



## **CCTV Guidance Notes from the Data Protection Commissioner \***

The Data Protection Commissioner has issued updated guidance in relation to the use of CCTV.

The new guidance notes are significant for employers.

There is a requirement for a written CCTV policy to be in place.

Now there is a requirement that there is a written CCTV policy in place. This means that the CCTV policy must be communicated to employees. It is important therefore that employees have a record of it being communicated and a receipt from the employees that it has been so received.

For the use of CCTV there must be proportionality.

Data Controllers who wish to use CCTV must ensure that they complete the following steps.

1. That they conduct and document a risk assessment process.
2. That they conduct and document a Privacy Impact Assessment.
3. That they prepare a specific data protection policy dealing with CCTV devices. This should include data retention and disposal policies for the CCTV footage recorded.
4. Be in a position to demonstrate using documentary evidence of previous instances that had led to security or health and safety concerns that may justify the use of CCTV.
5. That they prepare and display clear signage indicating that there is image recording in operation.

Will organisations who use CCTV have done these?

It is highly unlikely that all of the steps outlined above will have been carried out by most organisations previously. It is even less likely that they have been formally documented.

Employers use CCTV for many purposes and they are increasingly being used in disciplinary matters.



The Data Protection Commissioner has in the past directed that disciplinary proceedings be ceased and retracted where previous procedures have not been followed.

The Guidance notes are not law. However, employers should be very slow to disregard the guidance notes.

What happens if you outsource your CCTV to a third party?

If you outsource CCTV to a third party you should review your arrangements with the entity who is the service provider to you. You need to know that they have in place the relevant documentation to cover you.

What should you do if you are an employer?

If you are an employer that monitors employees using CCTV or the areas where employees work or congregate you should review your employment policies and in particular your staff handbook to ensure that the use of CCTV is dealt with in line with the guidance notes.

**\*Before acting or refraining from acting on anything in this update legal advice from a Solicitor should be obtained.**

**In contentious cases a Solicitor may not charge fees or expenses as a percentage of any award or settlement.**