

CCTV and Data Protection

Recognisable facial images captured by CCTV systems are special category personal data and on that basis require appropriate controls and protections around their use, in line with statutory requirements contained in the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018. Dun Laoghaire Rathdown County Council has obligations to data subjects as the holder of personal data and must ensure such data is handled and managed correctly. This policy statement sets out what Dun Laoghaire-Rathdown County Council, as Data Controller, will do in relation to management of personal data processed using CCTV.

Purposes and locations for CCTV:

The Council operates CCTV for a range of statutory purposes at various locations around the County:

- Security of Council premises and property, including assisting in the safety and security of staff, visitors and customers on our premises throughout the County
- Assistance in the maintenance of public order and safety, including reducing or deterring incidence of anti-social behaviour, including in common/open space areas of certain residential developments in the County
- Assistance in monitoring traffic conditions and managing traffic signals on the National, Regional and local road network within the County. The CCTV footage can also be viewed by An Garda Síochána. The Council does not record any footage and does not use vehicle registrations or facial images from the CCTV. Please see attached map which details the location of CCTV cameras used for traffic management. The camera locations are identified by blue dots on the map found [here](#).
- Assistance in the prevention, detection, investigation and prosecution of offences, including exercise of statutory law enforcement powers of the local authority (e.g. litter, waste enforcement)
- To assist in emergency response situations for example, accidents, flooding, winter weather conditions
- To carry out its functions in relating to the operation of Dun Laoghaire Harbour

Management of CCTV:

In fulfilling its role as a Data Controller the Council is committed to ensuring that personal data collected via CCTV will be in line with the principles of the GDPR as below:

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

Processing CCTV images lawfully:

The Council will identify a primary purpose for each CCTV system and this shall be aligned to a lawful basis, in accordance with Article 6(1) of the GDPR being either

- A task carried out in the public interest
- Exercise of official authority vested in the controller
- Necessary for compliance with a legal obligation to which the controller is subject or
- In exceptional circumstances processing is necessary in order to protect the vital interests of a natural person

The staff approved to access CCTV systems in the course of their duties will primarily do so for the purposes for which the CCTV was approved and installed.

Processing CCTV images fairly and in a transparent manner:

To ensure compliance the Council will:

- Include reference to CCTV use on its online Data Protection information
- Ensure reference is made in privacy statements to the use of CCTV and its purpose where relevant in relation to a service
- Where feasible, ensure that signage regarding use of CCTV is easily read and well-lit and in prominent positions and it will ensure that the signage:
 - States the name of Data Controller – i.e. Dun Laoghaire-Rathdown County Council
 - States the purpose for the CCTV use, where this is not readily obvious and includes an icon or statement that CCTV is in use
 - Provides relevant contact details for the Council in the case of a query on the CCTV use by a member of the public or any other interested party

Ensuring data minimisation and compliance with retention standards:

Article 5(1)(e) of the GDPR states that personal data shall be *“kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed..”*

- In accordance with this legal requirement the normal retention period of images captured by CCTV shall be not greater than 30 days
- In line with principle of data minimisation, use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy will not take place. Cameras placed so as to record external areas shall be positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property

Processed in a manner that ensures the appropriate security of the personal data

- Recorded images will be stored in a secure environment, will be restricted to authorised individuals and access controls will be in place to ensure they are secure (practical measures include remote feeds to secure locations/servers, password controlled/encrypted access to data, locked storage rooms)
- The disclosure of CCTV images to external parties is to be undertaken in accordance with the Council's CCTV policy.

- Security companies that place and operate cameras on behalf of the Council may be considered to be "Data Processors", depending on the nature of their access to footage. As data processors, they operate under the instruction of the Council. Where any aspect of the services provided by a data processor involves processing of personal data obtained through CCTV the processor must be subject to a data processing agreement that sets out their obligation in relation to the processing of personal data.

Covert use of CCTV systems

The use of recording mechanisms to obtain data without an individual's knowledge is generally unlawful (i.e. without signage). If the surveillance is intended to prevent crime, overt cameras may be considered to be a more appropriate measure, and less invasive of individual privacy. Use of covert CCTV by the Council will be an exception and is only permitted where the data are kept for the purposes of preventing, detecting or investigating offences, or apprehending or prosecuting offenders.

The Council currently undertakes covert use of CCTV to deal with unlawful litter and dumping in specific areas where there is a significant litter/waste problem identified by the Council's environmental section.

Your Rights

The rights of a data subject under GDPR apply to CCTV footage of the data subject.

For more information in relation to the rights under GDPR, please see the Council's data protection statement which can be found [here](#).

Enquiries about personal data and CCTV

If you have any question about personal data and CCTV, please contact the Council's Data Protection Officer whose details are below:

Data Protection Officer
Legal Services Department
Dun Laoghaire-Rathdown County Council
Marine Road, Dun Laoghaire
County Dublin

Phone 01 2054360

E-mail: DataProtectionOfficer@dlrcoco.ie

Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received from the Council or the Council's Data Protection Officer in relation to the processing of personal data and CCTV you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner's website is www.dataprotection.ie or you can contact their Office at:

Postal Address Data Protection Commission,

21 Fitzwilliam Square South

Dublin 2, D02 RD28

Phone +353 578 648 800 or +353 761 104 800

E-mail info@dataprotection.ie

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