

# Inquiry into Waterford City and County Council

**Date of Decision: 21 October 2020**

This inquiry is one of a number of own-volition inquiries into a broad range of issues pertaining to surveillance technologies deployed by State authorities.

The findings made in the decision include:

- Findings that the Litter Pollution Act 1997 and the Waste Management Act 1996 do not provide a lawful basis for Waterford City and County Council's use of covert CCTV and dash cams to detect illegal littering and dumping. The DPC comprehensively considered these Acts and found that they do not regulate this processing of personal data as is required by the Law Enforcement Directive, as transposed by the Data Protection Act 2018. Furthermore, the decision found that the Acts do not meet the standards of clarity, precision, and foreseeability in respect of such processing as required by the case law of the Court of Justice of the European Union and the European Court of Human Rights.
- A finding that Waterford City and County Council's use of certain CCTV cameras for crime prevention and investigation is unlawful in the absence of authorisation from the Garda Commissioner in accordance with Section 38 of An Garda Síochána Act 2005.
- A finding that Waterford City and County Council and An Garda Síochána are joint controllers in respect of certain CCTV cameras authorised under Section 38(3)(c) of An Garda Síochána Act 2005. In this regard, the decision found that Waterford City and County Council infringed Section 79 of the Data Protection Act 2018 by failing to implement an agreement in writing with An Garda Síochána.
- The other findings in the decision include infringements relating to the adequacy of Waterford City and County Council's policy in respect of its use of drones for monitoring compliance on permitted waste sites and preventing dumping on illegal waste sites, and its obligation to maintain a data log for specific accesses to CCTV recordings.

The corrective powers exercised:

- A temporary ban on the processing of personal data through certain specified CCTV cameras, covert CCTV cameras, and dash cams for law enforcement purposes.
- Orders to Waterford City and County Council to bring its processing of personal data into compliance by taking certain action specified in the decision.
- Reprimands in respect of Waterford City and County Council's infringements.