etb

Bord Oideachais agus Oiliúna
Átha Cliath agus Dhún Laoghaire
Dublin and Dún Laoghaire
Education and Training Board

CCTV POLICY

For

Dublin and Dún Laoghaire Education and Training Board

POLICY ON THE USE OF CLOSED CIRCUIT TELEVISION (CCTV) SYSTEMS IN SCHOOLS/COLLEGES AND OTHER EDUCATION AND ADMINISTRATIVE CENTRES UNDER THE REMIT OF DUBLIN AND DÚN LAOGHAIRE EDUCATION AND TRAINING BOARD

INTRODUCTION

Closed Circuit Television (CCTV) Systems are installed in a number of schools and/or colleges and centres for education and in administrative centres and other premises under the remit of Dublin and Dún Laoghaire Education and Training Board (the "ETB"). Unless otherwise stated in this Policy:

- The provisions herein shall apply to all those bodies which are under the remit of the ETB, and all premises from which those bodies operate,
- all references within this Policy to "ETB" shall refer to all bodies established or maintained by that ETB.

New CCTV systems will be introduced in consultation with staff, board of management of the ETB School and the parents' association (where applicable) following the completion of a privacy impact assessment. Where systems are already in operation, their operation will be reviewed regularly in consultation with staff, the board of management and the parents association.

1. PURPOSE OF POLICY

The purpose of this policy is to regulate the use of Closed Circuit Television and its associated technology in the monitoring of both the internal and external environs of all premises operated by bodies under the remit of the ETB.

CCTV systems are installed both internally and externally in premises for the purpose of enhancing security of the building and its associated equipment as well as creating a mindfulness among the occupants, at any one time, that a surveillance security system is in operation within and/or in the external environs of the premises during both the daylight and night hours each day. CCTV surveillance at ETB premises is intended for the purposes of:

- protecting ETB buildings and assets, both during and after hours;
- promoting the health and safety of staff, students and visitors;
- preventing bullying;
- reducing the incidence of crime and anti-social behaviour (including theft and vandalism);
- supporting the Gardai in a bid to deter and detect crime;
- assisting in identifying, apprehending and prosecuting offenders; and
- ensuring that the ETB rules and policies are respected so that the ETB can be properly managed.

2. SCOPE

This Policy applies to all personnel, students/trainees, schools/colleges and other education and administrative centres under the remit of the ETB and relates directly to the location and use of CCTV, the monitoring, recording and subsequent use of such recorded material. Where ETB classes and activities are carried out in rented

premises, the ETB will ensure that CCTV systems, where installed, are operated in a way that is compatible with the provisions of this Policy.

3. GENERAL PRINCIPLES

The ETB, as the Corporate Body 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 and invitees to its premises. The ETB owes a duty of care under the provisions of the Safety, Health and Welfare at Work Act 2005 and associated legislation and 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 particular school/centre community by integrating the best practices governing the public and private surveillance of its premises.

The use of the CCTV system will be conducted in a professional, ethical and legal manner and any diversion of the use of CCTV security technologies for other purposes is prohibited by this Policy e.g. CCTV will not be used for monitoring employee performance.

Information obtained through the CCTV system may only be released when authorised by the Principal, following consultation with the Chief Executive (or delegated officer). Any requests for CCTV recordings/images from An Garda Síochána will be fully recorded and legal advice will be sought if any such request is made. (See "Access" at section (9) below). If a law enforcement authority, such as An Garda Síochána, is seeking a recording for a specific investigation, An Garda Síochána may require a warrant and accordingly any such request made by An Garda Síochána should be requested in writing and the ETB will immediately seek legal advice.

CCTV monitoring of public areas, for security purposes will be conducted in a manner consistent with all existing policies adopted by the ETB including Equality & Diversity Policy, Dignity at Work Policy, Codes of Practice for dealing with complaints of Bullying & Harassment and Sexual Harassment in ETB Workplaces, and other relevant policies including the provisions set down in Equality and other Educational and related legislation.

This Policy prohibits monitoring 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, for security purposes, within ETB premises, is limited to uses that do not violate the reasonable expectation to privacy.

Information obtained in violation of this Policy may not be used in a disciplinary proceeding against an employee of the ETB or a student attending one of its centres.

All CCTV systems and associated equipment will be required to be compliant with this Policy following its adoption by the ETB.

Recognisable images captured by CCTV systems are "personal data". They are therefore subject to the provisions of the Data Protection Acts 1988-2003.

4. JUSTIFICATION FOR USE OF CCTV

Section 2(1) (c) (iii) of the Data Protection Acts require that data are "adequate, relevant and not excessive" for the purpose for which they are collected. This means that Dublin and Dún Laoghaire Education and Training Board needs to be able to justify the obtaining and use of personal data by means of a CCTV system. The use of CCTV to control the perimeter of a building for security purposes has been deemed to be justified by the ETB Board. The system is intended to capture images of intruders or of individuals damaging property or removing goods without authorisation.

CCTV systems will not be used to monitor normal teacher/student classroom activity in ETB schools and centres of education.

In other areas of the premises where CCTV has been installed, e.g. hallways, stairwells, locker areas, the ETB must demonstrate that there is a proven risk to security and/or health & safety and that the installation of CCTV is proportionate in addressing such issues that have arisen prior to the installation of the system.

5. LOCATION OF CAMERAS

The location of cameras is a key consideration. Use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy would be difficult to justify. Dublin and Dún Laoghaire Education and Training Board has endeavoured to select locations for the installation of CCTV cameras which are least intrusive to protect the privacy of individuals. Cameras placed so as to record external areas shall be positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property.

Examples of CCTV Video Monitoring and Recording of Public Areas in Dublin and Dún Laoghaire Education and Training Board premises may include the following:

- ***Protection of School/College/Education & Administrative Centre Buildings and property***
  Building perimeter, entrances and exits, lobbies and corridors, special storage areas, laboratories, cashier locations, receiving areas for goods/services
- ***Monitoring of Access Control Systems***

Monitor and record restricted access areas at entrances to buildings and other areas

- ***Verification of Security Alarms***
  Intrusion alarms, exit door controls, external alarms
- ***Video Patrol of Public Areas***
  Parking areas, Main entrance/exit Gates, Traffic Control
- ***Protection of Pedestrians***
  Monitoring pedestrian and vehicle traffic activity
- ***Criminal Investigations (carried out by An Garda Siochana)***
  Robbery, burglary and theft surveillance

6. COVERT SURVEILLANCE

Dublin and Dún Laoghaire Education and Training Board will not engage in covert surveillance. Where An Garda Síochána requests to carry out covert surveillance on ETB premises, such covert surveillance may require the consent of a Judge. Accordingly, any such request made by An Garda Síochána will be requested in writing and the ETB will seek legal advice.

7. NOTIFICATION – SIGNAGE

The Principal/Director/Manager will provide a copy of this Policy on request to staff, students, parents and visitors to the ETB premises. This policy describes the purpose and location of CCTV monitoring, a contact number for those wishing to discuss CCTV monitoring and guidelines for its use. The details of locations of each CCTV cameras will also be furnished to the CE of the ETB. Adequate signage will be placed at each location 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 Dublin and Dún Laoghaire Education and Training Board property. Signage shall include the name and contact details of the data controller as well as the specific purpose(s) for which the CCTV camera is in place in each location.

WARNING

CCTV cameras in operation

Images are being monitored and recorded for the purpose of crime prevention, the prevention of anti-social behaviour, the prevention of bullying, for the safety of our staff and students and for the protection of Dublin and Dún Laoghaire ETB and its property. This system will be operated 24-hours a day, every day. These images may be passed to An Garda Siochana.

This system is controlled by
<Name>* School/Centre and Dublin and Dún Laoghaire Education and Training Board [and operated by <insert name of commercial security company where one is used>]For more information contact Principal/Centre Manager*<phone number>*.....*View the Dublin and Dún Laoghaire CCTV Policy on www.ddletb.ie

Appropriate locations for signage will include:

- at entrances to premises i.e. external doors, school gates
- reception area
- at or close to each internal camera

8. STORAGE & RETENTION

Section 2(1) (c) (iv) of the Data Protection Acts states that data "shall not be kept for longer than is necessary for" the purposes for which they were obtained. A data controller needs to be able to justify this retention period. For a normal security system, it would be difficult to justify retention beyond a month (28 days), except where the images identify an issue – such as a break-in or theft - and is retained specifically in the context of an investigation/prosecution of that issue. **Accordingly, the images captured by the ETB CCTV system will be retained for a maximum of 28**

days, except where the image identifies an issue and is retained specifically in the context of an investigation/prosecution of that issue.

The images/recordings will be stored in a secure environment with a log of access kept. Access will be restricted to authorised personnel. Supervising the access and maintenance of the CCTV system is:

1. in the case of the CCTV system operating within the Administrative Centre, the responsibility of the CE.
2. In the case of any other ETB premises, the responsibility of the Principal/Manager/Director of the relevant ETB premises.

The CE/Principal/Manager/Director (as appropriate) may delegate the administration of the CCTV System to another staff member. In certain circumstances, the recordings may also be viewed by other individuals in order to achieve the objectives set out above (such individuals may include but are not limited to the Gardai, the Deputy Principal, the relevant Year Head, other members of the teaching staff, representatives of the Department of Education and Skills, representatives of TUSLA/the HSE and/or the parent of a student). When CCTV recordings are being viewed, access will be limited to authorised individuals on a need-to-know basis.
Tapes/DVDs will be stored in a secure environment with a log of access to tapes kept. Access should be restricted to authorised personnel. Similar measures will be employed when using disk storage, with automatic logs of access to the images created.

9. ACCESS

Tapes/DVDs storing the recorded footage and the monitoring equipment must be securely stored in a restricted area. Unauthorised access to that area must not be permitted at any time. The area should be locked when not occupied by authorised personnel. A log of access to tapes/images must be maintained.

Access to the CCTV system and stored images must be restricted to authorised personnel only i.e. (Principal of ETB School, Head of the ETB Centre, and the CE of the ETB or his designated representative).
In relevant circumstances, CCTV footage may be accessed:

- By An Garda Síochána where Dublin and Dún Laoghaire Education and Training Board (or its agents) are required by law to make a report regarding the commission of a suspected crime; or
- Following a request by An Garda Síochána when a crime or suspected crime has taken place and/or when it is suspected that illegal/anti-social behaviour is taking place on Dublin and Dún Laoghaire Education and Training Board property, or
- To TUSLA and/or any other statutory body charged with child safeguarding; or

- To assist the Principal in establishing facts in cases of unacceptable student behaviour, in which case, the Parents/Guardians will be informed; or
- To data subjects (or their legal representatives), pursuant to an access request where the time, date and location of the recordings is furnished to Dublin and Dún Laoghaire Education and Training Board ,or
- To individuals (or their legal representatives) subject to a court order.
- To the ETB's insurance company (and/or its lawfully appointed agents) where the insurance company requires access to same for insurance purposes.
- To certain other bodies/agencies where the ETB is required to do so or where it is necessary for the ETB to do so.
- To the Board of Management and/or the board of the ETB (and/or any Section 29 Appeals Committee, and/or Teacher Disciplinary Appeals Panel where relevant) to assist in establishing facts in cases involving unacceptable behaviour, disciplinary and/or competence issues in order to ensure that the ETB rules and policies are respected so that the ETB can be properly managed.

Requests by An Garda Síochána: **Information obtained through video monitoring may only be released when authorised by the CE of the ETB.** If An Garda Síochána request CCTV images for a specific investigation, An Garda Síochána may require a warrant and accordingly any such request made by An Garda Síochána should be made in writing and the ETB should immediately seek legal advice.

Access requests: On written request, any person whose image has been recorded has a right to be given a copy of the information recorded which relates to them, provided always that such an image/recording exists i.e. has not been deleted and provided also that an exemption/prohibition does not apply to the 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 is not identified or identifiable. To exercise their right of access, a data subject must make an application in writing to the ETB. The
ETB may charge up to €6.35 for responding to such a request and must respond **within 40 days.**

Access Requests can be made by completing the "Data Access Request Form"and sending it to: The Chief Executive at DDLETB

A person should provide all the necessary information to assist Dublin and Dún Laoghaire Education and Training Board in locating the CCTV recorded data, such as the date, time and location of the recording. If the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be "personal data" and may not be handed over by the ETB.

In giving a person a copy of their data, the ETB may provide a still/series of still pictures, a tape or a disk with relevant images. However, other people's images will be obscured before the data are released.

10. RESPONSIBILITIES

The Principal/Director/Manager of each Dublin and Dún Laoghaire Education and Training Board School/Centre/Programme will:-

- Ensure that the use of CCTV systems is implemented in accordance with the policy set down by Dublin and Dún Laoghaire Education and Training Board.
- Oversee and co-ordinate the use of CCTV monitoring for safety and security purposes within the premises.
- Ensure that all existing CCTV monitoring systems will be evaluated for compliance with this policy.
- Ensure that the CCTV monitoring at Dublin and Dún Laoghaire Education and Training Board premises is consistent with the highest standards and protections.
- Review camera locations and be responsible for the release of any information or recorded CCTV materials stored in compliance with this Policy.
- Maintain a record of access (e.g. an access log) to or the release of tapes or any material recorded or stored in the system.
- Ensure that monitoring recorded tapes are not duplicated for release.
- Ensure that the perimeter of view from fixed location cameras conforms to this Policy both internally and externally.
- Provide a list of the CCTV cameras and the associated monitoring equipment and the capabilities of such equipment, located in the ETB premises, to the CE of the ETB for formal approval.
- Approve the location of temporary cameras to be used 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 An Garda Siochana which may require a warrant.
- Give consideration to both students and staff feedback/complaints regarding possible invasion of privacy or confidentiality due to the location of a particular CCTV camera or associated equipment.
- Ensure that all areas being monitored are not in breach of an enhanced expectation of the privacy of individuals within the ETB premises and be mindful that no such infringement is likely to take place.
- Co-operate with the Health & Safety Officer of Dublin and Dún Laoghaire Education and Training Board in reporting on the CCTV system in operation in the ETB premises.
- Advise the CE of the ETB that adequate signage at appropriate and prominent locations is displayed as detailed above.
- Ensure that external cameras are non-intrusive in terms of their positions and views of neighbouring residential housing and comply with the principle of "Reasonable Expectation of Privacy".
- Ensure that monitoring tapes 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 28 days and will then be erased unless required as part of a criminal investigation or court proceedings (criminal or civil) or other bona fide use as approved by the CE of the ETB.
- Ensure, in so far as practicable, that when a zoom facility on a camera is being used that there is a second person present with the operator of the camera to guarantee that there is no unwarranted invasion of privacy.
- Ensure that camera control is solely to monitor suspicious behaviour, criminal damage etc. and not to monitor individual characteristics.
- Ensure that camera control is not infringing an individual's reasonable expectation of privacy in public areas.
- Ensure that where An Garda Síochána request to set up mobile video equipment for criminal investigations that legal advice has been obtained and that such activities have the approval of the CE.

11. SECURITY COMPANIES

Where a school CCTV system is controlled by a security company contracted by the ETB, the following applies:

The ETB will have **a written contract with the security company in place** which details the areas to be monitored, how long data is to be stored, what the security company may do with the data; what security standards should be in place and what verification procedures may apply. The written contract should also state that the security company will give the ETB all reasonable assistance to deal with any data access request made under section 4 Data Protection Acts 1988 and 2003 which may be received by the school within the statutory time-frame (generally 40 days).

Security companies that place and operate cameras on behalf of clients are considered to be "Data Processors". As data processors, they operate under the instruction of data controllers (their clients). Sections 2(2) and 2C of the Data Protection Acts place a number of obligations on data processors. These include having appropriate security measures in place to prevent unauthorised access to, or unauthorised alteration, disclosure or destruction of, the data, in particular where the processing involves the transmission of data over a network and against all unlawful forms of processing. This obligation can be met by having appropriate access controls to image storage or having robust encryption where remote access to live recording is permitted. Staff of the security company must be made aware of their obligations relating to the security of data. *See Content of the Service Agreement for further guidance.*

12. IMPLEMENTATION & REVIEW

The date from which the Policy will apply is 15th June 2015, which is the date of adoption by the Dublin and Dún Laoghaire Education and Training Board Education and Training Board.

The Policy will be reviewed and evaluated from time to time. Ongoing review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, An Garda Síochána, Department of Education and Skills, C&AG), legislation and feedback from parents/guardians, students, staff and others.

The Chief Executive **and** delegated officers of the ETB e.g. (Principal, Director, Centre Manager, PO, APO etc.) will monitor the implementation of the Policy.

APPENDIX 1

Definitions of words/phrases used in relation to the protection of personal data and referred to in the text of the ETB CCTV Policy:

CCTV – Closed-circuit television is the use of video cameras to transmit a signal to a specific place on a limited set of monitors. The images may then be recorded on video tape or DVD or other digital recording mechanism.

The Data Protection Acts – The Data Protection Acts 1988 and 2003 confer rights on individuals as well as responsibilities on those persons handling, processing, managing and controlling personal data. All ETB staff must comply with the provisions of the Data Protection Acts when collecting and storing personal information. This applies to personal information relating both to employees of the organisation and individuals who interact with the organisation

Data - information in a form that can be processed. It includes automated or electronic data (any information on computer or information recorded with the intention of putting it on 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).

Personal Data – Data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

Access Request – this is where a person makes a request to the organisation for the disclosure of their personal data under section 4 of the Data Protection Acts.

Data Processing - performing any operation or set of operations on data, including:

- Obtaining, recording or keeping the data,
- Collecting, organising, storing, altering or adapting the data,
- Retrieving, consulting or using the data,
- Disclosing the data by transmitting, disseminating or otherwise making it available,
- Aligning, combining, blocking, erasing or destroying the data.

Data Subject – an individual who is the subject of personal data.

Data Controller - a person who (either alone or with others) controls the contents and use of personal data.

Data Processor - a person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee

of an organisation to which the data controller out-sources work. The Data Protection Acts place responsibilities on such entities in relation to their processing of the data.

Dublin and Dún Laoghaire Education and Training Board

CCTV Installation – Privacy Impact Statement

Before a school/centre installs a new CCTV system, the following documented privacy impact assessment must be carried out. An ETB which properly conducts such an assessment is less likely to introduce a system that contravenes the provisions of the Data Protection Acts 1988 & 2003. This is an important procedure to adopt as a contravention may result in action being taking against an ETB by the Office of the Data Protection Commissioner, or may expose an ETB to a claim for damages from a student:

What is the school/centre's purpose for using CCTV images? What are the issues/problems it is meant to address? *[Write or type your answer here]*		
Is the system necessary to address a pressing need, such as staff and student safety or crime prevention?	Yes ☐	No ☐
Are the CCTV cameras intended to operate on the outside of the premises only?	Yes ☐	No ☐
Is it justified under the circumstances?	Yes ☐	No ☐
Is it proportionate to the problem it is designed to deal with?	Yes ☐	No ☐
Is it intended that CCTV cameras will operate inside of the building?	Yes ☐	No ☐
Are internal CCTV cameras justified under the circumstances?	Yes ☐	No ☐
Are internal CCTV cameras proportionate to the problem they are designed to deal with?	Yes ☐	No ☐
What are the benefits to be gained from its use? *[Write or type your answer here]*		
Can CCTV systems realistically deliver these benefits? Can less privacy-intrusive solutions, such as improved lighting, achieve the same objectives?	Yes ☐	No ☐
Do you need images of identifiable individuals, or could the system use other images which are not capable of identifying the individual?	Yes ☐	No ☐
Will the system being considered deliver the desired benefits now and remain suitable in the future?	Yes ☐	No ☐
What future demands may arise for wider use of images and how will they be addressed? *[Write or type your answer here]*		
Is the ETB the data controller for the entire CCTV system (bearing in mind that some schools under the PPP are managed for operational purposes by management companies, in which case specific legal advice may need to be sought)?	Yes ☐	No ☐
Where a management company is in place, are you satisfied that it complies with the Data Protection Acts with regard to the processing of images of staff, students and visitors to your school captured on any CCTV systems under its management?	Yes ☐	No ☐
What are the views of those who will be under CCTV surveillance?		

[Write or type your answer here]

What could be done to minimise intrusion for those whose images may be captured, particularly if specific concerns have been expressed?

[Write or type your answer here]

How have staff, students and visitors been assured by the school/ centre that the CCTV system will be used only for the stated purposes?

[Write or type your answer here]

Does the ETB's policy on the use of CCTV make it clear that staff (teaching and non-teaching) will not be monitored for performance or conduct purposes?	Yes ☐	No ☐
Have the views of staff & students regarding the location of cameras been taken into account?	Yes ☐	No ☐
Can the location of each internal camera be justified in accordance with the overall purpose for the use of the CCTV system?	Yes ☐	No ☐
Has appropriate signage been erected at the location of each internal camera indicating that recording is taking place and outlining the purpose of such recording?	Yes ☐	No ☐

Who will have access to the system and recordings/images?

[Write or type your answer here]

What security measures are in place to protect the CCTV system and recordings/images?

[Write or type your answer here]

Are those who will have authorised access to the system and recordings/images clear about their responsibilities?	Yes ☐	No ☐
Are the camera monitors kept out of view of staff, students and visitors and is access to the camera monitors restricted to a limited number of staff on a 'need to know' basis?	Yes ☐	No ☐
Is the room(s) which houses the camera monitors and the CCTV system securely locked when unattended?	Yes ☐	No ☐
Does the school/centre have a procedure in place to ensure that recordings/images are erased or deleted as soon as the retention period (28 days) has expired?	Yes ☐	No ☐
Does the school/centre have a procedure in place for handling requests for access to recordings/images from An Garda Síochána?	Yes ☐	No ☐
Will appropriate notices be in place to ensure that individuals know that they are being monitored?	Yes ☐	No ☐
Does the school have a procedure in place to handle access requests seeking a copy of images recorded by the CCTV system (within the statutory timeframe of forty days)?	Yes ☐	No ☐
Has the right of access been communicated to staff, students and visitors?	Yes ☐	No ☐

Has the school communicated its policy on the use of CCTV to staff, students and visitors and how has this been done? *[Write or type your answer here]*		
How are the new students and new staff informed of the school's policy on the use of CCTV? *[Write or type your answer here]*		
Reference / School / College / Centre / Project:	Signature of Principal:	Date: