

Process No. 3/2018

AUTHORIZATION No. 5/ 2018

Roberto Carlos Leite de Azevedo, with the activity of “restaurants and drinks”, notified a processing of personal data resulting from video surveillance, with the purpose of protecting people and goods, to be carried out in your establishment with the name Café Sossego and address

Rua das Fontainhas nº 15 3700-385 S. João da Madeira

The system consists of 6 cameras, placed in the following locations:

Access points from outside / Warehouse / Cashier areas / Technical and refrigerated 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 can access images be collected or inside sanitary facilities, changing rooms, changing rooms or other rest areas intended for workers, as well as in the kitchen and pantry areas;

☐ Cameras cannot focus on dining areas, living areas and drinks;

☐ In the event that there is a place intended for the entertainment of children (e.g. play centers), images cannot be taken from that space.

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

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 no. 67/98, of 26 October, amended by Law No. 103/2015, of August 24 - LPD) and the activity carried out.

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 31 of Law no. 34/2013, of 16 May, constitutes 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

Roberto Carlos Leite de Azevedo

Goal

Protection of people and property

Personal data category

treaties

Images captured by the system.

Form of exercising the right to

access

By written request/

responsible in the following

address/contact: Rua das Fontainhas nº 15 3700-385 S.

João da Madeira

to

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.

In order to guarantee the right to information enshrined in article 10 of the LPD,

information notices posted in conspicuous places.

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, 02-01-2018

The president

Filipa Calvão