

THE OFFICE FOR PERSONAL DATA PROTECTION
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UOOU-07092/13-2
Handled by: Ing. Milan Ševčík

Dear Ing. Petr Vašíček
ASEC – elektrosystémy s.r.o.
(vasicek@asec.cz)

Prague 16th June 2016

Inquiry on CCTC at a university – answer

The Office for Personal Data Protection (hereinafter referred to as the “Office”) received an inquiry on 14th June 2016 related to the camera system at school. In this matter, I would like to inform you about the following:

Pursuant to Sec. 5 para. 2 let. e) of Act No. 101/2000 Coll. on The Protection of Personal Data and on the Amendments of Certain Acts, as amended, the controller may process personal data without the consent of the data subject (persons entering the monitored area) if it is necessary to protect the rights and legally protected interests of the controller, beneficiary or another person concerned; however, such processing of personal data must not be contrary to the right of the data subject for the protection of their private and personal life. Pursuant to Sec. 11 para. 1 of the Personal Data Protection Act, the data controller, when processing personal data, is obliged to inform the data subject to what extent and for what purpose personal data will be processed, who will process personal data and how and to whom personal data may be made available unless such information is already known to the data subject. The controller must inform the data subject of their right of access to the personal data, the right to correct the personal data, as well as other rights stipulated in Sec. 21.

The operation of the camera system is considered by the Office to be processing of personal data within the meaning of the Personal Data Protection Act if the camera surveillance includes taking recordings in order to use these recordings to identify individuals. Data stored in the recording equipment are personal data if, on their basis, it is possible to directly or indirectly identify a natural person. The purpose of processing must be to protect property or persons. If no record is made, this is not a procedure in the regime of the Act and such a procedure does not allow the Office to apply its supervisory competence given by the Personal Data Protection Act.

If the case concerns the processing of personal data in the sense of the Personal Data Protection Act, then the controller of personal data is the initiator of the making and storage of camera recordings, who sets the purpose of processing. In this case this should be the school in question.

The protection of property and persons can be qualified as a legally protected interest within the meaning of the provisions of Sect 5 para. 2 let. e) of the Personal Data Protection Act. For this purpose, therefore, the school may make camera recordings without the consent of the persons entering the monitored area, including employees and pupils/students.

In this case, it is not a matter of processing in the sense of Sec. 5 para. 2 let. a) of the Personal Data Protection Act – this is not a processing necessary to comply with a legal obligation of the controller.

Besides other matters, the controller has an information obligation towards the monitored persons pursuant to Sec. 11 of the Personal Data Protection Act. This includes the obligation to inform persons of the fact that they are entering an area monitored by a camera system or they are already present in such a place. In this case, this can be a clear, easy-to-read writing. In case that the writing does not contain all mandatory information in the sense of Sec. 11 of the Personal Data Protection Act, it must refer to their source.

Pursuant to Sec. 13 para. 1, the controller is obliged to take such measures to prevent unauthorised or accidental access to personal data, to their change, destruction or loss, unauthorised transfers, their other unauthorised processing, as well as other misuse of personal data. This obligation applies even after the termination of personal data processing. Pursuant to para. 2 of the same Section, the controller is obliged to process and document the received and adopted technical and organisational measures to ensure the protection of personal data in accordance with the Act and other regulations.

By the term directive, you probably mean a document within the meaning of Sec. 13 para. 2 of the Personal Data Protection Act. It must meet the criteria set out in that provision.

For the sake of completeness, I would like to add that the obligations regulated by Secs. 5, 10 to 16 of the Personal Data Protection Act, which is available at www.uouu.cz under the “legal regulations” section, also apply to this processing.

They include, for example, a notification obligation with regards to the Office pursuant to Sec.16 of the Personal Protection Act, i.e. the obligation to send a duly completed registration form to the Office. As is stipulated by this provision, the future controller must comply with this obligation before the commencement of taking camera recordings. Information on this obligation and the electronic registration form are available on the Office's website www.uouu.cz under the “Registration” section. In case of doubt, the department of registration activities of the Office can be contacted at tel. 234 665 315 and 234665214.

After fulfilling the notification obligation pursuant to Sec. 16 of the Personal Data Protection Act, the Office shall register the processing in the public register. If the company in question does not receive a request from the Office on supplementing or explaining the data in the form and no proceedings are initiated pursuant to Sect. 17 para. 1, it is possible to start processing personal data – start taking camera recordings – after a period of 30 days from the date of delivery of the notification.

Kind regards,

Mgr. Ladislav Hejlik

Head of the Complaints and Consultations Department

(electronically signed)