

CCTV Policy & Procedure

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Author

Position	Name
Information & Reporting Officer	Jessie Shea

Stakeholders and Other Contributors

Position	Name
External Consultant	Privacy Engine

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1. Introduction

Closed Circuit Television Systems (CCTV) are installed on the premises under the control of Let's Grow Together! Infant & Childhood Partnerships CLG (hereinafter 'the Company') to provide for the protection, safety, and security of all employees and contractors of the Company, all families and group participants, and of all visitors to the Company's property. The images are digitally recorded. Recordings from the Company's CCTV system are password protected.

The Company is a data controller with reference to the personal data which it manages, processes and stores. The purpose of this document is to provide a concise policy regarding the CCTV Policy of the Company. Employees, clients, and visitors of the Company should refer to the guidance provided by the Data Protection Commissioner (www.dpc.ie) as well as seeking professional advice regarding best practice in this area.

Personal Data is defined under Article 4 of the EU General Protection Regulation ('GDPR') as *"any information relating to an identified or identifiable natural person ('data subject'); 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 identity of that natural person"*.

The premises included in this policy are located at Let's Grow Together, Drum Building Complex, Foyle Ave, Knocknaheeny, Cork, T23 KHE0 ('Foyle Ave') and 40 Meadow Cres, The Meadows, Knocknaheeny, Cork, T23 YR7F ('The Meadows').

2. Purpose of the Policy

This policy relates directly to the location and use of CCTV and the monitoring, recording, and subsequent use of such recorded material. The policy applies equally to personal data obtained by the Company via CCTV which is subsequently held in manual and automated form.

CCTV systems are installed (both internally and externally) on the Company's premises ('the Premises') for the purpose of enhancing the security of the Premises and its associated equipment, as well as creating a mindfulness among the occupants of the Premises that a surveillance security system is in operation within and/or in the external environs of the Premises both during and after normal business hours each day.

CCTV surveillance at the Company's Premises is intended for the purposes of:

- Protecting the Company buildings and assets, both during and after normal business hours
- Promoting and protecting the health and safety of staff and visitors at the Premises
- Reducing the incidence of crime and anti-social behaviour (including theft and vandalism)
- Supporting the Gardaí in a bid to deter and detect crime
- Providing assistance in criminal investigations (carried out by The Gardaí), including robbery, burglary, and theft surveillance
- Verification of security alarms: Intrusion alarms, exit door controls, external alarms
- Managing any health and safety risks and/or accidents in accordance with the Company's health and safety obligations and relevant insurance policies

(Together 'the Purpose'.)

3. Scope

This policy relates directly to the location, use and purpose of CCTV at the Premises and the monitoring, recording and subsequent use of Recorded Data recorded by the CCTV.

4. General Principles

The Company has a statutory responsibility to protect its property and equipment, as well as to provide a sense of security to its employees, contractors, and visitors to its Premises. The Company has a duty of care to such employees, contractors, and visitors to its Premises under the provisions of the Safety, Health and Welfare at Work Act 2005 and associated legislation and utilises the CCTV systems and their associated monitoring and recording equipment as an added mode of security and surveillance to assist the Company to meet such duties. The Company's use of the CCTV system is conducted by the Company in a professional, ethical, and legal manner and utilised for the Purpose only. Any deviation from this policy and the use of CCTV for other purposes is prohibited by this policy, e.g. CCTV will not be used by the Company for monitoring employee performance.

Recorded Data obtained by the Company through the CCTV system may only be released by the Company to any third party when such release is authorised by the Executive Director. Any requests received by the Company from third parties including from the Gardaí for Recorded Data recorded using the Company's CCTV system will be appropriately logged by the Company and legal advice as to the Company's obligations to comply with such request and related matters may, at the discretion of the Executive Director, be sought if any such request is made. See "Access" below. CCTV monitoring by the Company of public areas within or adjacent to the Premises for security purposes will be conducted by the Company in a manner consistent with all relevant policies adopted by the Company and in force at that time.

5. Justification for Use of CCTV

Article 5 (b) of the GDPR states that Personal Data shall be "*collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes*".

This means that the Company needs to be able to justify the obtaining and use of Personal Data by means of CCTV. The use by the Company of CCTV to monitor the Premises for the Purpose has been deemed to be justified by the Company management. The CCTV system is intended to capture images of intruders or of individuals damaging property or removing goods without authorisation and for security and health and safety purposes.

6. Location of Cameras

Article 5 (a) of the GDPR states that Personal Data shall be "*processed lawfully, fairly and in a transparent manner in relation to the data subject*".

The location of the CCTV cameras at the Premises is a key consideration for the Company when operating CCTV. The Company does not seek to locate CCTV cameras to monitor areas of the Premises where individuals would have a reasonable expectation of privacy. The Company has endeavoured to select locations for the installation of CCTV cameras which minimise such intrusion so as to protect the privacy of individuals at the Premises so far as is reasonable. Cameras placed by the Company so as to record external areas of the Premises are, so far as is reasonably possible, positioned to prevent or minimise recording of passers-by or of another person's private property.

At the Premises Foyle Ave, the CCTV cameras are located at the front entrance, reception area, and corridor. At the Premises The Meadows, the CCTV cameras are located at the front entrance, the front reception, the back garden, and the back parking area.

7. Covert Surveillance

The Company does not engage in covert surveillance. Where the Gardaí requests the Company to carry out covert surveillance on any the Company Premises, such covert surveillance must be requested by The Gardaí in writing and approved in advance by the Board of Directors. The Company may seek legal advice in relation to any such request(s) and act accordingly.

8. Notification – Signage

A copy of this CCTV Policy will be made available on request to the Company staff, contractors, and visitors to the Premises in accordance with their rights as data subjects under the legislation. This policy describes the purpose and location of CCTV monitoring and provides a contact number for those wishing to discuss the Company's use of CCTV monitoring and guidelines for its use with the Company.

Adequate signage will be placed at the front entrance of the Premises to indicate that CCTV is in operation. Signage shall include the contact details of the Data Controller of all Recorded Data and state the specific purposes for which the CCTV cameras are in use at the Premises.

9. Storage and Retention

Article 5 (e) of the GDPR states that Personal Data shall be *“kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed”*.

All Recorded Data captured by the Company CCTV system is retained by the Company for seven (7) weeks, except where the Company reasonably believes that an image (or images) of such Recorded Data identifies an issue or potential issue and is retained by the Company specifically in the context of an investigation/prosecution of that issue or potential issue. After seven weeks the recording is automatically recorded over with new images.

Article 5 (f) of the GDPR states that Personal Data shall be *“processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures”*.

All Recorded Data is stored by the Company directly in the dedicated hard drives that run the CCTV systems. Access to Recorded Data will be restricted by the Company to personnel authorised by the Company to access such Recorded Data ('Authorised Personnel'). In certain circumstances, the Recorded Data may also be viewed by other individuals other than the Authorised Personnel for relevant Purposes. When Recorded Data is being viewed, the Company will use its reasonable endeavours to limit access to such Additional Authorised Individuals which the Company reasonably believes need access to such Recorded Data in accordance with the Purpose.

10. Access

In the Premises Foyle Ave, the CCTV monitoring system is located in the public Group Room. In the Premises The Meadows, the CCTV monitoring system is located in the storage room. The live feeds from the cameras in Foyle Ave are publicly visible. The recordings from the CCTV system are password protected.

Where the Company deems it necessary, CCTV footage and Recorded Data may be accessed by Additional Authorised Individuals as follows:

- By the Gardaí where the Company are required by law to make a report regarding the commission of a suspected crime
- Following a request by the Gardaí when a crime or suspected crime has taken place and/or when it is suspected that illegal/anti-social behaviour is taking place on or around the Premises or other the Company property
- By individuals (or their legal representatives) subject to a court order being made obliging the Company to allow access
- By the Company's insurers where the insurers require same in order to pursue a claim for damage done to the Premises or in respect of any health and safety issue occurring or alleged to have occurred at the Premises

10.1 Requests by the Gardaí

Recorded Data obtained by the Company through CCTV will only be released by the Company to the Gardaí when authorised by the Executive Director. If a law enforcement authority, such as the Gardaí, is seeking Recorded Data for a specific investigation, the Company will seek that any such request is made in writing stating that the Gardaí is investigating a criminal matter. The Company may again, at its discretion, seek legal advice on any such requests made by the Gardaí. The Data Protection Commission guidance on the use of CCTV makes a distinction between a request by the Gardaí to view Recorded Data on the Premises and a request to take away or download a copy of the Recorded Data. The Company will always seek confirmation in writing from the Gardaí in respect of a request to take away or download Recorded Data and seek that the written request is on the Gardaí headed paper and sets out the details of the Recorded Data required and the legal basis for such a request. In urgent matters, verbal requests from The Gardaí to view or access Recorded Data can be dealt with by the Company and can then be followed up by a written request from The Gardaí.

10.2 Subject Access Requests

On written request, any individual who is the subject of Personal Data (Data Subject) and whose image has been recorded in the Recorded Data has a right to be given a copy of the Recorded Data retained at that time by the Company which relates to them, provided always that such Recorded Data exists at the time of the relevant request, i.e. has not been recorded over and provided also that an exemption/prohibition does not apply to the release of such Recorded Data. Where the relevant Recorded Data identifies another individual, that Recorded Data may only be released by the Company to the Data Subject where the relevant image(s) in the relevant Recorded Data can reasonably be redacted/anonymised/pixelated so that any other person(s) are not identified or identifiable or where the other person(s) have provided their explicit consent to the release of the Recorded Data to the Data Subject. To exercise their right of access to Recorded Data relating to a Data Subject, that Data Subject must make an application in writing to the Data Protection Officer (a 'Request'). The Company must respond within one month of receipt of each such Request.

Requests should be made to the following person: Jessie Shea, Data Protection Officer, 086 031 6109, jessie@letsgrowtogether.ie.

A Data Subject delivering a Request to the Company should provide all information with that Request which the Company deems necessary in order to assist the Company in locating the requested Recorded Data, such as the date, time, and location of the relevant Recorded Data. If the relevant image(s) comprising the Recorded Data is of such poor quality as not to clearly identify an individual, that image may be deemed by the Company to not be Personal Data and the Company may inform the relevant Data Subject who has made the relevant Request of that finding and may decline to hand over the relevant Recorded Data on that basis.

In circumstances where Recorded Data that is the subject of a Request cannot be copied to another device, or in other exceptional circumstances, the Company will endeavour to provide stills of the relevant Recorded Data as alternative to video footage to the Data Subject.

11. Responsibilities

The Company's Data Protection Officer will:

- Ensure that the Company's use of its CCTV systems is implemented in accordance with the policy set down by the Company and is consistent with guidance from the Data Protection Commission
- Oversee and co-ordinate the use by the Company of CCTV monitoring for the Purpose at and within the Premises

- Review camera locations at the Premises and be responsible for the release of any Recorded Data created and stored in compliance with this policy
- Give consideration to staff, contractor, and visitor feedback/complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment at the Premises
- Ensure that adequate signage is maintained at appropriate and prominent locations in compliance with this policy
- Ensure that camera control by the Company is not infringing an individual's reasonable expectation of privacy in public areas
- Ensure that where the Gardaí request to set up mobile video equipment for criminal investigations, appropriate legal advice is obtained, and such activities have the approval of the Executive Director prior to set-up

12. Review

This Policy will be reviewed biennially, or earlier as new information and/or legislation requires.