

CCTV Surveillance Policy in Terms of the Protection of Personal Information Act, No. 3 of 2013

1. INTRODUCTION

1.1. Vumacam installs and operates closed-circuit television ("CCTV") surveillance infrastructure in residential neighbourhoods. The real-time surveillance services are provided to pre-vetted and approved companies providing security services usually on behalf of residents' associations.

1.2. The cameras are positioned so that they record public streets and pedestrian walkways. Footage of these areas is recorded and stored for a limited amount of time. The information recorded by the CCTV surveillance network can be either be passed through Vumacam's video analytics system or cross-referenced to databases which allows flagging of vehicle registration plates which are currently listed on databases of wanted vehicles.

1.3. Vumacam undertakes to ensure that its employees, directors, affiliates, partners and/or clients adhere to the strictest levels of confidentiality and respect individual's right of privacy.

2. ACCOUNTABILITY

2.1. Vumacam "processes" "Personal Information" (which contained in the CCTV surveillance footage) as contemplated in the Protection of Personal Information Act, No. 4 of 2013 (the "Act"), at all times taking into account individual's constitutional right to privacy.

2.2. The authorisation for the collection, location and access of the CCTV surveillance footage ("Data") lies with Vumacam. The Data may then be accessed, through Vumacam's systems, with Vumacam's express prior written consent. Such access will only be given to vetted, third party companies in order to achieve Vumacam's stated purpose, as more fully set out below.

2.3. To the extent that Vumacam gathers the Data, which it provides to vetted and approved third party companies contracted to Vumacam, Vumacam is acting in the capacity of an "Operator" as defined in the Act. To the extent that Vumacam can be considered to be the party responsible for "processing" the Data, Vumacam is acting in the capacity of a "Responsible Party", as defined in the Act.

2.4. Vumacam shall fully comply with its obligations in terms of the Act, depending on the capacity in which it is acting any given circumstance.

2.5. Vumacam will be processing Personal Information where, given the purpose for which it is processed, such processing is adequate, relevant and not excessive.

2.6. Details and records of all information processed by Vumacam will be maintained to the extent required by law.

3. PURPOSE

3.1. The purpose of this policy is to outline Vumacam's approach to the use of CCTV surveillance for purposes in line with the Act. Specifically, Vumacam strives to:

3.1.1. process any Data lawfully, and in reasonable manner which does not unreasonably infringe on the privacy of the data subject;

3.1.2. only process Data where, to do so, protects a legitimate interest of members of the public;

3.1.3. ensure each individual's constitutional right to privacy, by safeguarding Personal Information when processed by it or any of its customers (each of which constitutes a Responsible Party in terms of the Act), subject to justifiable limitations;

3.1.4. balance the privacy rights of individuals against other rights, particularly the rights of members of the general public to safety and security;

3.1.5. regulate the manner in which Data may be processed, by establishing conditions in accordance with locally applicable laws and international standards, that prescribe the minimum threshold requirements for the lawful processing of Personal Information;

3.1.6. advise individuals of their rights and remedies in order to protect their Personal Information from processing that is not in accordance with the Act; and

3.1.7. comply with voluntary and compulsory measures, including those established by the Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by the Act.

3.2. The purpose of Vumacam's CCTV surveillance network is to:

3.2.1 detect, deter and prevent crime;

3.2.2 enhance safety of those who live, work, trade and visit the areas covered by the CCTV surveillance network;

3.2.3 assist in the apprehension and prosecution of offenders (including but not limited to the use of images and video as evidence in criminal/civil proceedings);

3.2.4 assist law enforcement agencies, including private armed response and security companies, with regard to the investigation of any apparent or actual crime that may be captured by the CCTV surveillance network;

3.2.5 identify vehicles which may have been involved in criminal activities in order to alert the relevant authorities;

3.2.6 assist in the maintenance of public order and the reduction of vandalism, theft and related property crimes; and

3.2.7 promote the safety, protection and wellbeing of members of the public generally.

4. Data gathered by the CCTV surveillance network will not be used for any purposes other than those listed above and/or permitted by the Act.

5. Data will not, under any circumstances, be released to the media or any similar outlet, nor will any Data be released or disseminated unless specifically required or authorised by law.

6. SCOPE AND OPERATION

6.1. Vumacam's CCTV surveillance network employs fixed cameras, designed and deployed to record images of individuals, as well as vehicle and vehicle registration plates, on public roads and in public spaces.

6.2. The CCTV surveillance network will be operated, and Data will only be made available, consistent with the requirements and restrictions imposed by the Act, always taking into account each individual's right to privacy.

6.3. All Data recorded on the CCTV network shall be reviewed by the operational staff employed by contracted companies, who will monitor the CCTV surveillance feed for the purpose of assisting with the identification and prevention criminal activity and in the interests of public safety and security.

6.4. Software, which works in combination with the Data captured by the CCTV surveillance network, is able to identify registration plates affixed to vehicles. Recorded registration plates are run through a database of registration plates for vehicles which have been involved in a crime or are of interest to the South African Police Services and, should there be any matches, the company monitoring the CCTV camera will be notified. Vumacam does not have the ability to query registration plate details against the national eNatis database and accordingly any information regarding ownership of a particular vehicle (e.g. identity number, name, physical address) is not accessible unless this information was included when a vehicle was reported as stolen.

6.5. Vumacam and/or its duly contracted companies and/or the South African Police Services will be directed to respond, where possible, to information provided by companies utilising Data supplied by Vumacam. Vumacam does not monitor the Data, nor will it actively perform and crime prevention activities. These activities will be carried out by the appropriate security companies or the South African Police Services.

6.6. Any company appointed by Vumacam will be required act within the law and will not be authorised to carry out the duties of the South African Police Services.

6.7. All Data will be stored on hosted servers and identified using an automatic recording sequence. The Data will be stored for a period of at least 30 days, being the length of time the Data is required to be maintained in order to achieve the purpose for which it was collected.

6.8. This retention period may be increased or decreased in line with any lawful instruction provided by the Information Regulator or other competent authority from time to time. Data may be stored for a longer period should it be required for further investigation.

6.9. At the expiry of this retention period, the data will be permanently deleted and/or destroyed in accordance with POPIA stipulated guidelines.

6.10. Companies which contract with Vumacam to provide monitoring services are required to establish a secure monitoring centre. Access to this monitoring centre will be strictly limited to authorised personnel only. Such persons, who will be employed and monitored by the security companies appointed to monitor specific cameras on behalf of communities/residents' associations, are strictly vetted. General access by the public to monitoring centres is not permitted.

6.11. The fixed CCTV surveillance network will be installed in strategic areas and will be installed in such a manner that all CCTV surveillance cameras are and will be clearly visible and identifiable to members of the public. The CCTV surveillance cameras will be situated in, and will cover, only areas in which the public has unrestricted access and areas that are within public view. In certain circumstances, a natural or juristic person may request private surveillance solutions in which case CCTV surveillance cameras may be deployed such that private spaces belonging to that person are under surveillance.

6.12. No cameras will be hidden or obscured, nor will they be placed in such a fashion that any camera will be able to record activity in any area which is not considered to be 'public' (for example, into private driveways or over private boundary walls).

6.13. All captions inserted onto collected Data, such as camera location, time and date, are securely maintained and stored and are incapable of being tampered with.

7. PUBLIC AWARENESS OF CCTV SURVEILLANCE

7.1. Prior to the deployment of CCTV cameras, Vumacam, together with any interested security providers and/or residents' associations, will use all reasonable efforts to advise those residing and/or travelling in the area of its intention to commence CCTV surveillance in that area.

7.2. In order to ensure that all members of the public entering any area in which the CCTV surveillance network operates are informed of the surveillance, prominent signs will be posted in these areas.

7.3. The signs will be affixed to poles housing CCTV cameras and will direct any interested person to information relating to the Data recorded, contact details of the company or companies monitoring the specific camera, details regarding access to the Data and all relevant contact details, and each person's rights in terms of the Act.

8. RETENTION OF DATA AND SECURITY OF DATA

8.1. Data will be retained for up to 30 days, unless it is required and requested for purposes outlined in this policy which would require that the data be stored for a longer period. Appropriate safeguards will be put in place should such Data be retained for longer periods, as required by the Act.

8.2. Data retained for purposes of investigation will be strictly managed with limited access. Any Data requested by the South African Police Services will only be released upon presentation of the appropriate subpoena.

8.3. All Data will be stored on secure servers leased or owned by Vumacam, hosted by a third party. Each hosting company is required to enter into the appropriate 'operator's agreement' with Vumacam and will be subject to Vumacam's comprehensive terms and conditions and will expressly agree to be bound by the Act and its regulations. The hosting company appointed by Vumacam will ensure that all Data is stored in a secure server environment that uses modern, advanced security systems to prevent loss of, damage to or unauthorised destruction of Data, and unauthorised access to or processing of Data.

8.4. Data will not be stored on private servers and Vumacam's clients will not be entitled to download and store Data without having submitted a specific, written request to Vumacam. The request will be required to set out the reason and purpose of the download and the duration for which the Data will be stored, along with strict security undertakings, which request Vumacam will refuse if it is not satisfied with the reasons provided or that the Data will be securely stored.

8.5. After a period of 30 days (or such longer period as may be required per the above), the Data will be permanently erased and/or destroyed.

9. ACCESS TO CCTV SURVEILLANCE DATA BY VUMACAM/CONTRACTED COMPANIES

9.1. Only specific persons within Vumacam will have the ability to access and review Data recorded by the CCTV surveillance network, and then only on a "need to know" basis.

9.2. These individuals include, from time to time:

9.2.1. the Managing Director of Vumacam;

9.2.2. the Information Officer of Vumacam;

9.2.3. employees who are required to support or maintain the system;

9.2.4. specified employees appointed by companies contracted by Vumacam to monitor and/or retrieve Data;

all of whom shall conclude the necessary confidentiality and security undertakings in terms of which each individual with access to any Data will undertake to access such Data only as and when required to do so. They shall not be entitled to share or distribute any Data unless required in order to give effect to the purpose for which the Data is recorded, or as required by law.

9.3. Any security company contracted to Vumacam in order to monitor the Data will, at all times, be registered with the Private Security Industry Regulatory Authority.

9.4. The Information Officer, or other designated officer, will have the following responsibilities:

9.4.1. conduct an annual review of CCTV surveillance network and usage;

9.4.2. ensure that CCTV images are being stored securely and handled in accordance with this policy, the Act and all applicable laws;

9.4.3. ensure that images are properly retained and stored, and that all electronic records are managed as any sensitive personal record would be within the Vumacam organisation;

9.4.4. ensure that Data is disposed of in the manner required by the Act;

9.4.5. ensure that any Data which is stored on any external storage system is securely encrypted;

9.4.6. ensure access protocols are in place and are being followed by all personnel with access to any Data;

9.4.7. ensure that viewing and disclosure of images is in line with Vumacam policy and legal obligations;

9.4.8. ensure that staff using or maintaining the CCTV systems are sufficiently trained and aware of their obligations under the Act and any other applicable laws;

9.4.9. ensure that each system is regularly maintained and identify if system upgrades are necessary; and

9.4.10. ensure that each passive CCTV system has adequate signage advising members of the public and staff that they are being monitored.

9.5. Employees of any company which contracts with Vumacam to monitor and review any Data in order to give effect to the purpose for which the Data is collected, will be subject to security background checks. All such employees will be required, as condition of their employment, to submit to various confidentiality undertakings relating to access to, and use of, the Data, will only be able to view the Data in controlled monitoring environments and will be subject to constant oversight and supervision.

9.6. Any unlawful disclosure of any Data, or any breach of any provision of the Act or any contract, shall be immediately addressed and, to the extent necessary, the breach will be reported to the Information Regulator, together with all details relating to the breach, as required in terms of the Act.

10. ACCESS TO DATA BY PRIVATE INDIVIDUALS

10.1. Individuals have the right to access Data of themselves in terms of the Act. Individuals may request that the relevant responsible party confirm, free of charge, whether the individual has been recorded on the CCTV network.

10.2. Individuals who have concerns over a potential infringement of their privacy may request a review of camera operations by contacting the parties responsible for monitoring the Data.

10.3. The requests for access to Data must include:

10.3.1. exact date and time the images were recorded;

10.3.2. information to identify the individual (if necessary);

10.3.3. proof of identity; and

10.3.4. location/area of the CCTV camera presumed to have recorded the Data.

10.4. The party responsible for monitoring the Data in question shall promptly respond to the request.

10.5. In accordance with the Act, the party responsible for monitoring the Data in question may provide a record or a description of the Data that it has in its possession. A downloadable copy of the Data shall only be provided if, in the opinion of the responsible party, the Data requested does not contain personal information of anyone other than the requesting party and/or will be maintained safe and secure.

10.6. A reasonable fee will be charged for access to the Data, which fee shall be determined with reference to the time, technical expertise and resources which are required to be expended on retrieving the Data and, where necessary, sanitising and de-identifying the Data to ensure no third-party rights are affected. The requesting party will be provided with a quotation for this fee as required by the Act.

10.7. If Vumacam cannot comply with the request, reasons shall be documented. The individual shall be advised of the reasons in writing, where possible.

10.8. Data will only be disclosed to third parties (being parties other than those acting on behalf of contracted companies or private individuals on their own behalf) if subpoenaed to do so, or otherwise compelled by law.

10.9. Access to the Data will only be released to third parties in terms of the Act or in terms of the Promotion of Access to Information Act ("PAIA"). Whichever may be applicable.

11. INFORMATION REGULATOR

11.1. In terms of the Act, the Information Regulator has been established and will be endowed with various power and authority once the Act is in effect.

11.2. The Information Regulator will, amongst other things, seek to provide education on the collection and use of personal information, monitor and enforce compliance with the Act, handle complaints, conduct research, assist with the preparation of sectoral codes of conduct and generally assist with the implementation of the Act and assist the general public on information related issues, where required.

11.3. Any complaint in respect of any Data processed by Vumacam and/or its related security companies may be referred to the Information Regulator in writing at info@justice.gov.za. Additional information can be viewed at <http://justice.gov.za/infoereg>.