INFORMATION GOVERNANCE PRIVACY NOTICES AND CCTV/CALL RECORDING RETENTION PERIODS

Here is an updated version of the template privacy notice for those practices who use the N3i Data Protection Officer service, originally posted in 2021. There are some additional paragraphs (p.10 onwards) that may apply to your practice, depending on your local policies. ***Please delete any paragraphs that do not apply to your practice before using the template or edit them as appropriate.***

We have also produced a template Privacy Notice for Children that your organisation can edit and use as appropriate.

The UK GDPR says that you must "provide" individuals with the necessary information in an "easily accessible form". The ICO explains '*you can meet this requirement by putting the information on your website (this is often how organisations deliver privacy information), however you must proactively make individuals aware of this information and you need to give them an easy way to access it. Simply putting it on your website, in case people happen to look there, is not enough.*' [1]

The privacy notice (or a link to it) should be easily available on the home page of your practice website (they are usually found at the bottom of the page). It should also be called a 'privacy notice' or a 'transparency notice'. There are multiple instances where practices have published their privacy notice under 'data', or other less than obvious headings.

The ICO also stipulates[2] that you should continue to review and evaluate your transparency and privacy information at regular intervals (or at key milestones) to:

- check that it actually explains what you do with people's personal data; and
- ensure that it remains accurate and up to date.

Please do not confuse your practice privacy information that covers how your practice complies with GDPR, with the website privacy notice that covers the use of cookies as these are separate notices.

Your privacy notice should identify who the data controller is and provide contact details for its Data Protection Officer. Service users should be able to contact the DPO directly, rather than having to request the information from the practice.

CCTV and call recording While many practices direct the reader to the NHS records management code of practice[3], this does not actually dictate the retention period for CCTV footage, or telephone recordings.
Regarding CCTV, it states; '*The length of retention must be determined by the purpose for which the CCTV has been used. CCTV footage must remain viewable for the length of time it is retained, and where possible, systems should have redaction or censoring functionality to be able to blank out the faces of people who are captured by the CCTV, but not subject to the access request, for example, police reviewing CCTV as part of an investigation.*' **This means that practices are responsible for setting their own retention period for CCTV footage**. The government suggests[4] to those who are wanting to request CCTV footage of themselves that most CCTV footage is deleted 30 days after it is recorded. There are still many practices who don't make it clear through their privacy notice how long CCTV recordings will be kept.

Clinicians may choose to attach recordings of telephone consultations to the Electronic Health Record (EHR). Such recordings would then be retained in line with EHR retention guidance, but other telephone recordings only become subject to retention as per the Records Management Code of Practice when they are determined as potentially required for clinical negligence or other legal claims. Once again, it is therefore the responsibility of the practice to determine the timescale for retaining all other recordings. Though the provider may be able to keep the recordings for a lengthy period of time, it is for the practice to determine what period of time is suitable to them.
Please revisit our blog[5] about retention periods before you decide on the appropriate retention period for call recordings or CCTV images.

---

[1] When should we provide privacy information? | ICO
[2] Should we test, review and update our privacy information? | ICO
[3] Records Management Code of Practice - NHS England Digital
[4] Request CCTV footage of yourself - GOV.UK
[5] CCTV and Telephone Systems