrusion into their lives, effects on privacy if safeguards are not effective? What is your assessment of both the likelihood and the severity of any impact on individuals?

All individuals entering the building will be captured on CCTV. This data will not be shared with any 3<sup>rd</sup> parties except the Managing Agents acting on behalf of SHBL and/or in the case of law

enforcement should this be requested. There is minimal intrusion and impact on individuals and it is generally accepted that any building of this type would have security features such as CCTV in place.

**9. Have any data protection by design and default features been adopted to reduce privacy intrusion? Could any features be introduced as enhancements?** State the privacy enhancing techniques and other features that have been identified, considered and accepted or rejected. For example, has consideration been given to the use of technical measures to limit the acquisition of images, such as privacy masking on cameras that overlook residential properties? If these have not been adopted, provide a reason.

It is essential that clear images of individuals are obtained entering or leaving the building in order to help identification should there be an incident. The cameras are placed so as to make minimal impact of privacy but whilst still maintaining their stated purpose of providing additional security for the building and its residents.

**10. What organisations will be using the surveillance camera images, and where is the controller responsibility under the GDPR and Data Protection Act 2018?** List the organisation(s) that will use the data derived from the camera system and identify their responsibilities, giving the name of the data controller(s) and any data processors. Specify any data sharing agreements you have with these organisations.

Sussex Heights (Brighton) Ltd – Data Controller for the CCTV system  
Sussex Police - Law enforcement upon request.

**11. Do the images need to be able to recognise or identify individuals, or could the purpose be met using images in which individuals cannot be identified?** Explain why images that can recognise or identify people are necessary in practice. For example, cameras deployed for the purpose of ensuring traffic flows freely in a town centre may not need to be capable of capturing images of identifiable individuals, whereas cameras justified on the basis of dealing with problems reflected in assessments showing the current crime hotspots may need to capture images in which individuals can be identified.

Images that identify individuals are required in order for the SHBL Board or law enforcement to be able to correctly identify individuals.

**12. How will you inform people that they are under surveillance and respond to any Subject Access Requests, the exercise of any other rights of data subjects, complaints or requests for information?** State what privacy notices will be made available and your approach to making more detailed information available about your surveillance camera system and the images it processes. In addition, you must have procedures in place to respond to requests for camera footage in which a subject appears, and to respond to any other request to meet data protection rights and obligations.

There are a number of information notices at all of the entrances to Sussex Heights informing individuals of the presence of CCTV. These have recently been updated with details of how to contact SHBL by phone, e-mail and mail should there be a request for a copy of footage, or to satisfy any of the other data subject rights under GDPR.

**13. How will you know if the particular camera system/hardware/software/firmware being considered does deliver the desired benefits now and in the future?** It is good practice to review the continued use of your system on a regular basis, at least annually, to ensure it remains necessary, proportionate and effective in meeting its stated purpose. State how the system will continue to meet current and future needs, including your review policy and how you will ensure that your system and procedures are up to date in mitigating the risks linked to the problem.

Annual reviews of the suitability and the CCTV system will be undertaken ensuring that the cameras are placed in the best position to capture images to meet the needs of crime prevention and safety of staff and residents.

**14. What future demands may arise for wider use of images and how will these be addressed?** Consider whether it is possible that the images from the surveillance camera system will be processed for any other purpose or with additional technical factors (e.g. face identification, traffic monitoring or enforcement, automatic number plate recognition, body worn cameras) in future and how such possibilities will be addressed. Will the camera system have a future dual function or dual purpose?

The CCTV system will only be used for the stated purpose, and there are no plans to extend its use beyond monitoring of entrances and the lobby area of the building.

**15. Have you considered the extent to which your surveillance camera system may interfere with the rights and freedoms conferred under the European Convention on Human Rights?** When we consider data protection, our focus tends to be upon the potential to interfere with the Article 8 right to respect for private and family life. Surveillance undertaken in accordance with the law could, however, interfere with other rights and freedoms such as those of conscience and religion (Article 9), expression (Article 10) or association (Article 11). Summarise your assessment of the extent to which you might interfere with ECHR rights and freedoms, and what measures you need to take to ensure that any interference is necessary and proportionate.

SHBL does not consider the use of CCTV to monitor the building entrances for the stated purpose to interfere with the rights and freedoms of individuals. The system is only monitored by authorised staff for the stated purposes, and there is adequate signage to inform individuals that they will be recorded.

There are no cameras in the hallways where the apartments are located – just in the entrances and lobby area to monitor entry and egress from the building, and reception area.

**16. Do any of these measures discriminate against any particular sections of the community?** Article 14 of the ECHR prohibits discrimination with respect to rights under the Convention. Detail whether the proposed surveillance will have a potential discriminatory or disproportionate impact on a section of the community. For example, establishing a surveillance camera system in an area with a high density of one particular religious or ethnic group.

The CCTV cameras only monitor entrances to the building and the lobby area. They do not target any specific group of individuals

## Template – Level Two

### Step 1 (definition of hardware, software and firmware including camera types utilised)

**Cameras Specification:** System operator owner should include below all camera types and system capabilities (e.g. static, PTZ, panoramic, ANPR) and their likely application and expected use. This will differ by organisation, but should be able to reflect a change in camera ability or system functionality due to upgrade.

Please see example below:

ID	Camera types	Makes and models used	Amount	Description	Justification and expected use
1.	Standard Static	HIKVISION	8	Fixed cameras capturing moving images, no zoom function	Monitored when reception is staffed for the purposes of detection theft, unauthorised access, anti-social behaviour
2.	Standard Static with audio	HIKVISION with audio	2	Fixed cameras capturing moving images, no zoom function with audio	Monitored when reception is staffed for the purposes of detection theft, unauthorised access, anti-social behaviour, and sound recording to support any disputes with reception staff, delivery, trades people etc.
3.	Small Static	NO NAME	1	Fixed cameras capturing moving images, no zoom function	
4.	Small Static with audio	NO NAME with audio	1	Fixed cameras capturing moving images, no zoom function with audio	
5.	Standard Static	QVIS	1	Fixed cameras capturing moving images, no zoom function	



## Step 2 (location assessment)

**Location:** Each system operator/owner should list and categorise the different areas covered by surveillance on their system. This list should use the specifications above which ID (types) are used at each specific location.

CAT	Location type	Camera types used	Amount	Recording	Monitoring	Assessment of use of equipment (mitigations or justifications)
A.	Front Lobby Void Area (between inner and outer front doors)	3	1	24hrs	Reception hours weekdays 8.00 am to 5.00 pm Saturdays 8,00 am to 12.00 pm, Friday and Saturday evenings 6.00pm to 6.00 am.	To allow residents to view visitors via channel 24 of their TV and establish identity prior to allowing access to the building.
B.	Front Lobby Void Area (between inner and outer front doors)	2	1	24 hrs	as above	for the stated purpose(s)
C.	Front of building outside	1	1	24 hrs	as above	for the stated purpose(s)
D.	Reception Inner Door	1	1	24 hrs	as above	for the stated purpose(s)
E.	Reception Desk	2	1	24 hrs	as above	for the stated purpose(s)
F.	Lodge Room	4	1	24 hrs	as above	for the stated purpose(s)
G.	Passenger Lifts	1	1	24 hrs	as above	for the stated purpose(s)
H.	Trades Lift	1	1	24 hrs	as above	for the stated purpose(s)
I.	Bin storage area 1	1	1	24 hrs	as above	for the stated purpose(s)
J.	Bin storage area 2	1	1	24 hrs	as above	for the stated purpose(s)
K.	Basement Level 1	1	1	24 hrs	as above	for the stated purpose(s)
L.	Basement Level 2	1	1	24 hrs	as above	for the stated purpose(s)
M.	Cycle Storage Area	5	1	24 hrs	as above	for the stated purpose(s)

### Step 3 (Cameras or functionality where additional mitigation required)

**Asset register:** It is considered to be good practice for all organisations to maintain an asset register for all of the components which make up their system. This allows the system owner to record each site and equipment installed therein categorised in a manner to lead into the level two process.

Please document here any additional mitigation taken on a camera or system to ensure that privacy is in line with the ECHR requirements.

Asset number	Reviewed	Camera type	Location category	Further mitigation/ comments (optional)
	13.01.20	A	as listed in step 2 above	
	13.01.20	CCTV Recorder with 2 HDD	Reception Lodge Room	
	13.01.20	CCTV Monitor Screen	Reception Lodge Room	
	13.01.20	CCTV Monitor Screen	On reception desk	

#### DPO advice provided:

DPO should advise on compliance and whether processing can proceed

Name	Robert Smith
Date	26 <sup>th</sup> January, 2021
Summary of DPO advice	<p>26/01/2021 Updated and approved adding of the managing agent able to request CCTV footage.</p> <p>13/01/2020 I have reviewed this DPIA and can confirm that in my professional opinion the CCTV system meets all reasonable requirements for the stated purposes and that this can continue subject to annual checks / audit. New clear signage has been installed that provides the full details of the Data Controller and methods of contacting them in the case of an enquiry.</p>

#### DPO advice accepted or overruled by:

If overruled, you must explain your reasons

Name	The Board of Sussex Heights Brighton Ltd
Date	26 <sup>th</sup> January, 2021
Comments	<p>26/01/2021 Updated by adding that the managing agent can request CCTV footage.</p> <p>26/01/2020</p>

The Board approves this DPIA and it will be reviewed on an annual basis.

**This DPIA will kept under review by:**

The DPO should also review ongoing compliance with DPIA

Name

Robert Smith

Date

13<sup>th</sup> January, 2022

## APPENDIX THREE: LEVEL 1

### DESCRIBE THE INFORMATION FLOWS

Optional questions to help describe the collection, use and deletion of personal data.

It may also be useful to refer to a flow diagram or another way of explaining data flows.

#### 5.1 How is information collected?

- CCTV camera
- ANPR
- Stand-alone cameras
- Other (please specify)
- Body Worn Video
- Unmanned aerial systems (drones)
- Real time monitoring

#### 5.2 Does the system's technology enable recording?

- Yes
- No

Please state where the recording will be undertaken (no need to stipulate address just Local Authority CCTV Control room or on-site would suffice for stand-alone camera or BWV), and whether it also enables audio recording.

On-site with Audio in main reception area only, the remainder capture image only

Is the recording and associated equipment secure and restricted to authorised person(s)? (Please specify, e.g. in secure control room accessed restricted to authorised personnel)

In secure control room behind reception with access restricted to only authorised personnel

#### 5.3 What type of transmission is used for the installation subject of this PIA (tick multiple options if necessary)

- Fibre optic
- Hard wired (apart from fibre optic, please specify)
- Other (please specify)
- Wireless (please specify below)
- Broadband

**5.4 What security features are there to protect transmission data e.g. encryption (please specify)**

This is a stand-alone system only accessible by authorised staff of SHBL.

**5.5 Where will the information be collected from?**

- Public places (please specify)
- Buildings/premises (external)
- Car parks
- Buildings/premises (internal public areas) (please specify)

Entrance, Foyer, Bin area, Basement 1, Basement 2, Bicycle storage

- Other (please specify)

**5.6 From whom/what is the information collected?**

- General public in monitored areas (general observation)
- Target individuals or activities (suspicious persons/incidents)
- Other (residents and lease holders)
- Vehicles
- Visitors

Images captured will be of residents of Sussex Heights, trades persons, visitors, delivery staff. The camera outside the building may capture members of the general public walking to and from the car park below the building and any vehicles parked immediately outside of the main reception area.

**5.7 What measures are in place to mitigate the risk of cyber-attacks which interrupt service or lead to the unauthorised disclosure of images and information?**

The CCTV system is password protected with access only known by Board members. The system is a stand-alone application and the threat of cyber-attacks or interruption of service is considered very low risk.

There is a service and maintenance contract in place with the system providers.

### 5.8 How is the information used? (Tick multiple options if necessary)

- Monitored in real time to detect and respond to unlawful activities
- Monitored in real time to track suspicious persons/activity
- compared with reference data of persons of interest through Automatic Facial Recognition software
- compared with reference data for vehicles of interest through Automatic Number Plate Recognition software
- Used to search for vulnerable persons
- Used to search for wanted persons
- Recorded data disclosed to authorised agencies to support post incident investigation by, including law enforcement agencies
- Recorded data disclosed to authorised agencies to provide intelligence
- Other (please specify)

### 5.9 How long is footage stored? (please state retention period)

One month in line with the SHBL data retention policy.

### 5.10 Retention Procedure

- Footage automatically deleted after retention period
- System operator required to initiate deletion
- Under certain circumstances authorised persons may override the retention period e.g. retained for prosecution agency (please explain your procedure)

The CCTV system automatically deletes data after one month.

### 5.11 With which external agencies/bodies is the information/footage shared?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Statutory prosecution agencies | <input type="checkbox"/> Local Government agencies |
| <input type="checkbox"/> Judicial system                           | <input type="checkbox"/> Legal representatives     |
| <input checked="" type="checkbox"/> Data subjects                  | <input type="checkbox"/> Other (please specify)    |

Sussex Police, and data subjects should they make a subject access request.

### 5.12 How is the information disclosed to the authorised agencies

- Only by onsite visiting
- Copies of the footage released to those mentioned above (please specify below how released e.g. sent by post, courier, etc)
- Offsite from remote server
- Other (please specify)

### 5.13 Is there a written policy specifying the following? (tick multiple boxes if applicable)

- Which agencies are granted access
- How information is disclosed
- How information is handled
- Recipients of information become Data Controllers of the copy disclosed

Are these procedures made public?       Yes       No

Are there auditing mechanisms?       Yes       No

If so, please specify what is audited (e.g., disclosure, production, accessed, handled, received, stored information)

This is covered in the SHBL Privacy Policy.

### 5.14 Do operating staff receive appropriate training to include the following?

- Legislation issues
- Monitoring, handling, disclosing, storage, deletion of information
- Disciplinary procedures
- Incident procedures
- Limits on system uses
- Other (please specify)

### 5.15 Do CCTV operators receive ongoing training?

- Yes       No

**5.16 Are there appropriate signs which inform the public when they are in an area covered by surveillance camera systems?**

Yes, there is signage at all entrances and in the reception areas notifying individuals that CCTV is in operation.

Yes  No