

Data Protection Ireland

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Headlines:

- Travel company goes bust, losing data of 90,000 in process, p.14
- German ruling spells challenges ahead for Ireland?, p.15
- DPC in talks over ID cards, p.16

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Schools get warning on widespread CCTV use

Schools in Ireland have been instructed to review their use of CCTV systems for monitoring staff performance or conduct, as it is unlikely to be justifiable.

The Association of Community and Comprehensive Schools has issued its 91 members with legal advice surrounding the use of CCTV cameras, which was drawn up after discussions with the Office of the Data Protection Commissioner.

According to the advice, schools must consult with students and parents, and outline policies in relation

to the use of the cameras. Where the CCTV is installed, there should be signs at the site explaining the reason for the specific use.

A spokesperson from the ODPC told *Data Protection Ireland* “recognisable images captured by CCTV are personal data. A data controller, including a school, needs to be able to justify recording such personal information.

“Key issues [to consider] include the proportionality of the system — why is it being installed?

What is the exact purpose? Can this be achieved by another, less invasive, means? Where will the cameras be located and what images will be captured? There are also issues of transparency. Have the students (and, indeed, staff members) been informed and consulted?

“Entering a school building does not deprive anyone of their data protection rights, so schools must ensure that they give appropriate consideration to issues such as consent, access, secure storage etc before

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Opinion fails to address heart of the issue, say experts

The Article 29 Working Party has adopted its long awaited Opinion on the concepts of data ‘controller’ and data ‘processor’, which experts are saying fails to provide organisations with much needed certainty on the nature of their data protection obligations.

There has been much debate surrounding the boundaries of the two definitions, not least because of the Working party’s characterisation in 2006 of SWIFT as

co-controller for the purposes of the European Data Protection Directive (95/46/EC). SWIFT, a service provider that facilitates the settlement of international financial transactions, was not an organisation traditionally defined as controller (which carries significantly more extensive obligations than a mere processor under the Directive and implementing laws).

However, some experts are saying that the

Opinion does not have the far reaching impact that it could have had. Monika Kuschewsky, Partner at Van Bael & Bellis, said “though the Opinion identifies major challenges in determining who is the controller and who is the processor, it actually fails to provide a long-awaited clarification in this respect.

“For instance, whilst the Opinion acknowledges the difficulties involved in the use of cloud computing, it

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