

Press release of the conference of the independent data protection supervisory authorities of the federal and state governments

DSK publishes new guidance on video surveillance by non-public bodies

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The DSK has passed a new guide to video surveillance by non-public bodies.

Video surveillance encroaches on people's rights and freedoms on a daily basis, without the majority having given a reason for it. It is recorded with a large spread, at what time, on what day, in what condition, with what appearance, how long and where the affected persons are, how they use this area, how they behave there and whether they are alone or accompanied are. Even a simple surveillance system processes personal data to a considerable extent, without the majority of the recorded information ever playing a role for the surveillance personnel.

The risk of violating the rights of those affected has increased significantly in recent years. The reason for this is the low acquisition costs and the improved quality of the technology. Modern cameras show images with the highest resolution. These can be viewed in real time anywhere in the world and stored almost indefinitely. Often all you need is a smartphone or tablet. Cameras are not only used for security. Cameras collect and process data from people in order to display personalized advertising or offer products to specific target groups. Software-controlled video technology measures facial features and emotions of people in public or tracks the movement or shopping behavior of customers. The recorded information is evaluated and duplicated in fractions of a second. Those affected have little influence on such a recording and rarely find out what happens to the recordings.

The guide "Video surveillance by non-public bodies" has been fundamentally revised and adapted to the legal framework of the General Data Protection Regulation that has been in force since May 25, 2018. This took into account the European Data

Protection Board's Guidelines 3/2019 on the processing of personal data by video devices, version 2.0, adopted on 29 January 2020. The sections on video surveillance in the neighborhood and on the data protection assessment of door and bell cameras, drones and wildlife cameras as well as dashcams have been added.

With the orientation aid, those affected and those responsible receive information about the requirements for data protection-compliant video surveillance in different areas of life. The appendix contains templates for information signs that make it easier for those responsible to comply with the transparency obligations in accordance with Art. 12 et seq. GDPR. In addition, a checklist with the most important test points is provided in advance of video surveillance.

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