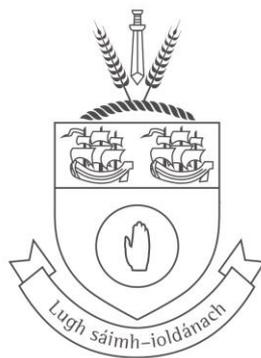


CCTV & Audio Recording Policy

June 2018



Comhairle Contae **Lú**
Louth County Council

Comhairle Contae Lú

Louth County Council

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Appendix 1 Data protection – CCTV Access Request Form – an Garda Síochána

1. Introduction.

- 1.1 This document sets out Louth County Council's Policy in relation to the use of Closed Circuit Television Systems (CCTV) which are installed in the offices, properties, plant, equipment and other locations in the ownership or under the control of Louth County Council.

2. General

- 2.1 Louth County Council undertakes to operate its CCTV and to ensure that those who operate CCTV on its behalf do so within the terms of this policy and the law. Louth County Council will review arrangements regularly to ensure continuing compliance.

3. Scope

- 3.1 This policy relates to the use of CCTV systems and the arrangements for their location, monitoring, recording, security, control and the use of the recorded material together with detailing the manner by which persons and others can seek to view or request copies of images.

4. Personal Data

- 4.1 Louth County Council recognises that the data recorded, i.e. images of persons, using CCTV cameras constitute personal data within the meaning of the Data Protection Acts 1988 to 2018 and the General Data Protection Regulations. Louth County Council has a duty and obligation as the holder of that personal data to ensure that it is handled and managed correctly. This policy takes account of those obligations and sets out clearly what Louth County Council, as Data Controller must do to protect personal data in relation to CCTV.

5. Justification

- 5.1 The Data Protection Acts 1988 to 2018 provide that "the data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed". This means that Louth County Council is required to justify the obtaining and use of personal data by means of CCTV.

Louth County Council is responsible for the protection of its property, plant, equipment as well as staff, Elected Members, visitors, and contractors to its premises and utilises CCTV to help achieve this. CCTV is also utilised to assist in complying with the Safety Health and Welfare at Work Act 2005.

- 5.2 Louth County Council will regularly review whether the use of CCTV continues to be justified.

6. General Principles

6.1 CCTV monitoring of public areas for security purposes is conducted in a manner consistent with all existing policies adopted by Louth County Council, including:

1. Dignity at Work Policy,
2. Policy on Acceptable Customer Behaviour and Guidelines issued by the Office of the Data Commissioner.

6.2 The use of automatic facial recognition technologies is prohibited under this policy.

6.3 The use of Automatic Number Plate Recognition technology is also prohibited under this policy.

6.4 CCTV is not used by Louth County Council to monitor employee performance and any information obtained in violation of this policy in relation to employee performance cannot be used in any disciplinary proceedings against any employee of the Council. It may, on specific occasions, be used in the investigation of complaints.

7. Reasons for Using CCTV

7.1 Louth County Council uses CCTV for the following purposes:

- To protect and safeguard the health and safety of Louth County Council staff, Elected Members, customers, visitors and contractors.
- To safeguard and protect the security of premises both internally and externally and the plant, equipment and property under the remit of Louth County Council,
- To monitor the perimeter of Louth County Council buildings and depots
- To capture images of intruders or individuals damaging property, removing goods without authorisation or behaving in a manner which presents a threat to Louth County Council staff, Elected Members, customers, visitors and contractors.
- To detect and prevent illegal activities, i.e. littering etc. and the prosecution of offences arising from same.

7.2 Louth County Council considers the use of CCTV in the above circumstances to be appropriate.

7.3 All images will remain the property of Louth County Council.

7.4 Specific members of Louth County Council staff may also use body worn CCTV systems in the course of their duties for the purpose of protecting and safeguarding their health and safety and where necessary, in the investigation of complaints and dispute resolution. Such systems are covered by this policy. The use of these systems is governed by separate guidance and procedures.

8. CCTV Video Monitoring and Recording

8.1 CCTV in this policy refers to video recording and audio recording systems and may be used for the following purposes:

- Safeguarding and protecting Louth County Council buildings, plant and property both during and after normal working hours: The building's perimeters, entrances and exits, lobbies and corridors, special storage areas, cashier locations, public meeting rooms, public areas, receiving areas for goods/services, customer service areas, meeting rooms, depots and barriers.
- Investigating the activation of security alarms within the above locations,
- Monitoring of Public Areas within the above locations,
- Criminal Investigations by An Garda Síochána,
- Investigations carried out by other agencies in relation to incidents in the above locations, i.e. Health and Safety Authority, Louth County Council's Insurers and or legal advisors.

9. Covert Surveillance

9.1 Louth County Council may, on occasion, engage in covert surveillance. Such surveillance will only be used on a case by case basis where the data is collected and retained for the purposes of preventing, detecting or investigating offences or apprehending or prosecuting offenders in the areas of litter and waste enforcement.

The decision to utilise covert surveillance must be carried out in accordance with this policy and approved in advance by the relevant Director of Services and the Director of Services for Corporate Affairs. The use of covert CCTV may result in the initiation of legal proceedings. The recommendation to proceed with covert CCTV for this purpose must also be supported by documentary evidence of the incidents which has led to the decision to proceed with same.

In addition, the Data Protection Officer must be notified in advance.

9.2 Covert surveillance is focussed and of a short duration, not exceeding 4 weeks. Only specific and relevant locations/individuals will be recorded. The use of CCTV in these instances is governed by separate guidance and procedures.

10. Locations of Cameras.

10.1 The location of cameras is a key consideration. Use of CCTV to monitor areas where individuals have a reasonable expectation of privacy is prohibited. Cameras placed so as to record external/internal areas must be positioned in such a way as to prevent or minimise the recording of passers-by or of another person's private property.

10.2 Video monitoring of public areas and within Louth County Council's public offices & premises for security and health and safety purposes is restricted to uses that do not violate the individual's reasonable expectation to privacy.

10.3 CCTV will not be located in areas where staff and the public would expect absolute privacy.

11. Responsibility

11.1 The relevant Director of Services has responsibility for

- Ensuring the operation of existing CCTV systems within their areas of responsibility is consistent with the highest standards and protections and that they are operated in accordance with this policy and relevant legislation.
- Assigning responsibility for specific CCTV systems to a Head of Section (Senior Executive Officer or equivalent).
- Ensuring that any proposals in relation to the provision of new CCTV schemes are processed in accordance with the terms of this policy.
- Authorising, in writing, the release of recorded CCTV material obtained and stored in compliance with this policy in accordance with the terms of Louth County Council's Data Access Request Policy.
- Considering feedback / complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment

11.2 The relevant Head of Section (Senior Executive Officer or equivalent) has responsibility for:

- Ensuring the operation of existing CCTV systems within their areas of responsibility is consistent with the highest standards and protections and that they are operated in accordance with this policy and relevant legislation.
- Ensuring that any proposals in relation to the provision of new CCTV schemes are processed in accordance with the terms of this policy.
- Assigning responsibility to specific Designated Staff Members (Administrative Officer or equivalent) for the day to day operation of CCTV systems within their area.
- Arranging for an evaluation of those existing CCTV systems to be carried out on an annual basis to ensure compliance with this policy,
- Arranging for the camera locations on the existing CCTV schemes to be reviewed and risk assessed on an annual basis so as to ensure that the view from the fixed camera(s) (both internal and external) conforms with this policy and are non-intrusive in terms of their positions having regard to passersby and neighbouring properties in order to avoid a breach of privacy of individuals.
- Carrying out a Privacy Impact Assessment in relation to the replacement of cameras on the systems.

- Considering feedback / complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment
- Ensuring that servers, tapes, DVDs' etc., are stored in a secure place with access restricted to authorised personnel only,
- Ensuring that a record of access to (i.e. an access log), and/or a record of the release of any material recorded or stored in the system is maintained and that when the zoom facility is used on a camera, no invasion of privacy takes place and that a record of such activity is logged.
- Ensuring that images recorded on tapes/DVDs/digital recordings are stored for periods of no longer than 28 days and are then erased unless required as part of a criminal investigation or court proceedings (criminal or civil) or other appropriate use as approved by the relevant Director of Services.
- Ensuring that arrangements are in place to ensure that CCTV Systems for which they have been assigned responsibility are appropriately maintained and that the appointment of contractors/third parties to carry out the work is in accordance with Section 20 of this policy.
- Ensuring that all requests received for access to data are directed to the Data Protection Officer
- Authorising, in writing, the release of recorded CCTV material obtained and stored in compliance with this policy in accordance with the terms of the Data Access Request Policy.
- Ensuring that copies of recorded material are not made without written authorisation,
- Making appropriate arrangements for images which are determined to be personal data relating to persons other than the data subject, to be disguised or blurred.

11.3 Designated Staff Members (Administrative Officer or equivalent) have responsibility for:

- Ensuring that the day to day operation of the CCTV system as assigned to them is in accordance with this policy.
- Ensuring that access to the system is restricted to authorised persons only,
- Ensuring that servers, tapes, DVDs' etc., are stored in a secure place with access by authorised personnel only,
- Ensuring that a record of access to (i.e. an access log), and/or a record of the release of any material recorded or stored in the system is maintained.
- Ensuring that when the zoom facility is used on a camera, no invasion of privacy takes place and that a record of such activity is logged.
- Arranging for a copy of recorded material to be created in accordance with the written authorisation of the relevant Head of Section & Director of Services
- Ensuring that copies of recorded material are not made without written authorisation,
- Implementing approved arrangements to ensure that CCTV Systems in their areas are appropriately maintained

- Checking to ensure that images recorded on tapes/DVDs/digital recordings are stored for a period no longer than 28 days and are then erased unless required as part of a criminal investigation or court proceedings (criminal or civil) or other appropriate use as approved by the relevant Head of Section & Director of Services.
- Making appropriate arrangements for images which are determined to be personal data relating to persons other than the data subject, to be disguised or blurred.

12. New CCTV systems

- 12.1 Directors of Services and Heads of Section are responsible for ensuring that any proposals in relation to the provision of new CCTV schemes are processed in accordance with the terms of this policy.
- 12.2 In the first instance, a clear operational objective/need must be established for the new system.

A complete assessment and evaluation on all available options to meet the objective identified other than CCTV must be undertaken and all documentation relating to same retained on file.

In addition, documentary evidence of the incidents which have given rise to the need for the system must be retained on file.

The above supporting documentation must be retained for review and inspection as appropriate.

If, having examined all other alternatives, it is considered that additional CCTV systems are the only suitable solution available; then an assessment of the impact of the proposed system on the privacy of individuals (Data Privacy Impact Assessment) must be carried out by the relevant section and the principle of “Privacy by Design” incorporated into the development of same.

- 12.4 If the Data Privacy Impact Assessment indicates that the data processing risk is a high risk which cannot be sufficiently addressed, the Office of the Data Protection Commissioner must be consulted to seek its opinion as to whether or not the processing operation complies with legislation.
- 12.5 In the event that no risk is identified or the risk is considered to be a low risk, then the decision to proceed with any new CCTV schemes will require the joint approval of the relevant Director of Services and the Director of Services with responsibility for Corporate Affairs.

13 Notification & Signage.

- 13.1 Louth County Council will circulate this policy to all staff on a regular basis and place it on its Intranet for compliance by staff. It will also be published on Louth County Council's website at www.louthcoco.ie for the information of the public.
- 13.2 Louth County Council will ensure that adequate CCTV signage is placed at locations where CCTV camera(s) are sited, including at entrances to Council offices and property as well as advance notices indicating the use of CCTV. Signage includes the name and contact details of the Data Controller as well as the specific purpose(s) for which the CCTV camera is in place in each location.

An example of the signage which is currently in place is outlined hereunder;



WARNING - CCTV Cameras in Operation.

CCTV Images are monitored and recorded for the safety of Louth County Council's staff, Elected Members, customers, visitors and contractors and for the protection of Louth County Council's premises and property.

This system is in operation 24 hours a day, every day and images may be passed to an Garda Síochána.

This CCTV system is controlled by Louth County Council.

The Data Controller is: Louth County Council

For further information please contact dataprotection@Louthcoco.ie

- 13.4 Louth County Council will also regularly make known to the public that designated staff may use video and audio recording devices during the course of their work. Such staff, when using such equipment, must also advise persons approaching them that the interaction is being recorded by way of video and/or audio.

14. Storage & Retention.

- 14.1 The Data Protection Acts 1988 to 2018 states that data ***"the data shall be kept in a formfor no longer than is necessary for the purposes for which the data are processed"***. This policy provides for a maximum retention period of 28 days, except where the images identify a specific issue – such as a break-in or theft. In those instances, these images / recordings are retained beyond the 28 days.

This time frame also complies with the guidelines issued by the Office of the Data Protection Commissioner.

14.2 The recordings, tapes, DVDs', servers etc. must be stored in secure environments and a log of access maintained. The supervision of access is the responsibility of the relevant Head of Section and Designated Staff Member who has been assigned responsibility for the scheme and is restricted to authorised personnel only.

15. Access to and Processing of CCTV Images

15.1 Unauthorised access to servers, recordings, monitors etc. will not be permitted at any time. Monitoring stations must be locked and a log of access maintained.

15.2 All images must be stored in a secure environment, to which access is restricted at all times. Copies will only be made in the following circumstances:

- On receipt of a request from an Garda Síochána. Please refer to Section 16 hereunder regarding the procedures to be followed in relation to requests from the an Garda Síochána for access to personal data records in relation to the prevention, detection or prosecution of offences;
- They are requested through the judicial process;
- They are requested by individuals (or their legal representatives) subject to a Court Order.
- To assist the Director of Services, Corporate Services Department in establishing the facts in relation to incidents of unacceptable behaviour in or on Council property,
- To assist Louth County Council for the purpose of court proceedings, for the investigation of offences or evidential purposes or by or under any other enactment
- To assist Louth County Council's insurers to pursue a claim for damage to Louth County Council's insured property.
- In response to a valid data access request.

15.3 In the circumstances outlined above, the original copy of the data must be retained by Louth County Council.

15.4 Images must not be retained for longer than 28 days.

15.5 Only persons authorised by Louth County Council are allowed access to the data collected by the CCTV system.

15.6 The Heads of Section and Designated Staff Members must ensure that the authorised removal and/or viewing of data is documented by the recording of the following:

- Date and time when the images were removed from the system or viewed;
- The reason why the images were removed from the system or viewed;
- Any crime incident number to which the images may be relevant;

- The location of the data images;
- The name(s) of the person(s) viewing the images. (If this should include third parties, the name of the organisation to which the third party belongs);
- The signature of the collecting official, where appropriate, and the signature of the official signing out the data;
- The extent of the information to which access was allowed or which was disclosed;
- The outcome, if any, of the viewing;
- The date and time the images were returned to the system or secure place, if they have been retained for evidential purposes;

15.7 Louth County Council will ensure that employees with access to data are made aware of and trained in their responsibilities under this policy, notably:

- Procedures for access to and removal of recorded images including access by an Garda Síochána;
- The rights of data subjects and responsibilities of Louth County Council as a Data Controller under the GDPR and Data Protection Act 1988 to 2018.

15.8 Heads of Sections and Designated Staff Members must ensure that any software updates (particularly security updates) published by the equipment's manufacturer that need to be applied to the system are applied in a timely manner.

16. Access to and Disclosure of Images to Third Parties

16.1 Access to CCTV systems and data will be restricted to authorised staff only.

16.2 Disclosure of recorded data to third parties will be made by Louth County Council in limited and prescribed circumstances as outlined hereunder:

- An Garda Síochána - The handing over of CCTV footage to an Garda Síochána is carried out on foot of a formal written communication confirming that the material is sought for the prevention, investigation or detection of a crime. See Appendix 1 for CCTV Access Request Form for an Garda Síochána.

For practical purposes and to expedite a request speedily in urgent cases, a verbal request may be sufficient to allow for the release of the footage sought. Any verbal request must be followed up with a formal written communication on Garda Síochána headed notepaper or by e-mail from an official Garda Síochána e-mail address quoting the details of the CCTV footage required and the legal basis for the request. A log of all such requests must be kept.

A request by a member of an Garda Síochána to view CCTV footage, as opposed to obtaining a copy of the footage, does not require written communication or a call to the Garda Station as long as it is confirmed by the requesting Garda that viewing the footage is for the purposes of investigation or detection of a crime;

- People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal inquiries or criminal proceedings);

- To fulfil a requirement under any enactment, rule of law or court order to disclose the images;
 - If required by other agencies and/or Louth County Council's Insurers/legal advisors.
- 16.3 The release of images for publication in any format by Louth County Council is prohibited under any circumstances.
- 16.4 The publication of images relating to a criminal investigation is solely the responsibility of an Garda Síochána. If it is decided by an Garda Síochána that the data released by Louth County Council will be disclosed to the media they may require that the images of the individuals be disguised or blurred so that they are not readily identifiable.
- 16.5 All requests for access to CCTV data will be recorded in accordance with the Data Subject Access Request Policy. All such requests must be channelled through the Data Protection Officer. If access or disclosure is denied, the reason will be documented. Likewise, If access to or disclosure of the data is allowed, it will be also be documented in accordance with this policy.
- 16.6 Where the images are determined to be the personal data of a data subject, any video footage or stills which include images of persons other than the data subject/requester shall be disguised or blurred. Arrangements will be made by the relevant Head of Section & Designated Staff Member in consultation with the Data Protection Officer for same to be carried out so that the images are no longer readily identifiable. If the CCTV system does not have the facilities to carry out this type of editing, a third party or company may need to be contracted to carry it out.
- 16.7 If a third party or company is hired to maintain the CCTV systems or to edit/blur the images, the Head of Section and Designated Staff Member must ensure that:
- there is a contractual relationship between Louth County Council and the third party/company;
 - that the third party/company has given appropriate guarantees regarding the security measures they take in relation to the images;
 - appropriate and adequate procedures are in place to ensure those guarantees are met including a right of access to the third party/company's premises or systems;
 - The written contract between Louth County Council and the third party makes it explicit that the third party can only use the images in accordance with the instructions of Louth County Council.
 - The written contract between Louth County Council and the third party makes the security guarantees provided by the third party explicit.

17. Access by Data Subjects

- 17.1 Under the Data Protection Acts, on written request, any person whose image may have been recorded has a right to be given a copy of the information recorded which relates to them, provided always that such an image / recording exists, i.e. it has not been deleted and provided also that an exemption / prohibition does not apply to the release.
- 17.2 All requests by Data Subjects for access to data are made via the Data Protection Officer. If a request comes to any other staff member it should be immediately passed onto the Data Protection Officer.
- 17.3 Data Subjects will be provided with a standard data subject access request form. They may also apply for access in writing by letter or email,
- 17.4 The Data Subject will be required to provide all necessary information to assist Louth County Council in locating the CCTV recorded data including the date the images were recorded, location, timeframe, etc. **In seeking such an image it will be necessary for the requester to submit their own photograph in order to ensure that it matches with that on the CCTV.**
- 17.5 Images of other individuals will be obscured before the data is released. Requesters should be aware that CCTV footage is automatically deleted within 28 days or less of being recorded. Please refer to our Data Subject Access Request Policy for further information and guidance. In relation to copies of CCTV data, the following should be noted:
- If the image is of such poor quality so as not to clearly identify an individual, that image may not be considered to be personal data and may not be released by Louth County Council.
 - In giving a person a copy of their data, Louth County Council may provide a copy of the footage in video format if it is not technically possible to do so, provide a still or series of still pictures, a tape or a disk with relevant images.
 - The Data Protection Officer will retain the following documentation securely:
 - the request from the individual;
 - the decision;
 - the response to the request from the individual;
 - the reason for rejection, if applicable.
 - The Data Protection Officer will determine whether disclosure to the individual would entail disclosing images of third parties.
- 17.6 Access requests can be made to the:
- Data Protection Officer by e-mail to dataprotection@Louthcoco.ie or by post to County hall, St. Alphonsus Road, Dundalk, Co. Louth.

17.7 Complaints regarding CCTV will be dealt with via the Customer Complaints process in conjunction with the Data Protection Officer and the relevant Director of Services, the Director of Services with responsibility for Corporate Services, the Head of Section and Designated Staff Member as appropriate.

18. **CCTV and Meeting Rooms, Video Recording.**

18.1 Louth County Council provides a number of public meeting/interview rooms which are equipped with CCTV. Customers, when seeking a meeting should be advised that such meetings will be held in a meeting room with a CCTV system and that it will be video recorded only. These rooms will display signs similar to that as shown above.

18.2 Customers objecting to such recording will not be met unless another member of staff is present at the meeting as a witness, who will take notes and confirm same with the customer before the meeting concludes.

19 **Audio Recordings.**

19.1 Louth County Council provides video and audio recording devices for designated staff directly in order to enhance staff security in carrying out their statutory duties (body worn cameras). Staff will advise customers that audio / video recording is taking place.

Audio recording will be deleted within 28 days or less, similar to that of video recordings.

20. **Security Companies.**

20.1 Security companies that place and operate cameras on behalf of clients are considered to be "Data Processors." As Data Processors, they operate under the instructions from the Data Controllers (their clients). Article 28 of the GDPR places a number of obligations on Data Processors which include:

- Registering with the Office of the Data Protection Commissioner as a Data Processor.
- Having appropriate technical and organisational measures in place so that processing will meet the requirements of GDPR; that is
 - Having appropriate security measures in place to prevent unauthorised access to images, unauthorised alteration, disclosure or destruction of data;
 - Having appropriate security measures in place where the processing involves the transmission of data over a network;
 - Having appropriate measures in place to prevent all unlawful forms of processing;

- Having appropriate arrangements in place to ensure their staff are made aware of their obligations relating to the security of data.

20.2 Louth County Council's CCTV, if controlled by a security company contracted by the Council will comply with this policy and the following:

- Directors of Services, Heads of Sections and Designated Staff Members must ensure that only security firms which are registered as either installers or monitors of CCTV under the Private Security Authority Act, 2004 as amended are contracted.
- Louth County Council must have a written contract in place with the Security Company which details the protocols to be followed and responsibilities in order to ensure the security and privacy of the data being monitored/generated together with the security standards and verification procedures which apply.
- The written contract must state that the security company will give Louth County Council all reasonable assistance to deal with any subject access requests which may be received by Louth County Council to ensure the release, by the Council, of the data within the statutory time-frame.
- All security companies who process data on behalf of Louth County Council will be required to complete a Non Disclosure Agreement and a Data Processing Agreement.

21. **Implementation & Review.**

21.1 This policy will be reviewed and evaluated from time to time. On-going review and evaluation will take incorporate changing information or guidelines (e.g. from the Data Protection Commissioner, An Garda Síochána, audit units (internal and external), legislation and feedback from staff and others.

21.2 The date from which the policy will apply is the date of adoption by the Louth County Council Senior Management Team with implementation of and adherence to the policy to be monitored by the Director of Services, Corporate Services Department.

Approved by Management Team on th 2018.



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Data Protection - CCTV Access Request Form an Garda Síochain

(Data Protection Act 2018 & General Data Protection Regulations)

Details of Request:

Date(s) Requested	
Time (s) requested	
Location (s) requested	
Purpose requested (please state relevant statutory provision of Data Protection Act 2018 (as amended))	
Please provide brief description of the investigation to which the request relates:	



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Please state nature of access required	View onsite	Obtain electronic copy
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Requested by:

Name of Garda / Officer	
Signature	
Date request made	

Authorised by: Superintendent (or other senior Officer)

Name:	
Signature:	
Date request authorised	

Note: Louth County Council maintains a log of access requests and related disclosure decisions as required under the Data Protection Act 2018 (as amended) and will make same available for inspection to the Office of the Data Protection Commissioner as required.