



# CCTV - DATA PROTECTION & PRIVACY CONSIDERATIONS

## CCTV Scheme – Killarney Town Centre Provided as part of the Public Consultation

### PURPOSE

The purpose of this report is to demonstrate that Kerry County Council, as a Data Controller for proposed Section 38 (3)(c) Community CCTV schemes, has undertaken appropriate screening, established clear scope, necessity & proportionality of the proposed scheme having regard to the risks to the **privacy** of Data Subjects going about their lawful business.

The report is derived from the **Data Protection Impact Assessment (DPIA)** which must be undertaken by Data Controller's before Data can be processed under such a scheme.

Using the DPIA approach, risks and their mitigations are identified and scored using a matrix of likelihood and impact.

Feedback from the public consultation will be reflected in an updated DPIA, prior to the scheme being considered by the Data Protection Officers of Kerry County Council and An Garda Síochána.



## Data Protection Impact Assessment - Introduction

A Data Protection Impact Assessment (DPIA) describes a process designed to identify risks arising out of the processing of personal data and to minimise these risks as far as possible. DPIAs are important tools for negating risk, and for demonstrating compliance with the GDPR.

The overall aim of the Council's DPIA is to apply solutions and mitigating actions where a processing activity is deemed likely to cause a high risk to one or more individuals. The mitigating actions are then implemented into the project plan and then reassessed to ensure that the risk(s) has been eliminated or reduced to an acceptable level. ***The overall scope of the risk solutions is to either: -***

- Eliminate
- Reduce
- Accept

***Pursuant to Article 35(3) and Recitals 84, 89-96, the Council considers processing that is likely to result in a high risk to include: -***

- Systematic monitoring of a publicly accessible area on a large scale (i.e. CCTV)

The DPIA includes:

- an assessment of the necessity and proportionality of the processing operations in relation to the purposes
- an assessment of the risks to the rights and freedoms of data subjects
- the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with this Regulation taking into account the rights and legitimate interests of data subjects and other persons concerned.

### Possible referral of the DPIA to the Data Protection Commissioner

Where an impact assessment report indicates that the processing involved will or is likely to, result in a high risk to an individual(s) and the Council is unable to mitigate such risk(s) with appropriate measures or controls, it must consult the Data Protection Commission prior to the processing taking place.

The DPO's of both organisations will be asked to consider the DPIA after the public consultation has taken place and any feedback taken on board.

Much of the content of this report comes from the DPIA document.



## 1 Data Protection Impact Assessment Team

A project team comprised of members of Kerry County Council’s Digital Business Unit, Killarney Municipal District management team, Kerry’s Joint Policing Committee, the appointed CCTV consultants and the Kerry Division of An Garda Síochána, have been working on the DPIA for this scheme.

The DPIA is carried out under the guidance of the Data Protection Team in Kerry County Council who provided advice and support for the compliance of the processes under the GDPR principles.

## 2 Scope of this report & its associated Data Protection Impact Assessment

A Community CCTV system under Section 38(3)(c) of the Garda Act 2005 is proposed for Killarney Town Centre and is already authorised by the Garda Commissioner.

Stakeholders including the business community, the local Garda District management and the Local Authority are all satisfied that a Community CCTV system is necessary & desirable to aid the sense of safety, to prevent and deter crime and public safety issues, to provide live operational control views of public safety incidents to act as an aid in the investigation of any criminal matters.

It is proposed that up to **30 CCTV cameras** are to be installed at **11 locations** throughout the town centre. Images of persons and vehicles in the public realm will be captured by the cameras and relayed via a secure encrypted wireless transmission system to a CCTV server /cloud connector installed in a secure location with a secure link to Killarney Garda Station. When the project proceeds to Tender, technology related privacy risks will be used in the assessment of on-premise versus cloud-based recorder solutions as well as value for money and functionality considerations.

A **Joint Data Controller Agreement** has been drafted using a sectoral template and will be in place between the Joint Data Controllers; Kerry County Council and An Garda Síochána, prior to operations. This document establishes the roles of the Data Controllers.

**Data Controllers:** Kerry County Council, An Garda Síochána

**Primary Stakeholders:** Killarney MD (scheme owners), AGS Kerry Division

**Secondary Stakeholders:** Kerry Joint Policing Committee, Dept. of Justice (funders in part), Killarney Chamber of Tourism & Commerce



## About Killarney

Killarney, located in County Kerry, Ireland, is a popular tourist destination known for its natural beauty, national park, and historic attractions. According to the most recent available data, Killarney received **over 1.2 million visitors that year**. As a destination town in terms of Failte Ireland's international tourism strategy and Kerry County Council's own tourism development strategy the safety of locals and visitors is of paramount concern to the stakeholders.

Killarney hosts several large events throughout the year, including the following, on top of the seasonal influx of visitors:

- The Ring of Kerry Charity Cycle - This annual charity cycling event takes place every July and attracts thousands of cyclists from all over Ireland and beyond. The route covers a distance of 180km and takes riders through some of the most scenic parts of County Kerry.
- Kerry GAA games may draw a crowd of up to 38,000 people into the town centre.
- Killarney Bikefest held on the June Bank Holiday Weekend, drawing tens of thousands of additional visitors
- Rally of the Lakes – held on the May Bank Holiday weekend, and event which can give rise to traffic and anti-social activity to be policed.
- Wander Wild Festival – Outdoor adventure and wellness festival which takes place over 3 days in March. The festival features a variety of outdoor activities and live performances – all outdoors activities in and round Killarney town and Killarney National Park.
- Killarney Races - This popular horse racing event takes place at the Killarney Racecourse in May July and August each year and attracts horse racing enthusiasts from all over Ireland.
- The Killarney St. Patricks Day Festival – One of a number of St Patrick's Day Festivals supported by Failte Ireland and the local authority, this is a growing festival attracting visitors from around the world and the county.
- The Killarney Adventure Race (Quest) - This annual event takes place in October and is a multi-sport adventure race that involves running, cycling, and kayaking through some of the most scenic parts of Killarney National Park.
- Killarney hosts Ireland's only 4<sup>th</sup> of July parade
- There are multiple events and parades during the Christmas in Killarney festival.

Maintaining & improving public safety measures and maintaining the very strong sense of safety that the public and visitors to the town enjoy, are therefore key economic and social imperatives for the town and the County. This contributes to the **Necessity** and **Proportionality** of the proposed scheme.



### 3 Legal Basis

Under Section 71(2)(a) of the Data Protection Act 2018, which implements the LED, or Articles 6(1)(c) or (e) of the GDPR, in conjunction with Section 38 of the Garda Síochána Act 2005.


Section 38 of the Garda Síochána Act 2005 provides that 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. Authorisation may be given to An Garda Síochána or to “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.”

The criteria to be met for Community-based CCTV schemes is set down in a statutory instrument, namely S.I. No. 289 of 2006 which came into force on 30 May, 2006. In addition, a ‘Code of Practice for Community Based CCTV Systems’ was developed and published jointly by the Department of Justice and Equality and An Garda Síochána

**NB: The Garda Commissioner has approved this scheme, providing the legal basis.**

The approval dated Dec 2017 is provided opposite.

**An Garda Síochána**




**Section 38(3) (c) of the Garda Síochána Act 2005(as amended)**

I, Dónall Ó Cualáin, Acting Commissioner of An Garda Síochána hereby authorise pursuant to Section 38(3)(c) of the Garda Síochána Act 2005 (as amended), the installation and operation of 30 CCTV cameras at (11) locations in Killarney Town Centre, County Kerry namely: -


1. New Road/High Street Cameras 1-3 N52.037283 W009.30 6795
2. Upper High Street/Mons O’Flaherty Rd. cameras 4&5 N52.03 6960 W009.30 6372
3. Market Cross cameras 6-9 N52.03 5497 W009.30 5658
4. New Street/Beech Rd. car park entrance N52.03 5379 W009.30 6901
5. Beech Rd. /Mission Road cameras 13-16 N52.03 4381 W009.30 6639
6. East Avenue Rd. roundabout/the Ha-Ha cameras 17&18 N52.03 4587 W009.30 3986
7. Town Hall building camera 19 N52.03 4819 W009.30 5322
8. Plunkett Street/Main Street camera 20 N52.03 5050 W009.30 5464
9. College Street Upper cameras 21-24 N52.03 5306 W009.30 4212
10. Mc Sweeney’s Corner cameras 25-27 N52.03 5825 W009.30 3651
11. Fairhill Roundabout cameras 28-30 N52.03 6054 W009.30 2661

I grant this authorisation pursuant to the provisions of Section 38(3) (c) of the Garda Síochána Act, 2005 for the sole or primary purpose of securing public order and safety in public places by facilitating the deference, prevention, detection and prosecution of offences.

The installation and operation of the CCTV system shall be done in accordance with current relevant Garda Policy and Code of Practice CCTV documents and the requirements of Section 38 of the Garda Síochána Act 2005 (as amended).



**DÓNALL Ó CUALÁIN**  
**ACTING COMMISSIONER**  
**AN GARDA SíOCHÁNA**



## 4. Necessity For Use of CCTV

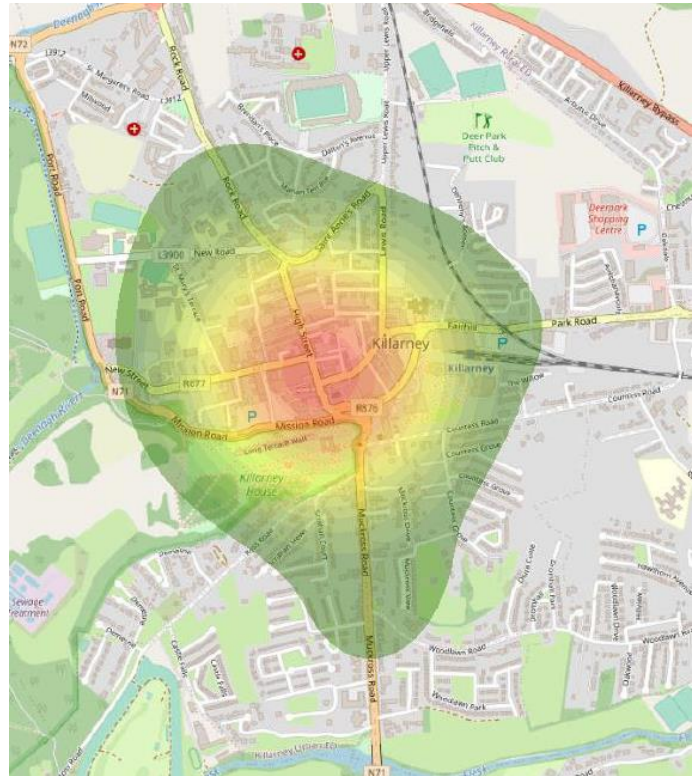
The purpose of a Community CCTV scheme is solely or primarily to help secure public safety by facilitating the deterrence, prevention, detection and prosecution of offences. The presence of CCTV cameras and signage indicating the presence of CCTV is considered to have a high crime prevention value.

Supporting Crime Data for is included in the DPIA supporting the necessity of the CCTV scheme.

### Supporting Data:

The Local District Superintendent presented the necessity for the scheme backed up by crime data from the preceding period when applying for Commissioner's authorisation.

An Garda Síochána have provided updated data and a heatmap which is contained in the DPIA, demonstrating that the provision of CCTV to the Town Centre area would contribute to a significant deterrent in the areas of concern, contribute to the sense of safety in the town as well as aid the investigation of any incidents.



## 5. Proportionality

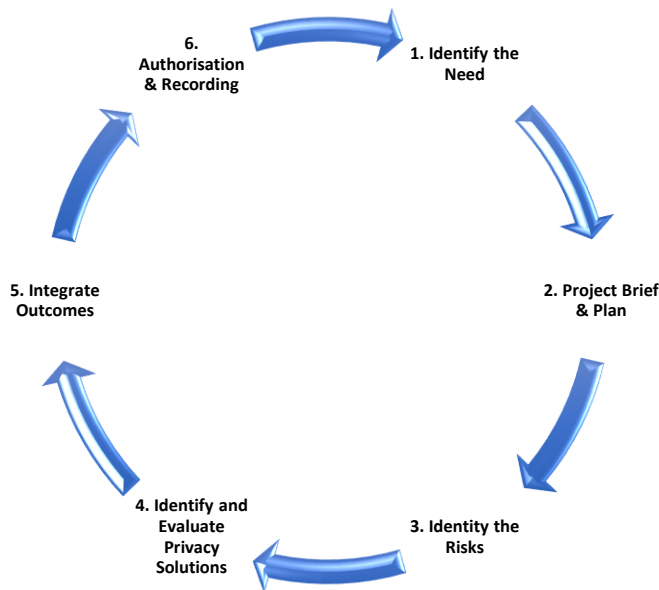
The key Stakeholders believe that the system is a proportionate response to the levels of crime and antisocial behaviour in the town, and the economic necessity to protect visitors from crime and provide them with a high sense of personal safety while visiting the town, by the number and scale of events and activities in and around the town that lead to high volumes of people which leads to policing operational challenges, which would be aided by camera schemes.

The CCTV system proposed is in addition to the measures already or previously in place including See Something Say Something, Ask for Angela, targeted Garda resourcing, event management plans, lighting, and public realm enhancement including safety by design.

Both *Necessity* and *Proportionality* need to be reviewed after three years, following the commencement of the scheme, looking at data to see if Crime incidents or Anti-social behaviour have reduced, if detections have increased and if this led to an increase in prosecutions. Public feedback also is important to both.

## DATA PROTECTION IMPACT ASSESSMENT STAGES

The Data Protection Impact Assessment is divided into stages to ensure that all aspects are covered, reviewed and documented. Each stage is covered in detail under its category heading.



**Stage 1.** *Identify the Need for a Data Protection Impact Assessment* - review the GDPR Article 35(3) conditions and use the screening questions to ascertain if the processing is likely to result in high risk to individuals

• **Stage 2.** *Project Brief & Plan* - description of the information flows, what data is being processed, where it is coming from, who it is going to etc

• **Stage 3.** *Identify the Risks* - risks will include those to individuals, the organisation and compliance (law/regulation breaches) and after speaking to management, employees

and stakeholders

- **Stage 4.** *Identify and Evaluate Privacy Solutions* - develop and document corrective actions, solutions and mitigating controls that can reduce or eliminate the risks. Evaluate costs and benefits of each solution
- **Stage 5.** *Integrate Outcomes* - the solutions and actions to reduce/remove the risks must be added back into the project plan so that the risks can be reassessed with the mitigating actions in place
- **Stage 6.** *Authorisation & Recording* - all stages of the DPIA must be recorded and sign off must be obtained from the DPIA Project Lead, DPO and Director of Services.

### STAGE 1 – Screening questionnaire

A privacy screening questionnaire has been completed, the outcome of which indicated the need to complete a full DPIA.

We used sectoral DPIA template for CCTV used in local government in completing the DPIA with input from the Gardaí.



## Stage 2 - Project Brief & Plan

NB: The DPIA will be further reviewed based on the specific technology solution that emerges from Public Procurement.

<p><b>PROJECT SUMMARY:</b> <i>Give an outline of the project, the processing and describe what is being planned.</i></p>	<p>New CCTV system is proposed for Killarney Town Centre.</p> <p>Up to 30 CCTV cameras to be installed at 11 locations throughout the town centre.</p> <p>Images of persons and vehicles in public places will be captured by the cameras and relayed via a secure encrypted wireless transmission system to a CCTV server / cloud connector installed in Kerry Co. Co. offices in Killarney and linked to Killarney Garda Station. The DPIA will be amended with system specific measures dependent on the actual solution chosen after procurement</p>
<p><b>OBJECTIVES:</b> - <i>What are the aims of this project? What do you want to achieve from the processing? Why is it important/beneficial?</i></p>	<p>The main objectives of the project are to;</p> <ol style="list-style-type: none"> <li>1. Provide a deterrent to crime and anti-social behaviour.</li> <li>2. Gather evidence for detection and prosecution of persons who may have been involved in criminal activity.</li> <li>3. Improve public safety.</li> <li>4. Assist emergency services when attending/investigating an incident.</li> </ol>
<p><b>PURPOSE:</b> - <i>What is the purpose of obtaining and processing the data?</i></p>	<p>The primary purpose of the proposed CCTV system to secure public safety by facilitating the deterrence, prevention, detection and prosecution of offences. The presence of CCTV cameras and signage indicating the presence of CCTV is considered to have a high crime prevention value.</p> <p>A proposed secondary purpose (NB: this is <u>non personal data processing</u>) for further consideration which the system may be used for is object counting - vehicles &amp; people - to aid traffic survey / footfall analytics. This depends on the capabilities of the technology selected for the primary purpose and will be subject to not creating risks for the primary purpose.</p>





	<p>NB – This will be based on object detection &amp; processing, not ANPR or facial recognition algorithms which would create privacy risks. The capability of any solution proposed for object counting as a secondary non personal data processing task will be assessed</p> <p><b>Any other use of the cameras that requires the processing of personal data will require a separate DPIA &amp; will require a separate authorisation and oversight process in advance of any use of the cameras for a secondary purpose.</b></p>
<p><b>CONSULTATIONS:</b> - What consultations have taken place. <i>What insights or feedback have been obtained through consultations with stakeholders, third-parties and employees?</i></p>	<p>Consultations have taken place with elected Councillors, Killarney Chambers of Tourism and Business, subsets of business interests such as Kerry Tourism Industry Federation, Vintners and with the Kerry Joint Policing Committee (JPC).</p> <p><b>A public consultation is now underway for the period Feb 29<sup>th</sup>-Mar 20<sup>th</sup> and feedback from this consultation will be considered.</b></p>
<p><b>SYSTEMS/TECHNOLOGY:</b> - <i>If the processing involves the use of new technology or systems, provide any relevant information obtained from the initial implementation assessment of such systems.</i></p>	<p>The system requirements are as set out by AGS:  <a href="https://www.gov.ie/en/publication/12676-community-based-cctv-scheme-technical-specification/">https://www.gov.ie/en/publication/12676-community-based-cctv-scheme-technical-specification/</a> (This is referenced as Appendix 1.)</p> <p>Kerry County Council will meet or exceed these minimum requirements. We already have approval via the AGS CCTV Committee to reduce the number of PTZ cameras in favour of bullet cameras to provide the same coverage with reduced operational and maintenance issues.</p>
<p><b>OTHER:</b> - Detail any other <i>information or suggestions that can add to the impact assessment</i></p>	<p>The proposed CCTV scheme will follow the published Garda Code of Practice:  <a href="https://www.gov.ie/en/publication/8fc2d-code-of-practice-for-community-based-cctv-systems/">https://www.gov.ie/en/publication/8fc2d-code-of-practice-for-community-based-cctv-systems/</a> (This is referenced as Appendix 2.)</p>
<p><i>What personal data will be collected</i></p> <p><i>Why does this data need to be collected</i></p> <p><i>Is there anything you can omit if not necessary</i></p>	<p>Images of Data Subjects in a public place.                  Images of vehicles which contain information (number plates) which may be used by AGS to identify Data Subjects connected with the vehicle – in a manual process.</p> <p>The CCTV system’s primary purpose is in securing public order and safety in public places. It will be a crime prevention measure and will also assist in securing public safety by facilitating the deterrence, prevention, detection and prosecution of offences. The presence of CCTV cameras and signage indicating the presence of CCTV is considered to have a high crime prevention value.</p>

Data Protection & Privacy Considerations of the proposed Killarney Town Centre CCTV scheme



<p><i>How is data collected</i></p>	<p>By visual image capture, transmission and recording by CCTV Cameras and recorders, linked by network equipment. The solution will be documented to show data flows in a later version of the DPIA.</p>
<p><i>Will you be using data minimisation techniques?</i></p>	<p>Yes, privacy masking will be used,                  Consideration to the of hours of operation for each camera will take place on an ongoing basis based on crime data.                   The retention schedule will be programmed for rolling 28 days of footage , after which data will be deleted, unless exported, following due authorisation in support of a Criminal investigation.</p>
<p><i>How is the personal data used</i></p>	<p>Images may be viewed, played back or exported as evidence in support of a criminal investigation.</p>
<p><i>Who are the data subjects</i></p>	<p>Members of the public in the view of the cameras.</p>
<p><i>Special category of data subjects</i></p>	<p>No</p>
<p><i>What is the legal basis for processing the information?</i></p>	<p>The Primary Legislation allowing for the processing of the information captured is Section 38 of the Garda Síochána Act 2005 provides that 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.                   Together with Data Protection Act 2018 Section 71(2)(a), which implements the LED, or Articles 6(1)(c) or (e)of the GDPR, this provides the legal basis.</p>
<p><i>Is it necessary to address a pressing need, such as public safety or crime prevention?</i></p>	<p>Yes</p>
<p><i>Will you need to obtain consent to process?</i></p>	<p>Consent from the Data Subjects cannot be obtained.                   Consent is already in place by means of Garda Commissioners Approval, following JPC endorsement and agreement of the Local Authority for each camera in the scheme.</p>



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<p><i>How will consent be obtained and the right to withdraw consent be made available?</i></p>	<p>N/A</p>
<p><i>What information will you give individuals</i> <i>How will you help to support their rights</i></p>	<p>Signage with key summary information augmented with further detail on the Council’s website. This will use the standard phrasing and be bilingual and follow guidance in terms of size and illumination.</p> <p>Agreed roles for processing SAR’s (Subject Access Requests) and other Data Subject requests will be made via Kerry County Council, as set out in the Joint Data Controller Agreement. The Council’s published CCTV Policy &amp; Privacy Statements will be reviewed to have regard to the scheme.</p>
<p><i>Will you be able to act on all rights of data subjects? (i.e. objections, rectifications, erasure, access etc)</i></p>	<p>All rights relevant to the processing will be supported. Having regard to nature of the data and the provisions of the Law Enforcement Directive (as given effect by the Data Protection Act of 2018), there is no right to erasure</p>
<p><i>Will you be able to meet the deadline for supplying information?</i></p>	<p>Yes</p>
<p><i>Who will have access to recorded footage</i> <i>Who will have access to the live feed information?</i> <i>Who will have access to playback?</i></p>	<ul style="list-style-type: none"> <li>- Delegated approved staff of Kerry Co. Council for operational use (Garda vetted)</li> <li>- KCC Data Protection Officer / Team</li> <li>- Staff of service provider (Garda vetted)</li> <li>- Dedicated &amp; named members of An Garda Síochána</li> <li>- Members of the Garda Ombudsman Commission (investigating Garda matters)</li> </ul> <p>Authorised <u>audit</u> officers of the Data Controllers and of the Data Protection Commission may need facilitated access.</p> <p>Roles of system users will be profiled so that their rights match their use of the system, e.g. a User may have Live view only access, other user may be able to use playback, another control operations of a controllable camera, export footage etc. A minimalist approach will be used for created users on the system and other rights will be assigned based on authorisations, as will initial user setup.</p>
<p><i>Where is the information stored</i></p>	<p>This is to be determined as a result of the tender or possibly based on feedback to the public consultation. The default location is on a recorder and storage system located at Killarney Town Hall. (See below for further information)</p>



<p><i>How will information be stored</i></p>	<p>Data will be Encrypted at rest on a recorder – available to authenticated users.</p>
<p><i>What controls, physical and procedural, are in place for access to recorded footage / playback CCTV images / live feed CCTV images? Detail</i></p>	<p><b>Playback and recording equipment</b> The controls (physical, technical and procedural) for the system are documented in the DPIA.</p> <p><b>Cameras</b> The cameras will be setup with appropriate levels of security to prevent unauthorised access. This will be detailed appropriately to the technology that is selected after tender.</p> <p><b>Recorders</b> The recorder or servers involved will be setup with appropriate levels of security. This will be detailed appropriately to the technology that is selected after tender.</p> <p><b>System Audit</b> Any tasks executed by authorised Garda, Council or service partner users will be subject to system and manual logs.</p>
<p><i>Does the data need to be transferred to a third party</i></p>	<p>A Data Subject can request a copy of their own data using the SAR mechanism. AGS have rights as a Data Controller Investigation authorities with a clear legal enabler such as the Data Protection Commission and the Garda Ombudsman Commission may request footage on foot of a properly executed legal request. Procedures will be in place in relation to affecting the transfers securely to third parties. A court order for footage may also be made, once received prior to its systematic erasure. If Data is processed on a third party (Cloud) server instead of on-premise, the requirements for the location of any data copies will be established as residing in the EU and subject to European privacy laws and standards</p>
<p><i>Do you have safeguards in place for transferring data? Detail</i></p>	<p>Any data exported should meet the tests of Data encrypted during transmission and at rest. For SAR's, some additional processing may be needed to redact (blur) images of other third parties or things which may identify them (e.g. vehicle registration plates). The Joint Data Controller Agreement will detail the means by which footage is to exported by AGS, enabled by KCC staff.</p>

Data Protection & Privacy Considerations of the proposed Killarney Town Centre CCTV scheme



<i>How will information be destroyed after it is no longer necessary?</i>	System retention rules will be applied to electronically purge footage outside the retention schedule (older than 28 days). Exported data provided to AGS will be subject to usual investigative evidence rules (AGS will be the Data Controller for this data).
<i>Will data be encrypted and/or pseudonymised?</i>	Yes.
<i>Will you have control over the data and be able to update/complete it where applicable?</i>	Yes
<i>Who has responsibility for the Recording Devices / CCTV system</i>	Roles are set out in the Joint Data Controller Agreement
<i>How many recording devices / cameras will be used</i>	30 cameras with a single recording server is envisaged for this scheme.
<i>Does the processing operation require the Supervisory Authority to be notified?</i>	Consultation with the Supervisory Authority (The Data Protection Commission) in relation to the DPIA is a required matter to be considered by the Data Protection Officer of Kerry County Council and An Garda Síochána in accordance with Article 36 of the GDPR after receiving the DPIA.  Article 36 restricts the notification obligation only to those processing operations which, following the Data Protection Impact Assessment (DPIA) referred to in Article 35 GDPR, continue to present high risks for the data subject after the risk mitigation measures considered reasonable by the controller were applied.
<i>Have all employee, agents and third-parties involved in the project been trained on the data protection regulations and impact risks?</i>	Yes, and system-specific data protection training will be delivered as part of the commissioning to the Joint Data Controllers and to any third-party processors.
<i>Will personal data be transferred to a third country or international organisation outside the EU? If yes, what safeguards and Chapter V GDPR measures are in place?</i>	No.



### Stage 3 – Identify the Risks and Privacy Issues

Using the responses obtained from answering the assessment questions, the Project lead is now able to identify the privacy issues and associated risks and record who these risks will impact. Risks will usually fall into one of three categories: -

- **Risks to Individuals** - Any risk that affects a data subject, their data, their privacy or their rights is classed as a risk to an individual. Inadequate disclosure controls, consent issues, processing purposes and surveillance methods are just a few of the issues that may result in risks to individuals.
- **Compliance Risks** - These can arise where the assessment response indicates that a breach of laws, legislation and/or regulations will occur if the processing goes ahead. This can include non-compliance with the GDPR, PECR or human rights legislation.
- **Corporate Risks** - Risks that will affect the council, including reputation, revenue, fines and sanctions. These will mainly arise where the initial collection, consent, disclosures, sharing and storage of the personal information have not been complied with or where record keeping is ineffective.

In the DPIA document, risks are scored and categorised using the common 'Red, Amber, Green (RAG)' matrix, where each risk is given a RAG score based on the likelihood matched with the impact.

LIKELIHOOD	IMPACT				
	Trivial (1)	Minor (2)	Moderate (3)	Major (4)	Severe (5)
Almost Certain (5)	Low Med (5)	Medium(10)	High (15)	Very High (20)	Very High (25)
Likely (4)	Low (4)	Low Med (8)	Med High (12)	High (16)	Very High (20)
Possible (3)	Low (3)	Low Med (6)	Medium (9)	Med High (12)	High(15)
Unlikely (2)	Low (2)	Low Med (4)	Low Med (6)	Medium (8)	Med High (10)
Rare (1)	Low (1)	Low (2)	Low Med (3)	Medium (4)	Medium(5)
Impact Score x Likelihood Score = Risk Rating					

- **GREEN** - Where an assessment outcome is Green, the council will still work to see if it can develop and implement any solutions or mitigating actions that can be applied to reduce the risk impact down as far as possible. However, most green rated risks are acceptable and so focus should be placed on those with higher ratings. Even where a green RAG rating has been given at the risk/privacy identification stage, this risk is still to be added to the mitigating actions template for continuity and to ensure that all risks have been recorded and assessed.
- **AMBER** - Where an assessment outcome is Amber, mitigating actions are always proposed and outcomes envisaged, before processing is approved. The aim is to reduce all risks down to a green (*acceptable*) level, however there will be occasions when processing must take place for legal/best interest reasons and so some processing with risks will go ahead and must be accepted into the project. All solutions and mitigating actions must first be considered, tried and applied if possible.



- **RED** - Where an assessment outcome is Red, it indicates that either or both impact and/or likelihood scores are unacceptable, and that complete solutions and mitigating actions would be required to bring both indicators down to an acceptable level. Some processing activities are eliminated at this point as the impact to individuals is considered too high risk to proceed.

However, in instances where the activity is essential or is a legal requirement, the proposed solutions and mitigating actions are applied and a further assessment to see if the subsequent risk analysis results in a Green and/or acceptable level of risk. If a high risk still exists and the processing activity is authorised, the Council will always consult the Data Protection Commission (DPC) prior to processing and advise that the DPIA indicates that the processing would result in a high risk and there is an absence of measures that can be taken mitigate the risk. The Council will then await written advice from the DPC and provide all information requested by them during this period.

The above process enables the team to devise ways to reduce or eliminate privacy risks and assess the costs and benefits of each approach, as well as looking at the impact on an individual’s privacy and the effect on the processing activity outcomes. This enables the team to document the identification and assessment of the risk, the solutions and mitigating actions used to reduce or eliminate the risk and records privacy risks which have been accepted as necessary for the project to continue.

While the DPIA contains the risk score before and after mitigations, and what type of Risk it is, the following table is to share with the public the types of risks associated with CCTV data processing and the mitigations we are putting in place.

The Risks identified below stem from our engagement with the Data Protection Commission during their audit of Local Government and Garda CCTV schemes so should be quite comprehensive. Any additional risks identified in the Public Consultation will be considered for inclusion in the DPIA.

REF	POTENTIAL RISK or ISSUE
#	<i>Use assessment response to detail the privacy factor resulting in risk</i>
1	Data breach of the CCTV System.
2	Inappropriate disclosure of personal data i.e.; car registration numbers or images of persons due to a lack of appropriate controls being in place.
3	Software vulnerability, failure to update the system allows an attacker access and causes a data breach.
4	Lack of maintenance leading to build up of grime on camera lenses or water ingress etc to system equipment. Possibility also of transmission equipment being moved during storms.
5	Risk that Data Subjects are unable to have access to personal data held on the system.
6	Risk that personal data in relation to CCTV is retained longer than it is needed.
7	Cost of producing and redacting footage for Data Subject Access Request from private individuals
8	Risk of lack of Transparency (inadequate signage)
9	Risk of use of system for different purpose (claims, staff monitoring)
10	Compliance risk from Scope Creep (additional cameras, users, etc)
11	Risk issues arising from Organisational Controls & Ownership roles
12	Risk of system access by non-Garda vetted personnel
13	Risk of collecting excessive information on Data Subjects
14	Risk of Monitoring of Data Subjects in Private Dwellings (not public places)



### Stage 4 - Identify and Evaluate Privacy Solutions

The table below shows how the medium and higher risks can be mitigated by actions and controls implemented as part of the project. The lower Risks are usually Accepted.

REF	POTENTIAL RISK or ISSUE	SOLUTION/MITIGATING ACTIONS	RESULT
#	<i>Use assessment response to detail the privacy factor resulting in risk</i>	<i>Detail corrective actions, solutions and mitigating controls that address the risk</i>	<i>Reduced, Eliminated or Accepted</i>
1	Data breach of the CCTV System.	Ensure physical, technical and organisational safeguards as set-out above. Document system specific safeguards.	Risk Reduced
2	Inappropriate disclosure of personal data i.e.; car registration numbers or images of persons due to a lack of appropriate controls being in place.	Each user will be allocated a unique username and password. Video Server will be housed in a secure server cabinet in a secure premises. Access to the server will be restricted to named KCC staff and named staff of the contracted CCTV company. Joint Controller Agreement will be in place with AGS. Only authorised staff will have access to the system. Users of the CCTV system will be subject to Garda Vetting. Data Processing Agreement in place with the Service Provider Training of Staff at an appropriate level to be undertaken as required. Automated deletion of records takes place after 28 days.	Risk Reduced
3	Software vulnerability, failure to update the system allows an attacker access and causes a data breach.	Firmware and software updates to be undertaken monthly as part of the Service Level Agreement between KCC and service provider.	Risk Reduced
4	Lack of maintenance leading to build up of grime on camera lenses or water ingress etc to system equipment. Possibility also of transmission equipment being moved during storms.	Service Level Agreement will be put in place to allow for servicing of the complete system	Risk Reduced
5	Risk that Data Subjects are unable to have access to personal data held on the system.	KCC have systems in place to deal with all access requests and to provide data to Data Subjects on request and in compliance with current Data Protection/GDPR provisions. Ensure Data Access procedure is built in to KCC's Data Protection Policy and is subject to annual review.	Risk Accepted (low Risk)
6	Risk that personal data in relation to CCTV is retained longer than it is needed.	The video server to be programmed to over-write recorded data after a 28-day recording cycle. The only data that will be retained beyond the 28-day limit is that which is downloaded and handed over to the competent legal authority to investigate / prosecute the offences and managed outside of this system	Risk Reduced
7	Cost of producing and redacting footage for Data	Seek as part of the RFT to reduce / eliminate third party service costs.	Risk Reduced





	Subject Access Request from private individuals		
8	Risk of lack of Transparency (inadequate signage)	Ensure signage placed at all locations and on entry to CCTV zone. Ensure website content is updated and accurate.	Risk Reduced
9	Risk of use of system for different purpose (claims, staff monitoring)	Non-personal data processing (such as object counting – people and vehicles) may be facilitated subject to technical and security safeguards.  No other Data Processing will be permitted, including ANPR or any other recognition or for any other purpose without a separate DPIA clearly identifying the legal basis, purpose, proportionality and necessity and managing risks arising.	Accepted (low Risk)
10	Compliance risk from Scope Creep (additional cameras, users, etc)	User management will form part of the audit checks. Additional cameras can only be added with appropriate Garda Commissioner authorisation (which will necessitate a separate DPIA)	Risk Reduced
11	Risk issues arising from Organisational Controls & Ownership roles	The draft template identifying Roles and Responsibilities between the Data Controllers has been agreed with AGS nationally and KCC's DP Team. Any Data Processor role will be subject to DPA.	Risk Reduced
12	Risk of system access by non Garda vetted personnel	Audit can ensure this risk is mitigated.	Risk Reduced
13	Risk of collecting excessive information on Data Subjects	Consideration of locations, time of operations and field of views – the public will be asked for their opinion in relation to this as part of the Public Consultation.	Risk Reduced
14	Risk of Monitoring of Data Subjects in Private Dwellings (not public places)	Use of Privacy Masks as part of the commissioning of each camera on the recorder. Further engagement with commercial property owners. Consideration of public feedback on this point after public consultation.	Risk Reduced



## Stage 5 – Integrate Outcomes

The integrated outcomes template enables the KCC to record what actions must now be taken to put the solutions identified above, into place. You should also detail who has overall responsibility for ensuring that the actions are on track and completed, an estimated completion date and the status of the progress, so that any delays can be recorded, and other parties can see how far along you are in the process.

The action plan also allows you to ensure that all risks and solutions have been accounted for and are being mitigated against and that no actions are missed or stall. If at any point in the project, the objectives or processing operations change or need to be amended, you can repeat the screening questions to ascertain if any new risks or privacy issues have been identified and then add these to the DPIA and provide solutions and action plan for them also.

The screening questions and assessment questions are revisited after all actions are complete to ensure that they are still appropriate and that solutions have reduced or eliminated the risks.

**A table of outcomes (steps to be included in the project) is reflected in the DPIA**

## Stage 6 - Authorisation & Recording

All stages and aspects of a Data Protection Impact Assessment are recorded and retained for 6 years after the project implementation date. These are also used again should a similar project or technology be utilised in the future.

The stages in the DPIA aim to demonstrate that the Council are carrying out effective assessments when high risks to privacy are involved and that the security and privacy of personal data is one of the Council's main priorities. Keeping records of all stages provides evidence that the Council have identified, assessed and mitigated at every stage and that all risks have been evaluated.

Where there is a requirement for the Council to send a copy of the DPIA report to the Data Protection Commission it will do this within the deadlines and await their authorisation to proceed before going ahead with any processing. Such disclosures include the full report, along with a summary of the project, risks and proposed solutions.

The finalised DPIA is authorised by the relevant Director of Service / Delegated MD manager and by a Garda Superintendent. The DPO in Kerry County Council or An Garda Síochána may refer the DPIA to the Supervisory Authority).



## Appendix 1 – Technical Specifications

See Separate Document

Form No PD 004|



An Roinn Dlí agus Cirt  
Department of Justice

**DEPARTMENT OF JUSTICE  
AN ROINN DLÍ AGUS CIRT**

### **COMMUNITY BASED CCTV SCHEME**



**AN GARDÁ SÍOCHÁNA  
TECHNICAL SPECIFICATION FOR  
SECTION 38(3)(C) CCTV SYSTEMS**



## Appendix 2 – Code of Practice

See Separate Document

Form No PD 001



An Roinn Dlí agus Cirt  
Department of Justice

**DEPARTMENT OF JUSTICE**

**AN ROINN DLÍ AGUS CIRT**



**AN GARDA SÍOCHÁNA**

# **CODE OF PRACTICE FOR COMMUNITY BASED CCTV SYSTEMS**



### Appendix 3 – Proposed Camera locations (all authorised by Garda Commissioner)

Camera No.	Camera Location	Camera Type
1 -3	1. New Road/High Street Junction	3 x 4 Megapixel Fixed IP Bullet Cameras.
4 & 5	2. Upper. High St. /Mons. O’Flaherty Road	2 x 4 Megapixel Fixed IP Bullet Cameras.
6 - 9	3. Market Cross	1 x Pan-Tilt & Zoom camera 3 x 4 Megapixel Fixed IP Bullet Cameras.
10 -12	4. New Street - Beech Road	3 x 4 Megapixel Fixed IP Bullet Cameras.
13 - 16	5. Beech Road/Mission Road Junction	4 x 4 Megapixel Fixed IP Bullet Cameras.
17 & 18	6. East Avenue Road Roundabout/The Ha-ha / Kenmare Place	2 x 4 Megapixel Fixed IP Bullet Cameras.
19	7. Town Hall Building (Main Street/Kenmare Place)	1 x 4 Megapixel IP Bullet Camera.
20	8. Plunkett Street- Main Street Junction	1 x Pan-Tilt & Zoom camera
21 - 24	9. College Street Upper.	1 x Pan-Tilt & Zoom camera 3 x 4 Megapixel Fixed IP Bullet Cameras.
25 - 27	10. Lewis Road/College St./ Michael Collins Pl.	3 x 4 Megapixel Fixed IP Bullet Cameras.
28 - 30	11. Fairhill Roundabout	3 x 4 Megapixel Fixed IP Bullet Cameras.

#### NB: Notes regarding the proposed camera schedule.

1. Garda Commissioner’s approval has been provided for these locations and Dept of Justice capital funding sought for these locations. It is not possible to move a camera to another location or to bring additional cameras into this project.
2. The number of cameras in a final design could be reduced if particular concerns around impact, proportionality or necessity at that particular location was to arise during the consultation phase.
3. The number of cameras actually installed will be dependent on available budget (which is fixed) and costs of equipment, services and civil works. AGS will be asked to provide a priority schedule of locations to inform actual installation.
4. A full equipment inventory will be completed upon installation, including network equipment & recorders will also be inventoried.



Map of Cameras by location and indicative fields of view

