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<hr/> <p><i>Consultation Process</i></p> <hr/>	<p>Corporate Services          Management Team          Roads          Environment          Facilities          Libraries          Community</p>
<hr/> <p><i>Policy Approved by &amp; Date of Approval</i></p> <hr/>	<p>Management Team          15 April 2025</p>
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Policy Revision History		
Version	Revision Details	Implementation Date
Final v0.1	Original	April 2025

## Purpose of this Policy

Longford County Council 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 Longford 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.

## Scope

The scope of this policy document applies to:

- The use of CCTV that involves the recording of personal data for which Longford County Council acts as the Data Controller.
- Longford County Council Employees
- Members of the An Garda Siochana
- CCTV Service Providers engaged by Longford County Council
- Any other third parties referenced in this policy document.

## Definitions

**Personal Data** is any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, an identification number, location data, online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

**Data Subject** is the person or persons who the personal data relates to.

**Processing** is 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, organising, structuring, storage, adaption or alteration, retrieval, consultation on, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.

**Processor** is a natural or legal person, public authority, agency, or other body which processes personal data on behalf of the controller.

**Controller** means the natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purpose and means of the processing of personal data, where the purpose 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.

Joint Data Controllers are two or more data controllers who jointly determine the purpose and means of processing personal data.

Third Party means a natural or legal person, public authority, agency, or body other than the data subject, controller, processor, and persons who, under the direct authority of the controller or processor are authorised to process personal data.

Authorised person or persons; are persons who have been authorised by the Chief Executive to access and download CCTV footage upon request.

## Legislative Requirements

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 on the controller”.

## Purpose of CCTV

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

- Safeguarding of person and property located on the Council’s premises.
- Supporting An Garda Síochána in securing public order and safety in public places by facilitating the deterrence, prevention, 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.
- Emergency Response – to assist in emergency response situations such as accidents, flooding, and other weather events.

Personal 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 the Council for any other purposes other than those outlined in this policy document.

## Approval Process for New CCTV cameras

A Business Case and a Data Protection Impact Assessment (DPIA) are required to be completed when introducing new CCTV cameras.

For **Longford Town Community CCTV**, all business cases and DPIAs shall be submitted to the **Longford Town Community CCTV Steering Group** for approval.

For CCTV used for the **deterrence, prevention, and prosecution of Litter and Waste offences** all business cases and DPIAs be submitted to the **CCTV Oversight Board** for approval.

For CCTV used for the purpose of **safety and security of our Council buildings**, DPIAs shall be submitted to the **Data Protection & Information Compliance Officer** for review..

Before installing CCTV, the following questions should be considered:

1. Do you have a clearly defined purpose for installing CCTV?
2. What is your legal basis for processing data?
3. Can you demonstrate that CCTV is necessary?

A CCTV proposal shall only be considered justifiable and reasonable if you can demonstrate that less intrusive reasonable steps have been taken without any positive impact in countering and reducing instances of offending prior to recommending a CCTV proposal. Less intrusive measures include increased lighting, signage, inspections, public awareness campaigns, working with residents, landscaping etc.

Alternative measures shall be put in place for at least a minimum period of 12 months after which the success or failure of these alternative measures will be assessed. Failure of these alternative measures must be demonstrated before a business case for approval of CCTV cameras can be submitted.

**The business unit operating CCTV must be satisfied that less intrusive reasonable steps have already been considered and be supported by:**

- **Documentary evidence of the incidents which have led to the decision to proceed with same**
- **Reasonable grounds for believing an alleged offence is going to be committed**
- **Details of the less intrusive measures deployed by the Council before CCTV or MRD have been considered an appropriate and necessary response.**

## CCTV Locations

CCTV will be deployed, as appropriate, either permanently or from time to time, at various locations within the functional area of the Council for 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

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

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.

## CCTV Signage

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.

The following is required to be placed on the signage:

- Notice that CCTV is in operation.
- The purpose of the CCTV system
- The name of the Data Controller
- Details of who to contact regarding the CCTV system.
- Retention period

Appropriate locations for signage and property include:

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

## 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 Council's Law Enforcement Functions for the purposes of preventing, detecting or investigating offences or apprehending or prosecuting offenders.

Covert CCTV surveillance must be focused and of short duration.

Only specific and relevant individuals/locations should be recorded.

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.

## Authorised Persons for the use of CCTV

An **Authorised person or persons** are employees who are appointed by the Chief Executive through a CE order to view and download CCTV footage. These are the only employees within Longford County Council that shall view and access CCTV. They are responsible for ensuring that CCTV footage is kept safe and secure at all times and must be Garda vetted.

## Data Minimisation and Purpose Limitation

To comply with the principles of data minimisation and purpose limitation the following shall 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.

### Camera Functions:

CCTV cameras should only be used for visual recording 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 28-30 days).

### Retention of CCTV Recordings

Data recorded on CCTV systems shall not be kept for longer than is considered necessary.

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

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

### Security of CCTV

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.

#### Administrative controls

- Authorised Employees of Longford County Council who are garda vetted.
- Processors provided they have entered into a formal **Data Processing Agreement** with Longford County Council. Processors must be registered with the **Private Security Authority** if required.
- An Garda Siochana only for purpose and in a manner prescribed by this policy document and data protection legislation.

#### 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.
- No recording signs to be erected in the CCTV monitoring room.

#### Technical Controls

- Access to each CCTV system, its storage medium and its recordings shall be restricted by appropriate technical 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 reason for download
- The identity of the authorised person who downloaded the footage.

The CCTV data log for Community CCTV shall be forwarded to An Garda Siochana on a quarterly basis seeking an update on how the CCTV footage assisted in their investigations.

Business Units 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 & Information Compliance Officer or the Data Protection Commission.

## CCTV Register

A **CCTV Register** shall be maintained by the Business Unit. The register shall contain, at a minimum, the following.

- Location of each CCTV system
- Purpose of each CCTV system
- CCTV service provider details if applicable
- The type and location of signage at each CCTV location

## Access to CCTV Recordings

Access to CCTV recordings may be provided to the following:

- Data Subjects
- An Garda Siochana

### Access by Data Subjects

Data protection 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**. It will be necessary that the 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.

The provision of access to a data subject to CCTV recordings of his/her recognisable images and/or other personal data will normally be providing a copy of the recording in video format. However, stills may be provided as an alternative to video footage. Where recognisable images and/or other personal data of other parties other than the data subjects 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.

### Access by An Garda Siochana

There is a distinction between a request by An Garda Siochana to view CCTV recordings and to obtain copies of such recordings. In general, a request made by An Garda Siochana 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 Siochana for copies of CCTV recordings are required to be submitted in writing and signed by an appropriate ranking member of An Garda Siochana. Requests

should be made using the Councils approved An Garda Siochana CCTV Access Request form. Where a copy of footage is provided it must be given on an encrypted USB key.

All requests and disclosures to An Garda Siochana must be logged and notified to the Data Protection & Information Compliance Officer at [dpo@longfordcoco.ie](mailto:dpo@longfordcoco.ie). In order to expedite a request in urgent situations, a verbal request from An Garda Siochana for copies of CCTV recordings will suffice. However, such a verbal request must be followed up with a formal written request from An Garda Siochana.

**The An Garda Siochana as far as is reasonably possible, shall narrow the footage timeframe required in their CCTV Access Requests. CCTV Footage shall be collected by the requesting Garda within 72 hours of their request and or before the next CCTV Access Request is submitted to the Council.**

An Garda Siochana are a Joint Data Controller and therefore once they receive CCTV footage from Longford County Council, Longford County Council are no longer responsible for the CCTV Footage. The An Garda Siochana shall be responsible for ensuring that they comply with Data Protection legislation.

## Employees And CCTV

Where CCTV is 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 **must** not be used to monitor employees.

## Annual Review of CCTV cameras

Each section is responsible for carrying out an annual review of the necessity & proportionality of CCTV cameras managed in their areas.

For community CCTV cameras, the An Garda Siochana must provide quarterly updates to the Council on the effectiveness of the CCTV access requests and whether the CCTV footage assisted with their investigations. The Longford Town Community Steering Group are responsible for reviewing the necessity for Longford Town Community CCTV on an annual basis.

## Roles & Responsibilities

### Chief Executive

- Provide formal approval of CCTV used for the prevention, investigation, and prosecution of offences under litter and waste management legislation.
- To appoint authorised persons by way of a CE Order.

### CCTV Oversight Board

- Responsible for assessing the necessity and proportionality for the proposed use of CCTV and Mobile Recording Devices used for the prevention, investigation, and prosecution of offences under litter and waste management legislation.
- Consider business cases and make recommendations to the Chief Executive in relation to the operation of CCTV and Mobile Recording Devices in accordance with the litter and waste codes of practice.

### **Longford Town CCTV Steering Group Committee**

- To ensure the correct operation & management of Longford Town Community CCTV system.
- To consider requests for new Longford Town Community CCTV cameras and upgrades
- To consider the effectiveness of existing Longford Town Community CCTV cameras
- To consider any complaints made relating to Longford Town Community CCTV cameras
- To ensure the system is equipped to fulfil its purpose as per the authorisation granted by the Garda Commissioner under S.38(3)(c) of the Garda Síochána Act 2005,

### **Authorised Person**

- Familiarise yourself with the requirements of this Policy and manage CCTV in accordance with this policy.
- Seek advice or guidance from your Line Manager or the Data Protection & Information Compliance Officer
- Attend and participate in Data Protection training as required.
- Respect and protect the privacy, confidentiality and security of the Personal Data being processed.

### **Confidentiality**

Longford County Council take appropriate measures to store and process personal data (physical and electronic) in a confidential and secure manner. Personal data shall not be shared with any person who does not require access to the personal data. Where possible and appropriate, personal data processed, transmitted, or stored on Council's operating systems shall be password protected and/or encrypted. Employees must adhere to the confidentiality clause outlined in the terms and conditions of their employment contract.

### **Data Protection**

Longford County Council is committed to the privacy rights of individuals and respecting the rights of those whose personal data we collect and process in accordance with applicable law.

### **Policy Review**

This policy will be subject to review every three years from its implementation date or earlier if required.

### **Further Information**

For further information on this Policy please contact your Line Manager and the Council's Data Protection & Information Compliance Officer at [dpo@longfordcoco.ie](mailto:dpo@longfordcoco.ie).

