

/ NATIONAL COMMISSION ON DATA PROTECTION

OPINION/2020/61

I. Order

The Assistant Secretary of State and Internal Administration requested the opinion of the National Data Protection Commission (CNPd) on the authorization request, presented by the Republican National Guard (GNR), for the use of video surveillance cameras supported by Remote/Piloted Aircraft Systems, during the period from May 15 to October 31, to capture images in the forest areas of the municipalities and parishes identified as priority, for the purpose of monitoring fuel management, within the scope of fire prevention, according to the classification of the Instituto da Conservação das Florestas, I.P., contained in annexes i and ii of Order no. ° of Decree-Law No. 124/2006, of 28 June.

The request is made under Law No. 1/2005, of 10 January, amended and republished by Law No. 9/2012, of 23 February, which regulates 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 treatment. The use of mobile 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.

The request is accompanied by an attachment containing technical information about the equipment.

Clarifications were requested regarding the need to use RPAS in this process and also regarding some technical aspects, complementary information was sent, as well as the impact assessment on data protection.

II. appreciation

The authorization request refers to the use of 14 equipment listed in Annex A, which correspond to video cameras attached to Remote/y Piloted Aircraft Systems (remotely manned aerial vehicles, henceforth RPAS).

It is declared that the cameras only capture images, which are visualized by the aircraft operator on the equipment's own hardware, with no data transmission to any other location, and that there is no recording of images or capture and

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sound recording. It is also specified that “no personal identification is made, but only the visualization of spaces.”

Upon requesting additional information regarding the need to use RPAS in this process, it was clarified by the GNR that the areas subject to surveillance by means of video surveillance with support from RPAS is necessary "in view of the fragility and forest density of these areas" for "timely identification of possible ignitions in shadow areas where ground surveillance is inaccessible". It is further specified that the 'video surveillance in question is intended exclusively for forested and uninhabited areas, in order to cover the lack of surveillance and protection of these places'.

It is also clarified that «the thermal sensor in the cameras that have it detect temperature, but do not identify its source, and it is necessary to carry out its personal recognition in the field». And it is stated that, «considering the mission they carry out, the means operate at an average altitude of 100 meters from the ground».

Taking into account all the above, it is understood that the video surveillance system using RPAS, operating at an average altitude of 100 meters above the ground, only affects uninhabited forest areas, with very difficult or impossible access by land, where, therefore, there will, in principle, be no capture of images of people, and that the objective is not, effectively, to detect or track individuals.

In these terms, it is concluded that it is very unlikely to capture images of people capable of, directly or indirectly, identifying them, so the use of this video surveillance system does not imply the processing of personal data, as defined in paragraph 2) of article 4 . of Regulation (EU) 2016/679, of April 27, 2016 - General Regulation on Data Protection.

### III. Conclusion

Thus, from the perspective of the legal regime for the protection of personal data and the protection of the fundamental right to respect for private life, there is nothing to oppose the use by the GNR of the video surveillance system described with support in RPAS for the stated purpose.

Approved at the meeting of June 3, 2020

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