

Title	LWETB CCTV Policy
Date	22 nd May, 2018
Approved By	LWETB Meeting 22 nd May, 2018
For Review By	LWETB Board

LWETB CCTV POLICY

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Section 1: Data Controller

In this section, we give you further information about us as a data controller.

- 1.1 Longford and Westmeath Education and Training Board (LWETB) is the data controller. Our address and contact details are LWETB, Marlinstown Business Park, Mullingar, N91 RW96, Co. Westmeath, ph. 0449348389, email: info@lwetb.ie. LWETB is established under section 8 Education and Training Boards Act 2013. LWETB provides a range of educational programmes including second level education, further education and training. Our core functions are set out in section 10 Education and Training Boards Act 2013, together with such other matters as are set out in the Education and Training Boards Act 2013, together with such other legal and statutory obligations as may be imposed on LWETB from time to time.
- 1.2 LWETB has developed this CCTV Policy to supplement the CCTV Privacy Notice and LWETB Data Protection Policy. This is in order to be transparent and accountable to data subjects in relation to the processing of CCTV data.

Section 2: CCTV recordings and legal basis

- 2.1 This CCTV Policy applies to the premises owned or controlled by LWETB. For the avoidance of any doubt, this Policy has no application to premises not in the ownership or control of LWETB (e.g. external institutions).
- 2.2 In this section, we give you more information about the type of CCTV image we collect, why we use CCTV and what we do with CCTV recordings/images, and the lawful basis relied upon.
- 2.3 We use CCTV (video only, no audio/sound-recording) on our premises, at internal and external points. CCTV cameras are mounted on fixed-points, with no auto-tracking capabilities.
- 2.4 For the avoidance of doubt, CCTV monitoring/profiling of an individual based on any of the following characteristics is prohibited by this Policy:
 - Age
 - Civil status
 - Disability
 - Family status
 - Gender
 - Membership of the Traveller Community
 - Race
 - Religion
 - Sexual orientation
 - Membership of the Travelling Community.

- 2.5 CCTV will be utilised in a fair and ethical manner. The location of cameras is a key consideration. Use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy (e.g. bathrooms, changing rooms, canteens, classrooms, etc.) is considered by LWETB to be unjustifiable and unethical.
- 2.6 LWETB has endeavoured to select locations for the installation of CCTV cameras which are least intrusive to protect the privacy of individuals. Cameras placed so as to record external areas are positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property.
- 2.7 In any area where CCTV is in operation, there will be a prominent sign displayed notifying people of this. For the avoidance of any doubt, there shall be no covert CCTV recording.
- 2.8 A data protection impact assessment (DPIA) will be undertaken when installing or making adaptations to CCTV systems where the processing is likely to result in a high risk to the rights and freedoms of data subjects.
- 2.9 The purposes of CCTV and the legal basis of same are set out below:

	Purposes	Legal basis
1.	<p>For security:</p> <ul style="list-style-type: none"> (a) To deter unauthorised access to LWETB's property. (b) To protect LWETB buildings and assets (including but not limited to files and data relating to our students and staff) both during and after school hours. (c) To capture images of those perpetrating criminal offences on the premises, including in the car- parking areas, main entrance, exit gates etc (including intruders or individuals damaging property or removing items without authorisation) so that the recordings can be passed to An Garda Síochána, and used for criminal prosecutions. (d) To support An Garda Síochána and other civil authorities to detect and deter crime, and to identify, apprehend, and prosecute offenders. (e) To reduce the incidence of crime and anti-social behaviour (including theft and vandalism). (f) To provide a sense of security and safety to the school's students, parents, staff, service-providers and visitors to its premises. (g) To monitor activity in the areas where cash is received from and receipted to students and/or parents and/or where goods are received from couriers and/or service providers (e.g. reception). (h) The monitoring of access control systems: to monitor and record restricted access areas at entrances to buildings and other areas. (i) Verification of security alarms: intrusion alarms, exit door controls, external alarms. 	<p>Public interests/substantial public interests: to prevent and/or detect fraud, theft and crime and to ensure that LWETB adequately protects property and assets purchased, financed or maintained from funds provided by the Oireachtas.</p> <p>Legal obligation: LWETB's duty of care to its students, staff, and visitors to its premises.</p> <p>Vital interests: the processing is necessary in order to protect the vital interests of the data subject or of another natural person.</p> <p>Prevention, investigation and detection of offences (Article 23(1)(d)GDPR): the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.</p>

2.	<p>To uphold LWETB policies/procedures to promote safety and well-being:</p> <ul style="list-style-type: none"> (a) To ensure LWETB rules and policies are respected so that LWETB can be properly managed. (b) To deter any instances of bullying, harassment, and/or all other forms of unwanted and/or inappropriate behaviour. (c) To ensure that any codes of behaviour and anti-bullying procedures that apply to students and staff, and all other relevant policies are implemented so that LWETB can be properly managed. For the avoidance of any doubt, this means that CCTV footage may be used as part of any LWETB procedure, including but not limited to a disciplinary, suspension, or expulsion process. This also means that the CCTV footage may be viewed by the board of management, and the board of LWETB, together with any external appeals bodies (e.g. Section 29 Appeal body) relevant to a suspension or expulsion process. 	<p>Legal obligation: LWETB's duty of care to its students, staff, and visitors to its premises; the Safety Health and Welfare at Work Act 2005; to implement the Code of Behaviour adopted pursuant to section 23 Education (Welfare) Act 2000, and (where CCTV is relevant to a Code of Behaviour process) to facilitate the hearing of Appeals pursuant to section 29 Education Act 1998 (suspension, expulsion, etc). Where a parent makes a section 29 Appeal, and the internal LWETB process is exhausted, by progressing with the appeal the parent acknowledges and understands that the personal data relating to them/their child shall be transferred by</p>
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		<p>LWETB to the Department of Education and Skills for the purposes of their administering the appeal, convening the section 29 hearing, etc.</p> <p>Vital interests: the processing is necessary in order to protect the vital interests of the data subject or of another natural person.</p> <p>Public interests/substantial public interests:</p> <ul style="list-style-type: none"> • To maintain discipline and good order; to ensure that other students do not have their learning seriously disrupted by misbehaviour of other students. • To ensure that other students and staff are not exposed to risks to their health and safety (including causing distress, anxiety, or any threat to physical safety). • To prevent and/or detect fraud, theft and crime; to ensure that LWETB adequately protects property and assets purchased/financed/maintained from funds provided by the Oireachtas.
3.	For verification and dispute-resolution purposes, particularly in circumstances where there is a dispute as to facts and the recordings may be capable of resolving that dispute.	<p>Public interests/substantial public interests: to prevent and/or detect fraud; to ensure that facts can be objectively verified; to avoid disputes leading to costly litigation and for dispute resolution and litigation purposes.</p>
4.	For litigation purposes.	<p>Public interests/substantial public interests: to ensure that all relevant data is available for litigation purposes, to ensure the effective administration of justice.</p>

<p>5.</p>	<p>For verification and dispute-resolution purposes as part of any investigation (including external investigations, e.g. Teaching Council, TUSLA, An Garda Síochána).</p>	<p>Legal Obligation: depending on the nature of the request, this may include a request from external agencies as part of external investigations, e.g.:</p> <ul style="list-style-type: none"> • Child Protection matter - Section 16 Children First Act 2015 – TUSLA may require LWETB to “assist TUSLA” and if LWETB “furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings. Teaching Council inquiry – section 43B Teaching Council Acts 2001 – 2015: “a person commits an offence where he or she [...] (b)refuses [...] (ii) to produce any document¹ in his or her power or control lawfully required by the panel to be produced by him or her”. • National security, law enforcement or criminal investigation matters - An Garda Síochána (Article 23(1)(d)GDPR): the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. <p>Vital interests: the processing is necessary in order to protect the vital interests of the data subject or of another natural person.</p> <ul style="list-style-type: none"> • Public interests/substantial public interests: to prevent and/or detect fraud, theft and crime, to ensure that LWETB adequately protects property and assets purchased/financed/maintained from funds provided by the Oireachtas.
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This is an indicative, non-exhaustive list. We will utilise CCTV for purposes not necessarily listed here provided there is a legal basis, and/or we are legally required to do so.

Section 3: Recipients of CCTV recordings

3. We share and transfer CCTV recordings to other data controllers. In this section we give you further information about the recipients or categories of recipients of the personal data.
 - 3.1 **Parents/guardians:** Where the student is under 18 years, we may show CCTV footage to the student's parent/guardian (for example, as part of a Code of Behaviour process that may lead to the student's expulsion or suspension) if the images can be appropriately redacted/pixelated to conceal the identities of uninvolved persons.
 - 3.2 **An Garda Síochána:** for the investigation, detection and prevention of offences.
 - 3.3 **Social Workers, HSE, and/or TUSLA:** in respect of any child protection and/or child safeguarding and/or child welfare matters.
 - 3.4 **Student Support Team/Pastoral Care Team:** (for further information, please see section 3.3 of LWETB Data Protection Policy): to support the School's non-violent crisis intervention programme and as part of any post-event reflective training for staff to reinforce techniques and strategies of verbal and non-verbal de-escalation where challenging behaviour is exhibited by a student. These CCTV recordings may be used by and viewed by the Student Support team/Pastoral Care team in the following ways:
 - a) to conduct a post-crisis review to develop improved prevention strategies;
 - b) to review performance and techniques with a view to attaining better outcomes in the future;
 - c) to support positive behaviour from our students and to reinforce the Code of Behaviour;
 - d) to inform a student's Individual Educational Plan and any care programmes in place for that student;
 - e) to reduce the risk of future incidents or injuries;
 - f) to assist the staff and clinical support personnel working with the student in developing appropriate care programmes best suited to that individual student.

¹ Defined in section 43(19)(d) (as amended) as including "any audio or video recording".

- 3.5 **Department of Education and Skills and/or any section 29 Appeals Committee:** in relation to any Code of Behaviour, suspension and/or expulsion process.
- 3.6 **Teaching Council:** where we are legally required in relation to any process under the Teaching Council Acts 2001 – 2015, including fitness to teach investigations.
- 3.7 **LWETBs' Insurer and/or Legal Advisors, including the Legal Services Support Unit, Education and Training Boards' Ireland:** LWETB transfers and shares CCTV recordings with its insurers, Irish Public Bodies, and their duly appointed workplace investigators, claims handlers etc. LWETB also shares/transfers CCTV data to its LWETB legal advisors. These transfers are for the purposes of obtaining legal advices, resolving disputes, and defending, compromising or otherwise settling litigation. CCTV data may also be transferred to the Health & Safety Authority when investigating workplace accidents.
- 3.8 **CCTV administrators and IT support:** to assist us with the administration and maintenance of the CCTV system and associated hardware and software, and for making copies of recordings.
- 3.9 **Other parties:** where you give your consent or instruct us to do so (e.g. to your solicitor, to your union representative etc), or where we are otherwise legally required (e.g. a Court Order).

Section 4: Third country/international transfers

We do not transfer your personal data to a third country or international organisation.

Section 5: Automated decision making/profiling

We do not engage in ADM/profiling.

Section 6: Retention of recordings

CCTV is generally held for 28 days, but there are possible exceptions. For example:

- (a) where a break-in or theft is recorded (in which case they will be held and passed to An Garda Síochána, and/or LWETB's insurance company and legal advisors).
- (b) Where an injury/accident occurs (in which case CCTV may be retained and may subsequently be passed to LWETB's insurance company, its legal advisors or the Health & Safety Authority).
- (c) Where a breach of the Code of Behaviour is reported resulting in a student being disciplined, in which case the recordings will be retained to be viewed by parents of

the affected student (if the images can be appropriately redacted/pixelated to conceal the identities of uninvolved persons), the Board of Management, LWETB, and/or a duly constituted section 29 appeals committee convened by the Department of Education and Skills for the purposes of hearings, appeals, dispute resolution and/or verification purposes.

These examples are not exhaustive, and there will be other situations where the CCTV is retained for longer than 28 days where there is a legal basis, and/or we are legally required to do so.

Section 7: Your rights

You have the following statutory rights that can be exercised at any time:

- (a) Right to information.
- (b) Right to complain to supervisory authority.
- (c) Right of access.
- (d) Right to rectification.
- (e) Right to be forgotten.
- (f) Right to restrict processing.
- (g) Right to data portability.
- (h) Right to object and automated decision making/profiling.

Section 8: Contact us

For further information, please see our Data Protection Policy and our CCTV Policy on our website www.lwetb.ie/policies-procedures/ or contact the person who is responsible for Data Protection in LWETB:

David McGreal
LWETB, Marlinstown Business Park, Mullingar, Co.
Westmeath 044 9394015
dp@lwetb.ie

Section 9: Glossary

Data controller means LWETB being the legal person which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data processor means an individual who, or a legal person, public authority, agency or other body that, processes personal data on behalf of a controller, but does not include an employee of a controller who processes such data in the course of his or her employment.

Data subject is an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

GDPR means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

Lawful basis: LWETB may only process data if and to the extent that at least one of the following applies:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.