

## OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

**Decision Reference No:** e.g. Directorate/Ref No/Year - CR/481/11/21

**BOX 1**

**DIRECTORATE:** Corporate Resources      **DATE:** October 2021

**Contact Name:** Sarah Marshall      **Tel. No.:** 01302 862547

**Subject Matter:** Charging for CCTV footage

**BOX 2****DECISION TAKEN**

The implementation of charging insurance companies and legal representatives for the provision of CCTV footage for insurance claims or legal proceedings.

**BOX 3****REASON FOR THE DECISION**

Doncaster Council operates a number of overt CCTV cameras across the borough and these are used to view and monitor activity in public spaces. The cameras are located in numerous locations – for example, on buildings, in pedestrianised areas and on the highways.

The General Data Protection Regulations (GDPR) define personal data as any information relating to an identified or identifiable natural person (data subject), CCTV footage of an identifiable data subject is personal data.

Under Schedule 2, Part 1, Paragraph 5 (3) of the Data Protection Act 2018 (DPA), information is exempt from GDPR if it is required to be disclosed by law or in connection with legal proceedings.

Insurance companies or legal representatives often approach the Council to request CCTV footage of road traffic incidents in order to determine liability in legal proceedings.

In 2018/19 149 requests for CCTV were received, in 2019/20 we received 188, in 2020/21 we received 94, and to date this financial year we have received 64. Lockdown drastically reduced the traffic on the roads over this and last financial year. Not all of these requests result in footage being sent as the incident may not have been captured, the footage is not clear or the incident occurred more than 30 days ago.

The work is undertaken by the information governance team and the CCTV team in Community Safety and the income of approximately £6000 would be split between these areas.

The processing of these requests is time consuming and provides no benefit to the Council. Many requests are for footage of very minor incidents which we feel could be resolved without the CCTV images. A benchmarking exercise has taken place with other Local Authorities who charge applicants for the release of the footage, and charges range from £10 up to £210. Doncaster Council currently provides this information free of charge. The suggested charges are based on the time council staff spend on dealing with requests.

### **Option 1**

Implement charges for CCTV requests:-

- search only for CCTV footage - £50
- search and supply of CCTV footage – search fee £50 plus £50 per camera to supply footage

This would mean that the costs of reviewing and / or providing the footage would be met. This is the recommended option.

### **Option 2**

Continue to comply with these requests with no charge. Complying with the requests incurs costs to the organisation and no benefit.

### **Option 3**

Refuse to comply with the requests. The exemptions in the DPA are discretionary but the Council has historically provided this information to assist members of the public and commercial organisations.

## **BOX 4**

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

#### **Option 2**

Continue to comply with these requests with no charge. Complying with the requests incurs costs to the organisation and no benefit.

#### **Option 3**

Refuse to comply with the requests. The exemptions in the DPA are discretionary but the Council has historically provided this information to assist members of the public and commercial organisations.

**BOX 5****LEGAL IMPLICATIONS**

Schedule 2, Part 1, Paragraph 5 (3) of the Data Protection Act 2018 (DPA), provides an exemption from the non-disclosure rules contained within the UK GDPR, if information is required to be disclosed by law, or in connection with legal proceedings. This exemption applies to the situation where insurance companies make a request to the local authority for CCTV footage of an incident on behalf of their client for either ongoing or prospective legal proceedings.

Section 1 of the Localism Act 2011 provides local authorities with a general power of competence to which gives them the power to do anything that individuals generally may do, including making the charges proposed by this decision.

**Name: NC Signature: By Email Date: 22/10/21**

Signature of Assistant Director of Legal and Democratic Services (or representative)

**BOX 6****FINANCIAL IMPLICATIONS:**

The fees will recover costs which are already being incurred by the Council.

As we are not currently charging for these fees this will be additional income to the authority.

As per Finance Procedure Rules B.15 – B.17, the fees will need to be approved by the Chief Financial Officer in consultation with the relevant portfolio holder and reported to Cabinet in the quarterly monitoring report. Once the fees are approved they will need to be added to the annual fees and charges report.

**Name: Paul Holgate Signature: By e-mail Date: 05/11/2021**

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

**BOX 7****OTHER RELEVANT IMPLICATIONS**

**None**

**Name: Sarah Corbett Signature: S. Corbett Date: 5.11.2021**

Signature of Assistant Director (or representative)

**ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.**

**BOX 8**

**EQUALITY IMPLICATIONS:** (To be completed by the author).

None

**BOX 9**

**RISK IMPLICATIONS:** (To be completed by the author)

None

**BOX 10**

**CONSULTATION**

None

**BOX 11**

**INFORMATION NOT FOR PUBLICATION**

This decision will be published in full, redacting signatures only.

**Name:** Sarah Marshall **Signature:** S Marshall **Date:** 11<sup>th</sup> October 2021

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12**

**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR YES

Benchmarking of costs

**BOX 13  
AUTHORISATION**

**Name: Scott Fawcus Signature:**



**Date: 24.11.21**

Assistant Director of Legal & Democratic Services

**Does this decision require authorisation by the Chief Financial Officer or other Officer**

**YES**

**If yes please authorise below:**

**Name: Faye Tyas Signature:**



**Date: 29.11.21**

Assistant Director of Finance and Section 151 Officer

**Consultation with Relevant Member(s)**

**Name: Cllr Jane Nightingale Signature:**



**Date: 16.12.2021 Designation Cabinet Member for Corporate Resources**

**(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)**

**Declaration of Interest YES/NO**

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

**Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.**

**It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.**