

ddletb



Bord Oideachais agus Oiliúna Dublin and Dún Laoghaire
Átha Cliath agus Dhún Laoghaire Education and Training Board

CCTV POLICY & PRIVACY NOTICE

Version: 1 / 09.2023

Date ratified by DDLETB Senior Leadership Team: 09th October 2023

Date noted by DDLETB Board of Management: 16th October 2023

Signed: *Caitriona Murphy* (CEO)
Caitriona Murphy (Oct 20, 2023 09:01 GMT+1)

Uploaded to DDLETB Intranet YES / NO

English and Irish versions uploaded to DDLETD Website: YES / NO

Date for review: 09th October 2025

Policy No: PL/045	Version No: 1 / 09.2023
Previous versions: N/A	Effective Date: 09 th October, 2023
Board App/Noting: 16 th October, 2023	Review Date: 09 th October, 2025

Table of Contents

		Page
1.	Data Controller	3
2.	CCTV recordings and legal basis	3
3.	Recipients of the personal data	7
4.	Third country/international transfers	8
5.	Automated Decision Making	9
6.	Record Retention	9
7.	Your Rights	9
8.	Contact our Data Protection Officer	9
	Appendix: CCTV Privacy Notice	10

1. Data Controller

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

- 1.1 Dublin & Dún Laoghaire Education Training Board is the data controller. Our address and contact details are:

1 Tuansgate, Belgard Square East, Tallaght, Dublin 24 D24 X62W.

Phone: 01-4529600

Email: dataprotection@ddletb.ie

Dublin & Dún Laoghaire Education Training Board is established under section 8 of the Education and Training Boards Act 2013. Dublin & Dún Laoghaire Education Training Board 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 may be delivered/funded/sponsored in whole or part or in co-operation with other bodies/agencies etc.

- 1.2 Our core functions are set out in section 10 of the Education and Training Boards Act 2013, together with such other matters as are set out in that Act, and such other legal and statutory obligations as may be imposed on the ETB from time to time.
- 1.3 Dublin & Dún Laoghaire Education Training Board has developed this CCTV Policy to supplement the CCTV Privacy Notice and the ETB Data Processing Policy. This is in order to be transparent and accountable to data subjects in relation to the processing of CCTV data.
- 1.4 In this CCTV Policy, defined terms shall refer to those definitions used in section 1 of the Dublin & Dún Laoghaire Education Training Board Data Processing Policy.

2. CCTV recordings and legal basis

- 2.1 This CCTV Policy applies to the premises owned or controlled by Dublin & Dún Laoghaire Education Training Board. For the avoidance of any doubt, this Policy has no application to premises not in the ownership or control of Dublin & Dún Laoghaire Education Training Board (e.g., external institutions, prisons, etc.).
- 2.2 In this section, we give you more information about the type of CCTV images 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 systems on our premises, both within buildings and outside of them. The following additional features may be available in some systems:
- Auto tracking (cameras detecting and following movement)
 - Audio recording
 - Pan, tilt and zoom-enabled cameras
 - Automated number plate recognition (ANPR)
 - Remote monitoring, either online or via an offsite security company, for example.
- 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

2.5 CCTV will be utilised in a responsible and proportionate manner. Cameras will be placed where they are least intrusive, to protect the privacy of individuals. Cameras shall be installed and positioned so as to prevent or minimise the recording of public areas/thoroughfares, of private property, and of areas where individuals would have an enhanced expectation of privacy (e.g., bathroom cubicles, changing rooms).

However, CCTV may be installed near to these areas in exceptional circumstances where it can be justified for reasons of, for example, security and student safety, subject to a Data Protection Impact Assessment (DPIA) and upon consultation with the DPO and the approval of the Senior Management of Dublin & Dún Laoghaire Education Training Board. Such CCTV must be clearly marked with signage in any area where CCTV recording is taking place.

In addition, CCTV will not normally be placed in classrooms, staffrooms, staff canteens, offices, bathroom circulation areas and washbasins etc. However, there may be very exceptional circumstances where placing CCTV in such areas could be justified subject to a DPIA and upon consultation with the DPO and the approval of the Senior Management of Dublin & Dún Laoghaire Education Training Board. Such CCTV must be clearly marked with signage in any area where CCTV recording is taking place.

2.6 A Data Protection Impact Assessment (DPIA) shall be undertaken before making any decision to install a CCTV system, or before making adaptations to CCTV systems, especially the repositioning of existing cameras, the installation of new cameras or the incorporation of any automated recognition, detection or AI (Artificial Intelligence)-based technologies.

2.7 CCTV systems and CCTV footage will be protected by appropriate security measures, and access to systems and footage will be strictly controlled and limited to relevant personnel on a need-to-know basis.

2.8 Installation and servicing of CCTV systems to be only carried out by licensed Private Security Authority (PSA) contractors.

2.9 Where CCTV is in operation, there will be a prominent sign on display notifying people of same, before they enter into an area where CCTV recording is taking place. Within the area being filmed, there shall also be a CCTV Privacy Notice displayed prominently containing at a minimum the information set out in the template at the Appendix below.

2.10 'Dummy' cameras do not record data subjects, and hence as no data processing occurs, they fall outside the scope of this policy.

2.11 Covert surveillance (i.e. where the data subject is unaware that they're being filmed), must only be implemented in strictly exceptional cases, for the purposes of preventing, detecting or investigating serious offences, or apprehending or prosecuting offenders. Hence it must not be considered without the active prior involvement of An Garda Síochána or other prosecutorial authority.

Any decision to install covert cameras shall be subject to a DPIA, and must only be taken as a last resort after the full exhaustion of all other available investigative steps. A careful balance must be struck between the urgency of the matter under consideration, and the rights to privacy of data subjects.

The reason and justification for the covert surveillance, and details of the procedures, measures and safeguards that will be implemented while this type of surveillance is ongoing must be clearly documented. Permission of the Chief Executive must also be obtained before installation of any covert recording device, and in the event of any doubt, legal advice must be obtained.

2.12 The use of mobile phones to record or take images of any CCTV footage is not permitted. Requests for CCTV footage from any authority or requester should be processed as per this policy. Please refer to our CCTV Guidance document for assistance.

2.13 The purposes of CCTV and the legal basis of same are set out below. Use of CCTV for a purpose not listed below, or for a purpose incompatible with a purpose listed below, must not commence without a prior DPIA and the approval of Senior Management. Commencement of any new purpose so approved must be preceded by appropriate amendments to this policy, the CCTV Privacy Notice, and CCTV signage, where the revised purposes shall be clearly set out:

	Purposes	Legal basis
1.	<p>For security:</p> <ul style="list-style-type: none"> (a) To deter unauthorised access to the ETB's property; (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 centre/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 in detecting and deterring crime, and in identifying, apprehending, and prosecuting offenders; (e) To reduce the incidence of crime and anti-social behaviour (including theft and vandalism); (f) To assist in providing a safer environment and to enhance levels of safety and security for all users of the ETB's property; (g) To monitor activity in areas where cash is handled or where goods are received from couriers and/or service providers (e.g., reception, Goods In area), but balancing this requirement with the need to respect the privacy of staff working in the area; (h) The monitoring of access control systems (e.g., keypads and swipe card readers), to prevent attempts at unauthorised access at entrances/exits to buildings and other areas so restricted; (i) The checking of security alarm activations, intruder alarms, external alarms. 	<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 under the Safety, Health and Welfare at Work Act 2005, and to conduct or assist in any post-incident investigation.</p> <p>Vital interests: the processing is necessary in order to protect the vital interests of the data subject or of another person in the event of a medical emergency or a significant threat to the subject's health and safety and welfare.</p> <p>Legal Obligation: per Article 23(1)(d) GDPR and s41(b) of the Data Protection Act 2018: processing for 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, to the extent that such processing is necessary and proportionate for the purposes.</p>

2.	<p>To uphold ETB policies/procedures that promote safety and well-being:</p> <p>(a) To ensure that ETB rules and policies on health and safety, security, behaviour and discipline are respected so that the ETB can be properly managed.</p> <p>(b) To deter any instances of bullying, harassment, and all other forms of 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 that apply to staff and students 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 or under any staff policy relating to discipline or bullying/harassment prevention, and may be viewed by the board of management of a school, management of a centre, together with any relevant external appeals bodies (e.g., Section 29 Appeal body of the Department of Education) relevant to a suspension or expulsion process.</p>	<p>Legal obligation: Dublin & Dún Laoghaire Education Training Board’s duty of care to its students, staff, and visitors to its premises under 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, 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 for the purposes of 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 person in the event of a medical emergency or a significant threat to the subject’s health and safety.</p> <p>Public interests/substantial public interests:</p> <ul style="list-style-type: none"> • to maintain discipline and good order, to ensure that students do not have their learning seriously disrupted by the misbehaviour of other students, or that staff do not similarly have their work disrupted. • 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.
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: e.g. 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	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>Síochána).</p>	<ul style="list-style-type: none"> • Child Protection matter - Section 16 Children First Act 2015 – TUSLA may require the 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 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: per Article 23(1)(d) GDPR and s41(b) of the Data Protection Act 2018: 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, as long as such disclosure is necessary and proportionate for the purposes. <p>Vital interests: the processing is necessary in order to protect the vital interests of the data subject or of another person in the event of a medical emergency or a significant threat to the subject’s health, safety and welfare</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.</p>
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This is an indicative, non-exhaustive list. Dublin & Dún Laoghaire Education Training Board will utilise CCTV for purposes not necessarily listed here provided there is a clear and sound legal basis for doing so, having firstly considered the factors listed at Article 6(4) of the GDPR for determining whether the new purpose is compatible, supported by a DPIA if required, 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 recorded data with other data controllers and recipients. 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 of age, the ETB may show CCTV footage to the student's parent/guardian, as long as the images can be appropriately redacted/pixelated to conceal the identity of third parties, e.g., other students (for example, as part of a Code of Behaviour process that may lead to the student's expulsion or suspension).
- 3.2 **An Garda Síochána:** for the investigation, detection and prevention of offences in response to requests made under s41(b) of the Data Protection Act 2018.
- 3.3 **To social workers, HSE, and/or TUSLA:** in respect of any child protection and/or child safeguarding and/or child welfare matter.
- 3.4 **Student Support Team/Pastoral Care Team:** Where relevant, CCTV recordings may be used for any post-event reflective training for staff to improve interactions, learning outcomes and to support positive behaviour for the student/s involved. In these circumstances footage specifically used for this purpose must not be thereafter used as a component of general training, and must be deleted in compliance with the ETB record retention schedule.
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 thus to reinforce 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 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 **Bodies such as the ETB's Insurer and/or Legal Advisors, including the Legal Services Support Unit, Education and Training Boards' Ireland, the Health and Safety Authority** 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 legal advisors. These transfers are for the purposes of obtaining legal advice, 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, maintenance contractors, and IT support staff:** to assist us with the administration and maintenance of the CCTV system and associated hardware and software. We may on occasion need to transfer footage to outside bodies with particular technological expertise to assist us in essential processing, e.g., companies that specialise in extracting and/or pixelating CCTV footage. An appropriate Data Processing Agreement/Addendum shall be put in place with any such third-party processor.
- 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., in compliance with a Court Order).

Section 4: Third country/international transfers

Where we engage service providers from or transfer data to a third country or international organisations, i.e., outside of the European Economic Area, we will do this in compliance with the GDPR by assuring appropriate safety measures are in place to protect the data. Where it is not possible to achieve compliance, we will not engage such providers or transfer data to them.

Section 5: Automated decision making/profiling

We do not engage in Automated decision making/profiling. Any data/footage captured by our CCTV system will always be analysed and interpreted by a staff member of the ETB before any conclusion is drawn or decision is made in relation to that data/footage.

Section 6: Record Retention

CCTV may be retained for a maximum period of 30 days. However, this may be shorter depending on the location, and/or the discretion of the management.

A longer retention period may be used if required as part of an ongoing investigation or Data Subject Access Request or Garda request, Insurance claim, etc.

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 rights in respect of automated decision making/profiling.

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

Section 8: Contact our Data Protection Department

Their contact details are dataprotection@ddletb.ie or telephone 01 4529600.
If you have any queries about CCTV or this policy, please contact the Data Protection Department.

Appendix



CCTV PRIVACY NOTICE

By entering an ETB premises, you acknowledge that your images shall be processed by the CCTV system of Dublin & Dún Laoghaire Education Training Board. 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 Processing Policy and/or our CCTV policy available at www.ddletb.ie

1. We are Dublin & Dún Laoghaire Education Training Board. Our address and contact details are:
1 Tuansgate, Belgard Square East, Tallaght, Dublin 24 D24 X62W.
Phone: 01-4529600
Email: dataprotection@ddletb.ie

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 Processing Policy available at www.ddletb.ie

2. We operate Closed Circuit Television Systems (“**CCTV**”) on our premises 24 hours a day. CCTV is used at external points on the premises (e.g. at front gates, in the carpark, 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 discipline and to 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.ddletb.ie This CCTV Privacy Notice and the CCTV Policy should be read together with the Dublin & Dún Laoghaire Education Training Board Data Processing Policy, a copy of which is available at www.ddletb.ie

3. We share and transfer CCTV images/recordings with third parties. We share information with our CCTV provider/s. 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 with An Garda Síochána (for the investigation, detection and prevention of offences); with 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); with the Teaching Council (where we are legally required in relation to any process under the Teaching Council Acts 2001 – 2015, including fitness to teach investigations); 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 Processing Policy available at www.ddletb.ie

4. Where we engage service providers from a third country or international organisation i.e., outside of the European Economic Area, we will do this in compliance with the GDPR by assuring appropriate safety measures are in place to protect the data. Where it is not possible to achieve compliance, will not engage such providers or transfer data to them.

5. We do not engage in Automated decision making/profiling. Any data/footage captured by our CCTV system will always be analysed and interpreted by a staff member of the ETB before any conclusion is drawn or decision is made in relation to that data/footage.

6. CCTV is generally held for 30 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/or 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, 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 30 days where there is a legal basis and/or we are legally required to do so.

7. You have the following statutory rights, that can be exercised at any time:
 - (a) Right to complain to the Data Protection Commission
 - (b) Right of access.
 - (c) Right to rectification.
 - (d) Right to be forgotten.
 - (e) Right to restrict processing.
 - (f) Right to data portability.
 - (g) Right to object and
 - (h) Right to not be subject to a decision based solely on automated processing, automated decision making/profiling.

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

8. DDLETB Data Protection Department contact details are dataprotection@ddletb.ie and telephone 01 4529600.