

St. Brigid's Presentation Secondary School - Closed Circuit Television (CCTV) Policy & Guidelines

Reader Information	Title: Closed Circuit Television (CCTV) Policy & Guidelines
Purpose:	To outline the approved St. Brigid's Presentation Secondary School management approach to be followed in relation to Closed Circuit Television (CCTV) Policy & Guidelines.
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Target Audience:	All BOM, staff members, service providers, clients and third parties that have access to the St. Brigid's Presentation Secondary School information.
Superseded Documents:	All other CCTV policies.
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1. Introduction

This policy relates to the use of Closed-Circuit Television (CCTV) Systems both internally and externally on the property occupied by St. Brigid's Presentation Secondary School, h.

This policy is designed to regulate the use of Closed-Circuit Television (CCTV) and its associated technology in the monitoring of the internal and external environs of the premises under the remit of St. Brigid's Presentation Secondary School.

CCTV is a technology that uses video cameras to transmit signals to a specific place but does not transmit the images publicly.

CCTV systems capture images that may identify individuals either directly or indirectly by recording for example vehicle registration numbers or distinctive items of apparel.

A copy of this CCTV policy is available on the St. Brigid's Presentation Secondary School's website <https://stbrigidskillarney.ie>

2. Scope

This policy relates directly to the location and use of CCTV and the monitoring, recording and subsequent use of such recorded material or images.

The technical and organisational measures implemented in respect of data protection of personal data ensures that only personal data which is necessary for a specific purpose is processed. This has been enhanced by the placement of CCTV cameras, the focus of the cameras, the capability of the cameras, the functionality of the cameras (pan, tilt, zoom etc.) and the retention period of recordings processed.

This policy applies to all staff, students, parents, guardians, visitors, contractors, and the general public impacted by the operations of St. Brigid's Presentation Secondary School CCTV systems.

Note; Recognisable images captured by CCTV systems are "personal data" and are therefore subject to the provisions of the GDPR and the Data Protection Acts 1988, 2003 and 2018.

Therefore, the CCTV System operated by St. Brigid's Presentation Secondary School is regulated in accordance with the Data Protection Acts 1988/2003/2018 and GDPR.

3. Justification for the use of CCTV

Article 5(1)(c) of the General Data Protection Regulation (the "GDPR") requires that data are "*adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed*".

The following are the purposes that St. Brigid's Presentation Secondary School has deemed justified to obtain and use Personal Data by means of a CCTV system:

- St. Brigid's Presentation Secondary School has a statutory responsibility for the protection of its property, equipment and other plant as well providing a sense of security to its employees, students, parents, guardians, invitees, contractors, and visitors to its premises.
- St. Brigid's Presentation Secondary School owes a duty of care under the provisions of Safety, Health and Welfare at Work Act 2005 and associated legislation and thus utilises CCTV systems and their associated monitoring and recording equipment as an added mode of security and surveillance for the purpose of enhancing the quality of life of the school community by integrating the best practices governing the public and private surveillance of its premises.
- St. Brigid's Presentation Secondary School has a responsibility to ensure that its code of behaviour is respected so that the school is properly managed.

4. Criteria for the use of CCTV System

The use of CCTV systems was considered in relation to other security measures such as static security personnel or security mobile patrols and the CCTV surveillance and security applications made it a preferred choice as they

- acted as a deterrent to potential criminals in having their movements and actions recorded.
- provided a visual record of events which can be used in subsequent enquiries, investigations, or legal actions as applicable.
- provided 24/7 round-the-clock monitoring of St. Brigid's Presentation Secondary School premises.
- provided remote monitoring capabilities enabling viewing of live footage or recorded videos.
- cost-effective as opposed to employing a team of security personnel to monitor St. Brigid's Presentation Secondary School's premises.
- scalability of the CCTV system allows additional cover to be installed if required.
- their integration suitability with other security systems such as access controls and alarms were an advantage.
- ability to record evidence in relation to incidents to assist with enquiries, investigations, or insurance claims etc.

5. The Purpose of CCTV System

The CCTV system was installed (internally and externally) by St. Brigid's Presentation Secondary School for the purpose of

- enhancing security and protecting St. Brigid's Presentation Secondary School's buildings and assets, during and after working hours.
- promoting the health and safety of staff, students, parents, guardians, contractors, and visitors.
- monitoring and recording of restricted access areas, especially at entrances to buildings and other relevant areas.
- deterring and detecting crime or anti-social behaviour.
- assisting in investigating security or health and safety incidents / issues.
- ensuring that St. Brigid's Presentation Secondary School code of behaviour is respected so that the school is properly managed.
- In exceptional circumstances and where it is considered appropriate, CCTV material or images may be used to visually monitor visitors or staff members. Such exceptional circumstances could include, for example, where an accident or incident has taken place or in the case of a staff

member(s) where there is an allegation has been made or where the controller may be liable for injuries caused to data subjects.

6. The lawful basis for the use of CCTV System

The General Data Protection Regulations (GDPR) under Article 6 sets out the circumstances under which processing of personal data shall be lawful.

Article 6.1(f) GDPR states that

“Processing shall be lawful only if processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”.

The Data Protection Commissioner had indicated that CCTV System have legitimate uses in securing premises, supporting workplace safety management and in aiding in the prevention and detection of crime¹.

St. Brigid's Presentation Secondary School lawful basis for the use of CCTV systems to process personal data is one of “Legitimate Interest”.

7. Management of CCTV System

The management of the use of the CCTV system is to ensure that the

- CCTV system will be conducted in a professional, ethical, and legal manner.
- CCTV system will be accessed controlled.
- CCTV will not be used for monitoring employee's performance.
- CCTV Systems already in operation, will be reviewed regularly in consultation with the Board of Management/ Parent's association/ Staff.
- CCTV monitoring of public areas will be conducted in a manner consistent with Equality & Diversity, Dignity at Work, Harassment in the Workplace and Sexual Harassment as well as other relevant legislation.
- That no monitoring occurs based on the characteristics and classifications contained in equality and other related legislation e.g. race, gender, sexual orientation, national origin, disability etc.
- Video monitoring of public areas within St. Brigid's Presentation Secondary School premises is limited to uses that does not violate the individual's reasonable expectation to privacy.

¹ Data Protection Guidance for Controllers on the use of CCTV Systems November 2023.

- New CCTV systems will be introduced in consultation the Board of Management/ Parent's association/ Staff.
- CCTV systems will not be used to monitor normal teacher/student classroom activity in the school.
- The release CCTV recordings or any material recorded or stored in the system will be recorded in either the 'Data Subject Rights Request Record' and or "CCTV Recordings Access Request Record" as applicable.
- Co-operate with the Health & Safety Officer of St. Brigid's Presentation Secondary School in reporting on the CCTV system in operation within the school.
- Ensure that external cameras are non-intrusive in terms of their positions and views of neighboring residential housing and comply with the principle of "Reasonable Expectation of Privacy".
- Ensure that monitoring recordings 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 30 days and 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 Chairperson of the Board of Management.
- Ensure that when a zoom facility on a camera is being used to guarantee that there is no unwarranted invasion of privacy.

To protect the security of the CCTV system, several technical and organisational measures have been put in place, including:

- Administrative measures that include the obligation of all outsourced personnel requiring access to the CCTV system (including those maintaining the equipment and the systems) being obliged to sign a confidentiality agreement.
- Access rights to the CCTV system will only be granted to users where it is strictly necessary for them to carry out their work.
- The Principal of St. Brigid's Presentation Secondary School is the person who grants, alter, or annuls access rights of users of the CCTV system.

8. Legislation Governing the Use of CCTV Systems

Data Protection Acts 1988 / 2003 / 2018 & the General Data Protection Regulations (GDPR).

Data Protection Principles of the GDPR

- Obtain and process personal data lawfully, fairly, and transparently.
- Process personal data only in ways compatible with the original purpose.

- Only collect personal data for one or more specified, explicit, and lawful purpose.
- Keep personal data safe and secure and protect it against any unauthorised or unlawful processing, accidental loss, destruction, or damage, while using appropriate technical or organisational measures ('integrity and confidentiality').
- Keep personal data accurate, complete, and up to date.
- Ensure that personal data is adequate, relevant, and not excessive.
- Retain personal data no longer than is necessary for the specified purpose.
- Provide a copy of a data subject's personal data to any individual, on request.

9. Summary Description & Technical Specifications for the CCTV System

The CCTV system records any movement detected by the cameras in the area under surveillance, together with time, date, and location. All cameras operate 24 hours a day and 7 days a week. The image quality allows identification of those in the camera's area of coverage.

10. Location of Cameras

It is essential that CCTV equipment is sited in such a way that it only monitors those areas intended to be covered by the equipment. St. Brigid's Presentation Secondary School has endeavoured to select locations for the installation of CCTV cameras which are least intrusive to protect the privacy of individuals.

The use of CCTV to monitor areas where individuals have a reasonable expectation of privacy will not be undertaken under this policy.

Cameras placed to record external areas are positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property.

11. Signage

In compliance with the Lawfulness, Fairness and Transparency Principle [Article 5, clause 1(a)] of the General Data Protection Regulation (the "GDPR"), individuals (or "Data Subjects") whose images may be captured on St. Brigid's Presentation Secondary School's CCTV cameras must be made aware of St. Brigid's Presentation Secondary School's recording activities.

St. Brigid's Presentation Secondary School does this through CCTV Signage which is placed at the entrances and in prominent locations both internal and external to the school's premises, as well as in the privacy notice and the CCTV policy published on the school's website <https://stbrigidskillarney.ie>

The signage at the entrances includes details relating to:

- **Controller's Identity** – i.e., informing you that St. Brigid's Presentation Secondary School is recording your image (i.e., St. Brigid's Presentation Secondary School is the Data Controller). (*Entrance Signs only*)
- **Contact Details** – how you can contact St. Brigid's Presentation Secondary School. (*Entrance Signs Only*)
- **Purpose of CCTV System** – the purpose of the recording of CCTV system will be stated on the signage at the entrance(s) to the premises. (*Entrance Signs*)
- **An Image of a Camera** – a picture image of a camera will be placed at locations where CCTV camera(s) are sited to indicate that CCTV is in operation.

The signage at other locations internally and externally to the school premises consists of an image of a CCTV camera.

12. Data Retention and Processing Images

The Personal Data captured from St. Brigid's Presentation Secondary School CCTV cameras are securely stored as electronic data.

Article 5.1(e) of the General Data Protection Regulation (GDPR) on Storage Limitations requires 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 published.*"

St. Brigid's Presentation Secondary School CCTV recordings are recorded over after a period of 30 days, unless downloaded in accordance with the principals of the GDPR, bearing in mind the purpose and legal basis for such further processing of personal data.

It is important to note that in exceptional circumstances, images may be retained for longer time periods. This occurs where, for example an image captured on St. Brigid's Presentation Secondary School CCTV systems identifies an incident that is subject to an investigation (e.g., an alleged crime has been captured by the CCTV footage and a copy of the footage has been requested by An Garda Síochána or/and other competent bodies for law enforcement purposes. 'Competent authority' is defined at section 69 Data Protection Act 2018). In these cases, the CCTV images or

“footage” will be retained until the investigation and all associated appeal processes have been concluded.

Images/recordings will be stored in a secure environment with a log of access kept in the “Data Subject Rights Request Record” and or “CCTV Recordings Access Request Record” as applicable.

Access to the CCTV System recordings will be restricted to authorised personnel only. Supervision of the access and maintenance of the CCTV System is the responsibility of the Principal of St. Brigid's Presentation Secondary School.

13. Access to the Images

Access to, and disclosure of CCTV images to third parties is strictly controlled and documented in the ‘Data Subject Rights Request Record’ and or “CCTV Recordings Access Request Record” as applicable. This is to ensure that the rights of the individual(s) are maintained, and that the chain of evidence remains intact should the CCTV images be required for evidential purposes.

In relevant circumstances, CCTV footage recorded by St. Brigid's Presentation Secondary School may be accessed by:

- The Board of Management, Principal, Deputy Principal, Year Heads, other members of the teaching staff, representatives of the Department of Education and Skills, representatives of the HSE and/or the parent of a recorded student, insurance company pursuant to claim for damages and any other statutory body charged with child safeguarding, etc).
- Individuals whose images have been recorded by St. Brigid's Presentation Secondary School CCTV systems and who have submitted a valid Subject Access Request (or “SAR”) under the GDPR, Data Protection Acts 1988 to 2018 or a valid Freedom of Information (or “FOI”) Access Request under the Freedom of Information Act, 2014.
- Individuals whose images has been captured by St. Brigid's Presentation Secondary School CCTV systems or requests on their behalf by their legal representative subject to a Court Order.
- An Garda Síochána, ‘and other competent bodies for law enforcement purposes, (‘Competent authority’ is defined at section 69 Data Protection Act 2018), where the school is required by law or following a written request to make a report regarding a suspected crime or incident.
- The Insurance Company as St. Brigid's Presentation Secondary School's insurer where the footage is required to pursue a claim for damage or injury sustained.

- In exceptional circumstances, CCTV images may be used in the context of a formal internal investigation or disciplinary procedure concerning a staff member. In such cases, the disclosure of the image(s) may be used to assist in the investigation or prosecution of a sufficiently serious disciplinary matter or a criminal offence.
- When CCTV recordings are being viewed, access will be limited to only authorised individuals on a need-to-know basis.
- Only in exceptional circumstances may images be disclosed to those carrying out a formal internal investigation or disciplinary procedure, where it can reasonably be expected that the disclosure of the images may help the investigation or prosecution of a sufficiently serious disciplinary offence or a criminal offence.

14. Subject Access Requests

Under Data Protection legislation, an individual has the right to exercise their data subject rights of access to their personal data recorded on a CCTV System from the Data Controller, such as St. Brigid's Presentation Secondary School.

All requests should be made in writing to the Principal of St. Brigid's Presentation Secondary School at info@sbk.ie. The individual making the request may be asked to give a reasonable indication of the date and time of the footage they are looking for.

In the event of a requests not being complied with where there is insufficient detail supplied relating to the date and time of the recording, correspondence indicating the reason(s) for non-compliance will be sent to the requester advising them of this.

If the data subject wishes to view the images on site, as opposed to a copy being sent, the viewing should take place in a closed office with only the relevant individuals present.

A data access request will be complied with provided that such an image/recording exists i.e. it has not been deleted or it is exempted/prohibited from release. Where the image/recording identifies another individual, those images may only be released where they can be redacted/anonymised so that the other person(s) is / are not identified or identifiable.

15. Access Requests from An Garda Síochána

In line with Section 8 of the Data Protection Acts 1988/2003, An Garda Síochána are entitled to view personal information about individuals, if it is for the following purposes:

- For the prevention or detection of crime.
- For the apprehension or prosecution of offenders.
- When it is required urgently to prevent injury or other damage to the health of a person, or serious loss of or damage to property.
- When it is required by, or under any enactment, or by a rule of law or order of a Court.

Regarding requests from An Garda Síochána to download footage, any requests for copies of CCTV footage will only be acceded to where a formal written request is provided to the data controller, stating that the footage is required due to An Garda Síochána investigating a criminal matter. For practical purposes, and to expedite a request speedily in urgent situations, a verbal request will be sufficient to allow for the release of the footage sought. However, any such verbal request must be followed up with a formal written request. All such requests should be recorded in the "CCTV Recordings Access Request Record" by data controllers and processors.

All such requests must be made on an official Garda Data Protection Form.

16. Disposal of CCTV Recordings

In the event of CCTV recording being saved beyond the 30 days retention period, the CCTV recording will be manually deleted when the purpose(s) of the extended retention period of the CCTV is no longer necessary.

17. Implementation & 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, legislation and feedback from staff, students, parents, guardians, suppliers and visitors).

This policy will be implemented by the Principal of St. Brigid's Presentation Secondary School.

A copy of this CCTV policy will be available on St. Brigid's Presentation Secondary School website <https://stbrigidskillarney.ie>