

Tipperary ETB CCTV Policy



Bord Oideachais agus Oiliúna Thiobraid Árann *Tipperary Education and Training Board*

Tipperary ETB CCTV Policy

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1. Data Controller

In this section, we give you further information about us as a data controller.

1.1 Tipperary Education and Training Board (TETB) is the data controller. Our address and contact details are:

Tipperary ETB Administrative Offices (Head Office)

Address:	Church Road, Nenagh, Co. Tipperary. E45 XD59
Telephone:	067 31250
Email:	nenagh@tipperaryetb.ie

Tipperary ETB Administrative Offices (Sub Office)

Address:	Western Road, Clonmel, Co. Tipperary. E91 WK13
Telephone:	052 612 1067
Email:	clonmel@tipperaryetb.ie

Tipperary Education and Training Board (TETB) is established under Section 8 of the Education & Training Boards Act 2013. TETB provides Second Level Education, Post Leaving Certificate Programmes, Further Education, Second Chance Learning, Adult & Community Education, Youth Services, Music Generation, Training Services including Apprenticeships and other programmes/courses as mav be delivered/funded/sponsored in whole or part or in co-operation with other bodies/agencies. Our core functions are set out in Section 10 of the Education and Training Boards Act 2013, together with such other matters as are set out in the Education and Training Boards Act 2013 and the Further Education and Training Act 2013, together with such other legal and statutory obligations as may be imposed on TETB from time to time.

- 1.2 TETB has developed this CCTV Policy to supplement the CCTV Privacy Notice and the TETB Data Protection Policy. This is in order to be transparent and accountable to data subjects in relation to the processing of CCTV data.
- 1.3 In this CCTV Policy, defined terms shall refer to those definitions used in section 1 of the TETB Data Protection Policy.

2. CCTV recordings and legal basis

- 2.1 This CCTV Policy applies to the premises owned or controlled by TETB. For the avoidance of any doubt, this Policy has no application to premises not in the ownership or control of TETB.
- 2.2 In this section, we give you more information about the type of CCTV image we collect, why we use CCTV and what we do with CCTV recordings/images, and the lawful basis relied upon.
- 2.3 We use CCTV (video only, no audio/sound-recording) on our premises, at internal and external points. CCTV cameras are mounted on fixed-points, with no auto-tracking capabilities.
- 2.4 For the avoidance of doubt, CCTV monitoring/profiling of an individual based on any of the following characteristics is prohibited by this Policy:
 - Age
 - Civil status

- Disability
- Family status
- Gender
- Membership of the Traveller Community
- Race
- Religion
- Sexual orientation
- Membership of the Travelling Community.
- 2.5 CCTV will be utilised in a fair and ethical manner. The location of cameras is a key consideration. Use of CCTV to monitor areas where individuals would have a reasonable expectation of privacy (e.g. bathrooms, changing rooms, etc.) is considered by TETB to be unjustifiable and unethical.
- 2.6 TETB has endeavoured to select locations for the installation of CCTV cameras which are least intrusive to protect the privacy of individuals. Cameras placed so as to record external areas are positioned in such a way as to prevent or minimise recording of passers-by or of another person's private property.
- 2.7 In any area where CCTV is in operation, there will be a prominent sign displayed notifying people of same. For the avoidance of any doubt, there shall be no covert CCTV recording.
- 2.8 A data protection impact assessment (DPIA) is undertaken when installing or making adaptations to CCTV systems where the processing is likely to result in a high risk to the rights and freedoms of data subjects.
- 2.9 The purposes of CCTV and the legal basis of same are set out below:

	Purposes	Legal basis
1.	For security:	Public interests/substantial public
	(a) To deter unauthorised access to	interests: to prevent and/or detect
	the TETB's property	fraud, theft and crime, to ensure that
	(b) To protect TETB buildings and	TETB adequately protects property
	assets (including but not limited to	and assets
	files and data relating to our	purchased/financed/maintained from
	students and staff) both during	funds provided by the Oireachtas.
	and after school hours; (c) To capture images of those	Legal obligation: TETB's duty of
	perpetrating criminal offences on	care to its students, staff, and visitors
	the premises, including in the car-	to its premises.
	parking areas, main entrance, exit	
	gates etc (including intruders or	Vital interests: the processing is
	individuals damaging property or	necessary in order to protect the vital
	removing items without	interests of the data subject or of
	authorisation) so that the	another natural person.
	recordings can be passed to An	
	Garda Síochána, and used for	Prevention, investigation and
	criminal prosecutions;	detection of offences per Article
	(d) To support An Gardaí Síochána	
	and other civil authorities to detect and deter crime, and to identify,	investigation, detection or prosecution of criminal offences or
	apprehend, and prosecute	the execution of criminal penalties,
	offenders;	including the safeguarding against

	(e)	To reduce the incidence of crime	and the prevention of threats to public
	(0)	and anti-social behaviour (including theft and vandalism);	security.
	(f)	To provide a sense of security and safety to the School/Centre's	
		students, parents, staff, service- providers, and visitors to its premises.	
	(g)	<u>-</u>	
		receipted to students and/parents and/or where goods are received	
	(h)	from couriers and/or service providers (Reception); The monitoring of access control	
	()	systems: to monitor and record restricted access areas at	
		entrances to buildings and other areas;	
	(i)	verification of security alarms: Intrusion alarms, exit door controls, external alarms;	
2.	То	uphold TETB	Legal obligation: TETB's duty of
		icies/procedures to promote	care to its students, staff, and visitors
		ety and well-being: To ensure TETB rules and	to its premises; the Safety Health and Welfare at Work Act 2005, to
	. ,	policies are respected so that	implement the Code of Behaviour
	(h)	TETB can be properly managed. To deter any instances of bullying,	adopted pursuant to section 23 Education (Welfare) Act 2000, and
	(~)	harassment, and/or all other forms	(where CCTV is relevant to a Code of
		of unwanted and/or inappropriate behaviour.	Behaviour process) to facilitate the hearing of Appeals pursuant to
	(c)	To ensure that TETB's 'Code of Behaviour' and 'Anti-Bullying	section 29 Education Act 1998 (suspension, expulsion, etc). Where
		Procedures" and all other relevant	
		policies are implemented so that	and the internal ETB process is
		the TETB can be properly managed; For the avoidance of	exhausted, by progressing with the appeal the parent acknowledges and
		any doubt, this means that CCTV	understands that the personal data
		footage may be used as part of any TETB procedure, including	relating to them/their child shall be transferred by TETB to the
		but not limited to a disciplinary,	Department of Education for the
		suspension, or expulsion process under the Code of Behaviour.	purposes of their administering the appeal, convening the section 29
		This means that the CCTV footage may be viewed by the	hearing etc.
		board of management, and the	Vital interests: the processing is
		board of the ETB, together with any relevant external appeals	necessary in order to protect the vital interests of the data subject or of
		bodies (<i>e.g.</i> Section 29 Appeal body) relevant to a suspension or	another natural person.
		expulsion process.	Public interests/substantial public interests:
			 to maintain discipline and good

		order, to ensure that other students
		do not have their learning seriously disrupted by misbehaviour of other students,
		• to ensure that other students and staff are not exposed to risks to their health and safety (including causing distress, anxiety, or any threat to physical safety).
		 To prevent and/or detect fraud, theft and crime, to ensure that TETB adequately protects property and
		assets purchased/financed/maintained from funds provided by the
3.	For varification and dispute resolution	Oireachtas.
J.	For verification and dispute-resolution purposes, particularly in circumstances	Public interests/substantial public interests: to prevent and/or detect
	where there is a dispute as to facts and	fraud, to ensure that facts can be
	the recordings may be capable of	objectively verified to avoid disputes
	resolving that dispute.	leading to costly litigation. For dispute
		resolution and litigation purposes.
4.	For litigation purposes.	Public interests/substantial public
		interests: to ensure that all relevant
		data is available for litigation purposes, to ensure the effective
		administration of justice.
5.	For verification and dispute-resolution	Legal Obligation: depending on the
	purposes as part of any investigation	nature of the request, this may
	(including external investigations, e.g.	include a request from external
	Teaching Council, TUSLA, An Garda	agencies as part of external
	Síochána).	investigations, e.g.:
		Child Protection matter - Section 16 Children First Act
		Section 16 Children First Act 2015 – TUSLA may require ETB
		to "assist TUSLA" and if TETB
		"furnishes any information
		(including a report), document or
		thing to the Agency pursuant to a
		request made under subsection
		(1), the furnishing of that
		information, document or thing
		shall not give rise to any civil
		shall not give rise to any civil liability in contract, tort or
		shall not give rise to any civil liability in contract, tort or otherwise and nor shall the
		shall not give rise to any civil liability in contract, tort or
		shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal
		shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.
		 shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings. Teaching Council inquiry –
		 shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings. Teaching Council inquiry – section 43B Teaching Council
		 shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings. Teaching Council inquiry – section 43B Teaching Council Acts 2001 – 2015: "a person
		 shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings. Teaching Council inquiry – section 43B Teaching Council

produce any document ¹ in his or
her power or control lawfully
required by the panel to be
produced by him or her".
National security, law
enforcement or criminal
investigation matters - An
Garda Síochana: per Article
23(1)(d)GDPR: the prevention,
investigation, detection or
prosecution of criminal offences or
the execution of criminal
penalties, including the
safeguarding against and the
prevention of threats to public
security.
Vital interests: the processing is
necessary in order to protect the vital
interests of the data subject or of
another natural person.
Public interests/substantial public
interests: to prevent and/or detect
fraud, theft and crime, to ensure that
TETB adequately protects property
and assets
purchased/financed/maintained from
funds provided by the Oireachtas.

This is an indicative, non-exhaustive list. We will utilise CCTV for purposes not necessarily listed here provided there is a legal basis, and/or we are legally required to do so.

Section 3: Recipients of CCTV recordings

- **3.** We share and transfer CCTV recordings data to other data controllers. In this section we give you further information about the recipients or categories of recipients of the personal data.
 - 3.1 **Parents/guardians:** Where the student is under 18 years, we may show CCTV footage to the student's parent/guardian (for example, as part of a Code of Behaviour process that may lead to the student's expulsion or suspension) if the images can be appropriately redacted/pixelated to protect the personal data of third parties.
 - 3.2 An Garda Síochána: for the investigation, detection and prevention of offences.
 - 3.3 **To social workers, HSE, and/or TUSLA**: in respect of any child protection and/or child safeguarding and/or child welfare matters.

¹ Defined in section 43(19)(d) (as amended) as including "any audio or video recording".

- 3.4 **Student Support Team/Pastoral Care Team:** (for further information, please see section 3.3 of the TETB Data Protection Policy) to support the School's non-violent crisis intervention programme and as part of any post-event reflective training for staff to reinforce techniques and strategies of verbal and non-verbal de-escalation where challenging behaviour is exhibited by a student. These CCTV recordings may be used by and viewed by the Student Support team/Pastoral Care team in the following ways:
 - a) To conduct a post-crisis review to develop improved prevention strategies;
 - b) To review performance and techniques with a view to attaining better outcomes in the future;
 - c) To support positive behaviour from our students and reinforcing the Code of Behaviour;
 - d) To inform a student's Individual Educational Plan and any care programmes in place for that student.
 - e) To reduce the risk of future incidents or injuries,
 - f) To assist the staff and clinical support personnel working with the student in developing appropriate care programmes best suited to that individual student.
- 3.5 **Department of Education and/or any section 29 Appeals Committee**: in relation to any Code of Behaviour, suspension and/or expulsion process.
- 3.6 **Teaching Council**: where we are legally required in relation to any process under the Teaching Council Acts 2001 2015, including fitness to teach investigation.
- 3.7 **TETBs' Insurer and/or Legal Advisors, including the Legal Services Support Unit, Education and Training Boards' Ireland:** TETB transfers and shares CCTV recordings with its insurers, Irish Public Bodies, and their duly appointed workplace investigators, claims handlers etc. TETB also shares/transfers CCTV data to its ETB legal advisors. These transfers are for the purposes of obtaining legal advices, resolving disputes, and defending, compromising or otherwise settling litigation. CCTV data may also be transferred to the Health & Safety Authority when investigating workplace accidents.
- 3.8 **CCTV administrators and IT support**: to assist us with the administration and maintenance of the CCTV system and associated hardware and software.
- 3.9 **Other parties**: where you give your consent or instruct us to do so (*e.g.* to your solicitor, to your union representative etc), or where we are otherwise legally required (*e.g.* a Court Order).

Section 4: Third country/international transfers

We do not transfer your personal data to a third country or international organisation. Certain companies who process personal data on behalf of TETB may transfer personal data for processing outside the EU, however this will only be done with the agreement of TETB and with the assurance that appropriate safeguarding measures are in place to protect the data.

Section 5: Automated decision making/profiling

We do not engage in Automated decision making/profiling.

Section 6: Records' Retention

For further information about the period for which CCTV is retained (or if that is not possible, the criteria used to determine that period), please refer to Section 6 of the TETB Data Protection Policy.

Section 7: Your rights

You have the following statutory rights that can be exercised at any time:

- (a) Right to information.
- (b) Right to complain to supervisory authority.
- (c) Right of access.
- (d) Right to rectification.
- (e) Right to be forgotten.
- (f) Right to restrict processing.
- (g) Right to data portability.
- (h) Right to object and automated decision making/profiling.

For further information, please see section (7) of our Data Protection Policy available at <u>www.tipperaryetb.ie</u>, or alternatively contact our DPO.

Section 8: Contact our DPO

We have appointed a Data Protection Officer on an interim basis (Details below)

Ms Fiona Campbell Tipperary ETB Administrative Offices, Address: Church Road, Nenagh, Co. Tipperary. E45 XD59 Email: fcampbell@tipperaryetb.ie Telephone: 067 40034

If you have any queries, please contact our DPO.



APPENDIX 1

CCTV PRIVACY NOTICE

By entering a TETB premises, you acknowledge that your images shall be processed by the CCTV system of TETB. This Privacy Notice gives you some helpful information about who we are, what CCTV images we collect, why, who we share it with and why, how long we keep it, and your rights. If you need more information, please see our Data Protection Policy and/or our CCTV policy available at <u>www.tipperaryetb.ie</u>

We are Tipperary Education and Training Board (TETB). Our address and contact details are:

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Address: Church Road, Nenagh, Co. Tipperary. E45 XD59 Telephone: 067 31250 Email: nenagh@tipperaryetb.ie

Tipperary ETB Administrative Offices (Sub Office),

Address: Western Road, Clonmel, Co. Tipperary. E91 WK13 Telephone: 052 612 1067 Email: clonmel@tipperaryetb.ie

We provide Second Level Education, Post Leaving Certificate Programmes, Further Education, Second Chance Learning, Adult & Community Education, Youth Services, Music Generation, Training Services including Apprenticeships and other programmes/courses and other programmes/courses as maybe delivered/funded/sponsored in whole or part or in co-operation with other bodies/agencies etc. For further information, see section 1 of our Data Protection Policy available at www.tipperaryetb.ie

We operate Closed Circuit Television Systems ("CCTV") on our premises both 1. during the daytime and during the night hours each day. CCTV is used at external points on the premises (e.g. at front gates, in the car-park, etc.) and at certain internal points (e.g. front desk/reception area, corridors etc). In areas where CCTV is in operation, appropriate notices will be displayed. We use CCTV for security purposes; to protect premises and assets; to deter crime and anti- social behaviour; to assist in the investigation, detection, and prosecution of offences; to monitor areas in which cash and/or goods are handled; to deter bullying and/or harassment; to maintain good order and ensure the Code of Behaviour is respected; to provide a safe environment for all staff and students; for verification purposes and for disputeresolution, particularly in circumstances where there is a dispute as to facts and the recordings may be capable of resolving that dispute; for the taking and defence of litigation. For further information on how we use this CCTV and the legal basis for same, please go to section 2 of our CCTV Policy available at www.tipperaryetb.ie This CCTV Privacy Notice and the CCTV Policy should be read together with the TETB Data Protection Policy, a copy of which is available at <u>www.tipperaryetb.ie</u>

2. We share and transfer CCTV images/recordings to third parties. We share information with our CCTV provider/s. For example, we may show the CCTV images to a student's parent/guardian as part of a Code of Behaviour process. In appropriate circumstances, we also share CCTV images/recordings to An Garda Síochána (for the investigation, detection and prevention of offences); to social workers, HSE, and/or TUSLA (in respect of any child protection and/or child safeguarding matters); to the Department of Education and/or any section 29 Appeals Committee (in relation to any Code of Behaviour, suspension, or expulsion process); to the Teaching Council (where we are legally required in relation to any process under the Teaching Council Acts 2001 – 2015, including fitness to teach investigation); to the ETB's insurance

company and TETB's legal advisors (for dispute resolution and litigation purposes) etc. For further information on who we share your data with, when and in what circumstances, and why, please see section 3 of our Data Protection Policy available at <u>www.tipperaryetb.ie</u>

- 3. We do not transfer your personal data to a third country or international organisation. Certain companies who process personal data on behalf of TETB may transfer personal data for processing outside the EU, however this will only be done with the agreement of TETB and with the assurance that appropriate safeguarding measures are in place to protect the data.
- 4. We do not engage in automated decision making/profiling.
- 5. CCTV is generally held for 28 days. In certain circumstances, CCTV recordings may be held for longer, for example:
 - a) where a break-in or theft is recorded (in which case they will be held and passed to An Garda Síochána, and/or TETB's insurance company and legal advisors).
 - b) Where an injury/accident occurs (in which case CCTV may be retained and may subsequently be passed to TETB's insurance company, its legal advisors, the Health & Safety Authority).
 - c) (Where a breach of the Code of Behaviour is reported resulting in a student being disciplined, in which case the recordings may be retained to be viewed by parents of the affected student (if the images can be appropriately redacted/pixelated to protect the personal data of third parties), the Board of Management, the ETB, and/or a duly constituted section 29 appeals committee convened by the Department of Education for the purposes of hearings, appeals, dispute resolution and/or verification purposes.

These examples are not exhaustive, and there will be other situations where the CCTV is retained for longer than 28 days where there is a legal basis and/or we are legally required to do so. For further information on the retention periods, please go to section 6 of our Data Protection Policy available at www.tipperaryetb.ie

- 6. You have the following statutory rights, that can be exercised at any time:
 - a) Right to complain to supervisory authority.
 - b) Right of access.
 - c) Right to rectification.
 - d) Right to be forgotten.
 - e) Right to restrict processing.
 - f) Right to data portability.
 - g) Right to object and automated decision making/profiling.

For further information, please see section (7) of our Data Protection Policy available at <u>www.tipperaryetb.ie</u>, or alternatively contact our Data Protection Officer.

7. We have appointed a Data Protection Officer (DPO) on an interim basis. (Details below)

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If you have any queries, please consult our Data Protection Policy (available at www.tipperaryetb.ie) or contact our DPO.