

**Comhairle Contae
Fhine Gall**
Fingal County
Council



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Fingal County Council
CCTV Policy



1. Introduction

This policy relates to the use of Closed-Circuit Television (CCTV) systems owned and managed by Fingal County Council. Fingal County Council is the data controller for all images captured on its CCTV.

CCTV is a technology that uses video cameras to transmit signals to a specific place. It is, in effect, an internal television network. It differs from broadcast television in that the signal is not transmitted publicly.

CCTV systems are generally used to conduct surveillance for security or for health and safety purposes. Accordingly, they capture images that may identify individuals, either directly, by capturing recognisable images of faces, or indirectly, by recording vehicle registration numbers or distinctive items of apparel.

As a result, individuals, particularly in an urban setting, may have their images recorded multiple times per day: on public transport, in stations, in public areas and in shops and restaurants. As CCTV images are date and time-stamped, this allows the movements of individuals to be tracked, sometimes in real-time.

There are Data Protection and Privacy implications in relation to the use of CCTV systems. Unless such systems are used with proper care and consideration, they can give rise to concern that the privacy of individuals is being unreasonably invaded.

This policy sets out how Fingal County Council will manage its CCTV systems and the standards that will apply in respect of the data it captures.

The policy complies with the EU General Data Protection Regulation 2016/679 (GDPR) and the Data Protection Acts 1988 to 2018. (See APPENDIX I for Definitions and Terms used)

Fingal County Council is responsible for the protection of its property, equipment and other plant as well as for staff, elected members, visitors and customers to its premises. Usage of CCTV contributes to compliance with the Safety, Health and Welfare at Work Act, 2005.

In terms of public CCTV while the Council has a limited role in law enforcement in relation to its specific functions, CCTV may be provided in public places to facilitate the deterrence, prevention, detection and prosecution of offences as well as enhancing public safety and security.

2. Purpose of this Policy

The purpose of this policy is to inform managers and staff of their responsibilities for the management and use of CCTV facilities under their control, with special emphasis on Fingal County Council's legal obligations under the EU General Data Protection Regulation (GDPR) and the Data Protection Acts, 1988 to 2018.

3. Scope of this Policy

This policy covers Fingal County Council property, premises and staff or organisations acting on behalf of the Council. CCTV in this policy document covers video recording systems, including CCTV systems and dashcams.

This policy relates to the use of CCTVs, their monitoring, recording, security, control and use of recorded material as well as setting out the way by which persons and others can seek to see images and to ensure that CCTVS are operated in a manner compatible with this policy.

CCTV is used by Fingal County Council in areas such as

- Council buildings including civic offices, depots, and public libraries
- Car parks
- Public areas and Civic Amenity Sites including parks
- Selected council vehicles

The use of CCTVS to control the perimeter of Council buildings and property for security purposes is deemed to be justified and can be used to capture images of intruders or of individuals damaging property or removing goods without authorisation.

In other areas of offices where CCTV has been installed, e.g. hallways, stairwells, locker areas, canteens etc., these are to prevent risk to security and / or health & safety of staff.

The use of CCTV by staff will reduce the risk to the security, health & safety of such staff, where such usage is advised to those interacting with such staff.

The purpose of CCTV in the public areas of our buildings is to enhance security and health and safety for all users of the buildings.

Within meeting rooms CCTV is used to ensure the security and health and safety of staff when meeting / interviewing visitors and customers.

The use of CCTV on streets and public areas is to act as a deterrent against anti-social behaviour and crime in town areas and at specific locations.

4. Overall Responsibilities

The Data Protection Officer will:

- Ensure that the use of CCTV is implemented in accordance with the policy set down by Fingal County Council
- Oversee and co-ordinate the use of CCTV for safety and security purposes within Fingal County Council
- Ensure that all existing CCTV systems are evaluated for compliance with this policy
- Ensure that any new CCTV Systems installed are compliant with this policy and that Data Privacy Impact Assessments (DPIA) are undertaken where necessary
- Ensure that systems for access control, monitoring, recording and storage of CCTV by the Council is consistent with the highest standards and protections
- Ensure that systems for the release of any information or recorded CCTV material stored comply with this policy

- Advise Departments on aspects of the deployment and location CCTV systems whether fixed or temporary
- Consider feedback / complaints regarding possible invasion of privacy or confidentiality due to the location of a CCTV camera or associated equipment

The relevant Designated / Authorised Person will:

- Ensure that the use of CCTV systems is implemented in accordance with this policy
- Co-ordinate the use of CCTV monitoring
- Ensure that the CCTV monitoring is conducted in line with this policy
- Ensure that any new CCTV Systems installed are compliant with this policy and undertake Privacy Impact Assessments where necessary
- Review camera locations and be responsible for the release of any information or recorded CCTV materials stored in compliance with this policy
- Maintain a record of access (e.g. an access log) to or the release of tapes or any material recorded or stored in the system
- Ensure that monitoring recorded tapes are not duplicated for release
- Ensure that the perimeter of view from fixed location cameras conforms to this policy both internally and externally
- Provide a list of the CCTV cameras and the associated monitoring equipment and the capabilities of such equipment to the Data Protection Officer
- Approve the location of temporary cameras to be used during special events that have particular security requirements and ensure their withdrawal following such events.
- Report on feedback/complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment to the Data Protection Officer
- Ensure that all areas being monitored are not in breach of an enhanced expectation of the privacy of individuals within the council and be mindful that no such infringement is likely to take place
- Co-operate with the Data Protection Officer and Health & Safety Officer of Fingal County Council in reporting on the CCTV system in operation
- 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 monitoring tapes are stored in a secure place with access by authorised personnel only
- Ensure that images recorded on tapes/DVDs/digital recordings are stored for a period not 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 Director of Services
- Ensure that when a zoom facility on a camera is being used, there is a second person present with the operator of the camera to guarantee that there is no unwarranted invasion of privacy
- Ensure that camera control is solely to monitor suspicious behaviour, criminal damage etc. and not to monitor individual characteristics
- Ensure that camera control is not infringing an individual’s reasonable expectation of privacy in public areas

5. Procedures for the Use of CCTV Systems

Recognisable images of persons captured by CCTV systems are personal data. They are therefore subject to the provisions of Data Protection legislation.

Article 5 of the GDPR sets out seven principles of data protection, with an eighth, Data Subject rights, set out in Articles 15 – 22. The principles relevant to the personal data processed by CCTV systems are listed below.

Processing CCTV images ‘lawfully’

To process identifiable CCTV images **lawfully** Fingal County Council must identify a lawful basis for the processing this is Art 6 (1) (e) processing is necessary for the performance of a public task - Article (6) (e) pursued by the controller.

Processing CCTV images ‘fairly’ & ‘transparently’

To process identifiable CCTV images **transparently & fairly**, Data Subjects must be informed that CCTV systems are in operation and the purposes for which the images are captured. Data Subjects must be provided with the relevant information in Fingal County Council’s CCTV Privacy Statement, as required by Article 13 of the GDPR which is available at <https://www.fingal.ie/council/service/data-protection>

The CCTV Policy (this document) also list the purposes for which CCTV is used and gives further guidance by providing for signs warning Data Subjects that a CCTV system is in operation and informing them of the purposes for which it is used. (See APPENDIX II for copy of standard signage wording)

Signs must be visible to a Data Subject before their image is captured by the CCTV system. Clearly visible signs should be erected at every entrance to the site, premises or property. Data Subjects should notice and be able to read these signs before they enter camera shot. The signs must state that CCTV is in operation, the purpose(s) for which the images are being captured and the contact details for the DPO.

Covert surveillance

Fingal County Council will not normally engage in covert surveillance. Covert surveillance may on occasion be required when overt surveillance does not suffice for the purpose of preventing, detecting or investigating offences, or apprehending or prosecuting offenders.

Covert operation can only take place if implemented with the exact purpose, procedures, measures and safeguards detailed in this policy

Any covert surveillance must be focused and of short duration. A DPIA should be carried out prior to the installation of any covert systems, to clearly assess whether the measure can be justified on the basis of necessity and proportionality to achieve the intended purpose. Only specific and relevant locations should be recorded. If no evidence is obtained within a reasonable time, the surveillance should cease.

If a data processor is involved in the covert surveillance, the council is required to put a data processing agreement in place.

Purpose and purpose limitation

Article 5.1(b) of the GDPR states that personal data shall be collected for specified, explicit and legitimate purposes and not further processed in any way incompatible with those purposes. This is the purpose limitation principle.

CCTV images can only be used for the purposes specified in this document and on the CCTV warning signs. These purposes are currently security and personal safety. If CCTV images are required for additional purposes, these must be approved in advance by Fingal County Council's Management and, if necessary, by the Data Protection Commission. This policy, the privacy statement and all CCTV warning signs must then be amended.

Only use CCTV images for the purposes set out in this document are:

- protecting the council's buildings and assets
- protecting the health and safety of staff, visitors and customers including a deterrent against bullying and other anti-social behaviour
- Crime detection and prevention
- Vacant site observation and planning
- Coastal erosion/flooding monitoring
- Drone filming of Council outdoor events

Do not use them for any other purpose.

An Garda Síochána may request footage for the purpose of law enforcement, dealing with such requests is consistent with the regulation and the process is further described below.

Adequate, relevant and limited to what is necessary

Article 5.1.c of the GDPR states that personal data collected shall be adequate, relevant and limited to what is necessary. In other words, it should be proportionate and should collect only the minimum personal data necessary. This is the data minimisation principle.

When processing personal data by means of a CCTV system, the risk to the security of a property or to the health and safety of staff, contractors or visitors must be balanced against the risk of intrusion into the privacy of individuals. Use of CCTV in car parks, on the external perimeter and/or entry/points of a property for security and/or personal safety is proportionate. However, using CCTV to continuously monitor visitors or staff at their work would be disproportionate, unless, for example, the staff concerned were working in very hazardous or high-risk areas.

A key consideration is what CCTV systems monitor. The use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy would be very disproportionate. Toilets, showers, changing rooms, locker room and rest rooms are obvious examples.

The CCTV operator will, in so far as possible, position cameras in such a way that they only monitor those spaces which are intended to be covered by the system. If it is not possible to restrict coverage,

cameras should be positioned to minimise recording of passers-by or private property by the inclusion of masking.

Accurate and, where necessary, kept up to date

This is not relevant to processing personal data captured by CCTV systems.

Not kept in an identifiable form for longer than necessary

Article 5.1.e of the GDPR states that personal data collected shall not be kept in an identifiable form for longer than necessary for the purposes for which it is processed. This is the principle of data minimisation. The retention period of Fingal County Council CCTV systems is 30 days. Systems should be configured to automatically overwrite or delete images after 28 days.

If the managers or those in charge of the CCTV system become aware that an incident has occurred, the relevant footage should be copied and kept securely (locked up) for 30 days, unless required before that. The two exceptions to this are set out in the next two paragraphs.

In the case of personal injury (and associated property damage), where a claim may be made against Fingal County Council, the copy of the relevant footage may be kept for longer 65 days. Section 8 of the Civil Liability and Courts Act 2004 provides a legal basis for this, as a plaintiff has two months (60 days) to make a claim for personal injuries. In the case of property damage alone, the Statute of Limitations Act 1957 provides a six-year period for making a claim. It would not be reasonable or proportionate to retain CCTV footage for such a long period, just in case a claim might be made, so the 30-day retention period applies.

Where a claim is made against Fingal County Council, the copy of the relevant footage should be retained for the duration of the case and any follow up appeals. Section 41(c) of the Data Protection Act 2018 provides a legal basis for processing personal data to establish, exercise or defend legal rights, for obtaining legal advice or for actual or prospective legal claims and proceedings.

Processed to ensure appropriate security

Article 5.1.f of the GDPR states that personal data collected shall be processed in a manner that ensures appropriate security, using appropriate technical and organisational measures, to protect it. This is the principle of integrity and confidentiality.

Under GDPR Article 5.1.f, Fingal County Council cannot disclose a Data Subject's identifiable CCTV images to a 3rd party.

CCTV operators must ensure appropriate technical and organisational measures, to protect the footage from unauthorised or unlawful processing, accidental loss, disclosure, destruction.

It is vital that security precautions are taken to prevent unauthorised people from having access to view, copy or interfere with CCTV footage. Access should be restricted to authorised personnel. Access to CCTV systems, including to storage devices and storage media, must be restricted to authorised personnel with an access log.

Supervising the access and maintenance of the CCTV System is the responsibility of the relevant designated/authorised persons. The Data Protection Officer will oversee arrangements but may delegate the administration of the CCTV System to other staff members. The designated person will monitor all access rights and download/viewing capabilities for all cameras. Access to images will be available to

- Council Staff : when carrying out their functions in accordance with legislation.
- An Garda Síochána : to deter and detect offence in accordance with the Garda Síochána Act 2005.
- Service Providers : to carry out maintenance and repairs. Access is restricted to view only.

Third-party contractors must enter into a Data Processing Agreement including non-disclosure and confidentiality clauses. Access rights to users of CCTV footage are granted only where it is strictly necessary. The DPO is responsible for granting, ordering or revoking access rights.

Authorised Access

Unauthorised access to recordings, monitors etc. will not be permitted at any time. Monitoring stations will be kept locked. A log of access to monitoring stations and tapes, servers, DVDs etc. will be maintained. In relevant circumstances, CCTV footage may be accessed:

- by 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 activities have been captured on the CCTV images
- anti-social or criminal behaviour is taking place on Council property or in a public place or
- to provide assistance to other statutory bodies as deemed appropriate within this policy or
- to data subjects (or their legal representatives), pursuant to a Subject Access Request under the Data Protection Acts, where the time, date and location of the recordings is furnished to the Council or
- to individuals (or their legal representatives) subject to a Court Order
- to the Council's insurers where it requires same in pursuit of a claim for damage done to the Council's insured property

6. Data Subject Access Rights & Processes

Fingal County Council must allow Data Subjects to exercise their rights in Articles 15 – 22 and 34 of the GDPR, as restricted by Article 23 and Sections 56 – 61 of the Data Protection Act 2018.

Data Subjects have the following rights under the GDPR and the Data Protection Acts 1988 to 2018:

Access to Their Recognisable CCTV Images (Article 15)

Fingal County Council must confirm to the Data Subject if their identifiable CCTV image has been recorded and, if so, they must be given a copy of the CCTV images recorded.

Where the image/recording identifies another individual, those images may only be released where they can be redacted/anonymised so that other persons are not identified or identifiable.

Rectification of Their Recognisable CCTV Images (Article 16)

Data Subjects have the right to rectification (correction) by Fingal County Council of their inaccurate recognisable CCTV images, without undue delay. This right does not apply, as correcting CCTV images is impossible.

Erasure of Their Recognisable CCTV Images (Article 17)

Also known as the right to be forgotten, Data Subjects have the right to have Fingal County Council erase their recognisable CCTV images this is based on a number of grounds none of which apply to the processing carried out by Fingal County Council therefore the council does not have to comply with such requests.

Data Portability (Article 20)

Where recognisable CCTV images are captured on the basis of the consent of a Data Subject or a contract between the Data Subject and Fingal County Council, the Data Subject is entitled to receive their CCTV images in a structured, commonly used and machine readable format (MP4, AVI or WMV) and to transmit these to another Controller. As Fingal County Council uses neither consent nor a contract as a basis for capturing recognisable CCTV images, this right does not apply.

Dealing with requests from Data Subjects

Fingal County Council must provide information within one month on the actions it has taken in response to a request made under the Data Subject rights in Articles 15 – 22.

This period may be extended by a further two months when necessary, based on the complexity of the request or the number of requests involved, but the Data Subject must be informed of this within the first month, together with the reason for the delay.

To exercise a right of access, a data subject must make an application in writing to the Data Protection Officer. Access requests can be made subject to the following:

- A person should provide all the necessary information to assist the Council in locating the CCTV recorded data, such as the date, time and location of the recording.
- If the image is of such poor quality as not to clearly identify an individual, that image may not be considered personal data and may not be released by the Council.
- 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.
- In giving a person a copy of their data, the Council may provide a still / series of still pictures, a tape or a disk with relevant images. However, other images of other individuals will be obscured before the data is released.

7. Requests from An Garda Síochána

In line with Data Protection legislation, An Garda Síochána are entitled to view personal data on individuals, if it is for the following purposes;

- for the prevention and detection of crime.
- for the prosecution of offenders.
- when required urgently to prevent injury or other damage to welfare of the person or serious loss or damage to property.
- when required under an order of the Court or any other enactment.

Some CCTV systems may cover part of neighbouring premises or streets. When investigating a crime, which may or may not have occurred on Fingal County Council premises, An Garda Síochána may wish to view CCTV footage to see if it is of assistance. Where An Garda Síochána view the footage on Fingal County Council premises no formal written request is necessary, but the date, time and name and number of the Garda Síochána member, and member of staff must be recorded in the access log, along with a record of the footage viewed.

If An Garda Síochána wish to take away a copy of CCTV footage, however, they must provide a formal written request to the Data Protection Officer, who will approve the request. (See Appendix III for copy of Request Form.) The request must bear the signature of a senior officer, and in most cases have a case reference (PULSE) number.

This request should then be given to and retained by manager or staff member on the site responsible for the release of the CCTV images. It may be posted, faxed or emailed. Each site using CCTV should maintain a log of all such Garda Síochána requests.

8. 3rd Party CCTV Systems Providers.

Security companies that place and operate cameras on behalf of clients are considered to be "Data Processors." As data processors, they operate under the instruction of data controllers (their clients).

Section 28 of the EU GDPR 2016/679 places a number of obligations on data processors.

The Councils CCTV, if controlled by a security company contracted by the Council, will comply with this policy and the following:

- The Council will ensure that it only contracts security firms which are registered as either installers or monitors of CCTV under the Private Security Authority Act, 2004 as amended.
- The Council will have a written contract with the security company in place which details the areas to be monitored, how long data is to be stored, what the security company may do with the data, what security standards should be in place and what verification procedures apply.
- The council will ensure that obligation can be met by having appropriate access controls to image storage or having robust encryption where remote access to live recording is permitted. Staff of the security company must be made aware of their obligations relating to the security of data.
- The written contract will also state that the security company will give the Council all reasonable assistance to deal with any subject access request made under Article 15 of the EU GDPR

2016/679 which may be received by the Council to ensure the release, by the Council, of the data within the statutory time-frame set out in Article 12 Section 3 of the EU GDPR 2016/679 “ without undue delay and in any event within one month of receipt of the request”.

9. New Installations of CCTV Systems

Article 25 of the GDPR requires new CCTV installations to have appropriate technical and organisational measures built-in, right at the design stage, so that the data protection principles are implemented from the start and that they continue to be throughout its operational life.

Before the Council installs or upgrades any new or existing CCTV systems, a documented data protection impact assessment is required and must be signed off on by the DPO.

10. Policy Implementation and Review

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.

Implementation of and adherence to the policy to be monitored by the Data Protection Officer and reported to the Council’s Executive Management Team.

11. Contacts

For all enquiries relating to Data Protection you can contact the Council at:

Information and Data Management Officer

Fingal County Council

Civic Offices,

Grove Rd., Blanchardstown

Co. Dublin

Email: data.officer@fingal.ie

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APPENDIX I – 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 3 and / or Section 4 of the Data Protection Acts.

CCTV – Closed-circuit television 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.

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 II – Signage Wording

WORDING FOR SIGNAGE FOR COUNCIL CCTV

TÁ CEAMARAÍ CCTV I bhFEIDHM I gCÓNAÍ
Déantar monatóireacht agus taifeadadh ar íomhánna ar mhaithe le
slándáil agus sábháilteacht ball foirne agus cuairteoirí,
cosaint foirgneamh agus maoinne
Faoi bhainistíocht Chomhairle Contae Fhine Gall
Cuir fiosruithe chuig Comhairle Contae Fhine Gall, Áras an Chontae 01-8905000/DPO@fingal.ie

CCTV CAMERAS IN CONSTANT OPERATION

Images are being monitored and recorded for the purposes of
security and safety of staff and visitors
protection of buildings and property


Operated by Fingal County Council.

Enquiries to Fingal County Council, County Hall 01-8905000/DPO@fingal.ie

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APPENDIX III – CCTV REQUEST FORM

	CCTV Download Request Protocol for Non Traffic CCTV Cameras between An Garda Síochána & Fingal County Council	
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- **Request Form:** The attached template “CCTV Download Request” Form must be completed by the member of An Garda Síochána, (the contact details header for relevant Garda District to be added to the Request Form by Gardai). This must include a PULSE Incident No. to ensure that the download is linked to a criminal investigation, as required by Section 41 Data Protection Act, 2018
- **Authorisation:** The request form must be signed by a member of Superintendent or Inspector rank to authorise the request.
- **Transmission to FCC:** The signed form will be scanned and emailed from the relevant District Office to Data.Officer@fingal.ie with a record of the requests being maintained at each Garda District Office.
- **Transfer of Data:** The requesting member may then liaise with FCC to take collection of the CCTV and is responsible for the safe retention and storage of the footage. Under Fingal County Council’s Data Protection Policy any CCTV files transferred internally/externally within the organisation must be transferred on an encrypted device/hard drive.
The collection of footage by Gardai may be from Authorised Staff in the relevant Department or the Data Protection Officer (DPO). Where collection is not from the DPO an email confirming the release of CCTV will be sent to Data.Officer@fingal.ie in order that the Data Access Log can be maintained.
- **Post transfer of Data from FCC:** Following transfer of data from FCC to Garda on an encrypted device, an internal Garda log will be maintained at each District Office recording where the data was stored within the Garda Station (.ie. transferred from encrypted hard device to PC reference no.) and when it was deleted /transferred to an additional device etc.



Request for CCTV Footage from Fingal County Council (Non-Traffic Cameras)
 This information is sought as part of an ongoing criminal investigation and this request is being made pursuant to Section 41 of the Data Protection Act 2018.

Requesting Garda	Reg. No.	Rank	Station	Phone No.	Email

Purpose of Request:-	
Pulse Incident No.	Crime / Type (E.G. Burglary / Theft)

Garda Member Authorising – Inspector or Superintendent				
Name	Rank	Station	Email	Signature

Details of Footage Required				
Location (please be specific)	Start of Footage Required		End of Footage Required	
	Date	Time	Date	Time

Requests must be signed by Superintendent / Inspector, scanned at District Office and emailed to Data.Officer@fingal.ie