



COMHAIRLE CHONTAE CHILL CHAINNIGH

KILKENNY COUNTY COUNCIL

POLICY ON USE OF DASH-CAMS

Adopted by Management Team 27th October 2020

1. Introduction

Dashboard mounted cameras i.e. dash cams are used by Kilkenny County Council for a number of purposes. This use may involve the recording of personal data of individuals including their recognisable images. Kilkenny County Council is obliged to protect such data in accordance with provisions contained in the General Data Protection Regulation (GDPR) which came into effect on 25th May 2018 and the Data Protection Act 2018.

2. Purpose

This policy is intended to provide Authorised Staff with instructions on how to use dash cams and to assist Kilkenny County Council to fulfil its obligations under GDPR regarding the operation of dash cams. In particular the following;

- Assist in the protection and the safeguarding of persons and property.
- Support the administration and processing of insurance and legal claims against the Council.
- Litter Fines and Prosecutions.
- Visual surveying of road conditions.

3. Policy

3.1 It is the policy of Kilkenny County Council that Authorised Staff, capturing images and video footage on dash cam will be used only in connection with their work on behalf of Kilkenny County Council and for Staff Safety.

3.2 Kilkenny County Council has adopted the use of the dash cams to accomplish several objectives.

The primary objectives are as follows:

- To record images and video footage of offences under Waste/Litter Enforcement legislation.
- To allow Kilkenny County Council to use this material to identify the persons responsible and if the image quality is of sufficient quality as secondary evidence in a Court of Law, supplement eye witness evidence of Authorised Staff of Kilkenny County Council. (Due to camera shake and the size of the litter the actual offence often isn't discernible on the footage).
- To ensure staff health, safety and well-being during their employment with Kilkenny County Council.
- Visual Surveying of road Conditions.

4. When and How to Use the Dash Cam

4.1 The dash cam records constantly on a loop recording and if an offence is committed, the data can be protected on the dash cam to prevent overwriting by hitting the protect button.

4.2 The camera automatically overwrites any footage which hasn't been protected when the disk is full.

4.3 Authorised Staff will download footage from the micro SD card from the dash cam when any incidents of littering or waste offences are committed. This data will be saved to Kilkenny County Council's server. (See Section 9)

4.4 Following the download of the relevant footage, the SD cards shall be formatted to remove any footage from them.

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4.5 The Authorised Staff may use their own discretion on deciding whether to use the dash cam footage as evidence depending on the quality- all incidents should be considered on a case by case basis.

4.6 Dash Cams have a functionality to allow viewing of the recordings at the scene.

5. Procedures for Dash Cam Use

5.1 The Council may issue dash cams to Authorised Staff for use in their day to day driving. The dash cams will be fitted in the Council van, or in their own vehicle for which they claim expenses from the Council.

5.2 Authorised Staff shall only use Council issued dash cams for Council business. The dash cams equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Kilkenny County Council.

5.3 Authorised Staff who are assigned dash cams will receive training to ensure proper use and operation of the equipment. Staff will abide by the Council's policy in relation to use.

5.4 Dash Cam equipment is the responsibility of individual Authorised Staff members and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Section Head as soon as possible so that a replacement unit may be repaired or replaced.

5.5 The dash cam should be securely locked within the vehicle when not in use. When downloading footage, it should be stored in a locked drawer if exiting the room for any reason.

5.6 The Authorised Staff member shall ensure that the date and time are set correctly on the dash cam

5.7 The Micro SD card should be formatted on a weekly basis, which can be done on the actual dash cam or on the user's PC.

5.8 The dash cam user shall ensure that the microphone function is disabled on the device

5.9 Authorised Staff shall inspect and test the dash cam prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

5.10 Authorised Staff are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

5.11 At the end of each cycle of recording of the dash cam if any recordings have been made, the Authorised Staff member should delete any unnecessary footage and download the required footage to a secure location on Kilkenny County Council's server for reviewing if an incident has occurred.

5.12 The recording of children is prohibited.

6. Data Protection

6.1 All staff using dash-cams will receive General Data Protection awareness training.

6.2 Any vehicle where a dash-cam is used for Council business will have a visible sticker highlighting that recording may be taking place.

6.3 A Data Protection Privacy Statement will be available on the Kilkenny county Council website this information should be made available when requested to do so.

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6.4 At all times, employees using dash-cams in the course of their work will take every precaution to protect the personal data of individuals.

7. Restrictions on Using the Dash Cams

7.1 Footage from Dash Cams shall be used only in conjunction with official duties. The Dash Cam shall not generally be used to record:

- Encounters with members of the public unrelated to environmental breaches.
- In any location where individuals have a reasonable expectation of privacy or private property unless in the carrying out of official duties.

8. Dash Cam Footage from Third Parties

8.1 Where a third party (Council Employee with a privately-owned dash cam or a member of the public) submits dash cam footage as evidence of an offence they have witnessed, this footage shall not be accepted for court proceedings.

9. Storage of Data

9.1 A manual log should be maintained for any recordings that has been securely downloaded. The log shall contain information related to the date and time, dash cam identifier, reason for downloading, name of the assigned Authorised Staff member.

9.2 All images recorded by the Dash Cams are the exclusive property of the Council. Accessing, copying, or releasing files is strictly prohibited.

9.3 All access to Dash Cam data (images and metadata) must be specifically authorised by an Authorised Staff member, and access can be audited by the DPO to ensure that only authorised users are accessing the data for legitimate and authorised purposes.

9.4 Files should be securely stored and retained for no longer than necessary except for use in an investigation or prosecution. Standard retention period will be quarterly or longer if required for a specific purpose.

9.5 Footage shall be deleted as soon as practicable where a litter fine issued has been paid, or a prosecution has been completed (allowing for the appropriate appeal period). A review of retained footage shall occur at least quarterly to delete any footage from the servers that is no longer required to be retained.

9.6 A staff member at Senior Staff officer grade (grade 6 or Executive Engineer or above) should have responsibility for ensuring that quarterly reviews are undertaken.

10. Supervisory Responsibilities

10.1 Senior Staff Officer (grade 6 or Executive Engineer or above) shall ensure that Authorised Staff equipped with the dash cam devices utilize them in accordance with policy and procedures defined herein.

10.2 At least on a quarterly basis, Senior Staff Officer will randomly review dash cam recordings to ensure that the equipment is operating properly and that Authorised Staff are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

10.3 Senior Staff Officer will have responsibility for ensuring appropriate retention periods are complied with.

11. Sharing of Dash Cam recordings

The sharing of personal data from dash cams will only be shared or viewed by authorised parties such as the

- Third party request (Subject Access Request) ([Appendix 1](#))
- The Council's legal adviser in the event of an incident, accident or claim.
- The Council's insurers in the event of a claim.
- Data may also be shared with Authorised Staff within Kilkenny County Council. Any viewing of the footage will be done in accordance with the GDPR Policy and will be recorded in a Log.
- Access by An Garda Síochána in line with procedures set out as follows:

11.1 The provision of personal data, including dash cam recordings, to An Garda Síochána for the purposes of investigating and/or prosecuting a criminal offence is permitted under provisions contained in Section 41 of the Data Protection Act 2018.

11.2 Requests from An Garda Síochána for copies of dash cam recordings are required to be submitted in writing on An Garda Síochána headed paper and signed by an appropriate ranking member of An Garda Síochána. The request should specify the details of the dash cam recordings required and affirm that access to such recordings is necessary for the investigation and/or prosecution of a criminal offence.

11.3 In order to expedite a request in urgent situations, a verbal request from An Garda Síochána for copies of dash cam recordings will suffice. However, such a verbal request must be followed up with a formal written request from An Garda Síochána. This can be achieved by verbal request to the Data Protection Officer.

11.4 Access requests such not be processed without the approval of the Data Protection Officer

12. Dash Cam Register

A Dash Cam Register shall be maintained by each section within Kilkenny County Council who operate dash cam systems. This register shall contain, at a minimum, the following information:

- Details of placement/location of dash cam systems.
- Purpose of each dash cam system.
- Legal basis for the processing of personal data.
- Details of signage for each dash cam system.
- Details of Designated and Authorised Employees.
- Dash cam service provider details.
- Access/security controls.
- Retention period for dash cam recordings.

13. Access Requests and Complaints

Any subject access requests or complaints about the use of Dash Cams should be forwarded immediately to the Council's Data Protection Officer.

Postal: Data Protection Officer, Kilkenny County Council, County Hall, John Street, Kilkenny

Phone No: +353 56 7794277

Email: dataprotection@Kilkennycoco.ie

Website: www.Kilkennycoco.ie

14. Complaints to the Data Protection Commission

Contact details for the Data Protection Commission are as follows:

Postal Address: Data Protection Commission, Canal House, Station Road, Portarlinton, Co. Laois R32 AP23.

Phone Number: 0761 104 800 or Local 1890 252 231

E-mail: info@dataprotection.ie

Website: www.dataprotection.ie



Appendix 1
ACCESS REQUEST FORM

Request for a copy of Personal Data under Data Protection Acts, 1988 to 2018

Important: A photocopy of your proof of identity [e.g. passport or driver's licence] and a photocopy of proof of address must accompany this Access Request Form [see Note below].

PLEASE COMPLETE BELOW SECTIONS IN BLOCK CAPITALS

SECTION A

*Full Name: _____

*PPSN [Personal Public Service Number]: _____

*Postal Address: _____

*Telephone/E-Mail: [We may need to contact you to discuss your Access Request - include Area Code].

* **Compulsory Fields**

SECTION B

I, _____ [insert name] wish to have access to data that I believe Kilkenny County Council retains on me as outlined below [please include the name of service[s] and any account/reference number relevant to your access request].

SECTION C - DECLARATION

I declare that all the details I have given in this form are true and complete to the best of my knowledge.

Signature of Applicant: _____ Date: _____

NOTE:

We require proof of the applicant's identity and address to ensure that the person making this access request is acting legitimately [e.g. copy of photographic identification, passport or driver's licence].

Have You	Yes	No
▪ completed the Access Request Form in full?		
▪ signed and dated the Access Request Form?		

If you have ticked **No** to any question above Kilkenny County Council cannot process your request. Please return this form to: **Data Protection Officer, Corporate Services, Kilkenny County Council, County Hall, John Street, Kilkenny.**

ACCESS REQUEST FORM

Requests for Access to Personal Data under the Data Protection Acts, 1988 to 2018.

- Under the Data Protection Acts, you may receive a copy of your personal data held by Kilkenny County Council electronically or in manual filing systems simply by making a written request.
- If you wish to access your personal data held by Kilkenny County Council you should contact the Data Protection Officer in the first instance and check if the data can be released routinely.
- If this is not possible you can make an application under the Data Protection Acts, 1988 to 2018.
- You may use the Data Protection Application Form or write a letter clearly stating that you are applying under Data Protection Acts.
- All applications should be addressed to: **Data Protection Officer,
Corporate Services
Kilkenny County Council,
County Hall,
John Street,
Kilkenny.**
- To help us answer your request please be as specific as possible about the information you wish to see, and give as much information as you can to help us find it.
- You are legally entitled to a decision regarding your request within 30 days of Kilkenny County Council receiving your request. However every effort will be made by the Data Protection Officer to deal with your request as soon as possible. You will be asked to provide proof of your identity.
- If you are unhappy with the decision of the Data Protection Officer you have the right to complain to the Data Protection Commissioner who will investigate the matter for you. The Data Protection Commissioner has legal powers to ensure that your rights are upheld.

Role of Data Protection Commissioner

- The Data Protection Commissioner, with whom Kilkenny County Council is registered as a data controller, oversee compliance with the terms of the legislation.
- The Data Protection Commissioner has a wide range of enforcement powers, including investigation of Kilkenny County Council records and record keeping practices.