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# **Mayo County Council CCTV Policy**



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# Mayo County Council CCTV Policy

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## Introduction

Closed Circuit Television (CCTV) is used by Mayo County Council for a number of purposes. This use may involve the recording of personal data of individuals including their recognisable images. Mayo 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 25<sup>th</sup> May 2018 and the Data Protection Act 2018.

## Purpose of Policy

Mayo 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 Mayo County Council of CCTV systems. The purpose of this policy is to support these documents by outlining specific provisions to assist Mayo County Council to fulfil its data protection obligations regarding the operation of and access to CCTV systems and their recordings.

## Definitions

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

- **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 individual who is the subject of personal data.
- **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,



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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 Mayo County Council.

## Scope

The scope of this policy document applies to all:

- Mayo County Council uses of CCTV that involve the recording of personal data.
- Mayo County Council employees.
- Third party CCTV service providers.

## Purpose of CCTV

CCTV is used by Mayo County Council for the following purposes.

- Safeguarding of persons and property located on 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 prevention, detection and prosecution of criminal offences e.g. community-based CCTV schemes.
- Supporting an Garda Síochána to deter, detect and prosecute crime.

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

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



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## CCTV Locations

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

- Council premises and property.
- Public Areas and 3<sup>rd</sup> Party Properties (subject to agreement of owners).

Cameras shall be positioned in such a way as to prevent or minimise recordings of areas other than those that are intended to be covered by the CCTV system.

## CCTV Signage

- 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.
- If the identity of the Controller (i.e. Mayo 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. This contact can be either a Mayo County Council department or a third-party service provider.

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 operating the CCTV system
- Details of who to contact within the organisation responsible for operating the CCTV system



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## Covert CCTV Surveillance

- The use of CCTV to obtain data without an individual's knowledge is generally unlawful.
- 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.
- The use of covert CCTV surveillance will normally require the involvement of a law enforcement authority.
- Covert CCTV surveillance must be focussed and of short duration.
- Only specific and relevant individuals/locations should be recorded.
- 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.
- 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.

## Roles and Responsibilities

- The County Council's CCTV systems shall be operated and maintained by:
  - The County Council and/or
  - Third party CCTV service providers.
- Third party CCTV service providers must be licensed with the Private Security Authority (PSA) which is the statutory body with responsibility for licensing and regulating the private security industry in Ireland.
- Third party CCTV service providers are considered to be Processors and as such they are required to enter into a formal Data Processing Agreement with Mayo County Council to ensure that they, in addition to the County Council, discharge their obligations under data protection legislation.
- Each CCTV system will be assigned to the responsibility of a designated Mayo County Council employee. 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.



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## Retention of CCTV Recordings

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

## CCTV Access:

### Third Party Access to CCTV Recordings

Access to CCTV recordings may be provided to the following third parties:

- Data Subjects.
- An Garda Síochána.
- CCTV Maintenance companies.

### Access by Data Subjects

- Data protection legislation provides data subjects with a right to access their personal data. This includes 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. In circumstances where data is held for the purposes of further investigation or potential prosecution, then access to this data may be withheld pending completion of investigations and/or initiation of legal proceedings.
- 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 personal data between specified dates, at certain times and at a named location.
- The provision of access to a data subject to CCTV recordings of his/her 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 alternative to video footage. Where stills are provided the County Council will aim to supply a still for every second of the recording in which the data subject's personal data appears.



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- Where 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.
- If the CCTV recording no longer exists on the date that Mayo 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.

## 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 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. The request should specify the details of the CCTV recordings required and cite the legal basis for the request being made. This must be accompanied by the 'Garda Request Form for Copy of CCTV Recordings'.
- 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 copy of the Garda Request Form for Copy of CCTV Recordings from An Garda Síochána.



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## Security Arrangements for CCTV

- Access to each CCTV and its recordings shall be restricted to the Designated Employee and other personnel that have authorised access to the system.
- The storage medium used by the CCTV system should be kept in a secure location.

## Garda Vetting

All Mayo County Council and third-party service employees who access the Council's CCTV systems are required to be Garda vetted.

## CCTV Register

A CCTV Register shall be maintained by the County Council's Data Protection Officer. This register shall contain, at a minimum, the following information:

- Location of each CCTV system.
- Purpose of each CCTV system.
- Third party service supplier details.
- Details of Designated Employee having responsibility for each CCTV system.
- Retention period for CCTV recordings.

## Access Log

- An Access Log shall be maintained by the Designated Employee that has responsibility for each CCTV system.
- This log shall maintain a record of all requests made by Data Subjects and An Garda Síochána to view/obtain copies of CCTV recordings and the outcome of such requests.

## Privacy Impact Assessment

A Privacy 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 Mayo County Council the installation or upgrade is likely to result in a high risk to the rights and freedoms of individuals.



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## Monitoring and Review

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

## Further Information:

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

|                       |  |
|-----------------------|--|
| <b>E-mail</b>         | <a href="mailto:dataprotection@Mayococo.ie">dataprotection@Mayococo.ie</a> |
| <b>Postal Address</b> | Data Protection Officer<br>Áras an Chontae,<br>Castlebar,<br>Co Mayo.      |

## Right of Complaint to the Data Protection Commissioner:

If you are not satisfied with the outcome of the response received by the Council 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](http://www.dataprotection.ie) or you can contact their Office at:

|                       |   |
|-----------------------|---|
| <b>Lo Call Number</b> | 1890 252 231  |
| <b>E-mail</b>         | <a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a>                                |
| <b>Postal Address</b> | Data Protection Commissioner<br>Canal House<br>Station Road<br>Portarlinton, Co. Laois. R32 AP23. |