

KILDARE and WICKLOW EDUCATION and TRAINING BOARD



BORD OIDEACHAIS AGUS OILIÚNA
CHILL DARÁ AGUS CHILL MHANTÁIN
KILDARE AND WICKLOW
EDUCATION AND TRAINING BOARD

CCTV POLICY

Version number	KWETB 2018 / 001
Policy drafted by	ETBI Working Group
Approved by ETB Board on	08 th May 2018
Date on which it became operational	25 th May 2018
Next review date	24 th May 2021

Document ref No.	KWETB 2018 / 001	Document initiated by	KWETB
Revision number		Document drafted by	KWETB & FOI/DP Forum
Document reviewed by	CE Forum	Document adopted by	KWETB
Date Document adopted	08 th May 2018 Mtg.	Date Document implemented	25 th May 2018
Assigned review period	3 Years or sooner	Responsibility for implementation	CE / Directors / DPO / Senior Management / IT Department
Responsibility for review	Compliance Officer/DPO	Next review date	3 years after implementation
Original issued by	KWETB	Date of withdrawal of obsolete document	
Amendment history			
Date	Revision level	Details of amendment	Approval

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1. Data Controller

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

- 1.1 KWETB is the data controller. Our address and contact details are; KWETB, Áras Chill Dara, Devoy Park, Naas, Co. Kildare. Contact details; 045 988 000. KWETB is established under section 8 Education and Training Boards Act 2013. KWETB provides primary level education, secondary level education, second chance education; further education and training including apprenticeships; Youthwork, community-based education programmes; prison education, outdoor education; outreach programmes, specialist programmes e.g. through Music Generation and other programmes/courses as maybe delivered/funded/sponsored in whole or part or in co-operation with other bodies/agencies etc. 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 the ETB from time to time.
- 1.2 KWETB has developed this CCTV Policy to supplement the CCTV Privacy Notice and the ETB Data Protection Policy. This is in order to be transparent and accountable to data subjects in relation to the processing of CCTV data.
- 1.3 In this CCTV Policy, defined terms shall refer to those definitions used in section 1 of the KWETB Data Protection Policy.

2. CCTV recordings and legal basis

- 2.1 This CCTV Policy applies to the premises owned or controlled by KWETB. For the avoidance of any doubt, this Policy has no application to premises not in the ownership or control of ETB (e.g. external institutions, prisons, etc.).
- 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, etc.) is considered by KWETB to be unjustifiable and unethical.
- 2.6 KWETB 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 same. For the avoidance of any doubt, there shall be no covert CCTV recording.
- 2.8 A data protection impact assessment (DPIA) is 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> <p>(a) To deter unauthorised access to the ETB's property</p> <p>(b) To protect the ETB buildings and assets (including but not limited to files and data relating to our students and staff) both during and after school hours;</p> <p>(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;</p> <p>(d) To support An Gardaí Síochána and other civil authorities to detect and deter crime, and to identify, apprehend, and prosecute offenders;</p> <p>(e) To reduce the incidence of crime and anti-social behaviour (including theft and vandalism);</p> <p>(f) To provide a sense of security and safety to the School's students, parents, staff, service-providers, and visitors to its premises.</p> <p>(g) To monitor activity in the areas where cash is received from and receipted to students and/parents and/or where goods are received from couriers and/or service providers (Reception);</p> <p>(h) The monitoring of access control systems: to monitor and record restricted access areas at entrances to buildings and other areas;</p> <p>(i) verification of security alarms: Intrusion alarms, exit door controls, external alarms;</p>	<p>Public interests/substantial public interests: to prevent and/or detect fraud, theft and crime, to ensure that the ETB adequately protects property and assets purchased/financed/maintained from funds provided by the Oireachtas.</p> <p>Legal obligation: ETB'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 per 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 ETB policies/procedures to promote safety and well-being:</p> <p>(a) To ETB rules and policies are respected so that the ETB can be properly managed.</p> <p>(b) To deter any instances of bullying, harassment, and/or all other forms of</p>	<p>Legal obligation: ETB'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</p>

	<p>unwanted and/or inappropriate behaviour.</p> <p>(c) To ensure that the ETB ‘Code of Behaviour’ and ‘Anti-Bullying Procedures’ and all other relevant policies are implemented so that the ETB can be properly managed; For the avoidance of any doubt, this means that CCTV footage may be used as part of any ETB procedure, including but not limited to a disciplinary, suspension, or expulsion process under the Code of Behaviour. This means that the CCTV footage may be viewed by the board of management, and the board of the ETB, together with any relevant external appeals bodies (e.g. Section 29 Appeal body) relevant to a suspension or expulsion process.</p>	<p>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 ETB 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 the ETB 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 the ETB 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.	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. For dispute resolution and litigation purposes.
4.	For litigation purposes.	Public interests/substantial public interests: to ensure that all relevant data is available for litigation purposes, to ensure the effective administration of justice.
5.	For verification and dispute-resolution purposes as part of any investigation (including external investigations, e.g. Teaching Council, TUSLA, An Garda Síochána).	Legal Obligation: depending on the nature of the request, this may include a request from external agencies as part of external investigations, e.g.: <ul style="list-style-type: none"> • Child Protection matter - Section 16 Children First Act 2015 – TUSLA may require ETB to “assist TUSLA” and if the ETB “furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that

		<p>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.</p> <ul style="list-style-type: none"> • 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 Síochana: per 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> <p>Public interests/substantial public interests: to prevent and/or detect fraud, theft and crime, to ensure that the ETB adequately protects property and assets purchased/financed/maintained from funds provided by the Oireachtas.</p>
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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.

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

Section 3: Recipients of CCTV recordings

3. We share and transfer CCTV recordings data 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 protect the personal data of third parties.
- 3.2 **An Garda Síochána:** for the investigation, detection and prevention of offences.
- 3.3 **To 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 KWETB 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:
- To conduct a post-crisis review to develop improved prevention strategies;
 - To review performance and techniques with a view to attaining better outcomes in the future;
 - To support positive behaviour from our students and reinforcing the Code of Behaviour;
 - To inform a student's Individual Educational Plan and any care programmes in place for that student.
 - To reduce the risk of future incidents or injuries,
 - To assist the staff and clinical support personnel working with the student in developing appropriate care programmes best suited to that individual student.
- 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 investigation.
- 3.7 **ETBs' Insurer and/or Legal Advisors, including the Legal Services Support Unit, Education and Training Boards' Ireland:** the ETB transfers and shares CCTV recordings with its insurers, Irish Public Bodies, and their duly appointed workplace investigators, claims handlers etc. The ETB also shares/transfers CCTV data to its ETB 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.
- 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: Records' Retention

For further information about the period for which CCTV is retained (or if that is not possible, the criteria used to determine that period), please refer to Section 6 of the KWETB Data Protection Policy.

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 to automated decision making/profiling.

For further information, please see section (7) of our Data Protection Policy available at www.kwetb.ie, or alternatively contact our DPO.

Section 8: Contact our DPO

We have appointed Data Protection Officer (DPO) on an interim basis. If you have any queries, please consult our Data Protection Policy (available at www.kwetb.ie) or contact our DPO at dataprotection@kwetb.ie or via phone on 045 988000.

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CCTV PRIVACY NOTICE

By entering an ETB premises, you acknowledge that your images shall be processed by the CCTV system of KWETB. This Privacy Notice gives you some helpful information about who we are, what CCTV images we collect, why, who we share it with and why, how long we keep it, and your rights. If you need more information, please see our Data Protection Policy and/or our CCTV policy available at www.kwetb.ie

1. We are Kildare and Wicklow ETB. Our address and contact details are; KWETB, Áras Chill Dara, Devoy Park, Naas, Co. Kildare. Contact details; 045 988000. We provide primary level education, secondary level education, second chance education; further education and training including apprenticeships; Youthwork, community-based education programmes; prison education, outdoor education; outreach programmes, specialist programmes e.g. through Music Generation and other programmes/courses as maybe delivered/funded/sponsored in whole or part or in co-operation with other bodies/agencies etc. For further information, see section 1 of our Data Protection Policy available at www.kwetb.ie
2. We operate Closed Circuit Television Systems (“CCTV”) on our premises both during the daytime and during the night hours each day. CCTV is used at external points on the premises (e.g. at front gates, in the car-park, etc.) and at certain internal points (e.g. front desk/reception area, corridors etc). In areas where CCTV is in operation, appropriate notices will be displayed. We use CCTV for security purposes; to protect premises and assets; to deter crime and anti-social behaviour; to assist in the investigation, detection, and prosecution of offences; to monitor areas in which cash and/or goods are handled; to deter bullying and/or harassment; to maintain good order and ensure the Code of Behaviour is respected; to provide a safe environment for all staff and students; for verification purposes and for dispute-resolution, particularly in circumstances where there is a dispute as to facts and the recordings may be capable of resolving that dispute; for the taking and defence of litigation. For further information on how we use this CCTV and the legal basis for same, please go to section 2 of our CCTV Policy available at www.kwetb.ie This CCTV Privacy Notice and the CCTV Policy should be read together with the KWETB Data Protection Policy, a copy of which is available at www.kwetb.ie
3. We share and transfer CCTV images/recordings to third parties. We share information with our CCTV provider/s e.g. Netwatch. For example, we may show the CCTV images to a student’s parent/guardian as part of a Code of Behaviour process. In appropriate circumstances, we also share CCTV images/recordings to An Garda Síochána (for the investigation, detection and prevention of offences); to social workers, HSE, and/or TUSLA (in respect of any child protection and/or child safeguarding matters); to the Department of Education and Skills and/or any section 29 Appeals Committee (in relation to any Code of Behaviour, suspension, or expulsion process); to the Teaching

Council (where we are legally required in relation to any process under the Teaching Council Acts 2001 – 2015, including fitness to teach investigation); to the ETB's insurance company and the ETB's legal advisors (for dispute resolution and litigation purposes) etc. For further information on who we share your data with, when and in what circumstances, and why, please see section 3 of our Data Protection Policy available at www.kwetb.ie

4. We do not transfer your personal data to a third country or international organisation.
5. We do not engage in automated decision making/profiling.
6. CCTV is generally held for 28 days. In certain circumstances, CCTV recordings may be held for longer, 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 the ETB'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 the ETB's insurance company, its legal advisors, 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 protect the personal data of third parties), the Board of Management, the ETB, 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. For further information on the retention periods, please go to section 6 of our Data Protection Policy available at www.kwetb.ie .

7. You have the following statutory rights, that can be exercised at any time:
 - (i) Right to complain to supervisory authority.
 - (j) Right of access.
 - (k) Right to rectification.
 - (l) Right to be forgotten.
 - (m) Right to restrict processing.
 - (n) Right to data portability.
 - (o) Right to object to automated decision making/profiling.

For further information, please see section (7) of our Data Protection Policy available at www.kwetb.ie, or alternatively contact our Data Protection Officer.

8. We have appointed Data Protection Officer (DPO) on an interim basis. If you have any queries, please consult our Data Protection Policy (available at www.kwetb.ie) or contact our DPO at dataprotection@kwetb.ie or via phone on 045 988000.