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Drone Policy and Procedure

November 2020

Data Protection Policy and Procedures For Drone Usage

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Comhairle Cathrach Chorcaí
Cork City Council



Table of Contents

Revision History	3
1. Introduction/Background	4
2. Purpose of Policy and Procedure	5
3. GDPR Definitions.....	6
4. Scope.....	7
5. Purpose of Drone Usage	8
6. Location of Drone Usage.....	9
7. Data Protection Impact Assessment.....	9
8. Data Processing Agreements	10
9. Signage and Public Notices	11
10. Designated and Authorised Employees	11
11. Security Arrangements	12
12. Data Subject Access to Drone Recordings	12
13. Third Party Access to Drone Recordings.....	13
14. Users and Access Request Logs.....	14
15. Retention of Drone Recordings.....	15
16. Drone Register	15
17. Privacy Statement	16
18. Guidelines/ Codes of Practice	16
19. Complaints to the Data Protection Commission.....	16
20. Further Information	17
21. Awareness.....	17
22. Monitoring and Review.....	17

Revision History

CURRENT DOCUMENT VERSION

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REVISION APPROVAL

	Signature:	Print Name:	Date:
Process Owner		Data Protection Officer	
SEO/SE/ Cognate		Alma Murnane	
Director of Services		Paul Moynihan	
Senior Management Team			10/11/2020

PREVIOUS VERSIONS

Version No.	Date	Reason for Issue

1. Introduction/Background

Small unmanned aircraft(SUA) i.e. drones are used by Cork City Council for a number of purposes which entail aerial photography and videography. This use may involve the recording of personal data of individuals including their recognisable images. Cork City Council is obliged to protect such data in accordance with provisions contained in the General Data Protection Regulation (GDPR) which came into effect on 25th May 2018 and the Data Protection Acts 1988-2018.

2. Purpose of Policy and Procedure

Cork City Council has developed a number of general policies and procedures to protect personal data. The purpose of this policy and procedures document is to support these documents by outlining specific provisions to assist Cork City Council to fulfil its data protection obligations regarding the operation of drones.

This policy should be read in conjunction with the Operations Manual and guidance provided by Data Protection Commissioner.

<https://www.dataprotection.ie/en/guidance-landing/video-recording>

Drone operators are required to comply with the Specific Operating Permission (SOP) issued by the Irish Aviation Authority (IAA) for the use of drones by Cork City Council. <https://www.iaa.ie/>

3. GDPR Definitions

For the purposes of this policy and procedures document the following definitions apply:

- **Data Controller:** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.
- **Data Subject:** is an individual who is the subject of personal data.
- **Personal Data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Processing:** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **Processor:** a natural or legal person, public authority, agency or other body which processes personal data on behalf of Cork City Council.

4. Scope

The scope of this policy and procedures document applies to all:

- Cork City Council uses of drones that involve the recording of personal data.
- Cork City Council employees.
- Any third party drone service providers that may be engaged by Cork City Council.

5. Purpose of Drone Usage

5.1 When deciding to use a drone for any particular purpose which involves the recording of personal data, Cork City Council shall seek to ensure that at least one of the conditions outlined in Article 6 (and where relevant Article 9) of the GDPR exists to ensure the lawfulness of the processing of the personal data involved.

5.2 Drones may be used by Cork City Council for any purposes outlined in the IAA's SOP for drone usage including but not limited to:

- The provision of emergency services and operations, such as those that may be provided by the Fire Service.
- The provision of search, rescue and recovery services such as those that may be provided by Civil Defence.
- Aerial mapping, surveying and photography.
- Evidence gathering to assist enforcement activities such as those that may be carried out by the Planning and Environment Sections of the Council.
- Building Inspections

5.3 Personal data obtained through the use of drones shall be limited and proportionate to the purposes for which it was obtained.

6. Location of Drone Usage

- 6.1 Drones may be used, in any location where it is considered appropriate, for any of the purposes outlined in this document.
- 6.2 Every reasonable effort should be made to ensure that drone recordings are limited to the target area and the purpose for which the drone has been deployed.
- 6.3 A drone's functionality should be appropriate for the intended purpose. Drone operators should consider measures to limit the unnecessary recording of personal data that is not required e.g. using a live stream rather than recording.

7. Data Protection Impact Assessment

- 7.1 In line with of Article 35 of the GDPR and DPC guidance relating to the use of drones a Data Protection Impact Assessment (DPIA) must be carried out before any installation of a new drone system. A DPIA may also be required for upgrade to an existing drone system if in the opinion of Cork City Council, the installation or upgrade is likely to result in a high risk to the rights and freedoms of individuals. The purpose of a DPIA will be to facilitate the identification and implementation of appropriate measures to eliminate or minimise any risks arising out of the processing of personal data by a drone system
- 7.2 A draft DPIA must be submitted to the Data protection Officer for review and final DPIA signed off by the relevant Director of Services.
- 7.3 DPIAS should be reviewed every 3 years (as per DPC Guidance)

8. Data Processing Agreements

8.1 Service providers that have access to personal data recorded by drones are considered to be a Data Processor and as such are required to enter into a formal Data Processing Agreement with Cork City Council to ensure that they, in addition to Cork City Council, discharge their obligations under data protection legislation.

9. Signage and Public Notices

9.1 Drone operators are required to display temporary signage around the operator when drone activity is being carried out to advise the public of the following:

9.1.1 Name of Data Controller i.e. Cork City Council.

9.1.2 Drone activity is taking place.

9.1.3 Purpose for which the drone activity is being carried out.

9.1.4 Contact details for enquiries by members of the public.

9.2 Following the carrying out of any drone activity, consideration should be given to placing a notice on Cork City Council's social media channels to advise the public of the Council's use of drones. The following details shall be provided at a minimum on any such notices:

9.2.1 Statement that Cork City Council has carried out drone activity.

9.2.2 Dates, times and locations that drone activity took place.

9.2.3 Purpose for which the drone activity was carried out.

9.2.4 Contact details for enquiries by members of the public.

10. Designated and Authorised Employees

10.1 The relevant Director of Services for each drone system shall assign responsibility for the overall operation of the system to a Designated Employee/s. This responsibility will include ensuring that the system is being operated in a manner that is consistent with this policy and procedures document, data protection legislation and the Operations Manual.

10.2 Only staff that have been nominated as Authorised Employees by the relevant Director of Services for each drone system may have access to the system and its recordings. Authorised Employees should include the following:

- Designated Employees who may access the drone system(s) for which they have been assigned responsibility.
- Drone Operators that are licenced by the IAA.
- IT Department Staff who may access all Cork City Council drone systems for the purposes of carrying out maintenance and upgrade works.

- Data Protection Officer who may access all Cork City Council drone systems and their recordings.

10.3 The relevant Director of Services for each drone system shall ensure that Authorised Employees are appropriately trained before operating takes place.

11. Security Arrangements

11.1 Access to drones and their recordings will be subject to appropriate security arrangements and controls to safeguard against access by persons other than by Authorised Employees and any authorised third party drone service providers that may be engaged by Cork City Council.

11.2 The data storage facility on a drone shall be erased after each use unless the original storage media is required to be retained for legal proceedings.

11.3 Recordings may only be extracted and stored on an external storage media provided the copies of the drone recordings are:

- Required to be retained in accordance with provisions outlined in this policy and procedures document.
- Stored in a secure location with access restricted in accordance with provisions outlined in this policy and procedures document.

12. Data Subject Access to Drone Recordings

12.1 Data protection legislation provides data subjects with a right to access their personal data. This includes their recognisable images and other personal data captured by drone recordings. Access requests are required to be submitted in writing in physical or electronic format e.g. by letter or e-mail to the Data Protection Officer and will be processed in accordance with provisions contained in Cork City Council's Subject Access Request Policy and Procedures.

12.2 It would not suffice for a data subject to make a general access request for a copy of drone recordings. Instead, it will be necessary that data subjects specify that they are seeking to access a copy of drone recordings that have captured their recognisable images and/or other personal data between specified dates, at certain times and at a named location.

12.3 The provision of access to a data subject to drone recordings of his/her recognisable images and/or other personal data will normally involve providing a copy of the recording in video format using a secure methodology. In circumstances where the supply of a copy of the recording to the

data subject is not possible or would involve unreasonable effort or cost, stills may be provided as an alternative to video footage. Where stills are provided, Cork City Council will aim to supply a still for every second of the recording in which the data subject's recognisable images and/or other personal data appears.

12.4 Where recognisable images and/or other personal data of other parties other than the data subject appear on the drone recordings these will be pixelated or otherwise redacted on any copies or stills provided to the data subject. Alternatively, unedited copies of the drone recordings may be released provided consent is obtained from those other parties whose recognisable images and/or other personal data appear on the drone recordings.

12.5 If the drone recording does not clearly identify recognisable images and/or other personal data relating to the data subject then the recording will not be considered as personal data and will not be released by Cork City Council.

12.6 If the drone recording no longer exists on the date that Cork City Council receives an access request it will not be possible to provide access to a data subject. Drone recordings are usually deleted in accordance with provisions contained in this policy.

13. Third Party Access to Drone Recordings

Access to drone recordings may be provided, using a secure methodology, to the following:

- An Garda Síochána.
- Legal Advisors.
- Other Third Parties.

13.1 Access by An Garda Síochána

13.1.1 The provision of personal data, including drone recordings, to An Garda Síochána for the purposes of investigating and/or prosecuting a criminal offence is permitted under provisions contained in the Data Protection Acts 1988- 2018.

13.1.2 Requests from An Garda Síochána for copies of drone recordings are required to be submitted in writing on An Garda Síochána headed paper and signed by an appropriate ranking member of An Garda Síochána. The request should specify the details of the drone recordings required and affirm that access to such recordings is necessary for the investigation and/or prosecution of a criminal offence.

13.1.3 In order to expedite a request in urgent situations, a verbal request from An Garda Síochána for copies of drone recordings will suffice. However, such a verbal request must be followed up with a formal written request from An Garda Síochána.

13.2 Access by Legal Advisors

Access to drone recordings will be provided, where required and in accordance with data protection legislation, to Cork City Council's legal advisors for the purposes of carrying out enforcement action and in any other circumstance that is considered necessary and appropriate.

13.3 Access by Other Third Parties

Access by third parties other than An Garda Síochána and Cork City Council's legal advisors to drone recordings will only be provided in circumstances that are permitted by data protection legislation.

14. Users and Access Request Logs

14.1 Users Log

The Designated Employee that has responsibility for each drone system shall ensure that a Users Log is being maintained by drone operators. This log shall include details of:

- Name of drone operator.
- Details of drone used.
- Dates and times of use.
- Purpose of use.
- Location of use.

14.2 Incident Log

The Designated Employee that has responsibility for each drone system shall ensure that an Incident Log is being maintained by drone operators. This log shall include details of:

- Name of drone operator.
- Details of drone used.
- Dates and times of use.
- Details of Incident
- Details of 3rd Party Involvement
- Action Taken

14.3 Data Subject Access Requests Log

The Data Protection Officer shall record all details of all Access Requests made by Data Subjects and the outcome of such requests on a separate log that is maintained for this purpose.

14.4 Third Party Access Requests Log

A Third Party Access Requests Access Log shall be maintained by the Designated Employee that has responsibility for each drone system. This log shall maintain a record of all requests made by the following third parties to view/obtain copies of drone recordings and the outcome of such requests:

- An Garda Síochána.
- Legal advisors.
- Other third parties.

15. Retention of Drone Recordings

15.1 Personal data recorded by drones shall be kept for no longer than is considered necessary.

15.2 Normally personal data recorded by drones will not be retained by Cork City Council beyond a maximum of 28 days.

15.3 Personal data recorded by drones may however be retained by Cork City Council beyond a maximum of 28 days in a limited number of circumstances. These include situations where the retention of the personal data is necessary for operational purposes e.g. for mapping and surveying activities and for investigative, evidential and legal purposes.

16. Drone Register

A drone register shall be maintained by the Data Protection Officer. This register shall contain, at a minimum, the following information:

- Location of drone systems.
- Purpose of each drone system.
- Legal basis for the processing of personal data
- Details of Designated and Authorised Employees.
- Drone system service provider details.
- Access/security controls.
- Retention period for drone recordings.

17. Privacy Statement

Details of personal data being recorded by drone systems that are used by various Departments/Business Units of Cork City Council and information regarding the use of such data including any sharing of such data with third parties are outlined in a Privacy Statement. A copy of this Privacy Statement may be accessed [here](#).

18. Guidelines/ Codes of Practice

Cork City Council shall adhere to all relevant Guidelines/Codes of Practice for the use of drones issued by the Irish Aviation Authority, Data Protection Commission and/or other statutory bodies.

19. Complaints to the Data Protection Commission

19.1 Data subjects may make a complaint to the Data Protection Commissioner in the following circumstances:

- If they experience a delay outside of the prescribed timeframe for making a decision on an access request or if they are dissatisfied with a decision by Cork City Council on their access request.
- If they consider that Cork City Council's processing of their personal data is contrary to their data protection rights.

19.2 Contact details for the Data Protection Commission are as follows:

Phone Number: 0761 104 800 or Local 1890 252 231 E-mail: info@dataprotection.ie

Website: www.dataprotection.ie Postal Address: Data Protection Commission

1 Fitzwilliam Square South

Dublin 2

D02 RD 28

20. Further Information

Further information on the operation of this policy and procedures document is available from the Data Protection Officer, Cork City Council. Contact details for the Data Protection Officer are as follows:

Phone Number: 021 4924000

E-mail: dataprotection@corkcity.ie

Website: www.corkcity.ie

Postal Address: Cork City Council

City Hall

Anglesea St Cork.

21. Awareness

21.1 Cork City Council shall implement appropriate measures to makes its employees and other relevant parties aware of the content of this policy and procedures document.

21.2 All persons involved in the planning, placement and operation of Cork City Council drones should familiarize themselves with the content of this policy and procedures document.

22. Monitoring and Review

Provisions contained in this policy and procedures document shall be subject to on-going monitoring and review.