

Case No. 9685/2018

AUTHORIZATION No. 7176/2018

Centro Colombo - Centro Comercial, S.A., owner of a commercial surface, notified a processing of personal data resulting from video surveillance, with the purpose of protecting people and goods, to be carried out in its establishment with the designation CENTRO COLOMBO and address Av. Lusíada, Letters CC, Lisbon 1500-392 Lisbon

The system consists of 310 cameras, placed in the following locations:

Circulation zones / Access to elevators / Warehouse / Car park / Machines vending/Car park/Sales areas/ATM's area/Technical areas/

There is visualization of the images in real time.

There is transmission of the images to the outside of the place of installation of the system.

There is no Workers' Commission.

The CNPD has already commented in its Deliberation n.º 61/2004, of 19 April 1 on the principles guidelines for correct compliance with the Data Protection Law, in terms of video surveillance, as well as the general conditions applicable to the processing of personal data for the purpose of protecting people and property. They derive from these principles, as well as from the labor law and jurisprudence, the following limits to treatment:

- ☐ Sound collection is not allowed;
- ☐ The collection of images must be confined to the property of the person in charge and cannot
- ☐

encompass images of public roads or neighboring properties;

In the case of ATM payment terminals, the cameras cannot be directed in order to capture the typing of codes;

- ☐ Cameras cannot regularly focus on workers during the activity work, nor can the images be used to control the activity of workers, whether to measure productivity or for accountability purposes

disciplinary (cf. articles 20 and 21 of the Labor Code);

☐ Only the collection of images in the declared locations is covered by this

authorization, and under no circumstances may images of the

interior of elevators, dining and drinking areas, access or interior of

sanitary facilities, access to or inside changing rooms, review/approach rooms,

rest areas and other areas for workers.

The treatment under analysis, with the aforementioned limitations, is adequate, relevant and not excessive in view of declared purpose (cf. article 5, no. 1, subparagraph b) of Law 67/98, of 26 October, amended by Law

1 Available at www.cnpd.pt/bin/orientacoes/principiosvideo.htm

n.º103/2015, of August 24 - LPD) and the activity developed.

The processing of personal data carried out within the scope of video surveillance falls within the concept of privacy, provided for in article 7, no. 2, of the LPD. Article 8, no. 2 and article 31 of Law no. 34/2013,

of May 16, constitute the foundation that legitimizes the installation of these systems.

Thus, with the limits set, the treatment notified under the provisions of

Articles 7, no. 2, 28, no. 1, point a), 29 and 30, no. 1, of the LPD, in the following terms:

Responsible

Centro Colombo - Centro Comercial, S.A.

Goal

Protection of people and property

Personal data category

treaties

Images captured by the system.

Form of exercising the right to

access

By request In person / to the person in charge in the following

address/contact: Av. Lusitana, 1500-392 Lisbon 1500-392

Lisbon

Communication

of the images

Images may only be transmitted in accordance with criminal procedural law.

Once a possible criminal offense is detected, the person responsible must, together with the participation, send to the judicial authority or to the criminal police body the images collected.

In other situations where the authorities request access to the images, this only may occur, within the scope of a duly identified judicial process, in compliance with a reasoned order of the competent judicial authority.

Outside these conditions, the person responsible cannot communicate the images.

Interconnections None

Cross-border flow to third countries None

data conservation

30 days

Any person covered by the recording of the images (data subject) has the right to access (article 11, no. 1, of the LPD), unless the images are being used within the scope of criminal investigation, in which case the holder's request must be addressed to the CNPD (paragraph 2 of the same article).

When making the images available to the data subject, the person responsible must adopt the technical measures necessary to hide the images from third parties that may have been covered by the recording.

Information notices of the existence of video surveillance must be posted in conspicuous places, under the terms required by article 31, no. 5, of Law no. 34/2013, of 16 May.

The person responsible must adopt the security measures provided for in articles 14 and 15 of the LPD.

Regardless of the security measures adopted by the entity responsible for the treatment, it is up to this to ensure the result of the effective security of the images.

The person responsible for the treatment must also always keep the date and time of the recordings.

Lisbon, 24-05-2018

The president

Filipa Calvão