



COMHAIRLE CONTAE ROS COMÁIN
ROSCOMMON COUNTY COUNCIL

Data Protection
Policy and Procedures
For
CCTV Usage

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1.0 Introduction

Closed Circuit Television (CCTV) is used by Roscommon County Council for a number of purposes. This use may involve the recording of personal data of individuals including their identifiable images. Roscommon County 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.

2.0 Purpose of Policy and Procedures

Roscommon County Council has developed a number of general policies and procedures to protect personal data. Provisions contained in these documents apply to the operation by Roscommon County Council of CCTV systems. The purpose of this policy and procedures is to support these documents by outlining specific provisions to assist Roscommon County Council 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.

3.0 Definitions

For the purposes of this policy and procedures document the following definitions apply:

- **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.

- **Personal Data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one 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 natural person.
- **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 Roscommon County Council.

4.0 Scope

The scope of this policy and procedures document applies to all:

- Roscommon County Council uses of CCTV that involve the recording of personal data.
- Roscommon County Council employees.
- Members of An Garda Síochána.
- CCTV service providers engaged by Roscommon County Council.
- Other third parties referenced in this policy and procedure document.

5.0 The Legal Basis for Processing Personal Data

- 5.1** Under Articles 6 and 9 of the GDPR, the processing of personal data requires a legal basis. The legal basis for the Council's use of CCTV systems to process personal data includes any one or more of the provisions contained in these Articles and in particular any one or more of the following:

- Article 6(1)(c) of the GDPR where the processing is necessary for compliance with a legal obligation to which Roscommon County Council is subject;
- Article 6(1)(e) of the GDPR where the processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority vested in Roscommon County Council;
- Article 6(1)(f) of the GDPR where the processing is necessary for the purposes of the legitimate interests pursued by Roscommon County Council. This does not however apply to processing carried out by the Council in the performance of its tasks.

5.2 Art 2(2)(d) of the GDPR provides that *'this Regulation does not apply to the processing of personal data by Competent Authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security'*. The Law Enforcement Directive 2016/680 provides for the processing of personal data for such purposes.

6.0 Purpose of CCTV

6.1 Subject to a sufficient legal basis existing, CCTV may be used by Roscommon County Council for any of the following purposes.

- Safeguarding of persons and property located on Roscommon County Council premises and its environs.
- Exercising its law enforcement powers e.g. the prevention, investigation and prosecution of offences under litter and waste management legislation.
- 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.
- Supporting An Garda Síochána to deter, prevent, detect and prosecute crime.

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 Roscommon County Council for any other purposes other than those outlined in this policy and procedures document.

7.0 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 Roscommon County Council for any of the purposes outlined in this policy and procedures document. These locations may include the following:

- Roscommon County Council premises and property.
- Properties containing Roscommon County 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.

8.0 CCTV Signage

8.1 Overt CCTV surveillance requires signage, that is clearly visible and legible, to be placed so that persons are aware that they are entering an area that is covered by a CCTV system.

8.2 If the identity of the Data Controller (i.e. Roscommon County Council) and the usual purpose for processing (i.e. security) is obvious the following is all that is required to be placed on the signage:

- Notice that CCTV is in operation.
- Details of who to contact regarding the CCTV system.

8.3 If the purpose for processing is not obvious the following is required to be placed on the signage:

- Notice that CCTV is in operation.
- The purpose of the CCTV system.
- Name of the organisation responsible for the CCTV system.
- Details of who to contact regarding the CCTV system.

8.4 Appropriate locations for signage include:

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

9.0 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 purposes of preventing, detecting or investigating offences or apprehending or prosecuting offenders.

- 9.3** The use of covert CCTV surveillance will normally involve the exercise of a law enforcement authority.
- 9.4** Covert CCTV surveillance must be focussed and of short duration.
- 9.5** Only specific and relevant individuals/locations should be recorded.
- 9.6** 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.
- 9.7** 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.

10.0 Designated and Authorised Employees

- 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 and procedures 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 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 Roscommon County Council CCTV systems for the purposes of carrying out maintenance and upgrade works.
 - Data Protection Officer who may access all Roscommon County Council 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 and procedures 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.

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

11.0 Retention of CCTV Recordings

11.1 Data recorded on CCTV systems shall be kept for no longer than is considered necessary.

11.2 Normally data recorded on CCTV systems will not be retained by Roscommon County Council beyond a maximum of 30 days.

11.3 Data recorded on CCTV systems may however be retained by Roscommon County Council beyond a maximum of 30 days in circumstances where the data is required for evidential purposes and/or legal proceedings.

12.0 Security Controls

12.1 Roscommon County Council shall employ robust control mechanisms, as follows, to prevent unauthorised access to CCTV systems:

- Administrative Controls.
- Physical Controls.
- Technical/Logical Controls.

12.2 Administrative Controls

Access to each CCTV system, its storage medium and its recordings shall be restricted to the following:

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

12.3 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.

12.4 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.

13.0 Garda Vetting

Garda vetting of Roscommon County Council employees involved in the management, operation or control of CCTV systems shall be carried out as necessary.

14.0 CCTV Register

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

- Location of each CCTV system.
- Purpose of each CCTV system.

- Legal Basis for each CCTV system.
- Data Protection Impact Assessment requirements.
- Privacy Notice arrangements.
- Processor details.
- Number of CCTV cameras.
- Number, type and location of signage at each CCTV location.
- Details of Administrative, Physical and Technical Controls for each CCTV system.
- Access Log details.
- Retention Period for CCTV recordings.

15.0 Access to CCTV Recordings

Access to CCTV recordings may be provided to the following:

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

15.1 Access by Data Subjects

15.1.1 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 are required to be submitted in writing in physical or electronic format e.g. by letter or e-mail and will be processed in accordance with provisions contained in Roscommon County Council's ***Data Subject Access Request Policy and Procedures***.

15.1.2 Where it is deemed necessary or appropriate Roscommon County Council may request the provision of additional information to confirm the identity of person submitting a data subject access request.

- 15.1.3** It would not suffice for a data subject to make a general access request for a copy of CCTV recordings. Instead, 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.
- 15.1.4** The provision of access to a data subject to CCTV recordings of his/her identifiable images and/or other personal data will normally involve providing a copy of the recording in video format. In circumstances where the recording is technically incapable of being copied, or in other exceptional circumstances, stills may be provided as an alternative to video footage. Where stills are provided Roscommon County Council will aim to supply a still for every second of the recording in which the data subject's identifiable images and/or other personal data appears.
- 15.1.5** Where identifiable images and/or other personal data of other parties other than the data subject appear 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 identifiable images and/or other personal data appear on the CCTV recordings.
- 15.1.6** If the CCTV recording is of such poor quality as to not clearly identify identifiable 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 Roscommon County Council.
- 15.1.7** If the CCTV recording no longer exists on the date that Roscommon County Council receives an access request it will not be possible to provide access to a data subject. CCTV recordings are usually deleted in accordance with provisions contained in this policy and procedures document.

15.1.8 The Data Protection Officer shall record details of each access request made by data subjects for copies of CCTV recordings that have captured their identifiable images and/or other personal data and the outcome of such requests on the Data Subject Access Request Register that is required to be maintained by the Council's ***Data Subject Access Request Policy and Procedures***.

15.2 Access by An Garda Síochána

15.2.1 There is a distinction between a request by An Garda Síochána to view CCTV recordings and to obtain copies of such recordings.

15.2.2 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.

15.2.3 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. The request should specify the details of the CCTV recordings required and cite the legal basis for the request being made.

15.2.4 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.

15.2.5 A separate and more detailed procedure will be developed by Roscommon County Council to facilitate access by An Garda Síochána to CCTV recordings.

15.3 Access 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.

16.0 Access Log

16.1 An Access Log shall be maintained by the Designated Employee that has responsibility for each CCTV system of access to the system for viewing and/or downloading extraction purposes.

16.2 This log shall, at a minimum, maintain a record of the following:

- Persons who accessed the system;
- Dates/time of access;
- Reasons for access;
- Date/time period of CCTV footage that was viewed;
- Particulars of any downloading/extraction of CCTV footage that occurred.

17.0 Privacy Statement

Details of personal data being recorded by CCTV systems that are used by various Departments/Business Units of Roscommon County Council and information regarding the use of such data including any sharing of such data with third parties are outlined in the Council's ***Privacy Statement for CCTV Systems***.

18.0 Data Protection Impact Assessment

A Data Protection Impact Assessment shall be carried out, in accordance with data protection legislative requirements, before any installation of a new CCTV system or upgrade to an existing CCTV system if, in the opinion of Roscommon County Council, the installation or upgrade is likely to result in a high risk to the rights and freedoms of individuals.

19.0 Data Processing Agreements

CCTV service providers, where they are considered to be Processors, are required to enter into a formal Data Processing Agreement with Roscommon County Council to ensure that they, in addition to Roscommon County Council, discharge their obligations under data protection legislation.

20.0 Community CCTV Schemes

20.1 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).

20.2 The CCTV scheme must be approved in advance by Roscommon County Council following consultation with the Joint Policing Committee for its administrative area.

21.0 Guidelines/Codes of Practice

Roscommon County Council shall adhere to all relevant CCTV Guidelines/Codes of Practice issued by the Data Protection Commission and/or other statutory bodies.

22.0 Complaints to the Data Protection Commission

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 or if they are dissatisfied with a decision by Roscommon County Council on their access request;
- If they consider that Roscommon County Council's processing of their personal data is contrary to their data protection rights.

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

Phone Number: 01 7650100 / 1800 437737.

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

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

23.0 Further Information

Further information on the operation of this policy and procedures document is available from the Data Protection Officer, Roscommon County Council. Contact details for the Data Protection Officer are as follows:

Phone Number: 090 6637100

E-mail: dataprotection@roscommoncoco.ie

Website: www.roscommoncoco.ie

Postal Address: Roscommon County Council
Áras an Chontae
Roscommon
F42 VR98.

24.0 Awareness

24.1 Roscommon County Council shall implement appropriate measures to make its employees and other relevant parties aware of the content of this policy and procedures document.

24.2 All persons involved in the planning and operation of Roscommon County Council CCTV systems should familiarize themselves with the content of this policy and procedures document.

25.0 Monitoring and Review

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