

## **GDPR CASE STUDY- Assessment**

### **Use of CCTV footage in a disciplinary process / Reflection**

#### **Specific Aspect of GDPR Address**

This case study primarily examines the legitimate interest and legal basis for processing personal data under the GDPR, particularly in utilising CCTV footage within a disciplinary process. The pertinent aspects of GDPR to be considered are:

1. Article 6(1)(f) Legitimate Interests: This allows for the processing of personal data when it is necessary for the legitimate interests of the data controller, provided the rights and freedoms of the data subject do not override these interests.
2. Transparency and Fair Processing (Articles 12-14): The case also touches on the requirement for transparency, as employees must be informed about how their data will be used, including the use of CCTV footage for disciplinary purposes.

#### **How It Was Resolved**

The Data Protection Commissioner, a regulatory authority responsible for enforcing data protection laws, resolved the case. They determined that the employer had a legitimate interest in using the CCTV footage to investigate the security officer's alleged misconduct. The Commissioner concluded that:

The processing of CCTV footage was necessary and proportionate to verify the accuracy of the access card data.

The employer's legitimate interest in ensuring security and fulfilling contractual obligations outweighed the employee's privacy rights.

The Standard Operating Procedure (SOP) document comprehensively guides the organisation's processes and procedures. It effectively informs employees about the potential use of CCTV footage, detailing the circumstances under which CCTV footage could be used, the rights of the employee, and the process for handling such data.

Thus, the Commissioner upheld the employer's use of the CCTV footage, ruling that it was lawful under GDPR.

### **Steps to Mitigate the Issue as an Information Security Manager**

As an Information Security Manager, to mitigate similar issues, the following steps could be taken:

#### **1. Develop and Implement Clear Policies:**

Create or update privacy policies explicitly stating how CCTV footage may be used, including for disciplinary purposes.

Ensure that these policies comply with GDPR, specifically regarding transparency and the legitimate interest legal basis. GDPR Compliance Framework

#### **2. Employee Notification and Training:**

Ensure that all employees are clearly informed, through documented policies (e.g., SOPs), that CCTV footage may be used for investigative or disciplinary actions.

Provide regular training sessions on data protection rights and responsibilities, including the specific use of CCTV in the workplace. GDPR Compliance Framework

### 3. Data Protection Impact Assessment (DPIA):

Conduct a DPIA specifically for the use of CCTV systems, evaluating potential risks to employee privacy and ensuring that the organisation's legitimate interests do not override individual rights.

### 4. Minimisation and Purpose Limitation:

Ensure that CCTV footage is only used for the purposes specified in the privacy policy and that only relevant footage is accessed and retained.

Regularly review and audit the use of CCTV footage to ensure compliance with data minimisation.

### 5. Regular Audits and Reviews:

Periodically audit the use of CCTV footage and related data processing activities to ensure ongoing compliance with GDPR.

Review and update the legitimate interest assessment regularly, especially when there are changes in how CCTV is used.

### 6. Record Keeping:

Maintain detailed records of all instances where CCTV footage is used for disciplinary actions, including the rationale for its use and how it complies with GDPR.

By implementing these steps, an organisation can better manage the use of CCTV footage in disciplinary processes while ensuring compliance with GDPR and protecting employee rights.

## Reflection

This case study on the use of CCTV footage in a disciplinary process provides valuable insights into the practical application of GDPR principles in a workplace setting. As we delve into the complexities of balancing the employer's legitimate interests and the employee's privacy rights, a few personal thoughts come to mind:

1. **Balancing Interests is Key:** The resolution of this case underscores the importance of balancing an employer's legitimate interests with employees' privacy rights. While it's understandable that an organisation would want to use CCTV footage to maintain security and investigate potential misconduct, this must always be done carefully, considering the possible impact on employees' privacy. It's a delicate balance that requires thorough assessment and transparency.

2. **Transparency Builds Trust:** One of the fundamental principles of GDPR is transparency, which is crucial in building trust between employees and employers. When employees are clearly informed about how and why CCTV footage may be used, it ensures compliance with GDPR and fosters a culture of openness and trust within the organisation. Employees are more likely to accept and understand surveillance measures if they are well-informed and confident that their privacy rights are respected.

3. **Importance of Clear Policies and Communication:** The case highlights the necessity of having well-documented policies and procedures. These documents should meet legal requirements and be communicated effectively to all employees. Regular training and clear communication are vital in ensuring that employees understand their rights and the circumstances under which CCTV footage may be

used. This proactive approach can prevent misunderstandings and reduce the likelihood of disputes arising.

4. The Role of Regular Audits and Reviews: Continuous monitoring and auditing of CCTV usage are essential to ensure ongoing compliance with GDPR. As technologies and workplace practices evolve, so should the organisation's data protection measures. Regular reviews of policies, procedures, and the use of CCTV footage help identify potential areas of non-compliance or ethical concerns before they escalate into significant issues.

5. Ethical Considerations Beyond Compliance: While the case primarily focuses on legal compliance, it also highlights the ethical considerations surrounding workplace surveillance. Even if the use of CCTV footage is legally justified, it is essential to consider the broader implications for employee morale and workplace culture. Employers must weigh the benefits of surveillance against the potential for creating an environment of mistrust or constant monitoring, which could adversely affect employee well-being.

This case study reinforces the need for a comprehensive, transparent, and ethically sound approach to using CCTV footage in disciplinary processes. By prioritising both legal compliance and the rights and dignity of employees, organisations can navigate data protection challenges in a way that benefits both the company and its workforce.