

EDPS workshop on draft Video-Surveillance Guidelines

30 September 2009

Nearly a hundred data protection officers, security officers, video-surveillance and IT specialists and staff representatives from over forty Community institutions and bodies participated at the EDPS video-surveillance workshop in Brussels on 30 September 2009. The main input to the workshop was the consultation version of the EDPS Video-surveillance Guidelines published on 7 July 2009.

In his opening address, Assistant EDPS Giovanni Buttarelli emphasized that there are fundamental rights at stake, such as the right to privacy at the workplace, the right to be free from discrimination, the freedom of speech and the freedom of assembly. Therefore, decisions on whether to install cameras and how to use them should not be made solely on security needs. Rather, security needs must be balanced against respecting the fundamental rights of an individual. The opening address was followed by an overview of the compliance framework proposed in the Guidelines that focused on the need to move away from a culture of seeing data protection as an administrative burden, to one based on privacy by design, transparent local decision-making involving all stakeholders, data protection officers taking an active role, and accountability of the institution responsible for operating the video-surveillance system. To help ensure a more effective procedural framework that is not overly prescriptive, in most cases there is no need for EDPS to individually prior check the video-surveillance systems before implementation.

The workshop achieved its two goals of eliciting feedback to improve the draft Guidelines and increasing cooperation to ensure compliance with data protection principles. The overall response to the Guidelines was positive. In a climate of increasing concern over surveillance participants welcomed that the Guidelines provide practical advice for deciding whether or not to install or use video-surveillance equipment and when using, how best to address data protection issues. In the discussion, important concerns were raised regarding accountability, local decision-making and the legal value of the Guidelines. Stakeholders requested further clarifications on key “compliance tools” such as the video-surveillance policy, self-audit and impact assessments. They also commented on “substantive” issues such as what can be considered lawful and proportionate purposes for video-surveillance and how long images can be retained. The Guidelines are to be formally issued before the end of this year.