



OPW Oifig na
nOibreacha Poiblí
Office of Public Works

The Office of Public Works

Closed Circuit Television (CCTV) Systems Privacy Statement

What We Do With Your Identifiable CCTV Images

www.opw.ie

V3.0

16 December 2022



1. Who Controls Your CCTV Images and how do you Contact Them?

The Commissioners of Public Works in Ireland decide how any CCTV images in which you may be identifiable are captured and what we do with these images of you. We pass this power through senior managers down to middle management and staff.

You can contact us in any of the following ways:

By e-mail: info@opw.ie

By phone: 046-942 2000

By post: The Office of Public Works Head Office, Jonathan Swift Street,
Trim, Co. Meath, Ireland, C15 NX36.

2. If you are Concerned About What we do With Your CCTV Images Contact our DPO

You can contact our Data Protection Officer (DPO) in any of the following ways:

By e-mail: dpo@opw.ie

By phone: (046) 942 2000

By post: Data Protection Officer, The Office of Public Works Head Office,
Jonathan Swift Street, Trim, Co. Meath, Ireland, C15 NX36.



3. Purposes and Legal Basis for the Intended Processing of Your CCTV Images

We capture your identifiable CCTV images for the following purposes:

- **Security**

- o Protecting the Commissioners of Public Works in Ireland and our property from criminal activity
- o Protecting our staff, contractors and any visitors from criminal activity.

Legal Basis

The legitimate interests pursued by the Commissioners of Public Works in Ireland. (You can find these at Section 4 below.)

- **Personal Safety**

Protecting the health and safety of our staff, contractors and visitors from accidental harm or injury.

Legal Basis

For compliance with the legal obligations under the Safety, Health and Welfare at Work Act 2005 and Section 3 of the Occupiers' Liability Act, 1995 to which we are subject.

- **Management of the car parks at Derrynane Strand and Derrynane Pier**

Managing the car parks at Derrynane Strand and Derrynane Pier to maximise occupancy by preventing obstruction and inappropriate parking in disabled bays. While these car parks do not have CCTV, mobile phone photographs and videos may be used to record instances of obstruction and inappropriate parking.

Legal Basis

The legitimate interests we pursue. (You can find these at Section 4 below.)

- **Management of traffic and visitor capacity at the Oldbridge Estate**

Managing traffic and visitor capacity at the Oldbridge Estate (Battle of the Boyne) to maximise throughput and to prevent congestion and delays. Car park capacity is monitored to avoid more vehicles entering when it is full. Visitor progress through the house is monitored so that guides know when to start the AV presentation and the demand for and progress of tours.

Legal Basis

The legitimate interests we pursue. (You can find these at Section 4 below.)



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- **Investigating customer service issues at Brú na Bóinne (Newgrange and Knowth)**

Investigating customer service complaints, e.g. confirming that buses to monuments depart on schedule when visitors allege otherwise or that maintenance visits for plant and equipment (e.g. water treatment plant) take place in conformance with contracts.

Legal Basis

The processing is necessary for the performance of contracts to which the data subjects are parties.

If we add any more purposes, we will list them here in this document. Where more purposes for the use of CCTV images are proposed, these must be approved in advance by the OPW's Data Protection Officer and, if necessary, by the Data Protection Commission. Any warning signs will need to state all purposes, including these additional purposes. CCTV images will not be used for archiving in the public interest, for scientific or historical research or for statistics. We do not record sound with our CCTV systems and we do not use them with facial recognition software. We use automatic number-plate recognition cameras in some cases. We do not use our CCTV systems to spy on you without your knowledge (covert surveillance).



4. Legitimate Interests Pursued by the Commissioners or a Third Party

The legitimate interests pursued by the Commissioners of Public Works in Ireland in processing your identifiable CCTV images are:

- **Protecting property in our care from theft, criminal damage or any other criminal activity.**
 - **Purpose test** – The protection of property in our care is a legitimate interest for the use of CCTV, as would be locking the doors or gates at night.
 - **Necessity test** – The use of CCTV is necessary to deter criminal activity and to provide evidence where such criminal activity has taken place.
 - **Balancing test** – Unless an incident occurs, CCTV images are only retained for 28 days. We warn data subjects in advance via suitable signage of them being recorded by CCTV. We only record CCTV only on our own sites. We do not record images of a data subject's real property or of anywhere else where a data subject would have a reasonable expectation of privacy. Data subjects can and do request information about and a copy of their own CCTV footage. This legitimate interest does not override the data subject's interests, rights or freedoms.
- **Protecting our staff, contractors and any visitors from physical assault, threatening behaviour or robbery.**
 - **Purpose test** – The protection of our staff, contractors and visitors from assault, threatening behaviour or robbery is a legitimate interest for the use of CCTV, as we have a duty of care towards them.
 - **Necessity test** – The use of CCTV is necessary to deter criminal activity and to provide evidence where such criminal activity has taken place.
 - **Balancing test** – Unless an incident occurs, CCTV images are only retained for 28 days. We warn data subjects in advance via suitable signage of them being recorded by CCTV. We only record CCTV only on our own sites. We do not record images of a data subject's real property or of anywhere else where a data subject would have a reasonable expectation of privacy. Data subjects can and do request information about and a copy of their own CCTV footage. This legitimate interest does not override the data subject's interests, rights or freedoms.
- **Protecting the Commissioners from fraudulent personal injury claims.**
 - **Purpose test** – Protecting ourselves from fraud is a legitimate interest for the use of CCTV.
 - **Necessity test** – The use of CCTV is necessary to deter fraudulent personal injury claims and to provide evidence where such fraudulent personal injury claims have taken place.



- **Balancing test** – Unless an incident occurs, CCTV images are only retained for 28 days. We warn data subjects in advance via suitable signage of them being recorded by CCTV. We only record CCTV only on our own sites. We do not record images of a data subject's real property or of anywhere else where a data subject would have a reasonable expectation of privacy. Data subjects can and do request information about and a copy of their own CCTV footage. This legitimate interest does not override the data subject's interests, rights or freedoms.
- **Managing the car parks at Derrynane Strand and Derrynane Pier.**
 - **Purpose test** – We manage the car parks at Derrynane Strand and Derrynane Pier to maximise occupancy by preventing obstruction and inappropriate use of disabled parking bays. Taking photographs or videos of vehicles causing obstructions or inappropriately parked in disabled bays is a legitimate interest.
 - **Necessity test** – The use of mobile phone photographs or videos is necessary to deter obstruction and inappropriate parking in disabled bays and to provide evidence where such activity takes place.
 - **Balancing test** – We only take mobile phone photographs or videos of vehicles causing obstruction or inappropriately parked in disabled bays. We only retain these for 28 days. We warn data subjects in advance via suitable signage that we may take photographs or videos of vehicles causing obstruction or being parked inappropriately in disabled bays. We only take such photographs or videos in these car parks. We do not take photographs or videos where a data subject would have a reasonable expectation of privacy. Data subjects may request information about and a copy of photographs or videos of their own vehicle. This legitimate interest does not override the data subject's interests, rights or freedoms.
- **Managing the traffic and visitor capacity at Oldbridge Estate.**
 - **Purpose test** – We manage the car park capacity to avoid more vehicles entering when it is full. We monitor visitor progress through the visitor centre so that we know when to start AV presentations and to minimise tour waiting times.
 - **Necessity test** – As this is a large site, with staff only based in the visitor centre, the use of CCTV is necessary to remotely monitor unmanned areas.
 - **Balancing test** – Unless an incident occurs, CCTV images are only retained for 28 days. We warn data subjects in advance via suitable signage of them being recorded by CCTV. We only record CCTV only on our own sites. We do not record images of a data subject's real property or of anywhere else where a data subject would have a reasonable expectation of privacy. Data subjects can and do request information about and a copy of their own CCTV footage. This legitimate interest does not override the data subject's interests, rights or freedoms.

There are no legitimate interests pursued by third parties in processing your identifiable CCTV images.



5. Recipients (or Categories of Recipients) of Your Personal Data, if Any

There are no external recipients of identifiable CCTV images.

6. Will Your CCTV Images be Transferred out of the EEA?

No.

6.1. Is There an EU Commission Adequacy Decision Authorising This Transfer?

Personal data may be transferred out of the European Economic Area (EU 27, Iceland, Norway, and Liechtenstein) to another country or to an international organisation, without any specific authorisation, where the EU Commission has decided that the particular country or international body provides an adequate level of data protection. The Commission reviews these decisions every four years.

This does not apply, as the identifiable images captured by our CCTV systems **will not** be transferred out of the EEA or to international organisations.



6.2. **Are There any Other Appropriate and Suitable Safeguards?**

If there is no adequacy decision, personal data may only be transferred to a third country or international organisation if appropriate safeguards are provided and on the condition that enforceable data subject rights and effective legal remedies are available. Appropriate safeguards may include:

- Legally binding and enforceable instruments between public authorities/bodies
- Binding corporate rules
- Standard data protection clauses adopted by a Supervisory Authority and approved or adopted by the EU Commission
- Standard contractual clauses between controller/processor and recipient in the third country or international organisation

This does not apply, as such safeguards only apply to the transfer of personal data out of the EEA or to international organisations, while the personal data captured by our CCTV systems **will not** be transferred out of the EEA or to international organisations.

6.2.1. **Where can you get a Copy of These Safeguards?**

This is not relevant, as these safeguards only apply to the transfer of personal data out of the EEA or to international organisations, while the identifiable images captured by our CCTV systems **will not** be transferred out of the EEA or to international organisations

7. **Period for Which Your Identifiable CCTV Images Will be Kept**

Normally we will keep your identifiable CCTV images for no longer than **28 days**. Where you have suffered a personal injury, we will keep them for **65 days**. Where you make a legal claim against the Commissioners, we will keep them for the duration of the case and any appeals.

8. **Will Your CCTV Images be Used for a Purpose Other Than That Stated Here?**

We will not process your identifiable CCTV images for any purpose other than those stated at Section 3 above. If we later add additional purposes, we will state them all in a revised version of this Privacy Statement and on new signs.



9. Your Rights

You have the following rights under EU and Irish data protection legislation:

9.1. **Access to Information and a Copy of Your Identifiable CCTV Images**

We must tell you if we have captured or intend to capture your identifiable CCTV images. If so, we must give you a copy of your identifiable CCTV images (obscuring images identifying others) and the following information:

- a) The purposes for which your CCTV images are captured
- b) The categories of CCTV images
- c) There are no recipients (or categories of recipients) of your CCTV images
- d) The period for which your CCTV images will be stored and/or the criteria for determining these
- e) That you have the rights to:
 - Request correction of your inaccurate CCTV images (this is not technically possible)
 - Erasure of your CCTV images (right to be forgotten)
 - Restrict our use of your CCTV images (we can then only store them)
 - Object to the processing of your CCTV images.
- f) That you have the right to complain to the Data Protection Commission
- g) If we use automated decision-making, the rules we use, and the significance and consequences of this for you
- h) The safeguards we use if we transfer your CCTV images out of the EEA

9.2. **Rectification of Your Inaccurate Identifiable CCTV Images**

As it is technically impossible to correct your CCTV images, we must delete them.

9.3. **Erasure of Your Identifiable CCTV Images**

You can get us to erase your Identifiable CCTV images in certain cases.

9.4. **Restriction of Processing of Your Identifiable CCTV Images**

You can get us to restrict processing of your Identifiable CCTV images in certain cases. We can only store restricted CCTV images and cannot process it in any other way.

9.5. **Our Obligation to Notify Recipients Regarding Rectification, Erasure or Restriction of Processing of Your Identifiable CCTV Images**

There are no external recipients. If there were, we would have to tell each external recipient of any rectification, erasure or restriction of processing of your identifiable CCTV images. If you ask, we must tell you who these recipients are.



9.6. *Data Portability*

This only applies to organisations such as utilities or financial institutions with whom you have a contract or to whom you have given consent. Where it applies, you can get your personal data in a structured, commonly used, machine-readable format to pass on to another organisation. For example, this would apply where changing energy providers or insurance companies. However, this only applies where that other organisation would have a legitimate purpose to process the personal data lawfully. We cannot envisage any case where another organisation would have a legitimate purpose to lawfully process your identifiable images from our CCTV systems

9.7. *Object to Processing of Your Identifiable CCTV Images*

You can object to the processing of your identifiable CCTV images in certain cases.

9.8. *Not to be Subjected to Automated Individual Decision-Making*

In certain cases, we cannot make fully automated decisions about you based on your identifiable CCTV images that legally or significantly affect you. We do not make such decisions.

The GDPR and the Data Protection Acts 1988 to 2018 restrict the rights above. You also have three other rights, listed below:

9.9. *To be Told About a Personal Data Breach Involving Your Identifiable CCTV Images*

Where your identifiable CCTV images have been accessed by or disclosed to unauthorised persons, lost, destroyed or unlawfully processed **and** where this may result in a high risk to your rights and freedoms, we must inform you without any delay. Both EU and Irish data protection law restrict this right.

9.10. *To Complain to the DPC About Infringements of Your Data Protection Rights*

You may complain to the Data Protection Commission, if you think that our processing of your personal data has infringed your data protection rights.

9.11. *To Sue*

You can sue us (or our processors) for any damage you suffer if we infringe your rights under EU and Irish data protection legislation.



We must allow you to use these rights. You can make a request under any of these rights by contacting our DPO. We may need you to confirm your identity first, as we cannot give your identifiable CCTV images to others. We will not retain any personal data you give us to confirm your identity. Once we have verified your identity, we must send you the information you require in clear and plain language by secure email or post, within one month. We can provide it orally if you prefer, but only for small quantities. It is not technically possible to provide CCTV footage orally.

For complex requests or where there are large numbers of requests, we can extend our time to respond to you by a further **two months**, but we must tell you we are going to do this **within the first month**, together with the reason for the delay. If we not going to respond to your request we must tell you this within **one month**. We must remind you that that you have the options of complaining to the DPC or of suing us.

If you make an electronic request, we must respond to you electronically, unless you prefer otherwise.

Anything we do in response to your request and any information we give you must be free. If you make excessive requests (e.g. make the same one repeatedly) or your requests have no basis in fact, we may either charge you a fee or refuse to act on it. We will not charge you a fee where you have made a mistake, such as the wrong location, but will not act on your request. We may ask you to clarify your request. You can help us to fulfil your request about CCTV footage by being as specific as possible about the location, dates and times.

10. Is Provision of Your CCTV Images a Statutory or Contractual Requirement?

No. It is not necessary to provide your identifiable CCTV images by law or under a contract, nor is it necessary to provide it in order to enter into a contract

11. Must you Provide Your CCTV Images and What Happens to you if you do not?

It is not possible for you to enter an OPW site, property or premises where a CCTV system is in operation and to pass into view of a CCTV camera without it capturing your images. If you are unwilling to have your images captured, then you cannot enter the site, premises or property.



12. The Existence of any Automated Decision-Making, Including Profiling

None. As we do not use your identifiable CCTV images for automated decision-making, there is obviously no information about its logic, significance or consequences for you.