

P r e s s e release

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European guideline on video surveillance adopted

At its meeting yesterday in Brussels, the European Data Protection Board

Majority decided on a guideline on the data protection-compliant use of video surveillance.

The Berlin Commissioner for Data Protection and Freedom of Information, Maja Smoltczyk, who
who oversaw the development of the guideline as the main rapporteur, welcomes the result.

The General Data Protection Regulation (GDPR), effective since May 2018, does not contain any special ones

Video Surveillance Rules. Therefore, the data protection requirements must be met

the use of video surveillance from the general provisions of the law

be derived. This not only demands the companies that use video technology in a legally compliant manner

want to use out. The European supervisory authorities are also facing the

Challenge, a Europe-wide uniform handling in the field of video surveillance

to accomplish. The European guideline that has now been adopted is an important contribution to this

Process. The decision was preceded by intensive negotiations between the European

supervisory authorities in the data protection committee. A large-scale

Participation of the public, in which stakeholders from business,

Politics, civil society and private individuals could contribute.

The guideline emphasizes the principle of proportionality. Because any video surveillance with

an encroachment on personal rights, it must always have a legitimate interest

of the camera operator. This interest must be objective, that is, at

Video surveillance for security reasons must always include actual evidence

for a danger to life, limb or property. The guideline makes it clear that a purely

subjective sense of security is not sufficient to justify video surveillance.

The guideline also offers clarity with regard to the processing of biometric data. According to the

DS-GVO it is private companies without the express consent of those affected strictly forbidden to use such data for the purpose of identifying specific individuals process. The guideline now specifies the strict requirements of the GDPR for the effectiveness of such consents. It also offers help on questions related to Transparency in video surveillance measures.

Maja Smolczyk:

“The business practices of the service provider Clearview, which have recently become known, have given us the Desires for biometric data in today's world not only from state, but also clearly demonstrated from a private perspective. I consider this development to be the highest dubious. The freedom to be able to move around in public without being observed is a particularly important and worthy of protection of our free society, which we absolutely have to preserve. It was therefore important to me that my authority assumes leadership for the development of the European guideline on video surveillance, in order to work towards the highest possible level of data protection for those affected and at the same time for to give the companies clear and manageable guidelines.”

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The European guideline on video-surveillance will be published shortly and on the Websites of the Berlin Commissioner for Data Protection and Freedom of Information (www.datenschutz-berlin.de) and the European Data Protection Board

(https://edpb.europa.eu/edpb_de) can be accessed.

background

With the entry into force of the GDPR, the European Data Protection Board (EDPB) has its work recorded. This body includes data protection supervisory authorities from all European member states as well as the European Data Protection Supervisor and the European Commission. An important task is to issue general guidelines for the interpretation of the GDPR. With that clarity regarding the terms in European data protection laws in the sense of a uniform interpretation are created. On the 28th/29th On January 1, 2020, the EDPB met for the 17th time.