

**CLOSED CIRCUIT TELEVISION POLICY**

**(CCTV)**

**Version 1.6**

**Document Information:**

|  |  |
| --- | --- |
| **Document Title** | Closed Circuit Television Policy (CCTV) |
| **Owner** | Galway County Council |
| **Author(s)** | Data Protection Officer |
| **Users** | Galway County Council Staff and Citizens |
| **Date** | 28/11/2024 |
| **Status** | Approved by Management Team |
| **Version** | 1.6 |

**Version History:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Created/Amended By** | **Date** | **Description** |
| **0.1** | **Maria Ward** | **02.07.18** | Draft CCTV presented to EMT for approval |
| **0.2** | **Maria Ward** | **03.07.18** | Amendments made as per Jim Cullen, DOS |
| **0.3** | **Maria Ward** | **12.07.18** | Amendments made as per Kevin Kelly, CE Interim |
| **0.4** | **Maria Ward** | **18.07.18** | Amendments made as per Steven Lally, Facilities Engineer |
| **1.0** | **Maria Ward** | **25.07.18** | CCTV Policy Version 1 approved by the Executive Management Team |
| **1.1** | **Maria Ward** | **19.11.18** | Updated as suggested following DPC Audit (amendments in red)2. Justification for use of CCTV8. Storage and Retention9. Access, Viewing Images, and Disclosure to Third Parties14. Responsibilities15. Responsibility of Security Companies16. Surveillance Technologies other than CCTVAppendix 1 |
| **1.4** | **Niamh Kelly** | **28.02.19** | Amendments made as per Michael Owens A/DOS (in green)16. Surveillance Technologies other than CCTV |
| **1.5** | **Liadhan Keady** | **11.12.20** | Full review of CCTV policy version 1.4Remove sections; Drones, GPS Tracking, Council Mobile PhonesAdopted by Executive Management Team  |
| **1.6** | **Geraldine Healy** | **20.11.24** | Full Review of CCTV Policy Version 1.5Remove the following Sections: Body Worn Cameras, Automatic Number Plate Recognition (ANPR), Audio recordings. |

Table of Contents:

[Introduction 3](#_Toc183160278)

[1. Policy Statement 3](#_Toc183160279)

[2. Purpose of Policy 3](#_Toc183160280)

[3. Purpose of CCTV 4](#_Toc183160281)

[4. Scope 4](#_Toc183160282)

[5. Roles & Responsibilities 4](#_Toc183160283)

[6. CCTV Locations 6](#_Toc183160284)

[7. CCTV Signage 6](#_Toc183160285)

[8. Covert CCTV Surveillance 7](#_Toc183160286)

[9. Retention of CCTV Recordings 7](#_Toc183160287)

[10. CCTV Access 8](#_Toc183160288)

[I. Third Party Access to CCTV Recordings 8](#_Toc183160289)

[II. Access by Data Subjects 8](#_Toc183160290)

[III. Access by An Garda Síochána 9](#_Toc183160291)

[IV. Access under Freedom of Information (FOI) 9](#_Toc183160292)

[V. Security Arrangements for CCTV 10](#_Toc183160293)

[11. CCTV Register 10](#_Toc183160294)

[12. Data Protection Impact Assessment (DPIA) 10](#_Toc183160295)

[13. Monitoring and Review 10](#_Toc183160296)

[14. Right of Complaint to the Data Protection Commissioner 10](#_Toc183160297)

[15. Further Information 11](#_Toc183160298)

[Appendices 12](#_Toc183160299)

[Appendix 1 – *Definitions* 12](#_Toc183160300)

[Appendix 2 – *Templates CCTV Signs* 13](#_Toc183160301)

[Appendix 5 – *Release of CCTV Recording and/or Transfer to 3rd Party form* 13](#_Toc183160302)

[Appendix 7 - *Inventory of CCTV camera’s installed by Galway County Council across County Galway and their current operational status* 13](#_Toc183160303)

# Introduction

This policy relates to surveillance camera equipment (CCTV), and the gathering, use, storage and disposal of CCTV system recorded data by Galway County Council. This includes CCTV systems within Council premises, bring banks, car parks, piers, plant, civic amenity, locations in the ownership of Galway County Council.

These CCTV systems are installed as practical measures to assist Galway County Council in the performance of its tasks that are carried out in the public interest, enhancing security, public safety, crime prevention, detection and prosecution of offenders.

Community-Based CCTV Schemes, which are approved by An Garda Síochána under Section 38 of the Garda Síochána Act 2005, are operated for the sole or primary purpose of securing public order and safety in public places by facilitating the deterrence, prevention, detection and prosecution of offences. An Garda Síochána are joint controllers of all CCTV cameras operated under Community-Based CCTV Schemes.

Galway County Council’s Data Protection Policies are available to view on the Council’s website: <www.galway.ie>

# Policy Statement

Data Protection legislation applies, as CCTV recordings can include personal data. CCTV is regulated in accordance with the Data Protection Acts 1988 - 2018, and by the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), with guidelines issued by the Office of the Data Protection Commission and with Section 38 of the Garda Siochana Act, 2005.

CCTV monitoring of public areas for security purposes will be conducted in a manner consistent with all existing policies adopted by the Council, including Equality & Diversity Policy, Dignity at Work Policy, Codes of Practice for dealing with complaints of Bullying & Harassment and Sexual Harassment and other relevant policies and guidelines such as those issued by the Office of the Data Commissioner.

The use of CCTV will be conducted in a professional, ethical and legal manner within the terms of this policy and in accordance with the law. CCTV usage will be proportionate and CCTV systems will not be used to routinely monitor the activities of Council employees or members of the public in the ordinary course of their lawful business.

# Purpose of Policy

The purpose of this policy is to:

* Regulate and outline the safeguards in place in Galway County Council regarding the operation, monitoring and access to CCTV systems and images.
* It will also assist Galway County Council to fulfil its data protection obligations regarding the operation of, and access to, CCTV systems and their recordings.
* Explain how individuals can exercise their rights in respect of personal data created by the Council’s CCTV Systems.

# Purpose of CCTV

CCTV is used by Galway County Council for the following purposes:

* Protection and safeguarding of persons and property located on Council premises and its environs.
* Ensuring and promoting the Health & Safety of Galway County Council’s staff, visitors and customers.
* Exercising its law enforcement powers e.g. the prevention, investigation and prosecution of offences under litter and waste management legislation.
* To improve public and community safety and perception of safety by the local communities by assisting in the prevention, detection and investigation of criminal offences.
* Investigation by Council management of reported incidents/accidents and of suspected, or allegations of fraudulent behaviour or other activities consistent with this policy.
* Investigations carried out by other agencies in relation to incidents, i.e. Health and Safety Authority, the Council’s Insurers and or legal advisors.
* Supporting An Garda Síochána to deter, detect and prosecute crime.

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

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

# Scope

The scope of this policy applies to:

* All Galway County Council employees
* All individual or organisations acting on behalf of the Council.
* CCTV service providers (data processors) contracted by the Council.

# Roles & Responsibilities

1. The County Council’s CCTV systems shall be operated and maintained by:
* The County Council and/or
* Third party CCTV service providers: third party CCTV service providers must be licensed with the Private Security Authority (PSA) which is the statutory body for licensing and regulating the private security industry in Ireland. Third party CCTV service providers are considered to be Processors and as such they are required to enter into a formal Data Processing Agreement with Galway County Council to ensure that they, in addition to the County Council, discharge their obligations under data protection legislation.
1. Each CCTV system will be assigned to the responsibility of a designated Galway County Council employee. This responsibility will include ensuring that the CCTV system is being operated in a manner that is consistent with this policy and data protection legislation.
2. The relevant Director of Services has responsibility to:
* Ensure that the use of CCTV is implemented in accordance with this policy as set down by Galway County Council;
* Oversee and co-ordinate the use of CCTV for safety and security purposes within Galway County Council;
* Ensure that all existing CCTV cameras are evaluated for compliance with this policy;
* Ensure that the CCTV monitoring by the Council is consistent with the highest standards and protections;
* Review camera locations and be responsible for the release of any information or recorded CCTV material stored in compliance with this policy;
* Maintain a record of access (i.e. an access log) to, or the release of any material recorded or stored in the system;
* Ensure that no copies of recorded material are made without authorisation;
* Ensure that the perimeter of view from fixed location cameras conforms to this policy both internally and externally;
* Approve the location of temporary cameras to be used during special events that have particular security requirements and ensure their withdrawal following such events. NOTE: Temporary cameras do not include covert CCTV equipment or hidden surveillance cameras used for authorised criminal investigations by An Garda Síochána as approved by the County Secretary;
* Consider staff feedback / complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment;
* Ensure that all areas being monitored are not in breach of an expectation of the privacy of individuals and be mindful that no such infringement is likely to take place;
* Ensure that external cameras are non-intrusive in terms of their positions and views of neighbouring residential housing and comply with the principle of “Reasonable Expectation of Privacy”;
* Ensure that recordings are stored in a secure place with access by authorised personnel only;
* Ensure that recorded images are stored for a period no longer than 30 days (28 days in respect of Community-Based CCTV) 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 County Secretary;
* Ensure that, if the camera had the facility to zoom, that when using a zoom facility on a camera, no invasion of privacy takes place and that such activity is logged.
1. The Data Protection Officer, appointed by the Council, will monitor compliance with the Council’s data protection concerning the operation of its CCTV Systems.

# CCTV Locations

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

* Council premises and properties
* Public Areas
* Third Party Properties (subject to agreement of owners)

Use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy will not take place. Cameras shall be placed in such a way to prevent or minimise recording areas other than those that are intended to be covered by the CCTV system, including that of passers-by or of another person's private property.

The Council provides a number of meeting rooms with CCTV recording systems. 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. These rooms will display signs in accordance with this policy.

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

Please refer to [***Appendix 7***](https://www.galway.ie/en/services/yourcouncil/dataprotection/cctv/)which provides an Inventory of CCTV camera’s installed by Galway County Council across County Galway and their current operational status.

# CCTV Signage

The Council will ensure that adequate CCTV signage is placed at locations where CCTV is sited, so that the public are aware that they are about to enter an area covered by a CCTV system. Signs also act as an additional deterrent.

If the identity of the Controller (i.e. Galway County Council) and the usual purpose for processing (e.g. security) is obvious the following is all that is required to be placed on the signage:

* Notice that CCTV is in operation;
* Contact details that may include: website address, telephone number or e-mail address.

If the purpose for processing is not obvious the following is required to be placed on the signage:

* Notice that CCTV is in operation;
* The purpose of the CCTV system;
* Name of the organisation responsible for operating the CCTV system;
* Details of who to contact within the organisation responsible for operating the CCTV system.

Appropriate locations for signage may include:

* Entrances to premises, i.e. external doors and entrance gates;
* Reception areas;
* At or close to each camera;
* Any other areas covered by CCTV
* Approach roads to towns where Community-Based CCTV Schemes are in place

Please refer to [***Appendix 2***](https://www.galway.ie/en/services/yourcouncil/dataprotection/cctv/) which provides appropriate templates for CCTV signage.

# Covert CCTV Surveillance

* Covert CCTV surveillance is normally only permitted on a case-by-case basis where the data is necessary for the purposes of preventing, detecting, investigating offences or apprehending, prosecuting offenders. Covert surveillance may, on occasion, be required and justified where overt surveillance would merely transfer any illegal activity to some other location where CCTV is not in place, for example illegal dumping at specific locations could justify covert surveillance, subject to this policy.
* Covert CCTV surveillance must be focused and of short duration.
* Only specific and relevant individuals/locations should be recorded.
* If no evidence is obtained that is relevant to the purpose of the covert CCTV surveillance within a reasonable period, the CCTV surveillance should cease.
* Where An Garda Síochána requests to carry out covert surveillance in Council property, any request should made in writing.

# Retention of CCTV Recordings

Data recorded on CCTV systems shall be kept for no longer than is considered necessary in accordance with Article 5(1)(e) of the GDPR.

* Normally data recorded on all CCTV systems, as included in this policy, will not be retained by Galway County Council beyond a maximum of 30 days (28 days in respect of Community-Based CCTV).
* Data recorded on CCTV systems may however be retained by Galway County Council beyond the maximum period, in circumstances where the data is required for evidential purposes and/or legal proceedings.
* All images remain the property and copyright of Galway County Council.

# CCTV Access

All access to images will be confined to authorised personnel and an Access Log will be maintained by a designated member of staff. The logs shall contain a record of all requests made by Data Subjects, An Garda Síochána, and designated employees to view/obtain copies of CCTV recordings and the purpose of such requests. Viewings must be carried out for a specific legitimate purpose in line with this policy and Galway County Council’s CCTV Data Recording and /or Transfer to 3rd Party Form must be completed.

## Third Party Access to CCTV Recordings

Access to CCTV recordings may be provided to the following:

* Data Subjects legal representatives - pursuant to an access request under Data Protection legislation, where the time, date and location of the recordings is furnished to the Council;
* Director of Services - to assist the relevant Director in establishing facts in alleged cases of unacceptable behaviour;
* Individuals (or their legal representatives) – subject to a Court Order;
* Council Insurers;
* CCTV Authorised Officers;
* Other parties, as approved by the Data Controller (Galway Co. Council).

## Access by Data Subjects

Data protection legislation provides data subjects with a right to access their personal data. This includes personal data captured by CCTV recordings. Access requests may be submitted in writing to:

Data Protection Officer

Corporate Services

Galway County Council

Prospect Hill

Galway

H91 H6KX

or by email to dpo@galwaycoco.ie

or by telephoning the Data Protection Officer at 091 509000.

In circumstances where data is held for the purposes of further investigation or potential prosecution, then access to this data may be withheld pending completion of investigations and/or initiation of legal proceedings.

It would not suffice for a data subject to make a general access request for a copy of CCTV recordings. Instead, it will be necessary that data subjects specify that they are seeking to access a copy of CCTV recordings that have captured their personal data between specified dates, at certain times and at a named location. In seeking such an image, it will be necessary for the requester to submit their own photograph to ensure that it matches with that on the CCTV.

In providing access to a data subject, to CCTV recordings of his/her/their personal data, provided that such personal data exists, the Council may provide a still / series of still pictures, a tape, a disk or any device with relevant images. Where the image / recording identifies another individual, those images may only be released where they can be redacted / pixelated so that other persons are not identified or identifiable, unless they authorise the Council to do so.

## Access by An Garda Síochána

Requests from An Garda Síochána for access to, or copies of, CCTV recordings are required to be submitted formally in writing on An Garda Síochána headed paper, with a quotation of the PULSE unique number and signed by a high ranking member of An Garda Síochána (e.g. Superintendent). The request should specify the details of the CCTV recordings required and cite the legal basis for the request being made.

For practical purposes, in an urgent situation, a verbal request may be sufficient to allow for the release of the footage sought. However, any such verbal request should be followed up with a formal written request.

## Access under Freedom of Information (FOI)

Under the Freedom of Information Acts (FOIA), people can request access to any recorded information (with certain exemptions) that the Council holds. However, if individuals are capable of being identified from the CCTV system footage, then it is personal information about the individual concerned and is unlikely to be disclosed in response to a Freedom of Information Request. A public authority that has surveillance systems, may also receive requests for information under the FOIA relating to those surveillance systems. For example, requestors may ask for information regarding the operation of the systems, the siting of them, or the costs of using and maintaining them. If this information is held, then consideration will need to be given to whether it is appropriate to disclose this information under the FOIA. Requests under the FOIA should be:

E-mailed to foi@galwaycoco.ie

or addressed to:

FOI Department

Corporate Services

Galway County Council

Prospect Hill

Galway

H91 H6KX

## Security Arrangements for CCTV

Access to each CCTV system and its recordings shall be restricted to the Designated Employee and other personnel that have authorised access to the system.

The storage medium used by the CCTV system should be kept in a secure location. Where feasible, access to CCTV Hub rooms will be controlled via Maglock.

# CCTV Register

A CCTV Register shall be maintained by the County Council. This register shall contain the following information:

* Location and GPS coordinates of each CCTV system;
* Make and model of each CCTV system;
* Purpose of each CCTV system;
* CCTV service provider details;
* Signage (GPS coordinates and map);
* Details of Designated Employee having responsibility for each CCTV system;
* Retention period for CCTV recordings;
* Status of monitoring (live monitoring);
* Masking status.

# Data Protection Impact Assessment (DPIA)

A Data Protection Impact Assessment shall be carried out, in accordance with data protection legislative requirements, before any installation of a new CCTV system or upgrade to an existing CCTV system. The purpose of a DPIA is to facilitate the identification and implementation of appropriate measures to eliminate or minimise any risks arising out of the processing of personal data by a CCTV system.

# Monitoring and Review

This policy shall be subject to ongoing monitoring and review that will take cognisance of changing information or guidelines. These reviews will ensure that legal requirements, policies and standards are complied with in practice. This policy will apply from the date of adoption by Galway County Council Senior Management Team with implementation of and adherence to the policy to be monitored by the relevant Director of Services.

# Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council, you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner’s website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact their Office at:

**Phone Number** 1800 437 737 / (01) 765 01 00

**E-mail** <https://forms.dataprotection.ie/contact>

**Address**

Data Protection Commission

21 Fitzwilliam Square South

Dublin 2

D02RD28

Ireland

# Further Information

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

E-mail: dpo@galwaycoco.ie

Address: Data Protection Officer

Áras an Chontae

Prospect Hill

Galway

H91 H6KX

# Appendices

## Appendix 1 – *Definitions*

Definitions of words / phrases used in relation to the protection of personal data and referred to in the text of the policy:

**GDPR:** General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)

**Data Protection Acts:** The Data Protection Acts 1988 - 2018

The GDPR and the Data Protection Acts confer rights on individuals as well as responsibilities on those persons handling, processing, managing and controlling personal data. The Council must comply with the provisions of the Data Protection Acts when collecting and storing personal information. This applies to personal information relating both to employees of the organisation and individuals who interact with the organisation.

**Access Request:** This is a request to the organisation for access to personal data in accordance with data protection legislation.

**CCTV:** Closed-circuit television, also known as video surveillance, is the use of video cameras to transmit a signal to a specific place on a limited set of monitors. The images may then be recorded on video tape or DVD or other digital recording mechanism.

**Data:** Information in a form that can be processed. It includes automated or electronic data (any information on computer or information recorded with the intention of putting it on computer) and manual data (information that is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system).

**Data Controller:** A data controller determines the purposes and means of processing personal data. In other words, the data controller decides the how and why of a data processing operation.

**Data Processing:** Performing any operation or set of operations on data, including:

* Obtaining, recording or keeping the data
* Collecting, organising, storing, altering or adapting the data
* Retrieving, consulting or using the data
* Disclosing the data by transmitting, disseminating or otherwise making it available
* Aligning, combining, blocking, erasing or destroying the data

**Data Processor:**  A data processor acts under the instructions of the data controller only, by processing personal data on behalf of the data controller. This definition does not include an employee of a data controller who processes data in the course of their employment. The Data Protection legislations places responsibilities on such entities in relation to their processing of the personal data.

**Data Subject:**  The identified or identifiable living individual to whom personal data relates.

**Personal Data:** 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 a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identify of that natural person. This also includes data which, in conjunction with other data, is likely to, or may, lead to the identity of a natural person.

## [Appendix 2 – *Templates CCTV Signs*](https://www.galway.ie/en/services/yourcouncil/dataprotection/cctv/)

## [Appendix 5 – *Release of CCTV Recording and/or Transfer to 3rd Party form*](https://www.galway.ie/en/services/yourcouncil/dataprotection/cctv/)

[**Appendix 6 – *Privacy Notices***](https://www.galway.ie/en/services/yourcouncil/dataprotection/cctv/)

## [Appendix 7 - *Inventory of CCTV camera’s installed by Galway County Council across County Galway and their current operational status*](https://www.galway.ie/en/services/yourcouncil/dataprotection/cctv/)