

Use of CCTV footage in a disciplinary process

Given the complexity and the ambiguity that GDPR introduced in our lives, I chose a very intriguing subject that is expected to be faced undoubtedly in many corresponding cases in the future.

Closed-Circuit Television (CCTV) has been a valuable tool for companies or individuals who use its undisputed security advantages. On the other hand, there have been many cases where the CCTV material has been utilised for collateral purposes, helping law enforcement as a piece of evidence in a court and has become a friction point where human rights concerns were raised.

Case study 4 from the Data Protection Commission (2017) is an excellent example of this type of incident. An employer used CCTV material to prove his allegations against his employee to avoid significant financial and reputational consequences. If we had to examine this incident from the GDPR point of view, it becomes apparent that this is a GDPR's Article 6 f (Lawfulness of processing) exemption, where "processing is necessary for the purposes of the legitimate interests".

In this case, the CCTV material deemed that was the only way to prove the employer's allegations against his employee. For this reason, there was no conflict either with GDPR (not in use at that time) or with Data Protection Acts 1988 and 2003, that both recognise the legitimate interest in such cases as an adequate reason for processing personal data in a proportional and justified way.

Regarding consent, which is a vital pillar of the GDPR (2018), the employer had already provided his employee with a Standing Operating Procedures document that indicated the potential CCTV usage "in an investigative process concerning an employee" combined with a certificate of responsibilities which should be signed from the employee's side.

All things considered, I feel that the company had followed the appropriate way to protect its interests while at the same time was compliant with the GDPR.

One possible improvement perhaps could have been the Standing Operating Procedures document. However, since I am not aware of the content of this document, I would examine it for compliance regarding the GDPR, suggesting changes where needed.

References:

Data Protection Commission (N.D.) Case studies. Available from:
<https://dataprotection.ie/en/pre-gdpr/case-studies#201705> [Accessed 26 June 2021]

GDPR, (2018) *Guide to the General Data Protection Regulation*. Available at:
<https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>
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Information Commissioner's Office (N.D.) Guide to Data Protection | ICO. Available from:
<https://ico.org.uk/for-organisations/guide-to-data-protection/> [Accessed 26 June 2021]