

Inquiry into Kerry County Council

(02-SIU-2018)

Date of Decision: 25 March 2020

This inquiry is one of a number of own-volition inquiries into a broad range of issues pertaining to surveillance technologies deployed by State authorities. The findings made in the decision include:

- A finding that the Litter Pollution Act 1997, the Waste Management Act 1996, and the Local Government Act 2001 do not provide a lawful basis for Kerry County Council's use of CCTV to detect litter offences. The DPC comprehensively considered these Acts and found that they do not regulate this processing of personal data as is required by the Law Enforcement Directive, as transposed by the Data Protection Act 2018. Furthermore, the decision found that the Acts do not to meet the standards of clarity, precision, and foreseeability in respect of such processing as required by the case-law of the Court of Justice and the European Court of Human Rights.
- The other findings in the decision include infringements relating to appropriate signage and general transparency, the lack of written rules or guidelines governing staff access to the CCTV, the use of smartphones or other recording devices in the CCTV monitoring room, the practice of sharing login details for accessing CCTV footage, auditing the audit trails of CCTV footage, and the requirement for Data Protection Impact Assessments, amongst others.

The corrective powers exercised

- A temporary ban on the processing of personal data through the CCTV cameras at the five locations used for detecting and taking enforcement action against those engaged in littering and the CCTV cameras at Amenity Walk.
- An order to Kerry County Council to bring its processing of personal data into compliance taking certain action specified in the decision.
- A reprimand in respect of Kerry County Council's infringements.