

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL



CCTV Policy

Effective From: October 2024

Policy Owner: Corporate Affairs

Revision History			
Release Date	Version	Last Revised By	Approved By
October 2024	2.0	Carmel Donlon - DPO	Elizabeth Clarke - SEO

1. INTRODUCTION

Closed Circuit Television (CCTV) is used by Dún Laoghaire-Rathdown County Council (DLRCC) for a number of purposes. This use may involve the recording of personal data of individuals including their recognisable images. The Council is obliged to protect such data in accordance with provisions contained in the General Data Protection Regulation (GDPR) which came into effect on 25th May 2018 and the Data Protection Act 2018.

2. PURPOSE OF POLICY

DLRCC has developed an organisational wide data protection policy and a number of general policies to protect personal data. The purpose of this policy is to outline specific provisions for DLRCC to fulfil its data protection obligations regarding the operation of CCTV systems including, but not limited to, arrangements relating to the location, control and security of CCTV systems, recording by CCTV systems and access to their recordings.

3. DEFINITIONS

For the purposes of this document the following definitions apply:

- **Personal Data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is an individual who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.
- **Data Controller:** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law

- **Data Subject:** is an identified or identifiable natural person to whom personal data relates.
- **Processing:** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **Processor:** a natural or legal person, public authority, agency or other body which processes personal data on behalf of Dún Laoghaire-Rathdown County Council

4. SCOPE

The scope of this policy document applies to:

- The use of CCTV that involves the recording of personal data for which DLRCC acts as Data Controller.
- DLRCC employees.
- Members of An Garda Síochána.
- CCTV service providers engaged by DLRCC.
- Any other third parties referenced in this policy document

5. LAWFUL BASIS FOR CCTV

In accordance with the principle of lawful processing contained in the GDPR, the Council processes personal data from CCTV in accordance with article 6 of the GDPR where:

"Processing is necessary to protect the vital interests of the data subject or of another natural person: or

Processing is necessary for compliance with a legal obligation to which the controller is subject; or

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller".

6. PURPOSE OF CCTV

6.1 Subject to a sufficient legal basis existing, CCTV may be used by the Council for the following purposes:

- Safeguarding of persons and property located on the Council's premises and its environs.
- Supporting An Garda Síochána in securing public order and safety in public places by facilitating the deterrence, prevention, detection and prosecution of offences and anti-social behaviour e.g. through use of Community CCTV Schemes.
- Exercising its law enforcement powers e.g. the prevention, investigation and prosecution of offences under litter and waste management legislation.
- To assist in real-time monitoring and management of traffic conditions on the road network throughout the County of Dún Laoghaire-Rathdown County Council
- Emergency Response: To assist in emergency response situations such as accidents, flooding or other weather events

6.2 Data obtained through the use of CCTV systems shall be limited and proportionate to the purposes for which it was obtained.

6.3 CCTV will not be used by the Council for any other purposes other than those outlined in this policy document.

7. CCTV LOCATIONS

7.1 CCTV will be deployed, as appropriate, either permanently or from time to time, at various locations within the functional area of the Council for any of the purposes outlined in this policy document. These locations may include the following:

- The Council's premises and property
- Properties containing Council plant, machinery and equipment
- Public areas.

7.2 CCTV will not be deployed where persons have a reasonable expectation of privacy.

7.3 Cameras shall be positioned in such a way as to prevent or minimise recordings of

persons or property other than those that are intended to be covered by the CCTV system.

8. CCTV SIGNAGE

8.1 Overt CCTV surveillance requires signage to be erected that is clearly visible and legible in well-lit and prominent positions so that persons are aware that they are entering an area that is covered by a CCTV system.

8.2 The following is required to be placed on the signage:

- Notice that CCTV is in operation
- The purpose of the CCTV system (unless it is obvious)
- The name of the Data Controller
- Details of who to contact regarding the CCTV system

8.3 Appropriate locations for signage include:

- Entrances to premises and property.
- Reception areas.
- At or close to the CCTV cameras.

9. COVERT CCTV SURVEILLANCE

9.1 The use of CCTV to obtain data without an individual's knowledge is generally unlawful.

9.2 Covert CCTV surveillance is normally only permitted on a case-by-case basis where the data is necessary for the Council's Law Enforcement Functions for the purposes of preventing, detecting or investigating offences or apprehending or prosecuting offenders.

9.3 Covert CCTV surveillance must be focused and of short duration.

9.4 Only specific and relevant individuals/locations should be recorded.

9.5 If no evidence is obtained that is relevant to the purpose of the covert CCTV surveillance within a reasonable period, the CCTV surveillance should cease.

9.6 If the CCTV surveillance is intended to prevent crime, overt CCTV surveillance may be considered to be a more appropriate measure and less invasive of individual privacy.

10. DESIGNATED AUTHORISED PERSONS FOR THE USE OF CCTV

10.1 The relevant Director of Services for each CCTV system shall assign responsibility for the overall operation of the system to a Designated Employee. This responsibility will include ensuring that the system is being operated in a manner that is consistent with this policy document and data protection legislation.

10.2 Only staff that have been nominated as Authorised Employees by the relevant Director of Services for each CCTV system, and approved CCTV service providers, may have access to the system and its recordings. Authorised Employees will include the following:

- Designated Employees who may access the CCTV system(s) for which they have been assigned responsibility.
- IT Department Staff who may access all DLRCC CCTV systems for the purposes of carrying out maintenance and upgrade works.
- Data Protection Officer who may access all DLRCC CCTV systems in order to carry out his/her duties and responsibilities.
- Any other employee nominated by the relevant Director of Services who may access a CCTV system for a purpose that is consistent with this policy document and data protection legislation e.g. viewing and/or extracting CCTV footage in order to process an access request submitted by a data subject or An Garda Síochána.

10.1 The relevant Director of Services for each CCTV system shall ensure that Authorised Employees are appropriately trained.

11. APPROVAL OF CCTV SYSTEMS

Completion of a Data Privacy Impact Assessments (DPIA) for high-risk processing such as CCTV is a requirement of article 35 of the GDPR. New or upgraded CCTV schemes shall not proceed until a DPIA is carried out and signed off by the Departmental Controller and the Data Protection Officer.

12. DATA MINIMISATION AND PURPOSE LIMITATION

12.1 To comply with the principles of data minimisation and purpose limitation the following will apply;

- The use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy should not take place.
- Cameras placed to record external areas should be positioned in such a way as to prevent or minimise recording passers-by or of a person's private property.
- Internal cameras should not record where people have a normal expectation of privacy e.g. toilets, canteen, changing rooms.

12.2 Camera Functions:

- CCTV cameras should only be used for visual recording and not audio
- Pan tilt and zoom cameras should only be used where it is essential for the purpose required
- Where a camera is used as a deterrent as opposed to gather evidence for prosecution, consideration should be given to motion activated recording or live footage only (as opposed to recorded footage for 30 days).

12.3 Purpose limitation:

- Where CCTV is proposed, it is important to ensure that in so far as possible a direct correlation exists between the justification for the camera and the actual sites on which the CCTV is installed.
- The Departmental Controller will ensure that the collection and processing of

personal data by staff is relevant to their role.

13. ROLES AND RESPONSIBILITIES

- 13.1 Departmental Controllers shall be responsible for each CCTV system in their Department/Section. This responsibility will include ensuring that the CCTV system is being operated in a manner that is consistent with this policy and data protection legislation.
- 13.2 Only persons authorised by the Departmental Controller for each CCTV system may have access to the CCTV system.
- 13.3 CCTV service providers are considered to be Data Processors. Each Departmental Controller must ensure that CCTV service providers enter into a formal Data Processing Agreement with the Council and ensure that they discharge their obligations under the data protection legislation. A CCTV service provider must also be registered with the Private Security Authority.

14. RETENTION OF CCTV RECORDINGS

- 14.1 Data recorded on CCTV systems shall be kept for no longer than is considered necessary.
- 14.2 Normally data recorded on CCTV systems will not be retained by DLRCC beyond a maximum of 30 days.
- 14.3 Data recorded on CCTV systems may however be retained by DLRCC beyond a maximum of 30 days in circumstances where the data is required for evidential purposes and/or legal proceedings.

15. SECURITY ARRANGEMENTS FOR CCTV

- 15.1 The Council will implement appropriate measures to prevent unauthorised access to CCTV systems. Access to each CCTV system, its storage medium and its

recordings shall be restricted by appropriate administrative, physical and technical controls.

15.2 **Administrative Controls**

- Authorised Employees of DLRCC.
- Processors provided they have entered into a formal Data Processing Agreement with DLRCC.
- An Garda Síochána only for purposes and in a manner prescribed by this policy document and data protection legislation.

15.3 **Physical Controls**

Access to each CCTV system, its storage medium and its recordings shall be restricted by appropriate physical controls e.g. locked doors/swipe card access etc.

15.4 **Technical/Logical Controls**

Access to each CCTV system, its storage medium and its recordings shall be restricted by appropriate technical/logical controls e.g. password protection.

- Where footage is viewed or downloaded, a data log shall be maintained identifying the following regarding the footage:
 - Date and time of the download,
 - location of the downloaded images
 - The reasons for download
 - The identity of the recipient.

15.5 Departmental Controllers shall ensure that they are maintaining adequate records that can support the downloading of CCTV in their Departments and can produce these records on request by the Data Protection Officer or the Data Protection Commission.

16. CCTV REGISTER

A CCTV Register shall be maintained by the Council's Corporate, Communications and Governance Department. This register shall contain, at a minimum, the following information:

- Location of each CCTV system
- Purpose of each CCTV system
- CCTV service provider details
- The type and location of signage at each CCTV location
- Details of Departmental Controller having responsibility for each CCTV system
- Details of personnel having authorised access to each CCTV system

17. ACCESS TO CCTV RECORDINGS

17.1 Access to CCTV recordings may be provided to the following:

- Data Subjects.
- An Garda Síochána.
- Other Third Parties.

17.2 Access by Data Subjects

Data protection legislation provides data subjects with a right to access their personal data. This includes their identifiable images and other personal data captured by CCTV recordings. Access requests will be processed in accordance with provisions contained in the Council's Data Subject Access Request Policy and Procedures. It will be necessary that data subjects specify that they are seeking to access a copy of CCTV recordings that have captured their identifiable images and/or other personal data between specified dates, at certain times and at a named location.

17.3 The provision of access to a data subject to CCTV recordings of his/her recognisable images and/or other personal data will normally involve providing a copy of the recording in video format. However, stills may be provided as alternative to video footage. Where recognisable images and/or other personal data of other parties other than the data subject appears on the CCTV recordings these will be pixelated or otherwise redacted on any copies or stills provided to the data subject. Alternatively, unedited copies of the CCTV recordings may be released provided

consent is obtained from those other parties whose recognisable images and/or other personal data appear on the CCTV recordings. If the CCTV recording is of such poor quality as to not clearly identify recognisable images and/or other personal data relating to the data subject, then the recording will not be considered as personal data and may not be released by the Council.

17.4 Access by An Garda Síochána

There is a distinction between a request by An Garda Síochána to view CCTV recordings and to obtain copies of such recordings. In general, a request made by An Garda Síochána to simply view CCTV recordings should be accommodated in as straightforward a manner as possible as it does not raise any concerns from a data protection perspective. Requests from An Garda Síochána for copies of CCTV recordings are required to be submitted in writing on An Garda Síochána headed paper and signed by an appropriate ranking member of An Garda Síochána. Requests should be made using the Council's approved Garda request forms at Appendix 3. Where a copy of footage is provided it must be given in an encrypted USB key.

17.5 All requests and disclosures to An Garda Síochána must be logged and notified to the Council's Data Protection Officer at Dataprotectionofficer@dlrcoco.ie. In order to expedite a request in urgent situations, a verbal request from An Garda Síochána for copies of CCTV recordings will suffice. However, such a verbal request must be followed up with a formal written request from An Garda Síochána.

17.6 Access to CCTV by other third parties

Access by third parties such as public bodies, private organisations and individuals other than the data subject to CCTV recordings will only be provided in circumstances that are permitted by data protection legislation.

18. STAFF AND CCTV

Where a CCTV system is being installed in a Council workplace, employees should be notified in advance of the intention to operate CCTV and the purpose of the CCTV. The intranet can be used for this purpose. CCTV will not be used in monitoring staff performance.

19. COMMUNITY BASED CCTV SCHEMES

The Garda Commissioner may authorise the installation and operation of CCTV for the sole or primary purpose of securing public order and safety in public places by facilitating the deterrence, prevention, detection and prosecution of offences (commonly referred to as Community CCTV Schemes). The CCTV scheme must be approved in advance by the Council following consultation with the Local Community Safety Partnership (formerly the joint policing committee) for its administrative area.

20. PRIVACY STATEMENTS

Departmental Controllers shall ensure that details of personal data being recorded by CCTV systems, and information regarding the use of such data, including any sharing of such data with third parties, are detailed in Privacy Statements.

21. GUIDELINES/CODES OF PRACTICE

Dún Laoghaire-Rathdown County Council shall adhere to all relevant CCTV Guidelines/Codes of Practice issued by the Data Protection Commission.

22. COMPLAINTS TO THE DATA PROTECTION COMMISSIONER

22.1 Data subjects may make a complaint to the Data Protection Commission in the following circumstances:

- If they experience a delay outside of the prescribed timeframe for making a decision on an access request
- If they are dissatisfied with a decision by Dún Laoghaire-Rathdown County Council on their access request
- If they consider that Dún Laoghaire-Rathdown County Council's processing of their personal data is contrary to data protection legislation.

22.2 Contact details for the Data Protection Commission are as follows:

Phone Number: 01 7650100 / 1800 437737.

Postal Address: Data Protection Commission
Fitzwilliam Square South
Dublin 2 D02 RD28.

Online: www.dataprotection.ie provides details for online contact.

23. FURTHER INFORMATION

Further information and advice on the operation of this policy document is available from the Data Protection Officer, Dún Laoghaire-Rathdown County Council.

Contact details for the County Council's Data Protection Officer are as follows:

Phone: 01 2054700

E-mail: dataprotectionofficer@dlrcoco.ie

Postal Address: Dún Laoghaire-Rathdown County Council
County Hall
Marine Road
Dun Laoghaire
Co. Dublin
A96 K6C9

24. AWARENESS

The Council shall implement appropriate measures to make its employees and other relevant parties aware of the content of this policy document. Departmental Controllers and all staff involved in the planning and operation of CCTV systems should familiarize themselves with the content of this policy document.

25. MONITORING AND REVIEW

Provisions contained in this policy document shall be subject to on-going monitoring and review.

