



Covert Recording Policy

1. Introduction

- 1.1 This Policy should be followed in conjunction with the University's CCTV Policy. Actions taken by the University should not breach the general privacy of staff, students or visitors to the campus. This policy should be invoked in exceptional circumstances; where the use of the normal CCTV could prejudicially alter the outcome of the investigation, or make the investigation impossible to implement.
- 1.2 This policy should only be invoked for investigation of criminal activity or activity unauthorised by the University. The decision to use covert recording should not be made lightly. Misuse could open up the University to accusations of breaching people's right to privacy. The lawful basis for processing the personal data is legitimate interests.
- 1.3 This Policy should be followed in order to prevent prejudicial treatment of those being recorded.

2. When Covert Recording is / is not allowed

- 2.1 Covert cameras may be used under the following circumstances:
 - a) When informing the individual(s) concerned that recording was taking place would seriously prejudice the objective of making the recording; **and**
 - b) When there is reasonable cause to suspect that activity which is unauthorised by the University or illegal is taking place or is about to take place; **and**
 - c) When it has been authorised.

The Vice-Chancellor (or University Leadership Team nominee) is empowered to authorise covert recording. If someone wishes to request covert recording they need to contact an appropriate member of staff, (normally a member of UOT or the Facilities Manager), who will review and consider requesting authorisation. In cases where the Vice-Chancellor is a subject of covert recording the Clerk to the University Council will be empowered to make the authorisation. Where both the Vice-Chancellor and Clerk to the University Council are the subjects of covert recording, another member of ULT with a member of the University Council (with the exception of the staff or student members of Council) would be required to authorise the covert recording.

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- 2.2 Any such covert processing will only be carried out for a limited and reasonable period of time consistent with the objectives of making the recording and will only relate to the specific suspected unauthorised activity.
- 2.3 Covert recording cannot be used in an area that could possibly catch people in a state of undress, or in a facility that is expected to be private, e.g. toilets/showers/changing rooms/student bedrooms etc.
- 2.4 The decision to adopt covert recording will be fully documented and will set out how the decision to use covert recording was reached and by whom.

3 Equipment

- 3.1 Equipment will be installed by the Estates and Facilities Manager with support from our designated security provider.
- 3.2 Only equipment sourced from a registered supplier should be used for covert recording. This equipment must be secure from unauthorised access.
- 3.3 Due to the sensitivity of the use of such equipment, the fewest possible number of people should be aware that covert recording is taking place.

4. Requests for Covert Recording

- 4.1 A request can be made via email to the Facilities Manager, or the University Secretary and Registrar for the implementation of covert recording. This request must be supported with:
 - a strong rationale outlining the suspicious activity
 - identity of whom you are trying to record images
 - an explanation of what is expected be recorded.
- 4.2 Requests will be discussed with the Vice-Chancellor or University Secretary and Register and legal guidance maybe obtained before covert recording is authorised. The use of covert recording should only be used as a last resort.
- 4.3 Before permission is granted, the following points will be considered:
 - Severity of misconduct.
Covert recording should not be used for minor offences. Would the alleged offence lead to dismissal or criminal reporting?
 - Breach of privacy.
Will the images excessively breach other people’s privacy? Is it in an area likely to unintentionally record many personal conversations? Is it in an area where confidential business information may be unintentionally recorded?
Have other means of evidence collection been tried? Has enough evidence already been gathered to pursue without the covert recordings?

- Is this case similar to any others that have been tested before the ICO or European courts? What was the outcome of those cases? E.g. 2018 case (Spain) – theft of food from bakery by employee, courts decided was excessive use of CCTV, compared to cost, coupled with the fact that the employee had worked through their break to help the bakery owner.
- Is there potential that these recording may include images that concern vulnerable groups? If so, it may be useful to liaise with the Safeguarding Lead prior to use of covert recording. (Refer to section 6 Safeguarding)

5. Usage and Storage of Recordings

- 5.1 Covert recordings will only be reviewed by the Estates and Facilities Manager, Vice-Chancellor, Deputy Vice-Chancellor, University Secretary and Registrar, Director of HR or Deputy Director of HR except in a situation where the above persons were the subject of covert recording, in which case another member of ULT with a member of the University Council (with the exception of the staff or student members of Council) would be required to review the recordings. Where all above persons are the subject of covert recordings, the recordings may be viewed by the legal representative of the University.
- 5.2 Images and recordings that have been supplied for evidential purposes, the investigation of an offence or as required by law, should be deleted a reasonable time after the case is closed or dismissed. When determining the definition of a 'reasonable time', consideration should be given to whether there is likely to be an appeal or escalation to an external agency. A note should be added to the case file explaining why the footage has been kept. For certain appeals, this could take 15 months from the date of the closure letter. Guidance should be sought from the University Secretary and Registrar if the personal data is to be retained for a longer period.
- 5.3 For criminal cases, recordings will be handed over to the Police or other crime agency.
- 5.4 All other recordings will be deleted immediately after review.
- 5.5 Transfer of data/storage of data should be kept in the same manner as dictated in the CCTV Policy. The only difference is the log will be retained by the Estates and Facilities Manager instead of the CCTV Camera Access Log in the Security Control Room.
- 5.6 Where a covert recording request is authorised, the Covert Recording Log will be kept by the Estates and Facilities Manager. The log will contain the requested information including: dates and times of usage of covert recording, a log of incidents, and log of when the data was provided surrendered to the Vice-Chancellor or University Secretary and Registrar (see 5.1).
- 5.7 Due to the sensitivity of covert recording, a copy of the image/video will not be retained by the Estates Department. This means the only copy will be stored by the University Secretary and Registrar (see 5.1). If the covert recording is

unable to be reviewed by the University Secretary and Registrar (see 5.1), it may be that provision is made to retain a copy of the recording with the University's legal representative.

- 5.8 Security measures are in place to ensure that covert recordings are not tampered with.
- 5.9 This Covert Recording Log will be kept in full for 5 years, after which it will be anonymised and kept indefinitely for monitoring purposes.

6. Safeguarding

- 6.1 Steps should be taken to protect images of people not involved in the investigation.
- 6.2 Covert recording cannot be used in an area that could possibly catch people in a state of undress, or in a facility that is expected to be private, e.g. toilets/showers/changing rooms/student bedrooms etc.
- 6.3 To prevent prejudice against individuals, covert recording requests that are not authorised will be deleted once a decision has been made. A record of the number of requests made will be kept (this will simply state whether the request was made by staff/, a student or a visitor).
- 6.4 It may be useful to liaise with the Safeguarding Lead prior to use of covert recording.

7 Policy Review

- 7.1 The University's use of covert recording and the content of this policy shall be reviewed annually by the Estates and Facilities Manager with reference to the relevant legislation or guidance in effect at the time.
- 7.2 In addition it is recommended that this policy is reviewed immediately after its use, by those who were involved in its use, to determine its effectiveness, or concerns that may arise from its use.

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