

NATIONAL COMMISSION ■ ON DATA PROTECTION

OPINION/2019/72

I. Order

The Assistant Secretary of State and Internal Administration requested, on October 14, 2019, the issuance of an opinion by the National Data Protection Commission (CNPd) on the request, by the Public Security Police (PSP), “to authorize use of video cameras in the monitoring of incidents arising from the WEB SUMMIT 2019 which will take place in Parque das Nações, Lisbon - 11.04.2019 to 11.07.2019».

The use of video camera surveillance systems by security forces and services in public places of common use, for capturing and recording images and sound and their subsequent processing is regulated by Law No. 1/2005, of 10 January, amended and republished by Law No. 9/2012, of 23 February.

The installation of fixed cameras, under the terms of this Law, is subject to authorization by the member of the Government responsible for the requesting security force or service, preceded by an opinion from the CNPD.

II. appreciation

Preliminary note: scope of competence of the CNPD

Pursuant to Article 3(2) of Law No. 1/2005, of January 10, as amended by Law No. 9/2012, of February 23 (hereinafter, Law No. 1 /2005), the present opinion of the CNPD is limited to the pronouncement on the compliance of the request with the rules regarding the security of the treatment of the collected data, as well as on the special security measures to be implemented, adequate to guarantee the entry controls in the installations, data carriers, insertion, use, access, transmission, introduction and transport, as well as verification of compliance with the duty to provide information and to whom the rights of access and rectification may be exercised.

In accordance with the provisions of the same legal precept and in paragraphs 4, 6 and 7 of article 7 of that law, the CNPD's opinion is also subject to respect for the prohibition of installing fixed cameras in areas that, despite located in public places,

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Process PAR/2019/64 1v.

are, by their nature, intended to be used in guarding or the use of video cameras when the capture of images and sounds

involves the interior of a house or inhabited building or its dependence.

The CNPD must also verify that all persons appearing in recordings obtained in accordance with this law are guaranteed the rights of access and elimination, with the exceptions provided for by law.

Pursuant to paragraph 7 of article 3 of the same law, the CNPD may also formulate recommendations with a view to ensuring the purposes set out in the law, subjecting the issuance of a totally positive opinion to the verification of full compliance with its recommendations.

#### 1. The protection of the privacy of private life

It is intended to install and use a video surveillance system, composed of fourteen (14) fixed cameras, most of them with rotating capacity and all with zoom capacity, in the area surrounding the Altice Arena pavilion, in Parque das Nações, in Lisbon, The exact locations of its installation and the area covered by each of them are specified in the grounds contained in the PSP's letter accompanying the request for an opinion.

While it is not up to the CNPD to comment on the suitability and necessity of using the aforementioned video surveillance system in the described context, the CNPD focuses on aspects of the processing of personal data over which the law recognizes its advisory competence.

One of the relevant aspects for the purpose of protecting privacy concerns the capture of images of areas intended to be used in protection and the capture of images and sounds from the interior of the house or inhabited building or its dependence.

It is stated in the letter from the PSP, which accompanies the request for an opinion, that "In capturing images in places that include private spaces or where the reservation, intimacy of people and private life must be preserved [...] of masks, which prevent their viewing and whose manipulation, removal or deactivation is not allowed by operators", adding that "All video cameras [...]"

Process PAR/2019/64 2

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NATIONAL DATA PROTECTION COMMISSION

allow you to configure the logical definition of masks in places where the capture of images is legally prohibited» (cf. points II and III of the aforementioned document).

Despite the fact that the area on which the video surveillance system will focus includes houses or buildings intended for

housing, and although the placement of logical masks is only declared (and not demonstrated) in order to prevent the viewing of images of private or reserved spaces, the CNPD considers that the provisions of paragraph 6 of article 7 of Law no. 1/2005 are respected, on the assumption that this is effectively implemented.

As for sound capture, although this point is not mentioned in the PSP letter, in the information letter issued by the Office of the Assistant Secretary of State and Internal Administration it is stated in I.2. «Without capturing sound». In this presupposition, also in this regard, as stated, the CNPD considers that the provisions of Article 7(7) of Law No. 1/2005 are complied with.

## 2. The rights of data subjects

With regard to the guarantee of citizens' rights, it is declared that notices will be placed, in accordance with the provisions of Ordinance No. 373/2012, of 16 November (cf. point VI of the PSP letter). In these terms, the CNPD considers the right to information provided today in article 14 of Law No. 59/2019, of 8 August, to be guaranteed.

The person responsible for the treatment is also identified, specifying that interested parties may exercise their rights of access and deletion of data, provided for in articles 15 and 17 of the same law (cf. point IV of the same draft).

## 3. Technical characteristics of cameras and security measures

Security measures are also described regarding the capture, transmission and conservation of images, as well as access to them, noting that the transmission is encrypted and that the operations carried out are subject to registration, thus allowing their auditing, as requires Ordinance No. 372/2012, of 16 November (cf. points III and VII of the official letter).

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Process PAR/2019/64 2v.

However, with regard to security measures, it is important to note that in the description of the ways in which images are transmitted, their suitability is not clear. Indeed, it is stated in point III of the PSP letter that "Image transmissions are encrypted, taking place over IP Protocol, in three ways", which are set out below. However, this list includes two communication channels (UTP cabling and point-to-point wireless link) whose use, by itself, does not guarantee the encryption of communications. LTE/4G technology, on the other hand, has the intrinsic use of cryptographic mechanisms, which sheds more light on communication security.

As it is not clear that encryption measures are applied throughout the image transmission process, the CNPD recommends that the LTE/4G solution be applied to the transmission of images or, at least, that the aforementioned forms of communication

use cryptographic measures. that ensure information security.

It is further stated that the images will be kept within the limits defined in Article 9(1) of Law No. 1/2005.

### III. CONCLUSION

On the grounds set out above and within the strict scope of its powers, the CNPD has no objection to the processing of data resulting from the use of video cameras in the monitoring of incidents arising from WEB SUMMIT 2019, between the 4th and 7th of November 2019 , on the assumption that the processing takes place under the declared conditions and that adequate security measures are adopted.

Lisbon, October 29, 2019

Filipa Calvão (President)