

EDINBURGH NAPIER UNIVERSITY

General Data Protection Regulation/Data Protection Act 2018

CCTV images and/or Body Worn Radio Recordings

Introduction

In order to carry out its functions and discharge its legal obligations, Edinburgh Napier University holds records which are classed in two ways i.e. recorded information held by the University as a public authority for the purposes of the **Freedom of Information (Scotland) Act 2002** and personal data about living individuals which is governed by the **General Data Protection Regulation 2016 (GDPR)/Data Protection Act 2018 (together referred to as “the Data Protection Legislation”)**.

If your request concerns general information which the University holds, including the personal data of a third party then you should do this by making a request for information under the **Freedom of Information (Scotland) Act 2002**. Visit the University’s [FOI website](#) for more information. All requests for CCTV footage are exempt under FOISA and will be dealt with under DPA 2018 in relation to your own personal information only.

The information below is intended for those who seek access to personal data about themselves which is held by the University.

Please note: if your request is being made as a result of you being a victim of a potential or actual criminal offence, you are advised to contact the police and obtain a crime reference number. The University will liaise with the police thereafter about any relevant footage in order not to prejudice or compromise a criminal investigation.

The Data Protection Legislation

The DP Legislation is concerned with a living individual's personal data and in particular:

- his/her expectations of privacy and security in the use of their personal data
- the University’s legal obligations for handling that personal data from collection through to destruction; and
- the right of access to his/her personal data

1. How to make a request for personal data

a) Section 45 of the Act entitles you to ask what personal data about you is held by the University. This process is called making a Subject Access Request (SAR)

b) For general advice in the first instance on making a SAR or if you would like to see a specific document and you know who holds that, please contact the Information Governance Manager whose details are given at the end of this guidance.

c) SARs must be submitted preferably in writing by completing the relevant form. You must specify any specific documents to be located and/or areas to be searched. Blanket requests for ‘all personal data which the University holds about me’ may result in a fee being charged or additional time (up to 3 months) being required to process the request where it is deemed to be excessive or manifestly unfounded.

d) You will also be asked to supply the following:

- Two photographs of yourself, one of which should be full face one side view
- Confirmation of your identity e.g. staff or student ID card, a utility bill, a scanned copy of the photo on your driving licence or the photo page from your passport
- Your written authority where a SAR is submitted on your behalf by a third party. This must include a description of the relationship of the third party to you.

The request and/or completed form, cheque and proof of identity where applicable, should be sent to the Head, Campus Services at the address given below.

2. Processing and responding to a SAR

a) A SAR will only be processed once the University has:

- validated your identity and/or that of your representative;
- agreed on the scope of the request;

b) The University must respond to a SAR within the period laid down in the legislation i.e. one month, which may be extended to 3 months for excessive or manifestly unreasonable requests.

c) In the unlikely event that the Head, Campus Services or his/her nominee anticipates that the University will be unable to respond fully to your SAR within the legal deadline, you will be notified of this and the reasons for it.

d) All SARs will be treated in the strictest confidence and will be processed only by authorised University staff.

3. The scope of the SAR

For images and/or recordings to constitute your personal data you must be the focus of the images or recordings or the images or recordings must affect your privacy.

4. Third party information and exemptions

a) The anonymity of other individuals featuring in CCTV images and/or recordings will be protected where appropriate, by obscuring, pixilating or otherwise removing data which may identify a third party.

b) Section 45 of the DPA allows the University to withhold/obscure images or recordings on the grounds of lack of consent to their release by a third party, or where judgements have been made that:

- the University must respect the confidentiality of a third-party;
- the release of the images/recordings will cause distress to the individual; or
- the University must safeguard the vital interests of the individual or another person

c) Section 4b) above will also apply in respect of a potential criminal investigation.

d) The University is not required to divulge when and whether images and/or recordings have been withheld.

- e) The UK Information Commissioner has advised that a SAR made under the Data Protection Act cannot claim any exemptions that might apply to an Information Request made under the Freedom of Information (Scotland) Act 2002.

5. Format and delivery of SAR response

The University will prepare any images and/or recordings to be provided in response to a SAR, in disc format unless otherwise agreed and will expect to hand deliver the disc to you or your representative. Other secure arrangements for delivery may be considered.

6. Future SARs and retention period

- a) The University has the right under the Act to decline a SAR where it has already complied with an identical or similar SAR, unless a reasonable interval has elapsed between responding to the previous SAR and receipt of a new SAR.
- b) The University will normally retain the documents relating to the handling of a SAR for two years following completion of the request, but this retention period may be extended in individual cases.

7. Complaints

If you are dissatisfied with the way in which the University has handled your request for personal information, please direct your complaint or concern* in the first instance to:

Head, Campus Services
Room 6 B. 24
Sighthill Campus
Edinburgh, EH11 4BN
Tel: 0131-455-3716

*Please note that the personal information you supply to the University with your complaint will be processed in accordance with the provisions of the Act and will be entered into a filing system which is only accessed by or shared with authorised University staff or our agents. The information will be used by the University for (a) processing your complaint under the University's Complaints Handling Procedure and (b) statistical and audit purposes.

If you have been unable to resolve your complaint or concern about the handling of your SAR with the Head, Campus Services you may write to:

The University Secretary
Room 5.B.18
Sighthill Campus
Edinburgh, EH11 4BN

For general advice on making a SAR contact:

Information Governance Manager
Room 5.B.18
Sighthill Campus
Edinburgh, EH11 4BN
dataprotection@napier.ac.uk

Alternatively, if you are dissatisfied about any aspect of the handling of your personal data by the University you have the right to appeal direct to the [UK Information Commissioner](#) (ICO) who has responsibility for overseeing the Act. The contact details for the ICO's Scottish office are:

UK Information Commissioner's Office
45 Melville Street
Edinburgh, EH3 7HL
Telephone: 0131 244 9001; Email: Scotland@ico.gsi.org.uk

Governance Services/revised February 2019

Edinburgh Napier University acknowledges the assistance of materials published by the University of Glasgow in the development of this guidance.