



**Comhairle Contae
Ros Comáin**
Roscommon
County Council

**Data Protection
Policy and Procedures
For
Drone Usage**

March 2023

Version Control

Department/Business Unit	Corporate Services			
Service	Data Protection			
Document Title	Data Protection Policy and Procedures for Drone Usage			
Document Reference No.	DP-1-07			
Version No.	V.1			
Prepared By.	Brian Duffy, Data Protection Officer	Date:	Nov 2019	
Approved By.	Management Team	Date:	04/11/2019	
Revisions:				
Version No.	Revised by	Date	Approved by	Date
V.2	Brian Duffy, Data Protection Officer	03/03/2023	Management Team	06/03/2023

Contents

	Page No.
1.0 Introduction	3
2.0 Purpose of Policy and Procedures	3
3.0 Definitions	3
4.0 Scope	4
5.0 The Legal Basis for Processing Personal Data	4
6.0 Purpose of Drone Usage	5
7.0 Location of Drone Usage	6
8.0 Signage and Public Notices	6
9.0: Designated and Authorised Employees	7
10.0 Security Controls	8
11.0 Data Subject Access to Drone Recordings	8
12.0 Third Party Access to Drone Recordings	10
13.0 Users and Access Logs	11
14.0: Retention of Drone Recordings	12
15.0 Drone Register	12
16.0 Privacy Statement	13
17.0 Data Protection Impact Assessment	13
18.0 Data Processing Agreements	13
19.0 Guidelines/Codes of Practice	14
20.0 Complaints to the Data Protection Commission	14
21.0 Further Information	15
22.0 Awareness	15
23.0 Monitoring and Review	15

1.0 Introduction

Small unmanned aircraft i.e. drones 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 drones. 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 drones including, but not limited to, arrangements relating to GDPR principles such as transparency, purpose limitation and data minimisation; security arrangements and access to drone 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 drones that involve the recording of personal data.
- Roscommon County Council employees.
- Members of An Garda Síochána.
- Drone 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

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 drone 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.

5.3 Drone operators are also required to comply with the Specific Operating Permission (SOP) issued by the Irish Aviation Authority (IAA) for the use of drones by Roscommon County Council.

6.0 Purpose of Drone Usage

6.1 Subject to a sufficient legal basis existing, drones may be used by Roscommon County Council for any purposes outlined in the IAA's SOP for drone usage including but not limited to:

- The provision of emergency services, such as those that may be provided by the Fire Service.
- The provision of search, rescue and recovery services such as those that may be provided by Civil Defence.
- Aerial mapping, surveying and photography.
- Evidence gathering to assist enforcement activities such as those that may be carried out by the Planning and Environment Departments of the Council.

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

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

7.0 Location of Drone Usage

7.1 Drones may be used, in any location where it is considered appropriate, for any of the purposes outlined in this document.

7.2 Every reasonable effort should be made to ensure that drone recordings are limited to the target area and the purpose for which the drone has been deployed.

7.3 A drone's functionality should be appropriate for the intended purpose. Drone operators should consider measures to limit the unnecessary recording of personal data that is not required e.g. using a live stream rather than recording.

8.0 Signage and Public Notices

8.1 Drone operators are required to display temporary signage around the operator to advise the public of the following:

- Name of Data Controller i.e. Roscommon County Council.
- Drone activity is taking place.
- Purpose for which the drone activity is being carried out.
- Contact details for enquiries by members of the public.

8.2 Following the carrying out of any drone activity, consideration should be given to placing a notice on Roscommon County Council's social media channels to advise the public of the Council's use of drones. The following details shall be provided at a minimum on any such notices:

- Statement that Roscommon County Council has carried out drone activity.
- Dates, times and locations that drone activity took place.
- Purpose for which the drone activity was carried out.
- Contact details for enquiries by members of the public.

9.0 Designated and Authorised Employees

9.1 The relevant Director of Services for each drone 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 drone system may have access to the system and its recordings. Authorised Employees will include the following:

- Designated Employees who may access the drone system(s) for which they have been assigned responsibility.
- IT Department Staff who may access all Roscommon County Council drone 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.
- Drone Operators that are licenced by the IAA.
- Any other employee nominated by the relevant Director of Services who may access a drone 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 drone system shall ensure that Authorised Employees are appropriately trained.

10.0 Security Controls

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

10.2 The data storage facility on a drone shall be erased after each use unless the original storage media is required to be retained for legal proceedings.

10.3 Recordings may only be extracted and stored on an external storage media provided the copies of the drone 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 Drone 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 drone 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 drone recordings. Instead, it will be necessary that data subjects specify that they are seeking to access a copy of drone 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 drone 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. In circumstances where the supply of a copy of the recording to the data subject is not possible or would involve unreasonable effort or cost, 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.
- 11.5** Where identifiable images and/or other personal data of other parties other than the data subject appear on the drone recordings these will be pixelated or otherwise redacted on any copies or stills provided to the data subject. Alternatively, unedited copies of the drone recordings may be released provided consent is obtained from those other parties whose identifiable images and/or other personal data appear on the drone recordings.
- 11.6** If the drone 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 drone 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. Drone 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 drone 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 Drone Recordings

Access to drone recordings may be provided, using a secure methodology, to the following:

- An Garda Síochána.
- Legal advisors.
- Other third parties.

12.1 Access by An Garda Síochána

12.1.1 The provision of personal data, including drone 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 drone 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 drone 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 drone 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 Legal Advisors

Access to drone recordings will be provided, where required and in accordance with data protection legislation, to Roscommon County Council's legal advisors for the purposes of carrying out enforcement action 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 legal advisors to drone recordings will only be provided in circumstances that are permitted by data protection legislation.

13.0 Users and Access Logs

13.1 Users Log

The Designated Employee that has responsibility for each drone system shall ensure that a Users Log is being maintained by drone operators. This log shall include details of:

- Name of drone operator.
- Details of drone used.
- Dates and times of use.
- Purpose of use.
- Location of use.

13.2 Access Log

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

13.2.2 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 drone footage that was viewed;
- Particulars of any downloading/extraction of drone footage that occurred.

14.0 Retention of Drone Recordings

14.1 Personal data recorded by drones shall be kept for no longer than is considered necessary.

14.2 Normally personal data recorded by drones will not be retained by Roscommon County Council beyond a maximum of 30 days.

14.3 Personal data recorded by drones may however be retained by Roscommon County Council beyond a maximum of 30 days in a limited number of circumstances provided such retention is compliant with data protection legislation. These circumstances may include situations where the retention of the personal data is necessary for operational purposes e.g. for mapping and surveying activities and for investigative, evidential and legal purposes.

15.0 Drone Register

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

- Location of drone systems.
- Purpose of each drone system.
- Legal basis for the processing of personal data.

- Details of Designated and Authorised Employees.
- Drone system service provider details.
- Access/security controls.
- Retention period for drone recordings.

16.0 Privacy Statement

Details of personal data being recorded by drone 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 Drone 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 drone system or upgrade to an existing drone 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 drone system.

18.0 Data Processing Agreements

Service providers that have access to personal data recorded by drones are considered to be a 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 drones issued by the IAA, 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 drones 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.