



Leitrim County Council CCTV Policy

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Appendix 1 Data protection – CCTV Access Request Form – An Garda Siochana

1. Introduction.

- 1.1 This document sets out Leitrim 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 Leitrim County Council.. The same issues that arise from CCTV capture and processing also apply to personal data that may be captured and processed using drone usage. Operation and usage of drones is primarily regulated by the Irish Aviation Authority, <https://www.iaa.ie/>. It is up to drone operators to comply with these regulations
- 1.2 Under this policy the terms "CCTV" and "CCTV data" includes imagery captured by fixed CCTV camera, portable CCTV cameras, drone cameras, body worn cameras, dash cameras, mobile phone cameras, digital cameras and photography.

2. General

- 2.1 Leitrim 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. Leitrim 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 Leitrim 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. Leitrim 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 Leitrim 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 Leitrim County Council is required to justify the obtaining and use of personal

data by means of CCTV.

Leitrim 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 Leitrim 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 Leitrim County Council, including:

1. Dignity at Work Policy,
2. Customer Charter
3. 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 (ANPR) technology is included under this policy.

6.4 CCTV is not used by Leitrim 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 Leitrim County Council uses CCTV for the following purposes:

- To protect and safeguard the health and safety of Leitrim 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 Leitrim County Council,
- To monitor the perimeter of Leitrim County Council buildings and depots
- To capture images of intruders or individuals damaging property, removing goods without authorization or behaving in a manner which presents a threat to Leitrim 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 Leitrim County Council considers that the use of CCTV in the above circumstances to be appropriate.

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

7.4 Specific members of Leitrim 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.

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 Leitrim 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, Leitrim County Council's Insurers and or legal advisors.

9. Covert Surveillance

9.1 Leitrim County Council may, on occasion, engage in covert surveillance. Such surveillance will only be used 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, Leitrim Co. Council's Data Protection Officer must be notified in advance.

9.2 Covert surveillance, when deployed, will be focused 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 Leitrim 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 nominated officer.
- Ensuring that any proposals in relation to the provision of new CCTV schemes are processed in accordance with the terms of this policy.
- The release of recorded CCTV material obtained and stored in compliance with this policy will be processed in accordance with the terms of Leitrim 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 or nominated officer 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 Member for the day to day operation of

CCTV systems within their area.

- Arranging for an evaluation of the use of 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 passers by 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 bona fide 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 appointments 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 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 bona fide 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.

12.3 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.

- 12.4 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 approval of the Senior Management Team.

13 Notification & Signage.

- 13.1 Leitrim 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 Leitrim County Council's website at www.Leitrimcoco.ie for the information of the public.

- 13.2 Leitrim 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 is outlined hereunder;



WARNING

CCTV Cameras in Operation here.

Images are being monitored and recorded for the purpose of crime-prevention, public safety, and for the protection of Leitrim County Council property.

This system is in operation 24 hours a day, it is controlled by Leitrim County Council and images may be passed to An Garda Síochána. For more information please ring 071 9620005 or www.leitrimcoco.ie

RABHADH

Ceamaraí TCI (CCTV) i bhFeidhm anseo.

Táthar ag déanamh monatóireachta agus taifeadta ar íomhánna chun críocha coireacht a chosc, chun críocha sábháilteachta poiblí agus chun maoin de chuid Chomhairle Chontae Liatroma a chosaint. Tá an córas seo i bhfeidhm 24 uair an chloig in aghaidh an lae. Tá sé á rialú ag Comhairle Chontae Liatroma agus féadfar íomhánna a thabhairt don Gharda Síochána. Chun tuilleadh eolais a fháil, glaoigh ar 071 9620005 nó féach www.leitrimcoco.ie

- 13.4 Leitrim 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.

141 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.

142 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

151 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.

152 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 duly authorised by a member of at least the rank of Inspector. Please refer to the Section 16 hereunder regarding the procedures to be followed in relation to requests from the Gardaí 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, in establishing the facts in relation to incidents of unacceptable behaviour in or on Council property,
- To assist Leitrim 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 Leitrim County Council's insurers to pursue a claim for damage to Leitrim County Council's insured property.
- In response to a valid data access request.

- 153 In the circumstances outlined above, the original copy of the data must be retained by Leitrim County Council.
- 154 Images must not be retained for longer than 28 days.
- 155 Only persons authorised by Leitrim County Council are allowed access to the data collected by the CCTV system.
- 156 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;
- 157 Leitrim 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 Leitrim County Council as a Data Controller under the GDPR and Data Protection Act 1988 to 2018.
- 158 Leitrim County Council will review on an annual basis the period for which the data is retained with a view to reducing same to less than 28 days.
- 159 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

- 161 Access to CCTV systems and data will be restricted to authorised staff only.
- 162 Disclosure of recorded data to third parties will be made by Leitrim 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 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 so 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 fulfill a requirement under any enactment, rule of law or court order to disclose the images;
- If required by other agencies and/or Leitrim County Council's Insurers/legal advisors.

163 The release of images for publication in any format by Leitrim County Council is prohibited under any circumstances.

164 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 Leitrim 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.

165 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.

166 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 hired to carry it out.

167 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 Leitrim 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 Leitrim County Council and the third party makes it explicit that the third party can only use the images in accordance with the instructions of Leitrim County Council.
- The written contract between Leitrim County Council and the third party makes the security guarantees provided by the third party explicit.

17. Access by Data Subjects

171 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.

172 All requests by Data Subjects for access to data are made in accordance with Leitrim County Council's Data Access Request Policy and Procedure.

173 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 Access Request Policy and Procedure 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 Leitrim County Council.
- In giving a person a copy of their data, Leitrim 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.

174 Access requests can be made to the:

Data Protection Officer by e-mail to dpo@leirimcoco.ie or by post to Áras an Chontae, Carrick on Shannon, Co. Leitrim .

175 Complaints regarding CCTV will be dealt with via the Customer Complaints procedure in conjunction with the Data Protection Officer.

18. CCTV and Meeting Rooms, Video Recording.

181 Leitrim 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.

182 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 Leitrim 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 is made aware of their obligations relating to the security of data.

20.2 Leitrim County Councils' 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.
- Leitrim 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 Leitrim County Council all reasonable assistance to deal with any subject access requests which may be received by Leitrim 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 Leitrim 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 cognisance of 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 Leitrim County Council Senior Management Team with implementation of and adherence to the policy to be monitored by the Director of Services, Corporate Affairs Department or designated officer as appropriate.

Approved by Management Team on 22nd November 2018.



Comhairle Chontae Liatroma

Leitrim County Council

Data Protection - CCTV Access Request Form An Garda
Síochána

(Data Protection Act 2018 & General Data Protection Regulations, and Garda Síochána Act,
2005)

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:



Comhairle Chontae Liatroma

Leitrim County Council

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

Name of Garda / Officer	
Rank	
Registered Number:	
Signature	
Date request made	

Authorised by: Superintendent (or other senior Officer)

Name:	
Rank:	
Signature:	
Date request authorised	

Note: Leitrim 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.



**Leitrim County Council
Comhairle Chontae Liatroma**

Letter of Authorisation

Authorisation Type	Recorded Material date/s	To Whom (if applicable)	Purpose
Create copy of recorded material			
Release copy of recorded material			

Requested by: _____

Grade: _____

Date: _____

Authorised by: _____

Grade: _____

Date: _____