

Guidance on the Mandatory Use of Closed Circuit Television in Slaughterhouses (Scotland) Regulations 2020

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Introduction

1. This guidance is to help you, as a business operator of a slaughterhouse to comply with the Mandatory Use of Closed Circuit Television in Slaughterhouses (Scotland) Regulations 2020. We will refer to these as ‘the CCTV Regulations’.
2. Although this guidance should help you know what you need to do, it is not a definitive interpretation of the CCTV Regulations, which are published at <https://www.legislation.gov.uk/ssi/2020/384/contents/made>
3. The CCTV Regulations only apply to slaughterhouses in Scotland.
4. As a business operator of slaughterhouses in Scotland you must:
 - a) Install and operate a Closed Circuit Television (CCTV) system in all areas of the slaughterhouse where live animals are present
 - b) Keep CCTV images for 90 days from the date taken
 - c) Make CCTV images available to authorised persons to view, copy or seize.

When do you need to comply?

5. The CCTV Regulations will come into force on 1 July 2021.
6. From that date business operators will need to comply with the requirements of having installed and be operating a compliant CCTV System and retaining CCTV images and information in accordance with sections 3 and 4 of the CCTV Regulations.
7. The offences and powers to inspect, seize and enforce in Regulations 5 to 14 of the CCTV Regulations also come into force on 1 July 2021.
8. Powers under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 will still apply until the CCTV Regulations come into force. Authorised persons can inspect and seize records, which may include CCTV recordings where CCTV systems are already installed.

Duty to install and operate a CCTV system

9. You must install and be operating a CCTV system that meets the needs of the CCTV Regulations by 1 July 2021.
10. Your CCTV cameras must be placed to make sure there is a complete and clear view of killing and related operations in all areas of the slaughterhouse where live animals are present.
11. Your CCTV cameras should cover all areas of the premises where live animals may be – including unloading, lairage, handling, restraining, stunning, bleeding and killing areas. You should take steps to ensure there are no blind spots. Cameras which move or swivel may not on their own provide a continuous or complete picture of an area.
12. Your CCTV system must be working and recording at all times when and where there are live animals in the slaughterhouse, including delivery of animals outside normal working hours.
13. Your CCTV system must provide a complete and clear image; picture resolution must be good enough so you can identify people in the pictures and recorded images.
14. You must ensure that the CCTV system is able to show clear pictures in the light available. In areas of low lighting, for example poultry shackle lines, you should consider whether infra-red cameras are needed.
15. Your CCTV system should produce as close to real time recordings as practically possible. The frame rate should be capable of recording continuous motion. While a frame rate of at least 15 frames per second is not mandatory it is recommended, however lower rates are acceptable provided the footage captures a complete and clear image at all times. FSS will confirm if the image is complete and clear once the system is set-up.

16. Your CCTV cameras should be fitted in areas where it is difficult for authorised persons to access, for example in cramped killing areas and gas stunning systems.
17. Your CCTV cameras must be kept in good working order. You should ensure they are kept clean and regularly maintained to ensure images are clear. Your CCTV cameras should be easily located for servicing, yet protected from damage. You should have a planned and recorded maintenance schedule.
18. Your CCTV system must be capable of constant recording. It must be able to produce images and information for inspection or to be taken away by an authorised person, without stopping the overall operation of the system.
19. You must fix the CCTV system as quickly as possible if it is broken. Failure to do so may result in an enforcement notice being issued to you. However simply having a broken CCTV system should not require the plant to cease operating, as CCTV systems are not intended to replace normal monitoring by staff.
20. If you have other CCTV cameras, for example for security or fault-finding reasons, these would not be considered part of “the CCTV system” as defined in the CCTV Regulations and would not be covered by the requirements of the CCTV Regulations. However, even if a camera is not part of the CCTV system the Food Standards Scotland Official Veterinarian can use existing powers under Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 to inspect, copy or seize records if the camera records an animal welfare incident.

Technical Specification

21. You should select an appropriate CCTV system to comply with the CCTV Regulations.
22. The CCTV Regulations do not define CCTV system requirements so we recommend that you pay attention to relevant British Standards. You can find details of British Standards for CCTV installations at: <https://www.gov.uk/guidance/recommended-standards-for-the-cctv-industry>. These include:

- [British Standard on the minimum requirements for a Video Surveillance System \(BS EN 62676-1-1\)](#) (PDF, 12.3KB, 1 page)
- [British Standard on requirements for the selection, planning, installation, commissioning, maintaining and testing of CCTV systems \(BS EN 62676-4\)](#) (PDF, 12.4KB, 1 page)
- [British Standard on security, performance and connectivity of video transmissions \(BS EN 62676-1-2\)](#) (PDF, 11.7KB, 1 page)
- [British Standard on the design, installation, commissioning, maintenance, operation and remote monitoring of detector-activated CCTV \(BS8418\)](#) (PDF, 11.7KB, 1 page)

Duty to retain CCTV images and information

23. You must retain and store each day's CCTV recordings for at least 90 days. After you have stored an image for 90 days it can be deleted.
24. Your CCTV system must be capable of storing, processing and transmitting (for example moving to removable storage devices or showing on a television monitor) images and information of the same quality as the original recording. Although not a specific legal requirement, the ability to easily provide copies of the original recording to a storage device when requested by an authorised person is strongly recommended.
25. Slaughterhouse staff picked by you, such as the Animal Welfare Officer, should have a working knowledge of the storing, processing and transmitting capabilities of the CCTV system.
26. You should have all necessary access codes and passwords available to facilitate access, subject to an FBO's other statutory obligations, to the stored CCTV images and information for the authorised person. For your own reassurance you may wish

to have a representative present when authorised persons view, copy or seize recordings or equipment.

27. You should seek advice from your CCTV system supplier for appropriate storage solutions that meet the requirements of the CCTV Regulations.

Power to inspect and seize

28. You, or staff picked by you with working knowledge of your CCTV system, must provide access to the CCTV equipment, images and information, to an authorised person. The authorised person can view live or stored images and information. The authorised person can ask for help which you should provide without delay, subject to an FBO's other statutory obligations, and they can ask for documents and records to inspect or copy. If you keep any of your retained data away from your premises, you must still make it available.
29. The Official Veterinarian (OV) in the slaughterhouse who leads on animal welfare will usually be the authorised person who will request to view the CCTV footage. The OV may ask to see stored footage from any day or time in the last 90 days when the slaughterhouse was operating, if they are aware of an animal welfare incident but also to check past slaughterhouse processes and practices.
30. An authorised person is allowed by law to inspect the CCTV system and any images and information recorded by it. The authorised person may:
 - i) copy images and information
 - ii) seize CCTV system equipment, if needed, including computers and other equipment installed as part of the CCTV system. This should only be required in exceptional circumstances if it is essential to access images that cannot be viewed or copied in any other way and the business owner is not co-operative.

31. If you make copies of images or information for the authorised person, they are unlikely to seize equipment. If the authorised person takes the equipment, the authorised person or the person investigating will be responsible for protecting the personal data on the footage.
32. When an authorised person takes any part of the CCTV system, they must provide a written receipt identifying the items taken, and return those items when no longer required. Where items are used as evidence in court proceedings, they will be returned to you as soon as possible after the court proceedings end,
33. You should make sure that there is back-up equipment available, such as storage media, in case an authorised person does take any CCTV-linked equipment. This will enable the CCTV system to continue to record and capture data and images and you are able to carry on complying with the CCTV Regulations.
34. If you do not have a compliant CCTV system in place after any equipment is seized, the authorised person may issue an enforcement notice, to require you to replace equipment and to state how quickly the replacement equipment must be installed.

Enforcement Notices

35. An authorised person may issue an enforcement notice to you as the business operator requiring you and/or your staff to take actions if the authorised person believes you are breaching the CCTV Regulations. Examples of the type of action sought could include: repairs or other alterations to the CCTV system to comply with the CCTV Regulations, or increased direct visual monitoring of particular operations until the issue with the CCTV system is remedied.
36. An authorised person can serve an enforcement notice in the following ways:
 - a) Deliver it in person;
 - b) Leave it at the person's proper address;
 - c) Send it via post.

If an authorised person fails to obtain an address, a notice may be conspicuously affixed to a building or object on the premises in question.

37. The enforcement notice will include:
- a) The name of the person receiving the notice;
 - b) The time and date of the notice;
 - c) How the CCTV Regulations have been breached;
 - d) What must be done to put things right;
 - e) When such actions have to be done by;
 - f) How an appeal against the notice can be made.
38. Any costs that result from an enforcement notice, must be met by the FBO.
39. Once an authorised person is satisfied that the notice has been complied with, they will issue a completion notice.
40. If the authorised person thinks you still have more to do, they will explain why and what to do in writing, and how an appeal may be made.
41. An authorised person can change or withdraw an enforcement notice, in writing, at any time.

Appeals against enforcement notices

42. You may appeal if you think that you should not have received an enforcement notice. The CCTV Regulations state that an enforcement notice is not suspended pending an appeal unless the sheriff orders otherwise.

43. Information on how to appeal will be in the enforcement notice.
44. An appeal must be made to the Sheriff Clerk within 28 days of the issue of an enforcement notice.
45. Regulation 7(3) allows a Sheriff to award expenses for appeals made against enforcement notices.

Offences

46. You commit an offence if you do not:
 - a) Install a CCTV system that provides a complete and clear image of killing in all areas of the slaughterhouse where live animals are present;
 - b) Operate a CCTV system capable of constant recording. It must be able to produce images and information for inspection or to be taken away by an authorised person, without stopping the overall operation of the system;
 - c) Keep your CCTV system operational and in good working order when live animals are present;
 - d) Operate a CCTV system capable of storing, processing and transmitting images and information of the same quality as the original recording for 90 days from the date of capture.
47. An offence is committed if you or your staff do not comply with an enforcement notice.
48. You also commit an offence if you:
 - a) Stop an authorised person in the execution of their duties;
 - b) Do not provide assistance or information without delay;

- c) Do not allow an authorised person access to the CCTV system without delay;
- d) Provide information that may be false or cause an authorised person to be misled in their investigations;
- e) Fail to provide a document, record, images, information or data to an authorised person without delay when requested.

Penalties

- 49. If you are found guilty of an offence you may be required to pay a fine on conviction. This fine may not exceed level 5 on the standard scale.

Data protection

- 50. Where CCTV recordings contain images or audio of identifiable people, the data controller (that is you, as the business operator) must make sure that it is processed in line with data protection requirements; you must register with the Information Commissioner's Office.
- 51. You can get guidance on your responsibilities from the website of the Information Commissioner's Office at: <https://ico.org.uk>
- 52. You may wish to consider conducting a Data Protection Impact Assessment and information on this can also be found at the website of the Information Commissioner's Office.
- 53. The General Data Protection Regulation (the "GDPR") requirements on the protection of natural persons with regard to the processing of personal data need to be observed at all times. GDPR requirements can be found here: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32016R0679>

54. Additional guidance on data protection can be found on the Information Commissioner's Office website at <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
55. Good practice advice for those operating CCTV and other surveillance camera devices that view or record individuals is provided by the Information Commissioner's Office website at:
<https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
56. You should inform all personnel of the CCTV systems' installation, by communicating with them in writing or other means and putting up signs.

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