

# **DATA PROTECTION CCTV NOTICE**

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## **1. Introduction**

This notice is issued by the Houses of the Oireachtas Commission which is the governing body of the Houses of the Oireachtas Service. The Houses of the Oireachtas Service is the public service body that administers the National Parliament of Ireland (the Houses of the Oireachtas) on behalf of the Houses of the Oireachtas Commission. In this notice, the two are generally referred to as the Service. The Service is responsible for the operation of a CCTV system which monitors the Oireachtas Complex (see Appendix 1).

This document is a notice about the CCTV system and applies to the parliamentary community. The “parliamentary community” includes Members of the Houses of the Oireachtas, the staff employed by Members and by Political Parties, interns and those on work placements, political correspondents working in the Houses and the staff of the Houses of the Oireachtas Service (Service staff). The notice also applies to visitors and members of the public.

The purpose of this notice is to set out how and why your personal data is collected on CCTV cameras, on what legal basis it is collected, how CCTV footage is managed by the Service and what your rights are in respect of CCTV footage containing your personal data.

### **1.1 Scope**

This document applies to CCTV cameras that are managed by or on behalf of the Service (the CCTV system). This includes CCTV cameras that are located within buildings and on the exterior walls of buildings in the Oireachtas Complex. The Oireachtas Complex includes the buildings within the Leinster House Campus which are managed by the Office of Public Works and buildings outside the Leinster House Campus which are controlled by the Service (See Appendix 1 for full explanation of “Oireachtas Complex” and “Leinster House Campus”).

Not all the CCTV cameras within the Oireachtas Complex are managed by the Service and therefore this document does not apply to all CCTV footage recorded in the Complex.

CCTV cameras operated by An Garda Síochána are beyond the scope of this document, and any queries in relation to same must be directed towards An Garda Síochána. The Service may request access to such footage if it has an operational requirement to do so, but any such request is at the discretion of An Garda Síochána.

The CCTV system captures images only. It does not record sound or use facial recognition software.

Furthermore, the CCTV system captures images presented only. As a result, the CCTV system does not capture special category data<sup>1</sup> save where the data subject makes this data apparent, for example, where the data subject is wearing an item of clothing which may indicate that they hold a specific religious belief.

## **2. Purpose and Legal Bases of CCTV System**

The primary use of the CCTV system is as a physical security measure to deter, detect and assist in the investigation of any suspected or actual unauthorised access, security threat and/or criminal activity, including domestic and international terrorism, both within and external to the Oireachtas Complex, as well as assisting in the investigation of accidents and incidents, including the defence or prosecution of any resultant legal action. (The Service does not use the CCTV system to conduct general or ongoing monitoring of Service staff productivity, behaviour, or attendance.)

When CCTV is being used for the purpose outlined above, there are a number of lawful bases upon which the Service relies:

- The Service has legal obligations, including obligations to protect Service staff (including established and unestablished civil servants, and State industrial workers) (the Safety, Health and Welfare at Work Act 2005) and, in respect of premises of which it is the occupier, visitors from harm (section 3 of the Occupiers' Liability Act 1995);
- The Houses of the Oireachtas Commission Acts 2003 to 2021 (including but not limited to section 4(1)(a) of the 2003 Act) provide for the functions of the Service. These include a duty to provide for the running of the Houses of the Oireachtas which, in turn, includes ensuring the physical security of parliament;
- Performance by the Service of its tasks in the public interest and exercise of official authority – and, where relevant, in pursuit of its legitimate interests – to prevent, detect, and bring to an end matters that might affect safety or security or that might amount to violations of the law;
- The Service's advancement of its legitimate interests, and where relevant its duties under the Houses of the Oireachtas Commission Acts 2003 to 2021, by establishing, exercising or defending legal claims;

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<sup>1</sup> Special category data comprises: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data and biometric data processed for the purpose of uniquely identifying a natural person, data concerning health and data concerning a natural person's sex life or sexual orientation.

- The need to protect the vital interests of the parliamentary community, visitors and members of the public.

All camera placements are designed to protect and safeguard security in or around the Oireachtas Complex.

## **2.1 Data controller and Processor**

### **Data Controller**

The Service is the data controller of footage captured by the cameras which are 'in-scope' of this document. Designated members of Service staff have responsibility for managing the operation, maintenance, and monitoring of the CCTV system, to ensure that it continues to promote the safety, security and operational needs of a modern parliament. In addition, other Service staff may be granted access to the CCTV system / footage in the course of their duties where this complies with the Service's data protection obligations.

### **Data Processor**

Third-party security service providers licensed by the Private Security Authority (PSA) have been engaged to operate, maintain and monitor 'in-scope' cameras on behalf of the Service.

## **3. Signage**

Signs have been erected to ensure that data subjects are properly informed of the presence and use of CCTV cameras in the Oireachtas Complex and the contact details of the Service's Data Protection Officer (see below).

## **4. Retention**

CCTV footage is held in a secure environment for 30 days from the date of recording and then automatically overwritten. Situations may arise where it is necessary to retain particular CCTV recordings for longer periods. In such a situation, the retained data will be logged and destroyed once the purpose for which it was retained has passed.

## **5. Security**

The Service carefully secures all CCTV and takes significant operational and technical measures to prevent unauthorised access, interference and/or dissemination. The Oireachtas CCTV system is on

a closed network and not connected to the internet. Recordings can only be accessed by a select number of Service staff and third-party security staff, with recordings being held in a location that cannot be accessed without appropriate clearance. All staff with access to CCTV have been trained and subject to Garda vetting prior to employment. CCTV footage may be observed live by trained and vetted staff; live monitoring is strictly limited to authorised personnel from the Office of the Superintendent. The security arrangements in place are kept under ongoing review in conjunction with our partners.

## **6. Recipients / Data Sharing**

### **An Garda Síochána**

An Garda Síochána may request the Service to provide CCTV footage to assist with the investigation of a criminal matter. If An Garda Síochána requests a copy of CCTV footage, it must:

- be set out in writing on An Garda Síochána headed stationery;
- state that An Garda Síochána is investigating a criminal matter;
- be signed by a Garda of Inspector rank or higher;
- set out the details (date(s), time(s), duration and location) of the CCTV recording required; and
- cite the legal basis for the request; the legal basis for the transfer of CCTV footage to An Garda Síochána is set out in section 41(b) of the Data Protection Act 2018, namely: “preventing, detecting, investigating or prosecuting criminal offences”.

In urgent situations, a verbal request for CCTV footage may be sufficient. However, any such verbal request must be followed up with a formal written request. A log of all Garda requests for CCTV footage is maintained by the Office of the Superintendent.

### **Other Recipients within the EU**

In the event that it becomes necessary to provide any other recipients, for example, external investigators, with access to CCTV footage, the Service will do so only to the extent that it complies with the Service’s data protection obligations

### **Transfer of CCTV Footage to a Third Country**

CCTV footage captured by the Service is not in the normal course of events transferred to a third country. In the unlikely event that it becomes necessary to transfer CCTV footage to a third country, **this will only be done after the Service has expressly given permission.** The Service will do so only

to the extent that it complies with the Service's data protection obligations which include making sure that the appropriate measures are in place to ensure the security of the data.

## **7. Data Subject Rights**

The rights available to data subjects under the GDPR are listed and discussed in the general data protection policy of the Service (available [here](#)). No automated decision-making is conducted using CCTV. It is the policy of the Service to confirm a requester's identity before providing personal data; a request for identification stops time running for the purposes of the 30-day time limit set by the GDPR.

The most common data protection right exercised by data subjects in relation to CCTV is the right of access, which, depending on the circumstances, can be met by the provision of copies of video footage or stills, or the arrangement of a viewing. Given the size of the Oireachtas Complex, and the fact that CCTV cameras can capture data relating to multiple data subjects at any one time, the co-operation of data subjects is required to identify appropriate materials in relation to a request for access. For instance, the Service would need to be informed where and at what times a data subject was within those grounds. Where third parties are present in CCTV footage, the Service may have to seek the consent of those persons before supplying the material or redact or pixilate their images.

An access request may be refused in whole or in part where, for example, one or more of the restrictions in section 60 of the Data Protection Act 2018 applies. This may occur where, in particular, it is necessary and proportionate:

- to safeguard cabinet confidentiality, parliamentary privilege, national security, defence and the international relations of the State;
- for the prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties; or
- in contemplation of or for the establishment, exercise, or defence of, a legal claim, prospective legal claim, legal proceedings or prospective legal proceedings whether before a court, statutory tribunal, statutory body or an administrative or out-of-court procedure.

All data protection rights requests in relation to CCTV should be made to the Service's Data Protection Officer, Jennifer McGrath. Her office number is +353 1 618 4712 and her email is

dataprotection@oireachtas.ie. The postal address of the Service is Leinster House, Kildare Street, Dublin 2, D02 XR20.



## **Appendix 1**

### **Oireachtas Complex includes the following:**

Leinster House  
Leinster House 2000  
Kildare House  
Agriculture House  
91-93 Merrion Square West  
1966 Block  
Engineering Block  
1932 Annex  
Ministerial Block  
Setanta House  
Frederick House  
  
Blocks C & D (Dáil chamber)  
34-41 Lower Mount Street

### **Leinster House Campus includes the following:**

Leinster House  
Leinster House 2000  
Blocks C & D (Dáil chamber)  
1932 Annex  
1966 Block  
Engineering Block  
Ministerial Block

**These lists may be subject to change and will be reviewed at regular intervals.**