



Comhairle Chontae na Gaillimhe **Galway County Council**

CLOSED CIRCUIT TELEVISION POLICY

Version 1.5

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Introduction

This policy relates to surveillance camera equipment (CCTV) both video and audio recording, 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 and locations in the ownership of Galway County Council, and includes the use of Number Plate Recognition Camera's and Body Worn Video Camera equipment.

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.

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, 2003 & 2018, and by the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and guidelines issued by the Office of the Data Protection Commission.

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 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.

Scope

The scope of this policy applies to:

- Galway County Council uses of CCTV that involve recording of personal data
- All Galway County Council employees

- All individual or organisations acting on behalf of the Council.

Legislation

CCTV systems are subject to legislation and Galway County Council undertakes to ensure the collection, processing and protection of personal data in accordance with the terms of this policy to ensure continuing compliance with the following legislation:

- Data Protection Acts 1988, 2003 and 2018
- The General Data Protection Regulations (EU) 2016/679
- The Freedom of Information Acts, Human Rights Act 1998
- Section 38 of the Garda Síochána Act, 2005
- Private Security Services Act 2004
- Safety Health and Welfare at Work Act 2005
- Waste Management Act 1996 (as amended)
- Litter Pollution Act 1997 (as amended)
- Protection of the Environment Act 2003 (as amended)
- Occupiers Liability Act 1995

Purpose of CCTV

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

- Safeguarding of persons and property located on Council premises and its environs
- Ensuring the Health & Safety of Galway County Council's frontline staff e.g. use of Body Worn Camera's (BWC)
- Exercising its law enforcement powers e.g. the prevention, investigation and prosecution of offences under litter and waste management legislation
- Securing public order and safety in public places by facilitating the prevention, detection and prosecution of criminal offences e.g. community-based CCTV schemes
- 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 other than those outlined in this policy document.

CCTV Locations

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 property
- Public Areas and 3rd Party Properties (subject to agreement of owners)

The location of cameras is a key consideration. 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.

Please refer to [Appendix 7](#) which provides an Inventory of CCTV camera's installed by Galway County Council across County Galway and their current operational status.

CCTV Signage

All areas where CCTV is in use should be clearly signed 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 (i.e. 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 internal camera

Please refer to [Appendix 2](#) 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 or investigating offences or apprehending or 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 will be in writing.

CCTV in Meeting Rooms, Public Counters (Video & Audio)

The Council provides a number of meeting rooms with CCTV and or audio recording systems in rooms or on staff directly. 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 and voice 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 notes before the meeting concludes.

Number Plate Recognition Camera's (NPR)

Galway County Council currently has Number Plate Recognition (NPR) cameras in some housing estates under Community Based CCTV Section 38 An Garda Síochána Act 2005. The purpose of NPR cameras is to mitigate anti-social behaviour, for the purposes of the safety of the community and the prevention of damage to Council property as outlined in the Council's Anti-Social Behaviour Strategy.

Galway County Council NPR cameras are also in use for the purposes of law enforcement, in that data extracted from the CCTV cameras, is made available as evidence to the Environment Section for prosecutions under the following Acts:

- Waste Management Act 1996 (as amended)
- Litter Pollution Act 1997 (as amended)
- Protection of the Environment Act 2003 (as amended)

The NPR data is not cross referenced with NDLS information and is therefore not Automatic in nature.

Appropriate signage is in place confirming that CCTV cameras are operational and includes details of the Data Controller.

Please refer to [Appendix 3](#) - Standard Operating Procedure in relation to Number Plate Camera's used by Galway County Council for further information.

Body Worn Camera's (BWC)

This document sets out the Council's Policy and procedure for the use of Body Worn Camera's(BWC). Galway County Council considers the use of BWV to be an appropriate measure to help protect the personal safety of categories of frontline staff including but not restricted to; Community Wardens, Dog Wardens, and Housing Estate Management Staff and may form part of a frontline employees Personal Protective Equipment and is provided solely for health and safety purposes, and to attain evidence of threatening or abusive behaviour against the employee.

Galway County Council has piloted the use of one BWC and eventually it is envisaged to have 15 BWC's in use.

BWC's involve the use of cameras that are worn by a person and are usually attached to their clothing or uniform. These devices can often record both visual and audio information. BWC systems are likely to be more intrusive than the more 'normal' CCTV style surveillance systems because of its mobility.

Body Worn Cameras will not be used to gather evidence for Parking Enforcement or any other enforcement purposes.

Body worn CCTV will only be activated in the event where staff find themselves in a confrontational situation where they are subject to, or feel that they are likely to be subject to, verbal or physical abuse and the following will apply:

1. Recordings should not commence until the employee has issued a verbal announcement, where possible, of their intention to turn on the body worn device
2. Recordings will not be made whilst performing normal patrolling duties
3. All recordings will be held securely
4. Access to recordings will be restricted to authorised personnel only.

The authorisation of staff to use a body worn camera requires a Chief Executive's Order.

Please refer to [Appendix 4](#) - Standard Operating Procedure in relation to Body Worn Camera's used by Galway County Council for further information.

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
2. Third party CCTV service providers must be licensed with the Private Security Authority (PSA) which is the statutory body with responsibility for licensing and regulating the private security industry in Ireland
3. 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
4. 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
5. 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 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 tapes or any material recorded or stored in the system
 - Ensure that no copies of recorded tapes 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 DVRs’, DVDs’ etc. are stored in a secure place with access by authorised personnel only
- Ensure that images recorded on DVRs’/DVDs/digital recordings are stored for a period no longer than 30 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 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.

Retention of CCTV Recordings

Data recorded on CCTV systems shall be kept for no longer than is considered necessary in accordance with Article 5(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.
- Data recorded on CCTV systems may however be retained by Galway County Council beyond a maximum of 30 days 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. 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.

Please refer to [Appendix 5](#) – Release of CCTV Data Recording and/or Transfer to 3rd Party form used by Galway County Council in relation to CCTV Access requests.

Third Party Access to CCTV Recordings

Access to CCTV recordings may be provided to the following:

- Data Subjects or their legal representatives - pursuant to an access request under the Data Protection Acts, where the time, date and location of the recordings is furnished to the Council
- An Garda Síochána - on request in writing when a crime or suspected crime has taken place and / or when it is suspected that illegal / anti-social behaviour is taking place on Council property or in a public place
- 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 - to pursue a claim for damage done to the Council's insured property.
- Galway County Council's CCTV Data release form must be completed in respect of CCTV Data Recording and /or Transfer

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 are required to be submitted in writing in physical or electronic format e.g. by letter or e-mail. 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.
- The provision of access to a data subject to CCTV recordings of his/her personal data, provided that such an image/recording exists, the Council may provide a still / series of still pictures, a tape or a disk 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.

Access by An Garda Síochána

Requests from An Garda Síochána for access to/copies of CCTV recordings are required to be submitted formally in writing by An Garda Síochána. The request should specify the details of the CCTV recordings required and cite the legal basis for the request being made. For practical purposes, and to expedite a request speedily in urgent situations, 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. For accountability purposes a record of all Garda Síochána requests will be maintained by Galway County Council detailing the provision of footage in the relevant Access Log.

The release of CCTV footage to An Garda Síochána in relation to Community Based CCTV under Section 38 of the Garda Síochána Act, 2005, is governed by a Memorandum of Understanding between An Garda Síochána and Galway County Council.

Access under Freedom of Information (FOI)

Under the Freedom of Information Acts, 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 who has surveillance systems, may also receive requests for information under 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 FOIA.

Requests under the FOI Acts should be addressed to: FOI Department, Corporate Services, Galway County Council, Prospect Hill, Galway.

Security Arrangements for CCTV

- Access to each CCTV 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's Data Protection Officer. This register shall contain, at a minimum, the following information:

- Location of each CCTV system
- Purpose of each CCTV system
- Third party service supplier details
- Details of Designated Employee having responsibility for each CCTV system

Access Log

- Access Logs shall be maintained by the Designated Employee that has responsibility for each CCTV system.
- The logs shall maintain a record of all requests made by Data Subjects and An Garda Síochána to view/obtain copies of CCTV recordings and the outcome of such requests.

Privacy Impact Assessment

A Privacy 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, if in the opinion of Galway County Council, the installation or upgrade is likely to result in a high risk to the rights and freedoms of individuals.

Monitoring and Review

This policy shall be subject to ongoing monitoring and review that 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.

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.

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

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 or you can contact their Office at:

Lo Call Number

1890 252 231

E-mail

info@dataprotection.ie

Address

Data Protection Commissioner Canal House Station Road Portarlinton, Co. Laois, R32 AP23.

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:

Access Request: This is where a person makes a request to the organisation for the disclosure of their personal data under Section 91 of the Data Protection Act 2018.

Audio recording: The use of equipment for recording of voice and sound.

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. It includes in this policy the recording of sound.

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 person who (either alone or with others) controls the contents and use of personal data.

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 person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection Acts place responsibilities on such entities in relation to their processing of the data.

Data Protection Acts: The Data Protection Acts 1988 and 2018 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.

Data Subject: An individual who is the subject of personal data

Personal Data: Data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

[Appendix 2 – Templates CCTV Signs](#)

[Appendix 3 – Standard Operating Procedure - Number Plate Recognition Camera's](#)

[Appendix 4 – Standard Operating Procedure – Body Worn Camera's](#)

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

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