

An Garda Síochána

Oifig an Choimisinéara
Gnóthaí Corparáideacha
An Garda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath
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CONFIDENTIAL

Ms. Margaret Falsey
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

RE: Operation of CCTV

Dear Ms. Falsey,

I refer to your correspondence of 3 June 2018 in relation to the operation of CCTV by local authorities.

An Garda Síochána is committed to the development of innovative policies aimed at enhancing its quality of service to the public and improving the quality of life of the community.

In the drive to reduce the incidence of crime, anti-social behaviour, public disorder, vandalism and the general fear of crime, An Garda Síochána are in favour of CCTV systems as an aid to policing.

The provision of funding for community-based CCTV is not a matter for An Garda Síochána, however, funding for Community schemes has, in the past, been provided by the Department of Justice and Equality, through the offices of An Pobal. More recently, funding has been provided by Local Authorities and Town Councils, in addition to partnership arrangements with local Community groups.

In April, 2017, the Department of Justice & Equality launched a new community based CCTV scheme, aimed at increasing public safety and deterring public disorder and other anti-social behaviours. This new grant-aid scheme to assist community groups in the establishment of community-based CCTV systems, provides that eligible community groups can apply for grant-aid of up to 60% of the

total capital cost of a proposed CCTV system, up to a maximum grant of €40,000. Upon approval of the grant, the applicant will receive an up-front payment of 50% of the grant with the balance to be paid when the system is fully operational.

Applications for community-based CCTV projects are provided for under Section 38 (3) (c) Garda Síochána Act 2005, under which the Local Authority fulfils the role of Data Controller.

Legislation:

Section 38, Garda Síochána Act, 2005, as amended, provides the criteria and conditions governing the operation of CCTV schemes in a public place, which includes that all CCTV schemes operating in public areas are required to be authorised, in writing, by the Garda Commissioner.

Under Section 38(1) Garda Síochána Act, 2005, as amended, the Garda Commissioner may authorise the installation and operation of CCTV for the sole or primary purpose of securing public order and safety in public places by facilitating the deterrence, prevention, detection and prosecution of offences.

Under Section 38(2) of the Act, the Garda Commissioner shall specify the areas within which, based on the information available to him or her, the installation and operation of CCTV is warranted for the purpose specified in subsection (1).

Under Section 38(3), of the Act, authorisation may be given to any or all of the following:

- members of the Garda Síochána;
- persons who meet the established criteria and who are retained under a contract with the Garda Commissioner;
- persons who meet the established criteria and whose application for authorisation in respect of a specified area within the administrative area of a local authority has been approved by the local authority after consulting with the joint policing committee for that administrative area.

Statutory Instrument No. 289/2006 – Garda Síochána (CCTV) Order, 2006, provides that the application for a community based CCTV scheme includes an undertaking by the Local Authority concerned that it will act as a data controller in respect of the CCTV for the purposes of the Data Protection Acts 1988 and 2003.

Currently, An Garda Síochána is satisfied with the legislation, which has since been amended by Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. The committee will also be aware of an audit being conducted by the Office of the Data Protection Commissioner. In the view of the transporting of the General Data Protection Regulation into national legislation, which came into effect on the 25th May 2018, An Garda Síochána has a small Working Group in place to examine the role and responsibility of An Garda Síochána (Community Engagement and Public Safety) in the managing and monitoring of CCTV Schemes authorised by the Commissioner.

CCTV Advisory Committee:

To advise on all aspects of CCTV operated for the purpose of increasing public safety and reducing the risk of anti-social and criminal activity, the Garda Commissioner established the CCTV Advisory Committee.

The Advisory Committee is chaired by Chief Superintendent, Community Engagement and Public Safety and comprises:

- (i) Chief Superintendent, D.M.R. South Central
- (ii) Chief Superintendent, Meath
- (iii) Superintendent, Telecommunications
- (iv) Superintendent, Human Resource Development
- (iv) Representative from the Department of Justice & Equality (Garda Division)

Other, appropriate, persons may be invited to attended meetings by the Chairperson, as required.

This Committee meets every quarter to examine applications (for both new schemes and/or proposed extensions to re-existing schemes) received for CCTV projects; to place them in appropriate categories; and to make recommendations, insofar as prioritisation, in accordance with the objective criteria provided for under the Garda Síochána Act, 2005, as amended, and relevant Garda Policy for the Operation and use of CCTV Schemes.

Community CCTV Schemes:

The schemes listed below are examples where the Local Authority acts as Data Controller and authorisation has been provided in accordance with Section 38, Garda Síochána Act, 2005.

Arklow, County Wicklow	Ballyspillane, Killarney, Kerry
Courtown/Riverchapel, Gorey, Wexford	Gorey Town Park& Showgrounds, Wexford
Killarney Outer Ring, Kerry	Killarney Town Centre, Kerry
Newcastle West, Limerick	Rathkeale, Limerick
Askeaton, Limerick	Castleconnell, Limerick
Abbeyfeale, Limerick	Kilmallock, Limerick
Patrickswell, Limerick	Adare, Limerick
Pallasgreen, Limerick	Caherconlish, Limerick
Croom, Limerick	Foynes, Limerick
Murroe, Limerick	Cappamore Limerick
Wexford Town	Roscommon Town
Monaghan Town	Carrick-on-Shannon, Leitrim
Longford Town, Longford	Tullow, Carlow
Cranmore, Sligo Town	

Yours sincerely,



DERMOT MANN
CHIEF SUPERINTENDENT
COMMISSIONER'S OFFICE

31st October 2018