

Royal Irish Academy: Data Protection Policy, Procedures and Guidelines in relation to CCTV

1. Introduction

The Royal Irish Academy (hereafter, the Academy) houses collections of books, manuscripts and artworks. For the purposes of ensuring the security of these collections and of the premises a CCTV system was installed in the early 1990s.

2. Purpose of this policy

This policy is a statement of the Academy's commitment to protect the rights and privacy of individuals in accordance with the Data Protection legislation. The following data protection laws apply:

- the General Data Protection Regulation (GDPR; EU 2016/679)
- the Data Protection Act 2018
- the e-Privacy Regulation currently in force (S.I. 336 of 2011)
- in the event of a data protection complaint or a possible infringement of the law predating the GDPR (operational 25 May 2018), the Data Protection Acts 1988-2003 will apply, not the GDPR.

3. Principles of data protection legislation

The Academy will administer its responsibilities under the legislation in accordance with the stated data protection principles outlined in the GDPR as follows:

3.1 GDPR, Article 5 (a): Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

There is clear signage relating to the cctv system which is used for the purposes of monitoring the premises to ensure the security and safety of the collections and the safety of staff and members of the public, as a preventive measure in relation to theft or harm, or to detect crime.

3.2 GDPR Article 5 (b): Personal Data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archival purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89 (1) , not be considered to be incompatible with the initial purposes.

CCTV data are not processed except for the express purposes set out at 3.1 above.

3.3 GDPR Article 5 (c): Personal Data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (the concept of ‘data minimisation’).

CCTV data are collected in defined areas of the building and retained for 30 days only.

3.4 GDPR Article 5 (d): Personal Data shall be accurate and, where necessary, kept up to date, every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed are erased or rectified without delay.

3.5 GDPR Article 5 (e): 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Art. 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject.

CCTV data may be retained for longer than the designated period if required for legal reasons or for the investigation of suspected crime. Images are not archived.

3.6 GDPR Article 5 (f): 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.

CCTV data are accessible under secure conditions to designated staff only for the purposes of investigating suspected theft or detecting unlawful access to staff-only areas. Monitors are read only and images may not be manipulated.

4. Purpose of the Academy’s CCTV system

The Academy operates a CCTV system as a measure to protect the premises from intruders, to safeguard personnel and members of the public and to safeguard the library collections and artworks displayed on the premises. The CCTV system is not used for monitoring of staff performance or conduct.

5. Storage and Retention of CCTV footage

CCTV footage is password-protected and held in a secure environment in Academy House. Access is limited to authorised personnel and a log registering accesses is maintained on a secure spreadsheet.

Access is not given to third parties except An Garda Síochána for the purposes of a criminal investigation. A request from An Garda Síochána to view footage on the premises will be complied with.

CCTV footage is retained for a period of one month only. After 30 days, footage is overwritten. **Exception:** In the event of a break-in or theft, data may be retained for longer than the normal period in order to enable the progress of an investigation.

6. Supply of CCTV images to An Garda Síochána

Requests from An Garda Síochána to download footage will follow the procedure recommended by the Office of the Data Protection Commissioner, viz.

6.1 The Garda Síochána should request footage in writing or by fax, informing the Academy that the footage is required for the investigation of a criminal matter. If the matter is extremely urgent a verbal request will suffice. This should be followed up with a confirmatory written request.

The request must be on Garda Síochána headed paper, should quote the details of the footage required and should cite the legal basis for the requests.

6.2 The data controller may then release the footage to An Garda Síochána.

6.3 The Academy will maintain a log of requests from An Garda Síochána.

7. Access requests from data subjects

Individuals whose image has been captured on CCTV are entitled to seek and be supplied with a copy of their own personal data from the footage held. To exercise this right, individuals must:

7.1 Make the request in writing, stating the approximate time and specific date or dates on which their image was recorded. Requests should be sent to the Data Protection Officer, Royal Irish Academy, 19 Dawson Street, Dublin D02 HH58.

7.2 The Academy will comply with the request, provided that the footage requested is still held and that it is technically possible to comply with the request. Data will be supplied securely and in video format.

7.3 Where images of the requester include images of other persons, the Academy will pixillate their images before supplying the data to the requester. Alternatively, if this proves to be technically beyond the capabilities of the Academy, the data controller will seek the permission of the other parties to release footage containing their images to the requester.

7.4 Requests must be dealt with within 30 days.

8. Covert Surveillance

The use of recording mechanisms to obtain data without an individual's knowledge is generally unlawful and covert surveillance is normally only permitted on a case by case basis where the data are kept for the purposes of preventing, detecting or investigating offences, or apprehending or prosecuting offenders. Covert surveillance has to be focussed and of short duration. In the event that covert surveillance was judged to be necessary for one of the aforementioned purposes, a specific policy would be drawn up in writing indicating the purpose, justification, procedure, measures and safeguards that would be implemented with the final objective being involvement of An Garda Síochána or other prosecution authorities for potential criminal investigation or civil legal proceedings being issued, arising as a consequence of an alleged committal of a criminal offence(s).

9. Security Company's Responsibilities

A security company is sub-contracted to the Academy to place and operate the CCTV cameras. The company (who are data processors in this instance) have access to live recordings for security purposes. Recorded footage is only accessible on the Academy premises to designated personnel and the data processors are not permitted to access footage for download or other purposes. Data processors maintaining the system are supervised while on the Academy premises. Staff who monitor CCTV have been trained in their data protection obligations.

10. Further information

This policy and guidelines should be used in conjunction with the Academy's Data Protection Policy and the comprehensive Data Protection advice and guidelines on www.dataprotection.ie, the website of the Irish Data Protection Commissioner, Office of the Data Protection Commissioner, 21 Fitzwilliam Square South, Dublin 2, D02 RD28, Ireland.

If you have any queries or seek clarification on any aspect of this document, please contact Wayne Aherne, Data Protection Officer, Royal Irish Academy, 19 Dawson Street, Dublin 2. Phone: 00 353 1 6762570 or email dataprotection@ria.ie All enquiries will be dealt with in confidence.