

Privacy Statement Drone Usage November 2020



Comhairle Cathrach Chorcaí
Cork City Council

November 2020

Contents

	Page No.
1.0 Introduction	2
2.0 Purpose of Privacy Statement	2
3.0 Definitions	2
4.0 Scope	2
5.0 Data Protection Policy	3
6.0 What Personal Data is Processed	3
7.0 Why Personal Data is Processed	4
8.0 The Legal Basis for Processing Personal Data	4
9.0 How Personal Data is Obtained	4
10.0 How Personal Data is Processed	5
11.0 Sharing Personal Data with Third Parties	5
12.0 Records Retention Policy	6
13.0 Data Subject Rights	6
14.0: Complaints to the Data Protection Commission	7
15.0 Monitoring and Review	7
16.0 Further Information	8

1.0 Introduction

Drones i.e. small unmanned aircraft(SUA) are used by Cork City Council for a number of purposes. 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.

2.0 Purpose of Privacy Statement

The purpose of this privacy statement is to describe, in clear and concise terms, the personal data that the County Council's drone systems may collect about individuals, why it is needed, how it is used and how individuals may interact with the Council in relation to the use of their personal data by its drone systems. It also outlines the rights of individuals under data protection legislation in relation to the processing of their personal data.

3.0 Definitions

For the purposes of this privacy statement the following definitions apply:

- **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.

4.0 Scope

This statement applies to all personal data processed by Cork City Council's drones which may be deployed in any area within its administrative area for the purpose of carrying out any activity outlined in this document.

5.0 Data Protection Policy

Cork City Council is committed to ensuring that personal data processed by its drone systems is:

- Obtained lawfully, fairly and in a transparent manner;
- Obtained for specified, explicit and legitimate purposes only;
- Adequate, relevant and limited to what is necessary for the purpose for which it was obtained;
- Recorded, stored accurately and securely and where necessary kept up to date;
- Kept only for as long as is necessary for the purposes for which it was obtained;
- Kept in a form which permits identification of the data subject;
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

Cork City Council has a Corporate Data Protection Policy which goes in to more detail as to how it intends meeting these commitments. A copy of this document can be accessed [here](#).

6.0 What Personal Data is Processed

Personal data processed by Cork City Council's drone systems may consist of the following recordings:

- Images of individuals;
- Other personal data that identifies individuals;
- Images of activities carried out by individuals;
- Images of number plates of vehicles.

7.0 Why Personal Data is Processed

Personal data is processed by Cork City Council's drone systems in order to:

- Assist in the provision of emergency services, such as those that may be provided by the Fire Service.
- Assist in the provision of search, rescue and recovery services such as those that may be provided by Civil Defence.
- Conduct aerial mapping, surveying and photography.
- Gather evidence to assist enforcement activities such as those that may be carried out by the Planning and Environment Departments of the Council.
- Building Control/Inspections

8.0 The Legal Basis for Processing Personal Data

Under Articles 6 and 9 of the GDPR, the processing of personal data requires a legal basis. The legal basis for the Council's use of drone systems to process personal data includes any one or more of the provisions contained in these Articles and in particular any one or more of the following:

- The processing is necessary for compliance with a legal obligation to which Cork City Council is subject;
- The processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority vested in Cork City Council.

9.0 How Personal Data is Obtained

Personal data obtained by drones will mainly be captured by cameras that are located within the device.

10.0 How Personal Data is Processed

10.1 Processing of personal data may be carried out by:

- Employees who are authorised to access drone systems.
- Third party drone service providers that may be engaged by the Council.

10.2 The processing of personal data shall not be carried out for any other purposes than those outlined in this statement.

10.3 The processing of personal data shall be limited and proportionate for the purposes for which it was obtained.

11.0 Sharing Personal Data with Third Parties

11.1 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 Act 2018.

11.2 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 purpose of carrying out enforcement action and in any other circumstance that is considered necessary and appropriate.

11.3 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.

12.0 Records Retention Policy

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

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

12.3 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.

13.0 Data Subject Rights

Data subjects have a range of rights under GDPR. These include the following:

- The right to be informed;
- The right of access;
- Right to rectification of inaccurate or incomplete data;
- The right to erasure (also known as the 'right to be forgotten') of personal data;
- The right to portability;
- The right to object to the processing of personal data;
- The right to restrict the processing of personal data;
- Rights in relation to automated decision making, including profiling.

14.0 : Complaints to the Data Protection Commission

14.1 Data subjects may make a complaint in the following circumstances:

- a) If they experience a delay outside of the prescribed timeframe for making a decision on a data subject right request;
- b) If they are dissatisfied with a decision by Cork City Council on their data subject right request;
- c) If they consider that Cork City Council's processing of their personal data is contrary to data protection legislation.

14.2 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
SquareSouth
Dublin2
D02 RD28.

15.0 Monitoring and Review

Provisions contained in this statement shall be subject to on-going monitoring and review.

16.0: Further Information

Further information and advice on the operation of this privacy statement is available from the Data Protection Officer, Cork City Council. Contact details for the City Council's Data Protection Officer are as follows:

Phone:	021 4924000
E-mail:	dataprotection@corkcity.ie
Website:	www.corkcity.ie
Postal Address:	Cork City Council
	City Hall
	Cork
	T12 T997