

LAW SOCIETY OF IRELAND

CCTV POLICY & PROCEDURE

Revision History

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1. INTRODUCTION

Closed Circuit Television Systems (CCTV) are installed on the premises under the control of Law Society of Ireland (hereinafter 'the LSI') to provide for the protection, safety & security of all employees and contractors of the LSI and of all visitors to the Company's property. The images may then be recorded on video tape or DVD or other digital recording mechanism. The LSI 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.

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”.

Data is information in any format that can be processed. It includes automated or electronic data (any information on a computer or information recorded with the intention of putting it on a 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). For these purposes, the LSI may be considered as a Data Controller i.e. an organisation which (either alone or with others) controls the content and use of Personal Data. The Company's CCTV system is password protected and can only be accessed by the DPO.

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 LSI 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 LSI's Premises is intended for the purposes of:

- Protecting the LSI buildings and assets, both during and after normal business hours, the Premises' perimeter, entrances and exits, lobbies and corridors, special storage areas;
- 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 Gardai in a bid to deter and detect crime.
- Providing assistance in criminal investigations (carried out by The Gardai), including robbery, burglary, and theft surveillance;
- Monitoring of access control systems: Monitor and record restricted access areas at entrances to the Premises and other areas;
- 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. Where work activities are carried out in premises other than the Premises and which are rented by the LSI for that purpose ('Rented Premises'), the LSI will, insofar as is within the Company's power to do so, ensure that CCTV systems, where installed at such Rented Premises, are operated only in a way that is compatible with the provisions of this policy.

4. GENERAL PRINCIPLES

The LSI has a statutory responsibility to protect its property, equipment, and other plant as well as to provide a sense of security to its employees, contractors, and visitors to its Premises. The LSI 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 LSI to meet such duties. The Company's use of the CCTV system is conducted by the LSI 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 LSI for monitoring employee performance.

Recorded Data obtained by the LSI through the CCTV system may only be released by the LSI to any third party when such release is authorised by the Privacy Officer. Any requests received by the LSI from third parties including from the Gardai for Recorded Data recorded using the Company's CCTV system will be appropriately logged by the LSI and legal advice as to the Company's obligations to comply with such request and related matters may, at the

discretion of the Privacy Officer be sought, if any such request is made. (See “Access” below). CCTV monitoring by the LSI of public areas within or adjacent to the Premises for security purposes will be conducted by the LSI in a manner consistent with all relevant policies adopted by the LSI 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 LSI needs to be able to justify the obtaining and use of Personal Data by means of CCTV. The use by the LSI of CCTV to monitor the Premises for the Purpose has been deemed to be justified by the LSI Executive Team. 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.

The Society does not use the data captured by the CCTV for monitoring of staff in terms of evaluation, scoring of performance, profiling, monitoring of personal preferences, interests, reliability, behaviour location or movements. The Society does not engage in any automated decision making.

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 LSI when operating CCTV. The LSI does not seek to locate CCTV cameras to monitor areas of the Premises where individuals would have a reasonable expectation of privacy. The LSI has endeavoured to select locations and the viewing directions, 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 LSI are to record external areas of the Premises, as far as is reasonably possible, positioned to prevent or minimise recording of passers-by or of another person's private property.

7. COVERT SURVEILLANCE

The LSI does not engage in covert surveillance. Where the Gardai requests the LSI to carry out covert surveillance on any the LSI Premises, such covert surveillance must be requested by The Gardai in writing and approved in advance by the Privacy Officer. The LSI 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 LSI 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 each location at the Premises in which a CCTV camera(s) is sited to indicate that CCTV is in operation. Adequate signage will also be prominently displayed at the entrance to the Premises. Signage shall include the name and contact details of the Data Controller of all Recorded Data and state the specific purpose(s) for which the CCTV camera is in place in each location at the Premises.

Appropriate locations for signage will include:

- At entrances to the Premises i.e. external doors;
- Reception area in the Premises;
- At or close to each internal camera.

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 LSI CCTV system will be retained by the LSI for a maximum of 31 days, except where the LSI reasonably believes that an image (or images) of such Recorded Data identifies an issue or potential issue and is retained by the LSI specifically in the context of an investigation/prosecution of that issue or potential issue.

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"*.

Access to Recorded Data will be restricted by the LSI to personnel authorised by the LSI to access such Recorded Data ('Authorised Personnel'). Supervising the access and maintenance by the LSI of CCTV is the responsibility of the Finance and Operations Department. In certain circumstances, the Recorded Data may also be viewed by other individuals other than the Authorised Personnel for the Purpose such as Additional Authorised Individuals. When Recorded Data is being viewed, the LSI will use its reasonable endeavours to limit access to such Additional Authorised Individuals which the LSI reasonably believes need access to such Recorded Data in accordance with the Purpose.

10. ACCESS

The LSI shall ensure that USB keys/DVDs/hard drives storing the Recorded Data and the monitoring equipment comprising the CCTV system and the system for storing such Recorded Data will be securely stored in a restricted area (the 'Secure Area'). The LSI shall endeavour to prevent unauthorised access to the secure area at any time. The Secure Area will be locked when not occupied by the Authorised Personnel. The LSI will maintain an access log recording appropriate details in relation to each access to the Secure Area and viewing of the Recorded Data whether by the Authorised Personnel or any Additional Authorised Individuals.

The LSI shall restrict access to the CCTV system and Recorded Data to Authorised Personnel. Where the LSI deems it necessary, CCTV footage and Recorded Data may be accessed by Additional Authorised Individuals as follows:

- By the Gardai where the LSI are required by law to make a report regarding the commission of a suspected crime; or
- Following a request by the Gardai 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 LSI property; or
- By individuals (or their legal representatives) subject to a court order being made obliging the LSI to allow access; or
- 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.
- Any possible release of the data as described above is subject to the LSI's Privacy Officer's oversight and release procedure to ensure the privacy considerations of the data subjects involved.
- In such instances where the data relates to an employee, the oversight of the HR Department will be required.

10.1. REQUESTS BY THE GARDAI

Information to include Recorded Data obtained by the LSI through CCTV will only be released by the LSI to the Gardai when authorised by Finance and Operation department in consultation with the Privacy Officer. If a law enforcement authority, such as the Gardai, is seeking Recorded Data for a specific investigation, the LSI will seek that any such request is made in writing stating that the Gardai is investigating a criminal matter. The LSI may again, at its discretion, seek legal advice on any such requests made by the Gardai. The DPC guidance on the use of CCTV makes a distinction between a request by the Gardai to view Recorded Data on the Premises and a request to take away or download a copy of the Recorded Data. The LSI will always seek confirmation in writing from the Gardai in respect of a request to take away or download Recorded Data and seek that the written request is on the Gardai 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 Gardai to view or access Recorded Data can be dealt with by the LSI and can then be followed up by a written request from The Gardai.

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 LSI which relates to him/her, provided always that such Recorded Data exists at the time of the relevant request i.e. has not been deleted 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 LSI 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 his/her 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 Privacy Officer (a 'Request'). The LSI must respond within one month of receipt of each such Request.

- Requests should be made to: dataprivacy@lawsociety.ie or to the Privacy, Law Society of Ireland, Blackhall Place, Dublin 7, D07 VY24

A Data Subject delivering a Request to the LSI should provide all information with that Request which the LSI deems necessary in order to assist the LSI 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 LSI to not be Personal Data and the LSI may inform the relevant Data Subject who has made the relevant Request of that finding.

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

11. RESPONSIBILITIES

The Company's Privacy Officer and the Head of Security will:

- Ensure that the Company's use of its CCTV systems is implemented in accordance with the policy set down by the LSI (as in force from time to time);
- Oversee and co-ordinate the use by the LSI of CCTV monitoring for the Purpose at and within the Premises;
- Ensure that all the Company's existing CCTV monitoring systems will be evaluated for compliance with this policy;
- Ensure that the Company's use of CCTV monitoring at the Premises is consistent with guidance from the DPC and complies with the Company's legal obligations;

- Review camera locations at the Premises and be responsible for the release of any Recorded Data created and stored in compliance with this policy;
- Maintain an access log recording access to the Secure Area and to the Recorded Data and of the release of Recorded Data and the medium upon which Recorded Data is stored;
- Ensure that the perimeter of view from fixed location CCTV cameras installed and operated by the LSI conforms to this policy both internally and externally;
- Approve the location of temporary cameras to be used by the LSI during special events that have particular security requirements and ensure their withdrawal following such events. NOTE: Temporary cameras do not include mobile video equipment or hidden surveillance cameras used for authorised criminal investigations by the Gardai;
- 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;
- Co-operate with the Health & Safety Officer of the LSI in reporting to any relevant persons on the CCTV system in operation in the Company;
- Ensure that adequate signage is maintained at appropriate and prominent locations in compliance with this policy;
- Ensure that external cameras forming part of the CCTV system are non-intrusive in terms of their positions and views of neighbouring residential housing and comply with an individual's reasonable expectation of privacy;
- Ensure that Recorded Data are stored for a period not longer than one calendar month 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 Privacy Officer;
- Ensure that camera control by the LSI is solely to monitor suspicious behaviour, criminal damage etc. in accordance with the Purpose and not to monitor individual characteristics;
- Ensure that camera control by the LSI is not infringing an individual's reasonable expectation of privacy in public areas; and
- Ensure that where the Gardai request to set up mobile video equipment for criminal investigations, appropriate legal advice is, where deemed necessary by the DPO, obtained and such activities have the approval of the Director General prior to set-up.
- Ensure that the operators of the system have received adequate privacy training;
- Ensure that the tilt and zoom cameras default position is such as to conform with this policy

12. IMPLEMENTATION & REVIEW

The policy will be reviewed and evaluated at least annually by the Privacy Officer and the Head of Security. Ongoing review and evaluation will take cognisance of changing legislation, information, or guidelines (e.g. from the DPC or the Gardai).