



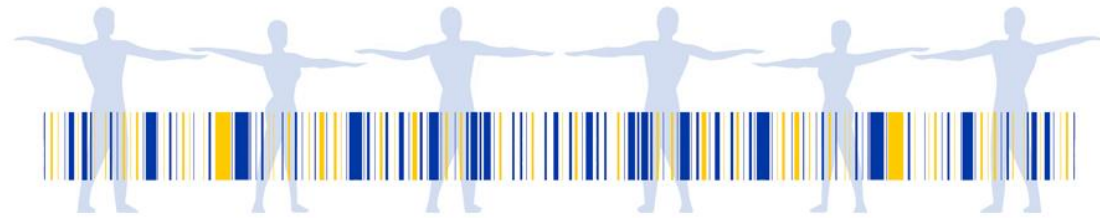
EDPS Video Surveillance Guidelines

PAW Conference
Pecs, Hungary

2-3 April 2012



Introduction



BIG BROTHER



**IS WATCHING
YOU**



Introduction – cont.



- Legal basis
- Objective
- Scope
- Personal data?
- Basic principles
- EDPS Guidelines
- Evaluation / follow up



Legal basis



- Regulation (EC) 45/2001 on the protection of personal data by Community institutions and bodies
- Article 47
- Supervision powers of the EDPS



Objective



- Give practical guidance to controllers and processors
- Comply with legislation
- Responsible use of technology with effective safeguards



Objective – cont.



- Not definitive statements of law – recommendations and suggestions of best practice
- Most efficient way to ensure compliance
- Authoritative interpretation of law



Scope



- Video surveillance carried out by EU institutions and bodies
- More specific security operations
- Internal investigations
- Any other purpose

NOT

- Video calls and video conferencing
- Simple entry systems without recording



Personal data?



- Regulation: "any information relating to an identified or identifiable natural person"
- In practise:
 - Recognisable facial image = always
 - Clearly visible images of an individual = if identifiable (directly or indirectly)
 - Objects that may be linked to an individual = depending on the circumstances



Basic principles



- Balance between security and fundamental rights – privacy in the work place / data protection
- Selectivity / Proportionality / Data minimisation
- Privacy-by-design
 - DP-safeguards built into the design of technology
 - Addressing DP-issues early on – DPO assessment
 - Impact assessment
 - Using privacy-friendly technology



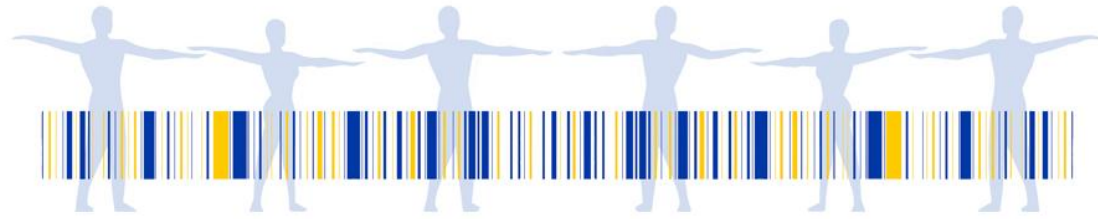
Guidelines - general



- Practical guidance with examples of situations
- Consultation of staff and other stakeholders
 - When staff may be captured on camera
 - Does not mean agreement in all cases – does mean genuine consultation
- Prior checking by EDPS
 - Some cases – to establish additional d.p. safe-guards, i.e. in the case of employee monitoring



Guidelines – usage



- Deciding whether to use?
- Benefits / detrimental effects
- Purpose of the system clearly specified, explicit and legitimate
- Need to use clearly demonstrated?



Guidelines - situations



- In the work-place...

- Security purposes

- Documented risk evaluation with realistic and verifiable justification

- Investigative purposes

- V-S systems should not be installed or designed for internal investigations beyond physical security incidents

- Employee monitoring

- Can cause stress and erode trust
 - Should be avoided – exceptional cases with overriding interest
 - Not justified – productivity; quality control; policy enforcement etc.
 - Subject to impact assessment and prior checking by EDPS



Guidelines – additional aspects



- Selection, location and configuration of system
- Data retention
- Who should have access?
- Data security
- Transfers and disclosures
- Information to the public – access requests
- Accountability and good administration



Evaluation / Follow up



- Follow-up Report – Feb 2012
 - 2 years after publication – based on 42 state of play reports
 - Guidelines = raised awareness and transparency
- **Positives:**
 - Limited use of "intrusive" technology
 - Use of "privacy-by-design" approaches
- **Negatives:**
 - Implementation delayed in several cases
 - Issues: content of on-the-spot notices, publication of online policy docs, lack of impact assessments, insufficient DP-training





THANK YOU!

QUESTIONS? COMMENTS?

Further information:

EDPS Guidelines:

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/10-03-17_Video-surveillance_Guidelines_EN.pdf

Follow-up Report:

http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/12-02-13_Report_CCTV_EN.pdf





Per Johansson
Legal officer

European Data Protection Supervisor
per.johansson@edps.europa.eu

