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nursery and childcare news

Caught on camera: dos and don'ts

Nurseries which use closed-circuit television (CCTV) cameras on their premises should be aware that the recorded images may be classified as 'personal data' under the Data Protection Act 1998 and so become subject to all the restrictions on use and disclosure set out in the Act.

Sophisticated systems that allow cameras to be moved to focus on particular individuals or are set up in a manner that record images of specific individuals which may be played back to assess behaviour, performance or assist in disciplinary matters will capture images that are subject to the Act. More basic systems that cannot be operated remotely and are not used to observe behaviour but only general images will not be subject to the Act, provided the images would only be disclosed to the police and no one else.

If your system collects images that will be 'personal data', then you have to comply with the Act and the guidance on CCTV issued by the Information Commissioner who enforces the Act.

You need to make sure that there is clear signage warning of the use of CCTV. There are restrictions on how long the images can be stored and the purposes for which they can be used. You have to ensure that only authorised personnel can access the images and that their use is fully explained to the people who will be affected - eg your employees and parents of the children.

Individuals have a right to know the type of personal data being held on them and a right to receive copies of it. This will include CCTV images. For example, a parent whose child is excluded on the grounds of bad behaviour or an employee who is being sacked for misconduct will have the right to request a copy of the footage showing the alleged behaviour.

The right of access is restricted in certain circumstances. When responding to a request for copies, you must ensure that you do not identify other individuals, so you may have to obscure their faces. In addition, any disclosure of the images must be clearly documented.

Action:

- Inform employees about the nature, purpose and extent of CCTV monitoring.
- Inform others who may be filmed by the CCTV by putting up signs or notices.
- Restrict access to the images.
- Only use footage for the purposes you have explained to employees or others.

Mary Chant is a partner in Blake Laphorn Linnell's Health and Care team, with a particular expertise in nurseries and childcare provision. Please contact her on 023 8063 1823, or email her at mary.chant@bllaw.co.uk.

This publication is not a substitute for detailed advice on specific transactions and problems and should not be taken as providing legal advice on any of the topics discussed.

The briefing can also be provided in electronic form. If you would prefer to receive it by email please email John Parkinson at briefings@bllaw.co.uk and specify 'Nurseries' in the subject line.

If you do not wish to receive any similar mailings from Blake Laphorn Linnell in the future, please contact John Parkinson at Blake Laphorn Linnell at john.parkinson@bllaw.co.uk or contact him on 01489 555044.

