



INFORMATION NOTE ON DATA PROTECTION AND CCTV

Recognisable images captured by CCTV systems are “**personal data**”. They are therefore subject to the provisions of the **Data Protection Acts**.

Any person who has control over the captured images is a “**data controller**” and must comply with the provisions of the **Data Protection Acts**.

The key issues in terms of compliance with the law are **transparency** (i.e. appropriate notices indicating that CCTV is in operation and its purpose), **proportionality** (i.e. a security need identified with recording taking place for that purpose) and **retention** (i.e. recorded footage is kept for no longer than is necessary – usually not more than thirty days).

A **data controller** needs to be able to justify the obtaining and use of personal data by means of a CCTV system. A system used to control the perimeter of a building for security purposes will usually be easy to justify. The use of CCTV systems in other circumstances – for example to constantly monitor employees, customers or students – can be more difficult to justify and could involve a breach of the **Data Protection Acts**.

Where the Gardai want CCTV images for a specific investigation, it is up to the **data controller** to satisfy himself/herself that there is a genuine investigation underway.

Any person whose image has been recorded has a right to be given a copy of the information recorded. To exercise that right, a person must make an application in writing to the **data controller**. A **data controller** may charge up to €6.35 for responding to such a request and must respond within 40 days.

The use of CCTV cameras or other recording mechanisms to obtain footage or voice recordings without an individual’s knowledge is generally unlawful. Such “covert surveillance” is normally only permitted on a case by case basis for a short period where the data is obtained for the purposes of preventing, detecting or investigating criminal offences or apprehending or prosecuting offenders. This automatically implies an actual involvement of An Garda Síochána or an intention to involve An Garda Síochána.

This is not a legal document and cannot be relied upon as a legal interpretation of the Data Protection Acts. Further information on the obligations of installers and owners of CCTV systems can be found on the “Guidance” section of the Office of the Data Protection Commissioner website, www.dataprotection.ie.