

Freedom of Information Request

Reference Number: EPUT.FOI.23.3225
Date Received: 7th November 2023

Information Requested:

I would like to request the following information

I mean CCTV recording equipment in seclusion rooms, I would include oxevision within this category or other camera based technology

1. Does your trust use CCTV cameras or other comparable equipment within seclusion rooms/suites and/or 136 suites/health based places of safety. Please state where this is used and number of locations (i.e. CCTV is used in 2x seclusion rooms).

To confirm or deny whether the Trust utilises surveillance cameras or other comparable equipment within seclusion rooms/suites and/or 136 suites/health based places of safety, in this instance. There may be details regarding CCTV locations, operating procedures pertaining to CCTV, minutes, etc. This may adversely affect the well-being of both patients and/or visitors/members of the public, as well as prejudice the prevention or detection of crime.

Disclosing such information could pose a risk to the security systems of the organization, which a malicious party could exploit under Section 31(1)(a), thereby jeopardizing the prevention or detection of crime.

Where such information may be disclosed (within the constraint of the Act) without jeopardizing the Trust's security systems, it is necessary for the Trust to engage Section 38 of the Act. It is the Trust's responsibility to ensure that any information disclosed does not cause harm (both mental and/or physical). The Trust disclosing the details of any CCTV that may be in use may endanger the Trust's Security systems, and thereby, pose a health and safety risk to all those who may be using the Trust's facility.

There is therefore a need to take into consideration any unnecessary and avoidable anxiety or distress that can be caused by security details being made public, which a malicious party may decide to exploit. As mentioned above, this may cause the patient, staff, and visitors to feel that their immediate safety is at risk.

If the answer is no, please state if CCTV has previously been used or if the trust are planning to implement this in seclusion rooms

Please see above

If the trust has previously used CCTV or is planning to use this, please continue to answer the following questions in relation to the policies previously in place, or about to be implemented.

Please see above

2. Please provide information detailing the consent processes for use of CCTV in seclusion rooms

There is implied consent through the inpatient admission process. There is also signage across all sites where CCTV is being used.

3. Please provide information detailing where the equipment is located and what can be viewed, for example does this include a view of both the patient bathroom and bedroom spaces. Please include the patient population, i.e. older adults, CAMHS, secure services.

[See response to question 1](#)

4. Please provide details of where the CCTV monitor screen is located (i.e. where the footage is viewed from).

[See response to question 1](#)

5. Please provide copies of the trust's standard operating procedures, policies and procedures or other relevant document outlining CCTV use in seclusion. If these documents do not exist, please state.

[See response to question 1](#)

6. Please provide copies of the Trust's equality impact assessment relating to use of CCTV in seclusion. If these documents do not exist, please state.

[See response to question 1](#)

7. Please provide copies of the Trust's data protection impact assessment relating to use of CCTV in seclusion. If these documents do not exist, please state.

[See response to question 1](#)

8. Please detail any patient involvement in decisions around use of CCTV in seclusion rooms. For example meeting minutes, patient consultation outcomes. If this has not occurred, please state.

[See response to question 1](#)

9. Details of numbers of and copies of complaints relating to CCTV use (since Jan 2020).

≤5

Please note that the trust's policy is not to provide patient or staff numbers, where the response is less than or equal to five (≤5) as it would potentially allow identification of the individual patient/staff and would therefore be personal data.

The trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000.

10. Details of and numbers relating to use of CCTV footage from seclusion rooms in relation to court proceedings and/or coroners reports (since Jan 2020)

See response to question 1

11. Details of, copies of and numbers relating to incident reports relating to trust CCTV use in seclusion rooms (since Jan 2020)

See response to question 1

Section 38 (Health and Safety)

- (1) The Trust believes that this information is exempt information if its disclosure under this Act would, or would be likely to:
 - (a) endanger the physical or mental health of any individual, or
 - (b) endanger the safety of any individual.
- (2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).

31 Law enforcement.

- (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
- (a) the prevention or detection of crime,
 - (b) the apprehension or prosecution of offenders,
 - (c) the administration of justice,
 - (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
 - (e) the operation of the immigration controls,
 - (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
 - (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
 - (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
 - (i) any inquiry held under the [\[F1\]Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016](#) to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.
- (2) The purposes referred to in subsection (1)(g) to (i) are—

- (a) the purpose of ascertaining whether any person has failed to comply with the law,
 - (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
 - (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
 - (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,
 - (e) the purpose of ascertaining the cause of an accident,
 - (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
 - (g) the purpose of protecting the property of charities from loss or misapplication,
 - (h) the purpose of recovering the property of charities,
 - (i) the purpose of securing the health, safety and welfare of persons at work, and
 - (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).
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Section 40 (2) (Personal information):

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
 - (a) It constitutes personal data which do not fall within subsection (1), and
 - (b) Either the first or the second condition below is satisfied.
- (3) The first condition is—
 - (a) In a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) Any of the data protection principles, or
 - (ii) Section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(5) The duty to confirm or deny—

(a) Does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) Does not arise in relation to other information if or to the extent that either—

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) By virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.

(7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;

- “data subject” has the same meaning as in section 1(1) of that Act;

- “personal data” has the same meaning as in section 1(1) of that Act.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link

<https://eput.nhs.uk>