

Longford County Council – Community CCTV Privacy Statement

Approved by CCTV Steering Group 29th July 2019

Introduction

Recognisable facial images captured by CCTV systems are special category personal data and, on that basis, require appropriate controls and protections around their use, in line with statutory requirements contained in the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (the Acts).

The Council has duties and obligations as the holder of personal data and must ensure such data is handled and managed correctly. This policy statement sets out what Longford County Council, as Data Controller, must do in relation to management of personal data processed through the use of Community CCTV which is currently in operation throughout Longford town.

Purposes of Community CCTV:

Longford County Council operates as a data controller regarding the use of Community CCTV for the purpose of:

- assisting An Garda Síochána in the maintenance of public order and safety, including reducing or deterring incidence of anti-social behaviour, including in common/open space areas of certain residential developments.

Management of Community CCTV:

In fulfilling its role as a Data Controller, the Council is committed to ensuring that personal data collected via all our Community CCTV systems will be in line with the principles of the GDPR as below;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

Processing Community CCTV images lawfully

The Council's lawful basis for processing personal data obtained from Longford Town's Community CCTV is to comply with a legal obligation set out in accordance with Section 38 c of the An Garda Síochána Act 2005 and carry out a task that is in the public's interest.

Council employees approved to access Community CCTV systems in the course of their duties will primarily do so for the purposes for which the Community CCTV was approved and installed.

This is without prejudice to the provisions of the Data Protection Act 2018 which in limited circumstances may allow limited access to and use of personal data, for purposes other than those specified related to the Community CCTV system, where it is necessary and proportionate for the Council to do so.

Processing Community CCTV images fairly and in a transparent manner.

To ensure compliance the Council shall:

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- Include reference to Community CCTV use on its online Data Protection information
- Ensure reference is made in privacy statements to the use of Community CCTV and its purpose where relevant in relation to a service;
- Where feasible, ensure that signage regarding use of Community CCTV is easily- read and in prominent positions,
Ensure that the signage:
 - States the name of Data Controller - Longford County Council
 - States purpose for Community CCTV use,
 - Provides contact details of the council's Data Protection & Information Compliance Officer

Ensuring data minimisation and compliance with retention standards.

Article 5(1)(e) of the GDPR states that personal data shall be:

"..kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.."

- In accordance with this the normal retention period shall be not greater than 28 days.
- Where, in response to an access request from An Garda Síochána, footage is downloaded and provided to the An Garda Síochána, footage shall be deleted in accordance with the normal retention period.
- In line with principles of data minimisation, use of Community CCTV to monitor areas where individuals would have a reasonable expectation of privacy will not take place. Cameras placed so as to record external areas shall be positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property. Compliance with this requirement must be demonstrated at installation and reviewed periodically by persons authorised to access images.

Processed in a manner that ensures the appropriate security of the personal data

- Recorded images will be stored in a secure environment, will be restricted to authorised individuals and access controls will be in place to ensure they are secure (practical measures include remote feeds to secure locations/servers, password controlled/encrypted access to data, locked storage rooms);
- Access to and disclosure of Community CCTV images to external parties is to be carefully monitored. All requests and disclosures made to in relation to Access Requests for personal data to the Data Subject or third parties such as An Garda Síochána will be recorded in the council community CCTV access log by the Data Protection and Information Compliance Officer and/or logs maintained by Departments will be available to the Data Protection & Information Compliance Officer.
- Maintenance companies that carry out maintenance works on cameras on behalf of clients may be considered to be "Data Processors", depending on the nature of their access to footage. As data processors, they operate under the instruction of data controllers (Longford County Council). Where any aspect of the services provided by a data processor involves processing of personal data obtained through CCTV the processor must be subject to a data processing agreement that sets out their obligation to the Council as controller, in detail.

Sharing Information

The Council may share your information internally within the Council in accordance with statutory obligations. In addition, the council may share CCTV data with third parties in accordance with statutory, regulatory or contractual obligations including:

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- An Garda Siochana
- Third Party Security Service Providers licenced by the Private Security Authority (PSA).

Access requests for Community CCTV footage

Under data protection legislation, individuals are permitted to seek access to images held by Longford County Council. This applies equally to employees and members of the public.

- To make a Data Subject access request for Community CCTV images, individuals must supply a written request to the Data Protection & Information Compliance Officer and supply proof of identity (photo ID), date, time, location of CCTV footage and state their legitimate reasons for seeking access.
- Where the image / recording identifies another individual, those images may only be released where they can be redacted / anonymised so that other persons are not identified or identifiable. Please note that the Data Subject maybe charged for this service depending on the volume of the footage required.
- If the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data and may not be released by the Council.
- In giving a person a copy of their data, the Council may provide a still / series of still pictures, a tape or a disk with relevant images. However, other images of other individuals will be obscured before the data is released.
- More information on access requests and subject rights are available on Longford County Council's main Privacy Statement.
- The Council will facilitate access to Community CCTV by An Garda Siochana where a valid request is made.
- Where a copy is provided it must be given on an encrypted USB.
- The Council maintains an access log in relation to all such An Garda Siochana CCTV Access requests and Data Subject CCTV Access Requests.

Policy regarding new CCTV.

It is the position of the Council that the proposed use of technologies involving Community CCTV will be reported to the Council's Data Protection & Information Compliance Officer from May 25th, 2018 onwards to enable a data privacy impact assessment to be carried out. A data privacy impact assessment shall assess the proportionality of use of technologies and, where required, the measures to ensure its use in compliance with Data Protection legislation and guidance.

Data Protection & Information Compliance Officer's Contact details

For all enquiries relating to Data Protection you can contact the Council's Data Protection & Information Compliance Officer on the following details:

Phone: 0433343300

Email: dpo@longfordcoco.ie

Postal Address: Longford County Council
Great Water Street
Longford
N39 NH56

If you are not satisfied with the outcome of the response you receive from the Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.

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The Data Protection Commissioners website is www.dataprotection.ie or you can contact their Office at:

Lo Call Number: 1890 252 231

E-mail: info@dataprotection.ie

Postal Address: Data Protection Commission

Canal House

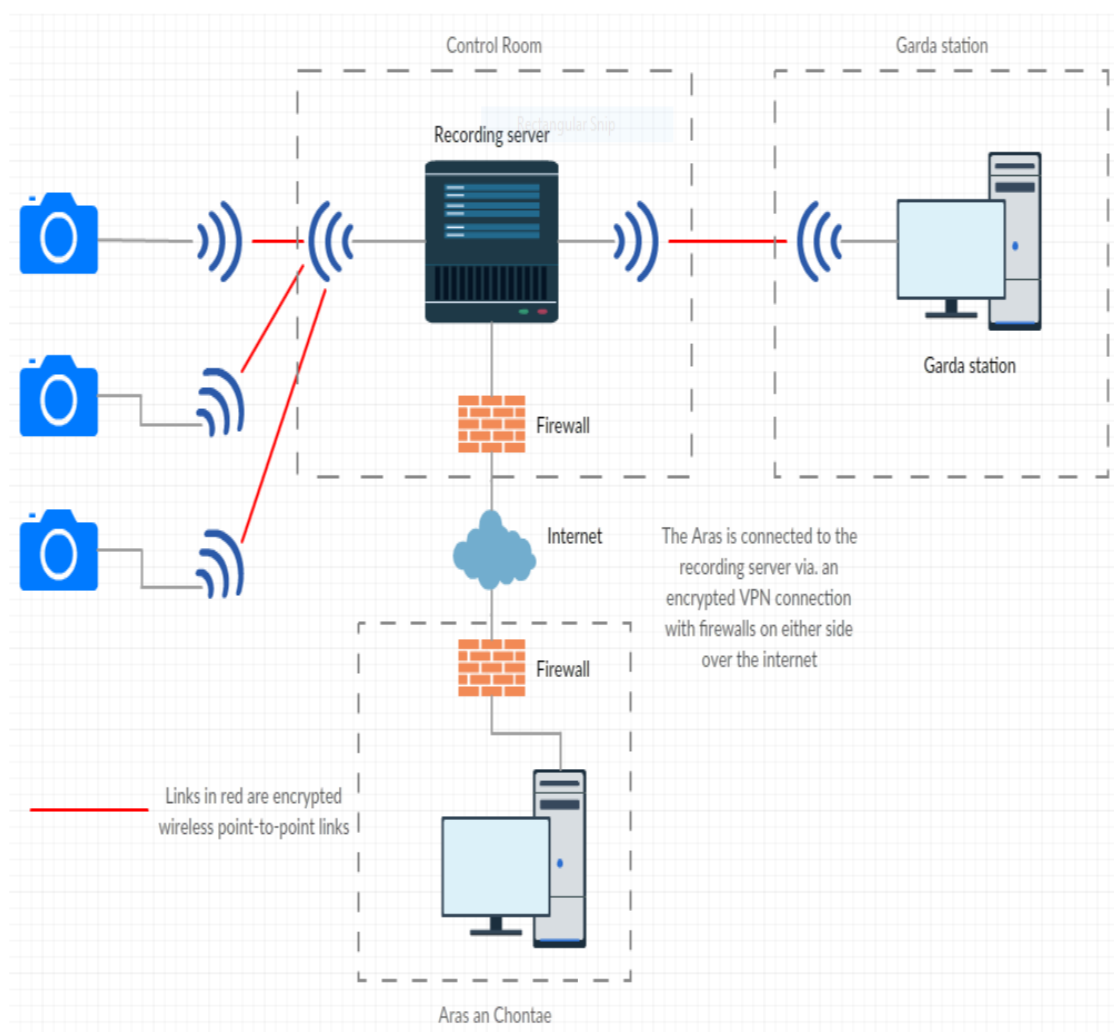
Station Road

Portarlinton

R32 AP23

Co. Laois

Appendix 1 – Community CCTV Dataflow diagram





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