PRIVACY NOTICE

Closed Circuit Television (CCTV)

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a local authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the information being collected.

Why we are collecting your personal data

Moray Council uses internal and external Closed Circuit Television (CCTV) across Council Services and within Council buildings and properties for purposes including:

- public and staff safety;
- pupil safety (within education establishments);
- protecting property;
- for the prevention and detection of crime,

Portable CCTV sets may also be deployed, such as by the Community Safety team in response to identified anti-social behaviour issues as a means of combating and reducing anti-social behaviour.

Live and recorded images will be collected within and related to Council services, buildings and locations (such as schools, offices, recycling centres etc.) across Moray. These include, but are not limited to: reception areas; forecourts and perimeters; entrances and exits. This CCTV is operated and monitored by Council Employees.

Cameras are clearly visible and signage indicates where CCTV is in operation.

The personal information that will be collected includes:

- Live and recorded images of individuals;
- Personally identifiable information may include an image of a person's face, their vehicle and suchlike.

The CCTV cameras do not utilise Advanced Number Plate Recognition Software or facial recognition software. These CCTV cameras do not record audio.

Public Space CCTV is owned by Moray Council but is operated and monitored by Police Scotland, please see: https://www.scotland.police.uk/access-to-information/privacy-policy/ for their Privacy Notices.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR) because

the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council, and the task or function has a clear basis in law – in this instance - Section 163 of the Criminal Justice and Public Order Act 1994.

By its nature, public space and portable CCTV cameras may capture special categories of personal data. Personal data that counts as 'special category data', such as health, ethnicity and religion, must satisfy extra conditions when processed. We understand that our legal basis in data protection law for processing this special category data to be Article 9(2)(g) of the UK GDPR, processing is necessary for reasons of substantial public interest; on the basis of law, supported by Schedule 1, Part 2, Paragraph 10 of the Data Protection Act 2018 – preventing or detecting unlawful acts.

The CCTV may also process data about the commission of criminal activity or offences. The Council's legal basis in data protection law for processing this information is set out under Article 10(1) of the UK GDPR; as the processing is authorised by domestic law, in this case – Section 163 of the Criminal Justice and Public Order Act 1994. Section 163 of this Act authorises local authorities such as Moray Council to provide CCTV to promote the prevention of crime, or the welfare of victims of crime.

Who we share this personal data with

Due to the Council's legal obligation to assist in the prevention of crime, specific images will be supplied to Police Scotland or other crime detection agencies upon request, provided that the request is connected to an investigation, and disclosure would be proportionate and lawful.

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable.

The Council may share your personal data with other relevant Council Services and third parties, where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain

a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/