



Community CCTV and Data Protection

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Policies and Procedures

- The main concern is around the issue of the responsibilities of, and consequences for, the local authority if it is the sole Data Controller, as it is understood under data protection legislation.
- There is a considerable amount of work involved in complying with data protection legislation in relation to community CCTV systems.
- There is a lot of documentation, policies and procedures, which have to be in place to satisfy the Office of the Data Protection Commissioner,
 - Where the OPDC has carried out CCTV audits, they have requested such information as:
 - CCTV Policy; CCTV Retention Schedule- what images we are retaining, how we retain it, under what conditions, in what format, with what security provision, and for how long; log books of all staff monitoring the CCTV, records of the retention/destruction of recordings; confirmation that recordings provided to the Garda Síochána were encrypted
 - confirmation that third parties appearing on recordings were pixelated out
 - information regarding the monitoring of the CCTV e.g. is the room secure? are allowed have mobile phones on them? (leaving the possibility of them making their own recordings from the screens)

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Data Subject Access Requests/Requests from Garda Síochána

- The second issue for any Data Controller of a CCTV System/Scheme is the responsibility of responding to Data Subject Access requests.
- Under DP LAW, any data subject can request a copy of any data (including sound or visual recordings) pertaining to that data subject, for any reason.
- The Data Controller is required to provide it within a very strict timeline.
- In supplying the data to the data subject, the data of any third parties or other data subjects cannot be included-this means any third parties or other persons in the recording have to be pixelated out-a very time-consuming and expensive process which local authorities may/may not have the technology/expertise to carry out.
- The data subject also has the “right to be forgotten” and can request their data to be deleted, and unless the data controller can provide valid reasons for not acceding to that request, this will also have to be done, and documented.
- This does not take into account the time and expense involved in processing the requests of the Garda Síochána for clips or recordings in relation to crimes/anti-social behaviour.

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Physical Control of the Data

- If the Local Authority is the sole Data Controller, then it must have full control of the data.
- It must have the access to that data, its retention and destruction at all times.
- This requires the data recordings to be relayed directly to a monitoring or recording facility under the complete control of the local authority, in a highly-secure format, unless a third party/data processor is used, with which there is a data processing agreement in place.
- There were examples from other authorities where the 'feed' from a community CCTV scheme was relayed directly to the local Garda station.
Data Protection officers would argue that this is not possible under DP legislation unless the Garda Siochana are Joint Controller with the local authority.
- One local authority had priced the relaying of fibre-optic cable from a rural town to its County Hall at 1,000-2,000 euro per kilometre.

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4. Potential Costs

- Lastly, and outside of the Data Protection issues, one local authority (smaller than Fingal) had estimated the annual cost of maintaining a community CCTV, at between 7,000 and 8,000 euros a year, if the maintenance was done by the local authority, more if it was contracted out.
- The Dept. of Justice Grant only covers a proportion (60%) of the capital costs of setting up/installing a CCTV system.
As the camera etc are outdoor all year, and are often subject to vandalism, the cost of repairing/replacing cameras and connections, which can often include road closure process etc, can be very costly, a cost usually borne by the Local Authority.
- Signage, in both languages, is required and must be maintained where CCTV systems are in place, and this is not always included in the set-up costs, and can be another cost borne by the Local Authority.
- While a community group might have got together and fund-raised for the installation of the system, and might initially have been willing to assist with the maintenance of the system, how long would this last? Would they be willing to continue to fund-raise for maintenance?