

## Purposes

**Classwatch has met and taken guidance from the ICO on the data protection issues raised with the installation of Classwatch systems. Please find below a summary of their up to date guidelines and comments. We will be issuing shortly a revised Good Practice policy document which will incorporate these points.**

In summary the ICO recognises the positive applications of Classwatch under the teacher's control for the purpose of training, reflective practice etc.

Where there is a clear and justified need for Classwatch to be used for asset protection in the same classroom then audio needs to be switched off during the times specified that the system is in video only mode (which will be out of lesson time coverage).

We recognise that CCTV surveillance is a sensitive issue particularly when children are involved. That is why we continue to liaise with ICO on matters relating to Classwatch and data protection.

## ICO guidelines

The ICO recognise that there is a place for teachers to use Classwatch to support their continuing professional development and they acknowledge that teachers may find it useful to look back at lessons as part of their reflective practice.

### Points to consider

- Before implementing the Classwatch system for the purpose of continuing professional development / reflective practice, the ICO state that schools need to be absolutely clear on when and how the system can be used. Constant monitoring by video camera does not make it a proportionate use of personal data.
- Policy on acceptable use should not allow teachers to record and retain images of all lessons 'on the off-chance' that to do so might be useful.
- When using the system for continuing professional development purposes, the need to do so should be defined. The ICO gave the following examples: NQT, new lesson, problematic class, a lesson that is likely to provide examples of good practice. It would be good data protection practice for the system to allow the teacher making this decision to record their reasons.

### Addressing problem behaviour and low level disruption

To avoid difficulties arising when video footage captured for one purpose is used for another it is important for schools to ensure that any processing is proportionate to the problem that needs addressing. Using footage to find out who in the class has hidden something or was talking behind the teacher's back could be considered disproportionate. Investigating a serious assault would be less problematic. Decisions on whether to use video footage will need to be taken at school level on a case by case basis.

### Points to consider

- The ICO acknowledge that there may be circumstances that justify installing a system for the purpose of addressing problem behaviour. The ICO stress that constant filming and sound recording is likely to be unacceptable unless there is a pressing need - for example, if there is an ongoing problem of assaults or criminal damage.
- The ICO agree that one person's prank is another person's distressing incident but constant video monitoring of all children in a class cannot be justified in their view with reference to the need to address classroom disruption.
- Any policy on acceptable use of the system should set out clear guidelines on when footage collected for the 'continuing professional development' purpose can be consulted and used to investigate classroom incidents. It is unlikely to be acceptable to the ICO to use footage to deal with trivial incidents.

### Audio recordings

The ICO Code of Practice makes it clear that Classwatch must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified.

Clearly, if the system is installed and being used for the purpose of continuing professional development, there is a need to record sound as well as images. In these cases, all those whose images and conversations could be captured should be made aware that this is the case. In addition, the second data protection principle requires that personal data collected for one purpose cannot be further processed for another, incompatible purpose. If the sound and images recorded for continuing development are subsequently used to investigate an incident in the classroom, schools should be absolutely certain that the circumstances warrant using sound and images for this new purpose.

### Points to consider

- Any policy should recognise and remind end users that sound recording is extremely intrusive and should only be used when there is a clear need (i.e. continuing professional development).
- Leaving microphones on outside a lesson which is being recorded for continuing professional development purposes is likely to be excessive and intrusive.
- All those subject to monitoring have to be made aware that sound recording is on - this could be achieved via an announcement from the teacher and appropriate signage.

## Using Classwatch as a traditional video system to protect valuable assets

The Data Protection Act does not recognise concepts such as dual or primary/secondary purposes. This means that schools using Classwatch will have to consider separately each specific purpose of the system and ensure that each of these purposes is compliant with the Data Protection Act 1998 (DPA).

The ICO consider that filming and recording pupils and teachers all day long in the classroom for the purposes of protecting valuable assets would not be a proportionate use of CCTV.

## The ICO would advise that any school policy should cover the following:

<b>Data controller</b>	The policy should clarify that although the classroom teacher may make decisions about when the camera is switched on, the school is the dc for the purposes of compliance with the Data Protection Act 1998.
<b>Privacy notice</b>	The policy should include details on the type of information to be given to pupils; whether and to what extent parents should be informed; how to ensure the message is 'heard' (signage, leaflets, tutorials).
<b>Limits on acceptable use</b>	The policy should be clear on when and how the system can be used. A system installed exclusively for the purpose of improving teaching cannot be used for unrelated purposes.
<b>Dissemination of images for training purposes</b>	Schools should guard against dissemination beyond their 'sphere of influence'. Sharing footage with colleagues for training advice is very different from sharing on the internet/at conference etc.
<b>Retention of images</b>	A retention schedule is required - ongoing teacher development may require long term retention but there is no need for retention of footage of all lessons as this would be impossible to review in any meaningful way. This is another argument for limiting the amount of time the camera is on.
<b>Access to images</b>	On a need to know basis.
<b>Disclosures</b>	Mention should be made that disclosures should not normally be allowed but that s29 DPA98 would allow the data controller to release footage for purposes such as crime prevention.
<b>Data subject rights</b>	Policy requires section on how to handle subject access requests from all those whose images are captured and stored; also mention s10 right to object to processing.
<b>Image quality and siting of cameras</b>	See guidance in ICO Code of Practice.