



**Comhairle Contae
Ros Comáin**
Roscommon
County Council

Data Protection Policy and Procedures For Dash Cam Usage

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1.0 Introduction

Dashboard mounted cameras i.e. dash cams are 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 dash cams. The purpose of this policy and procedures document is to support these documents by outlining specific provisions to assist Roscommon County Council to fulfil its data protection obligations regarding the operation of dash cams including, but not limited to, arrangements relating to GDPR principles such as transparency, purpose limitation and data minimisation; security arrangements and access to dash cam 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 dash cams that involve the recording of personal data.
- Roscommon County Council employees.
- Members of An Garda Síochána.
- Dash cam service providers that may be engaged by Roscommon County Council.
- Other third parties referenced in this policy and procedure document.

5.0 The Legal Basis for Processing Personal Data

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 dash cam 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.

6.0 Purpose of Dash Cam Usage

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

- Assist in the protection and the safeguarding of persons and property.
- Support the administration and processing of insurance and legal claims.
- Visual surveying of road conditions.

6.2 Personal data obtained through the use of dash cams shall be limited and proportionate to the purposes for which it was obtained.

6.3 Dash cams will not be used by Roscommon County Council for any other purposes other than those outlined in this document.

7.0 Placement/Location of Dash Cams

7.1 Dash cams may be placed, where it is considered appropriate, for any of the purposes outlined in this document, either permanently or from time to time, within any vehicle being operated by Roscommon County Council.

7.2 Dash cams will be set up in a way that ensures minimal intrusion of privacy and that any intrusion is fully justified.

8.0 Dash Cam Signage

A clearly visible sign or sticker must be placed on a vehicle to indicate that dash cam recording may be taking place.

9.0: Designated and Authorised Employees

9.1 The relevant Director of Services for each dash cam 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.

9.2 Only staff that have been nominated as Authorised Employees by the relevant Director of Services for each dash cam system may have access to the system and its recordings. Authorised Employees should include the following:

- Designated Employees who may access the dash cam system(s) for which they have been assigned responsibility.
- IT Department staff who may access all Roscommon County Council dash cam systems for the purpose 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.
- Employees for whom access to dash cam systems is necessary to carry out their role and responsibilities.
- Any other employee nominated by the relevant Director of Services who may access a dash cam system for a purpose that is consistent with this policy and procedures document and data protection legislation.

9.3 The relevant Director of Services for each dash cam system shall ensure that Authorised Employees are appropriately trained.

10.0 Security Controls

10.1 Access to dash cams and their recordings will be subject to appropriate administrative, physical and technical/logical controls to safeguard against access by persons other than by Authorised Employees, An Garda Síochána, Processors and any other third parties that are permitted by this policy and procedures document to access dash cam systems.

10.2 Recordings may only be extracted and stored on an external storage media provided the copies of the dash cam recordings are:

- Required to be retained in accordance with provisions outlined in this policy and procedures document.
- Stored in a secure location with access restricted in accordance with provisions outlined in this policy and procedures document.

11.0 Data Subject Access to Dash Cam Recordings

11.1 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 dash cam 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***.

- 11.2** Where it is deemed necessary or appropriate Roscommon County Council may request the provision of additional information to confirm the identity of a person submitting a data subject access request.
- 11.3** It would not suffice for a data subject to make a general access request for a copy of dash cam recordings. Instead, it will be necessary that data subjects specify that they are seeking to access a copy of dash cam recordings that have captured their identifiable images and/or other personal data between specified dates, at certain times and at a named location.
- 11.4** The provision of access to a data subject to dash cam recordings of his/her identifiable images and/or other personal data will normally involve providing a copy of the recording in video format using a secure methodology.
- 11.5** Where identifiable images and/or other personal data of other parties other than the data subject appear on the dash cam recordings these will be pixelated or otherwise redacted on any copies provided to the data subject. Alternatively, unedited copies of the dash cam recordings may be released provided consent is obtained from those other parties whose identifiable images and/or other personal data appear on the dash cam recordings.
- 11.6** If the dash cam recording does not contain 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.
- 11.7** If the dash cam 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. Dash cam recordings are usually deleted in accordance with provisions contained in this policy and procedures document.

11.8 The Data Protection Officer shall record details of each access request made by data subjects for copies of dash cam 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***.

12.0 Third Party Access to Dash Cam Recordings

Access to dash cam recordings may be provided, using a secure methodology, to the following third parties:

- An Garda Síochána.
- Insurance and legal advisors.
- Other third parties.

12.1 Access by An Garda Síochána

12.1.1 The provision of personal data, including dash cam recordings, to An Garda Síochána for the purpose of preventing, detecting, investigating or prosecuting a criminal offence is permitted under provisions contained in the Data Protection Act 2018.

12.1.2 Requests from An Garda Síochána for copies of dash cam 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 dash cam recordings required and affirm that access to such recordings is necessary for the purpose of preventing, detecting, investigating or prosecuting a criminal offence.

12.1.3 In order to expedite a request in urgent situations, a verbal request from An Garda Síochána for copies of dash cam recordings will suffice. However, such a verbal request must be followed up with a formal written request from An Garda Síochána.

12.2 Access by Insurance and Legal Advisors

Access to dash cam recordings will be provided, where required and in accordance with data protection legislation, to Roscommon County Council's insurance and legal advisors in the event of an incident, accident, claim and in any other circumstance that is considered necessary and appropriate.

12.3 Access by Other Third Parties

Access by third parties other than An Garda Síochána and Roscommon County Council's insurance and legal advisors to dash cam recordings will only be provided in circumstances that are permitted by data protection legislation.

13.0 Access Logs

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

13.2 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 dash cam footage that was viewed;
- Particulars of any downloading/extraction of dash cam footage that occurred.

14.0 Retention of Dash Cam Recordings

14.1 Dash cams are typically designed to record continuously whenever they are powered up. Recordings are routinely overwritten as new material is being recorded. Recordings are not normally extracted and retained.

14.2 Roscommon County Council may however extract dash cam recordings and retain them for as long as it considers necessary in a limited number of circumstances provided such extraction and retention is compliant with data protection legislation. These circumstances may include situations where the data is required for operational reasons related to the surveying of road conditions and for investigative, evidential, insurance and legal purposes.

15.0 Dash Cam Register

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

- Details of placement/location of dash cam systems.
- Purpose of each dash cam system.
- Legal basis for the processing of personal data.
- Details of signage for each dash cam system.
- Details of Designated and Authorised Employees.
- Dash cam service provider details.
- Access/security controls.

16.0 Privacy Statement

Details of personal data being recorded by dash cam 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 a ***Privacy Statement for Dash Cam Usage***.

17.0 Data Protection Impact Assessment

17.1 A Data Protection Impact Assessment (DPIA) shall be carried out, in accordance with data protection legislative requirements, before any installation of a new dash cam system or upgrade to an existing dash cam 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.

17.2 The purpose of a DPIA will be to facilitate the identification and implementation of appropriate measures to eliminate or minimise any risks arising out of the processing of personal data by a dash cam system.

18.0 Data Processing Agreements

Service providers that have access to personal data recorded by dash cams are considered to be a Data Processor and as such 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.

19.0 Guidelines/Codes of Practice

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

20.0 Complaints to the Data Protection Commission

20.1 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.

20.2 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.

21.0 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.

22.0 Awareness

22.1 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.

22.2 All persons involved in the planning, placement and operation of Roscommon County Council dash cams should familiarize themselves with the content of this policy and procedures document.

23.0 Monitoring and Review

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