



# CCTV Surveillance

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PIN 015 Covert CCTV Surveillance Policy	28/08/13
PIN 018 Irish Prison Service Information gathering policy	28/08/13
Data Protection Act 2018	25/05/18

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## Irish Prison Service Policy for CCTV

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## 1. The Aim of this Policy

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1.1 To provide a clear, consistent and best practice approach to the operation of our CCTV Systems. CCTV Systems including audio comes in a number of guises including fixed CCTV Systems within the prison estate including PSEC Vehicles, VAEG Cameras and Body Worn Cameras.

## 2. Scope of this policy

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2.1 This policy applies to all permanent and temporary staff members, all staff working within Irish Prisons for other organisations, independent contractors, sub-contractors or any person with CCTV responsibilities. All persons involved in the planning, supervision or operation of a CCTV scheme should be familiar with this policy. It is the responsibility of the Governor to ensure that there is full compliance with this Policy. Contravention of Data Protection Legislation may expose the Irish Prison Service to prosecution.

## 3. Procedures for implementation

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Closed circuit television which may include audio is an important and essential system that is in place in and around the prison estate to assist in maintaining the safety, good order and security of the institutions. The prison estate includes PSEC Vans which are used to transport prisoners to various locations. It is of crucial importance in order to ensure confidence in the operation of CCTV systems that there is no improper use of the equipment. Any misuse of CCTV systems is likely to damage the positive perception of CCTV in the eyes of stakeholders.

This policy is designed to assist users of CCTV systems by highlighting certain legal obligations set down in the General Data Protection Regulation (EU) 2016/679 ("GDPR") and the Data Protection Act 2018. In order for this policy to remain relevant to the day to day activities of CCTV operation, it will be updated as practice and understanding of the laws in this area develop. Accordingly, this policy will be kept under review to ensure that it remains relevant in the context of changes in technology, and compliant with any developments in this area.

It is the responsibility of the Governor of each prison to ensure that all operators are aware of and trained in their responsibilities under this policy. All camera operators must be made aware of their responsibilities under this policy.

### 3.1 The Purpose of a CCTV System

Personal data must be processed in a way that is lawful, fair and transparent. Article 6 of the GDPR sets grounds on which personal data processing is lawful. These grounds include: 'processing is necessary for compliance with a legal obligation ..... 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 (Article 5 & 6 of the GDPR and Section 34 of the Data Protection Act, 2018 refer). Section 38(1) of the Data Protection Act, 2018 further states that processing is lawful where it is required for: '..... the performance of a function of a controller conferred by or under an enactment or by the Constitution.....'

3.1.2 CCTV systems are in place in the Irish Prison Service:

- a) for the safety and security of all staff, prisoners and visitors;
- b) to assist in maintaining the good order and security of the prison estate;
- c) to deter prisoners from escaping or attempting to escape;
- d) to deter those having criminal intent and to help reduce the fear of crime;
- e) to assist in the detection of crime, help apprehension and prosecution of offenders;
- f) to provide the IPS with information relevant to the investigation of an alleged crime;
- g) to aid the Irish Prison Service in the provision of security and health and safety. The Irish Prison Service may use CCTV footage (and audio) where it is reasonably required to assist in the establishment of facts in an investigation e.g. a security incident, health & safety concern or a disciplinary issue.
- h) to aid any civil or criminal investigation;
- i) to give confidence to Irish Prison Service staff and visitors that they are in a safe or secure environment;
- j) to provide the Irish Prison Service with information relating to vehicle traffic management on property under the control of the Irish Prison Service;

- k) to observe the movement of all persons within the institution and at points of entry and egress, where it is considered necessary for the purposes outlined in this section;
- l) to monitor premises including PSEC vehicles;
- m) to recognise Irish Prison Service staff, inmates and visitors for entry or exit through specific points;
- n) to improve and provide information relating to health and safety matters;
- o) to see what an individual inmate or visitor is doing, for example monitoring prisoner visit sessions;
- p) to ensure that required tasks are being carried out to agreed standards, such as checks on special observation cells, for health, safety and welfare of prisoners.

**This list is not exhaustive and other purposes may be or become relevant**

### **How we operate CCTV**

- 3.1.2 Only persons authorised by the Governor with a business purpose shall be permitted access to the control area where monitoring takes place. In this regard, the Governor will ensure that at all times entry/exit records to the control area are maintained in a visitor's journal within the prison.
- 3.1.3 The Governor will at all times ensure the proper and responsible operation of the CCTV system under his/her control and ensure that all persons operating or monitoring the system are appropriately trained in the system's use and understand the restrictions and legal obligations imposed upon them by the laws in this area.
- 3.1.4 The Governor/Chief Officer or the CCTV Manager will be afforded access to CCTV images and any audio available.
- 3.1.5 The Governor is to ensure that all uses of the system are compliant with relevant Data Protection legislation and proportionate to the maintenance of safety, good order and security in a prison.
- 3.1.6 Areas may be monitored or reviewed by Governors or CCTV Managers to ensure that required tasks are being carried out in line with the Prison Rules 2007, such as checks on special observation cells, for health, safety and welfare of inmates.
- 3.1.7 The CCTV Manager, nominated by the Governor in each prison, will have responsibility for ensuring the proper, efficient and orderly day-to-day operation of the CCTV system.

- 3.1.8 The CCTV Manager shall maintain a detailed record of the system's effectiveness in consultation with prison managers and the Operations Directorate in IPS HQ.

## **3.2 Siting standards**

- 3.2.3 Governors, shall ensure that each CCTV camera is justified and proportionate for the reasons outlined in paragraph (3.1.1). The justification for the number, location and purpose shall be recorded in a register.

- 3.2.4 Cameras shall be sited in such a way that they only monitor those spaces which are intended to be covered by the system, and will not be installed in areas where people have a reasonable expectation of privacy such as toilets, shower rooms, staff canteens, and prison cells with the exception of holding cells.

- 3.2.5 Operators must be vigilant and fully aware that the cameras must only be used in order to achieve the purposes for which the system has been installed (see 3.1.1).

CCTV Managers and Operators must ensure that cameras under the control of the Irish Prison Service do not look into any premises, be they public houses, shops, business premises or private dwellings. This approach must likewise be taken with any demonstration of the capabilities of the cameras. It is possible to mark areas that are not to be viewed and the system will disguise or blur the area when the camera pans in that direction.

- 3.2.6 Operators must also be aware of the position a camera is left in after use. A camera when not in use should be placed in the most advantageous position to record any incidents occurring in a public area within its field of vision.
- 3.2.7 Care should be taken to ensure that footage of private property, external to the prison/institution environs is, minimised as far as is possible.
- 3.2.8 Contractors and staff must ensure that dash-cams, external cameras and similar devices that record footage are switched off before entering the prison estate.
- 3.2.9 No recording on personal or external devices is permitted while carrying out duties for the Irish Prison Service whether on prison grounds or not.
- 3.2.10 On implementation of this policy, new signs will be provided. Signs should be placed so that members of staff, inmates, visitors and other stakeholders are aware, that they are entering an area which is covered by a CCTV system. These signs should be clearly visible and legible. The signs will contain the following information:

- a) the identity of the person or organisation responsible for the CCTV scheme.
- b) the purposes of the scheme.
- c) details of third parties CCTV footage/images may be shared with.
- d) details of whom to contact regarding the scheme.

### **3.3 Quality of images**

- 3.3.1 Upon installation, an initial check should be undertaken to ensure that all equipment performs properly and satisfactorily.
- 3.3.2 If the system records features such as the location of the camera and/or date and time reference, these must be accurate.
- 3.3.3 If the system includes location and date/time reference features, users must ensure that they have a documented procedure for ensuring their accuracy.
- 3.3.4 Cameras must be situated so to capture images relevant to the purposes referred to in this policy.
- 3.3.5 When installing cameras, consideration must be given to the physical conditions in which the cameras are located.
- 3.3.6 Cameras must be properly maintained and serviced to ensure that clear images are recorded.
- 3.3.7 Cameras shall be protected from vandalism in order to ensure that they remain in working order.
- 3.3.8 A maintenance log/record shall be kept by the CCTV Manager.
- 3.3.9 If a camera is damaged, there must be clear procedures for:
  - a) defining the person responsible for making arrangements for ensuring that the camera is repaired.
  - b) ensuring that the camera is repaired as soon as possible.
  - c) monitoring the quality of the maintenance work.

**All staff dealing with CCTV should familiarise themselves with this policy and the CCTV Standard Operating Procedure. (SOP)**

### 3.4 Processing of CCTV images

- 3.4.1 Images shall be stored in accordance with the CCTV system in each location. Images shall not be stored on computer hard drive, unless in accordance with the system in that location. If this is the case, the same retention and disposal rules apply as set out in this policy.

All CCTV saved must be stored under the following format:

- Year
- Month
- Date
- Incident Identifier i.e. prisoner name, location, incident etc.

It is the responsibility of the prisons delegated CCTV Manager to ensure local compliance with this requirement.

- 3.4.2 All requests from staff and prisoners to view CCTV images with respect to themselves or incidents involving themselves shall be made through the Subject Access Request and will be considered by the Data Protection Administrator and recorded in the relevant log.

**Staff within the Irish Prison Service who require to access CCTV footage, such as OSG, to enable them to carry out their business function, gather intelligence and protect the security of the prisons within the organisation are permitted to do so in line with the CCTV policy, GDPR and the Data Protection Act 2018.**

- 3.4.3 The Governor shall restrict access to recorded images to a designated person or persons. Viewing areas are to be within the control areas of prisons or in an area designated at the discretion of the Governor and/or the CCTV Manager. Unauthorised persons must not be allowed to have access to that area when a viewing is taking place.

i) Should a prisoner request to view CCTV footage/Stills in the case of a p19 disciplinary issue they are entitled to “natural justice” which may require them to be allowed to view CCTV footage/Stills of the incident. However this can be refused on security grounds if the Governor of the prison feels it could compromise the safe and secure running of the institution. However this has to be explained to the prisoner.

ii) CCTV viewing/Stills requests can also be refused if a criminal investigation is underway. This applies to both staff and prisoners.



3.4.4 All requests for CCTV footage from external nominated third parties (the Director of Public Prosecutions, the State Claims Agency and/or the Health, Coroners Court and Safety Authority, An Garda Síochána) shall be sent to the Operations Directorate who may arrange for same in the following circumstances.

All requests for CCTV footage from the Inspector of Prisons will be sent to the Operations Directorate and dealt with in accordance with 31.B, 31.2 and 31.7 of the Prisons Act 2007

- a) the incident recorded is of a serious nature (e.g. one that may lead to criminal or civil proceedings).
- b) a formal written request from a member of An Garda Síochána made in accordance with the provisions of the Data Protection Act 2018.
- c) the incident recorded is proceeding to trial.
- d) a request to view the footage is received from the Director of Public Prosecutions, the State Claims Agency, the Inspector of Prisons and/or the Health and Safety Authority.

Due to the excessive cost for pixilation of CCTV footage to the Irish Prison Service, the organisation will not be in a position to provide third parties with copies of footage. If a solicitor, staff or other third party, other than those who require same for investigative purposes, request cctv footage they will be supplied with stills of the incident with third parties obscured.

All footage or stills of an incident can be directly requested from Operations Directorate who will provide same once the relevant section that the request is applicable to has made a decision whether footage or stills can be released. It will be the responsibility of the Governor or a person designated by the Governor to ensure that all third parties not relevant to the viewers are obscured.

3.4.5 On removing the medium on which the images have been recorded, the Operations Directorate shall ensure that they have documented:

- a) the date on which the images were copied from the general system;
- b) the reason why they were copied from the system;
- c) the location of the images;
- d) the signature of the collecting official, where appropriate.

3.4.6 Upon receipt of a request for viewing, the Governor/Data Protection Administrator or CCTV Manager must record the following in the relevant log:

- a) the date and time of the viewing.
- b) the name(s) of the person(s) viewing the images. (If this includes third parties, the name of the organisation to which the third party belongs).
- c) the reason for the viewing.
- d) the outcome, if any, of the viewing.

3.4.7 All operators and employees with access to images shall be made aware by the Governor of the procedures which need to be followed when accessing the recorded images.

#### 3.4.8 Disposal of Copies

CCTV footage which may include audio recorded on the Irish Prison Service Estate that is requested by an external agency for investigation purposes becomes the responsibility of the stated agency as soon as it is handed over. Full responsibility for its secure retention and correct disposal under Data Protection legislation becomes a matter for the stated agency.

Relevant agencies listed are not exhaustive- An Garda Siochana, Inspector of Prisons, State Claims Agency, Coroners Court and Health and Safety Authority.

### 3.5 Access by Data Subjects

All data subject requests will be dealt with in line with the Irish Prison Service Data Subject Request Policy

### 3.6 Monitoring standards

3.6.1 The Data Protection Administrator indicated on the sign should be available to members of the public during office hours. That contact person should be aware of the policies and procedures governing the use of the Irish Prison Service CCTV equipment.

3.6.2 Enquirers should be provided on request with one or more of the following:

- the information note, if available, for the purpose of general information which enquirers may receive when they make a subject access request;
- a data subject access request form if required or requested;
- the complaints procedure to be followed if an enquirer has concerns about the use of the system;

- the complaints procedure to be followed if an enquirer has concerns about non-compliance with the provisions of this policy;
- no fee may be charged in respect of the provision of any of the above documents.

3.6.3 A record of the number and nature of complaints or enquiries received should be maintained by the Data Protection Administrator, together with an outline of each action taken.

3.6.4 A report on those numbers should be collected by Data Protection Administrator in order to assess public reaction to, and opinion of, the use of the system.

3.6.5 The Data Protection Administrator should undertake regular reviews of the documented procedures to ensure that the provisions of this Policy are being complied with. An audit shall be carried out, at least, on an annual basis.

3.6.6 A report on those reviews should be provided to the Director General in order that compliance with legal obligations and provisions of this Policy can be monitored.

### **3.7 Data Retention/Deletion**

3.7.1 All recorded footage will be retained locally for a maximum of 28 days, unless it is saved to the Irish Prison Service Storage Area Network (SAN).

3.7.2. All other incidents will be saved for 4 years and 1 day.

3.7.3 Irish Prison Service CCTV footage that along with any audio will be processed, stored and retained under the same guidelines and in line with this policy.

## **4. Related policies and documents**

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This Policy should be read in conjunction with:

Data Subject Request Policy

PIN 018 Irish Prison Service Information Gathering policy.

## **5. Definitions**

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CCTV – Closed Circuit Television

SAN - Storage Area Network.

## Appendices

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Appendix I – CCTV Access Request Form

Appendix II – CCTV Information note

Appendix I – CCTV Access Request Form for Employees of the Irish Prison Service

Governor	
Institution	
Person wishing to access CCTV footage	
Address	
Event, to include date, time, location and parties involved.	
Request to view?	

Signature Person wishing to access CCTV footage		Date	
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## Appendix II – CCTV Information note.

### 1. OPERATION OF CCTV SYSTEMS

The Irish Prison Service is part of the Department of Justice and Equality and operates and controls CCTV cameras in this location.

### 2. PURPOSE OF CCTV SYSTEMS

The primary purpose of CCTV systems in use in the Irish Prison Service is for reasons of security and health and safety. The Irish Prison Service may use CCTV footage and audio where it is reasonably required to assist in the establishment of facts in an investigation e.g. a security incident, health & safety concern or a disciplinary issue.

### 3. MONITORING AND STORAGE OF CCTV IMAGES

The Irish Prison Service is responsible for monitoring the CCTV systems in this building. All footage and audio is stored securely on a hard drive within such system and is only accessible by authorised staff members within the Irish Prison Service. CCTV images and audio can only be downloaded by designated Irish Prison Service staff members.

The initial retention period for CCTV images and audio is 28 days, after which all images are overwritten or deleted unless required for a criminal investigation, legal proceedings or an internal investigation.

### 4. SHARING OF CCTV IMAGES

Where CCTV images and audio are required for purposes other than the above e.g. in the investigation of a crime, the Director of Operations at the Irish Prison Service may allow An Garda Síochána to view the required footage and listen to any audio. A copy of the footage and audio will only be provided on receipt of a written request from An Garda Síochána setting out the details of the CCTV footage required (e.g. date, time, location and duration).

CCTV images and audio may also be shared with An Garda Síochána, the Inspector of Prisons, the Coroners Court, the State Claims Agency and other relevant third parties where necessary for the investigation of particular incidents related to the purposes referred to above.

### 5. ACCESS TO CCTV IMAGES

Under both the GDPR and the Data Protection Act 2018, individuals have the right to:

- (a) Obtain confirmation that their data may be captured on CCTV, and
- (b) Obtain access to their personal data by means of a Subject Access Request.

Information on submitting a Data Access Request is set out in the Department of Justice and Equality's Data Protection Policy at:

[www.justice.ie](http://www.justice.ie)

For queries or requests for more information, please contact Data Protection Liaison Stephen Kelly:

**Data Protection Helpline on 043 3335349**

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