

## **CMAL Harbours CCTV Policy**

### **1. Introduction**

Caledonian Maritime Assets Limited (CMAL) owns and leases piers, harbours and properties around Scotland and is the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA) for 16 of these locations.

For each of the harbours managed by CMAL, safety is the top priority and Closed Circuit Television (CCTV) has been implemented as a measure to assist with maintaining the highest possible standards of safety and to meet statutory obligations.

### **2. Data Controller**

CMAL is the Data Controller (as defined by the Data Protection Act 1998 (DPA 1998)) for information captured by the CCTV installed at harbours within CMAL's jurisdiction, and this use registered with the Information Commissioner (ICO).

The CMAL registration number is **Z9019502**.

The contact for the CCTV system is the Harbour Master, CMAL, Municipal Buildings, Fore Street, Port Glasgow. PA14 5EQ.

### **3. Data Processor**

The CCTV system is operated on behalf of CMAL by their contracted harbour operators CalMac Ferries Limited (the Harbour Operator) who act in the capacity as Data Processor, which is governed by the CMAL CCTV Data Processing Agreement (the Agreement). The service is provided by the Harbour Operator as part of the services they are required to provide under a CMAL Harbour Operating Agreement.

### **4. Purpose of the CCTV System**

The purposes of the CCTV system are to:

- i. Monitor site health and safety where appropriate to do so, ensuring a safe environment for the public, staff, any third parties and other harbour users;
- ii. Improve the availability and detail of live information capable of being accessed remotely by RoRo Ferry Masters to help inform their decision making process to optimise ferry services;
- iii. Enable appropriate safety and operational management of harbours, particularly at unstaffed locations;
- iv. Support general employment purposes, which may include employees of organisations contracted to supply services by CMAL, specifically command and control and investigation of incidents;
- v. Meet CMAL's statutory duties where CMAL is the SHA;
- vii. Safeguard the legitimate interests of the organisation and individuals whilst supporting management and training operations;

- viii. Meet CMAL's statutory duties where CMAL is the LLA by enabling remote monitoring of navigational aids and lights;
- ix. Assist with the prevention and detection of crime and other matters such as missing person enquiries;
- x. Assist with the apprehension and prosecution of offenders;

Covert monitoring will only be used where there is no alternative and there is a specified security purpose. The only person able to authorise the use of covert surveillance at the harbours and ports operated by CMAL is CMAL's Harbour Master (the Harbour Master).

## **5. Responsibilities**

Both the Data Controller and Data Processor will have responsibilities to ensure compliance with the Data Protection Act 1998. To ensure the necessary standards of compliance are met, in addition to this policy, there are procedures providing a detailed description of practical compliance and the Agreement, which are referenced below.

### **5.1. Responsibilities of the Data Controller**

As Data Controller, it is CMAL's responsibility to:

- i. Define and regularly review the policy, procedures and the Agreement that govern the operation of the CCTV system that will ensure compliance with the DPA 1998;
- ii. Ensure compliance with the policy, procedures and Agreement;
- iii. Regularly review the purposes of the CCTV and ensure that the use of CCTV system remains the most appropriate means of achieving those purposes, and the information captured by the CCTV is fit for purpose. This will include conducting privacy impact assessments where appropriate;
- iv. Provide technical training for those employees identified by the Harbour Operator as having responsibilities for operating the CCTV;
- v. To manage requests from third parties to access the information held on the CCTV system;
- vi. To process complaints about the CCTV system and amend the policy, procedure and/or Agreement where appropriate to do so.

### **5.2. Responsibilities of the Data Processor**

It is the Data Processor's responsibility to:

- i. Take all necessary steps to implement the standards set out in the policy and the associated procedures;
- ii. Comply with the DPA 1998 and their obligations as a Data Processor at all times;
- iii. Ensure those with responsibilities for operating the system have the required standard of competence and have received appropriate training with regards

to their responsibilities under the DPA 1998 prior to being given access to the system;

- iv. Process any emergency requests from law enforcement agencies where immediate access to information held by the CCTV system is critical to an investigation. The processing of these requests will follow the procedures described by CMAL;
- v. Forward any other requests for access to information held by the CCTV system to the Harbour Master. These requests will include, although may not be limited to:
  - Requests from law enforcement agencies for crime and taxation purposes where the information is not required in an emergency situation (governed by Section 29 of the DPA 1998);
  - Subject access requests and other requests relating to the rights of individuals (individuals requesting access to their own data covered by Section 7 of the DPA 1998, the right to prevent unwarranted damage or distress under Section 10 and the right to prevent automated decision taking under Section 12);
  - Requests covered by Freedom of Information (Scotland) Act 2002 (individuals requesting access to another person's data);
  - Requests for disclosure required by a court order (Section 35 of the DPA 1998).
- vi. Forward complaints relating to any aspect of the CCTV system to the Harbour Master on receipt.

On no account will the Data Processor allow or provide access to the CCTV system to any individual without the prior explicit approval of the Harbour Master. Approvals should follow the procedures provided by CMAL.

## **6. Review**

This policy and associated documents will be reviewed at least annually, in the event that any non-compliance with the DPA 1998 or other relevant legislation is identified, and following any changes to legislation.

Wherever possible, the Data Processor will be consulted prior to amendments to being made to this policy, or any documents referred to by this policy.

Date of next review: **April 2017**