

CNS 33/2021

Opinion in relation to the consultation made by a City Council on the installation of video surveillance cameras in the waste collection areas of the municipality

A letter from a city council is presented to the Catalan Data Protection Authority in which it is requested that the Authority issue an opinion on the installation of video surveillance cameras as a deterrent measure for uncivil acts related to the dumping of waste in the municipality's container areas.

In particular, it is considered whether it would be possible to install cameras in the container islands despite not having Local Police to manage them or a municipal security service, as well as whether, in the event that this measure is viable, a closure should be made of the container islands or if a simple seal would be enough.

Having analyzed the request, which is not accompanied by more information, and having seen the report of the Legal Counsel, the following is ruled.

Legal Foundations

I

(...)

II

Regulation (EU) 2016/679 of the Parliament and of the Council, of April 27, 2016, relating to the protection of natural persons with regard to the processing of personal data and the free movement of such data and by which repeals Directive 95/46/CE (hereinafter, RGPD), provides that the data protection regulations apply (article 2.1) to the treatments that are carried out with respect to any information "on an identified or identifiable natural person (« the interested party»); Any person whose identity can be determined, directly or indirectly, in particular by means of an identifier, such as a number, an identification number, location data, an online identifier or one or more elements of identity, shall be considered an identifiable physical person physical, physiological, genetic, psychological, economic, cultural or social of said person" (article 4.1).

To the extent that the video surveillance system that the City Council intends to install allows natural persons to be identified directly or indirectly - either because the image of a natural person is captured because they are on the public road or because they access the area in which the waste containers are located or, for example, because images are captured of the vehicles that stop on the public road to use the waste containers and people can be identified through the license plate -, it will be taking place a data processing (Article 4.2) RGPD), which will remain subject to compliance with the principles and guarantees of the data protection regulations, that is of the RGPD, of Organic Law 3/2018, of December 5, of protection of personal data and guarantee of digital rights (LOPDGDD) and, specifically, Instruction 1/2009, of February 10, of the Catalan Data Protection Agency, on the processing of personal data

through cameras for video surveillance purposes, as long as it has not been modified by the RGPD and the LOPDGDD.

Article 5.1.a) of the RGPD establishes that all processing of personal data must be lawful, fair and transparent in relation to the interested party (principle of lawfulness, loyalty and transparency). In order to consider the lawful treatment, the RGPD establishes the need to meet one of the legal bases of article 6.1.

In the field of public administrations (as in the case examined), the capture of images and, where applicable, voice can be authorized in article 6.1.e) of the RGPD, according to which, the treatment of personal data may be lawful, if "the treatment is necessary for the fulfillment of a mission carried out in the public interest or in the exercise of public powers conferred on the person responsible for the treatment".

It must be taken into consideration that, as it follows from article 6.3 of the RGPD and expressly included in article 8.2 of the LOPDGDD, "the treatment of personal data can only be considered based on the fulfillment of a mission carried out in the interest public or in the exercise of public powers conferred on the person in charge, (...), when it derives from a competence attributed by a law-enforcement rule."

To this end, treatments for the purpose of video surveillance, as is the case at hand, are regulated in article 22 of the LOPDGDD, which provides for the following:

"1. Natural or legal persons, public or private, may carry out the processing of images through camera or video camera systems with the aim of preserving the security of people and property, as well as their facilities.

2. Images of the public road may only be captured to the extent that it is essential for the purpose mentioned in the previous section.

However, it will be possible to capture the public road in a higher extent when it is necessary to guarantee the security of assets or strategic facilities or infrastructures linked to transport, without in any case being able to suppose the capture of images of the interior of a home private (...).

6. The processing of personal data from the images and sounds obtained through the use of cameras and video cameras by the Security Forces and Bodies and by the competent bodies for surveillance and control in prisons and for control, regulation, traffic surveillance and discipline, will be governed by the legislation transposing Directive (EU) 2016/680, when the treatment has the purpose of prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal sanctions, including the protection and prevention against threats to public security. Outside of these assumptions, said treatment will be governed by its specific legislation and additionally by Regulation (EU) 2016/679 and this organic law.

7. What is regulated in this article is understood without prejudice to what is provided for in Law 5/2014, of April 4, on Private Security and its implementing provisions. (...)."

According to the consultation, it is intended to install video surveillance cameras in the various container islands that the municipality has, which, according to the information available, would be in public space, that is on public roads (it is not recorded that the waste containers are located inside buildings or municipal equipment). In view of this, it does not seem that the capture of images of the public road in the case at hand should be merely incidental, but that it would be carried out principally.

It should be especially borne in mind that, in accordance with article 22.2 of the LOPDGDD, cited, the legitimation to which reference has been made would only cover the capture of images of the public road to the extent that it is accessory - in the sense that the capture of the public road is limited to what is essential for the purpose of preserving the safety of people and goods - or it is about guaranteeing the safety of goods or strategic installations or related infrastructures to transport

Therefore, the installation of the video surveillance system intended in the present case could not be based on the legal basis of article 6.1.e) of the RGPD in relation to the provisions of article 22.1 of LOPDGDD, given that this type of video surveillance on public roads must be carried out only, in general, by the Security Forces and Bodies for the purposes mentioned in its specific regulations, and in accordance with what it provides the applicable specific regulations, unless one of the exceptions mentioned applies. Based on the information available at the time of issuing this opinion, it does not appear that any of these exceptions

In this same sense, article 5.4.b) of Instruction 1/2009, cited, is pronounced, establishing that it is not considered legitimate "to capture images of people on public roads, unless they are carried out by forces and the security forces in accordance with their specific regulations. (...)".

III

At this point, mention should be made of the recent Organic Law 7/2021, of May 26, on the protection of personal data processed for the purposes of prevention, detection, investigation and prosecution of criminal offenses and the execution of criminal sanctions, in force from June 16, 2021 (DF 12a).

Articles 15 to 18 of this LO 7/2021 establish the regime applicable to the processing of personal data in the field of video surveillance by the Security Forces and Bodies when this processing responds to the purposes of prevention, detection, investigation and prosecution of 'criminal offenses or execution of criminal sanctions, including protection and prevention against threats against public security (DA 1a LO 7/2021, in line with article 22.6 LOPDGDD).

Specifically, article 16 of LO 7/2021 regulates the installation of fixed video camera systems by the Security Forces and Bodies in roads or public places in the following terms:

"1. In the roads or public places where fixed video cameras are installed, the person responsible for the treatment must carry out an assessment of the aforementioned principle of proportionality in its double version of suitability and minimum intervention. Likewise, it must carry out a risk analysis or a data protection impact assessment relative to the treatment that is intended to be carried out, depending on the level of damage that may be caused to the public and the purpose pursued. A fixed video camera is understood to be one anchored to a fixed support or facade, although the recording system can be moved in any direction.

2. This provision will also apply when the Security Forces and Security Forces use fixed installations of video cameras of which they are not the owners and there is, on their part, an effective control and direction of the complete treatment process.

3. These fixed installations of video cameras will not be subject to the preventive control of the local entities provided for in their basic regulatory legislation, nor to the exercise of the powers of the different public administrations, notwithstanding that they must respect the principles of the legislation in force in each material scope of administrative action.

4. The owners and, as the case may be, the holders of real rights on the goods affected by these installations, or those who put them on any title, are obliged to facilitate and allow their installation and maintenance, without prejudice to the compensations that come.

5. Citizens will be informed in a clear and permanent manner of the existence of these fixed video cameras, without specifying their location, as well as of the authority responsible for the treatment before which they can exercise their rights."

It must be taken into consideration, at this point, that in the case we are dealing with, the City Council states in the consultation that it does not have the Local Police nor the service of municipal vigilantes.

Law 10/1994, of July 11, on the police of the Generalitat Mossos d'Esquadra, attributes to this police force the exercise of the functions "proper to the local police in the municipalities that do not have them" (article 12.1.fifth.b)). In these cases, letter c) of this article establishes that "the Generalitat and the local corporations must sign the corresponding cooperation agreements, in which the objectives, resources, financing must be defined in any case, the organization and the respective obligations and faculties".

So, in this case it would be the Mossos d'Esquadra that would assume police powers under the terms specified in the aforementioned agreement. In this case the person responsible for the video surveillance system would be the Cos de Mossos d'Esquadra (article 16.2 LO 7/2021).

However, in the case examined there is no evidence that the Mossos d'Esquadra has assumed any responsibility in relation to this video surveillance system.

To this it should be added that video surveillance on public roads must, based on the aforementioned regulatory framework, have the purpose of ensuring public safety (article 1 LO 7/2021) or, where appropriate, traffic control (DA 1a LO 7/2021 and DA 8a LOVFCs), which, according to the information available, would not occur in the case examined.

The City Council states in the consultation that the purpose of the video surveillance system is to dissuade or avoid the commission of uncivil acts related to the dumping of waste in the islands of containers available to the municipality. Therefore, it is inferred that it is intended to control and, where appropriate, administratively sanction behavior that may constitute violations of a municipal ordinance, as could be the case of an ordinance regulating the collection of waste in the municipality or 'an ordinance of civility.

In this regard, note that, according to the municipality's transparency portal, it has a civility and coexistence ordinance (BOPL no. 34, of February 19, 2021) in which, among other behaviors, or mistreating waste collection containers constitutes a serious infraction on the public road (article 33) and leaving waste outside the places or containers duly equipped for the purpose constitutes a minor infraction against public health and the environment (article 37)).

Therefore, according to the available information, the purpose of video surveillance in the present case would have nothing to do with public safety or, obviously, with traffic control in the municipality.

Consequently, the City Council would not be authorized to install the video surveillance system in the waste container islands of the municipality - which would involve the capture of images on the public road - based on the provisions of the police video surveillance regulations, not only because the municipality does not have a police force, but because the purpose of video surveillance on public roads must be public safety or, where appropriate, traffic control, and not other purposes, as would be the case of compliance with a municipal civic ordinance.

Finally, it is also necessary to mention article 42 of Law 5/2014, of April 4, on private security (LSP), which establishes an exceptional case to the general rule prohibiting the capture and recording of images on public roads and public spaces by entities other than the Security Forces and Bodies. Specifically, its section 2 provides, with respect to private security companies, that:

"Cameras or video cameras may not be used for private security purposes to record images and sounds of public roads and spaces or of public access except in the cases and in the terms and conditions provided for in their specific regulations, prior administrative authorization by the competent body in each case. (...)".

Thus, in order for the capture of images of people in public places, open or closed, by private security companies to be considered legitimate, the assumption of article 42.2 of the LSP must be met and it must be done in the terms and conditions provided for in the specific regulations.

This possibility would in any case remain subject to the conditions that may be established in this specific regulation. It should be noted that article 42.2 of the LSP has not yet had a regulatory development that allows specifying what these terms and conditions would be, although article 42.6 of the same LSP provides that "in what is not provided for in this law and in its development rules, the provisions in the regulations on video surveillance by the Security Forces and Cuerpos will be applied.

For all that has been said, given the terms of the consultation and the information available, it must be concluded that the City Council does not have sufficient legal authorization to install the video surveillance system in the various container islands that the municipality has, so the intended data processing would not be legitimate.

IV

It would be a different matter if the video surveillance camera system was installed in closed and delimited spaces, other than the public road.

This is a possibility that in the case examined cannot be ruled out in view of the statements made by the City Council in its consultation, in which it raises the possibility of closing the islands of containers.

Make it clear that if the waste collection points are located in a certain municipal space that is not a public road or passageway, such as, for example, a closed enclosure, or some outbuilding, yard or annex 'a municipal building or facility, where citizens can deposit waste, in which case the video surveillance camera system should not be subject to the requirements of the police video surveillance regulations to which reference has been made. In this case, the applicable regime would be that provided for in the general regulations for the protection of personal data, that is, the RGD, the LOPDGDD and Instruction 1/2009, already cited.

As we have seen, the video surveillance system intended in the present case would aim, based on the information available, to prevent certain uncivil acts that take place in the islands of waste containers in the municipality, which, according to the municipal civility ordinance, could include behaviors such as damaging containers and/or dumping waste outside these containers, among others. Therefore, video surveillance could serve a dual purpose: the protection of municipal facilities (the enclosures or facilities where the waste containers would be located) and guarantee the proper functioning of the public waste collection service in the municipality .

With respect to the first of the stated purposes, if we adhere to the previously mentioned provisions of article 22 of the LOPDGDD, in relation to article 6.1.e) of the RGPD, the City Council would have the authority to dur- the installation of a video surveillance system is carried out as long as it refers to the mentioned spaces (article 22.1 LOPDGDD) and that, in the event that the cameras have to capture access to the site, only capture the essential minimum of the road public to control said accesses (article 22.2 LOPDGDD).

With respect to the second of them, the City Council would also have authorization to carry out the installation of a video surveillance system, on the basis of article 6.1.e) of the RGPD, in attention to the powers that, in matters of waste management, the local regime legislation (article 25.2.b) of Law 7/1985, of April 2, regulating the bases of the local regime and article 66.3.l) of the Text recast of the Municipal and Local Regime Law of Catalonia, approved by Legislative Decree 2/2003, of April 28) and the applicable sectoral legislation (article 42 of the revised text of the Waste Regulatory Law, approved by Legislative Decree 1/ 2009, of July 21) attribute to the municipalities.

Point out that, apart from the need to have a legal basis to carry out the treatment of the images captured through this video surveillance system, the adequacy of the treatment to the data protection regulations would also require complying with the rest of the principles and obligations established therein.

In this sense, some of the considerations that should be taken into account before starting up the aforementioned video surveillance treatment, in accordance with the regulations examined, are listed below. These aspects, it should be noted, should be documented in the Report referred to in article 10 of Instruction 1/2009, which will be mentioned again later.

Thus, compliance with the following principles should be taken into account:

- Purpose limitation principle (Article 5.1.b) RGPD).

It would be necessary to justify the purpose of the treatment (such as, because uncivil acts have previously been suffered and it is intended to control and, where appropriate, sanction these behaviors) and to what extent it would mean an improvement of the service or public activity, referring to the fact that the aforementioned purpose could not be achieved by other means that, without requiring disproportionate efforts, are less intrusive for the rights of the affected persons.

Warn that the images recorded for the aforementioned video surveillance purpose could not be subsequently processed for incompatible purposes, unless there is a sufficient legal basis (Article 6.1 RGPD).

- Principle of minimization (Article 5.1.c) RGPD).

The images captured by the video surveillance system must be adequate, relevant and limited to the video surveillance purpose pursued.

For this purpose, first of all, it would be necessary to clearly establish whether the video surveillance system, in addition to the images, would also record the voice and to what extent this treatment would be necessary with respect to the purpose of the video surveillance. Point out that this treatment can only be considered legitimate, exceptionally, when it is not strictly private conversations, and the purpose of surveillance cannot be achieved by recording, exclusively, the image.

Equally, it would be essential to assess in the light of this principle other aspects such as the number of cameras, their specific location, their field of vision, the possibility of using masks to darken certain areas, the mobility of the field of vision, the degree of definition of the

images or the zoom degree, etc. In view of the little concreteness of the information provided, it is not possible to make a precise analysis of these questions.

It would also be necessary to assess the extent to which it would be possible for personal data to be processed on which special care should be taken in its treatment, for example, with respect to minors.

- Principle of limitation of the conservation period (article 5.1.e) RGPD).

The captured images should be kept in such a way that the identification of the affected persons was allowed for no longer than is necessary for the purpose of the treatment.

To this end, article 22.3 of the LOPDGDD provides that:

"The data will be deleted within a maximum period of one month from its collection, except when it must be kept to prove the commission of acts that threaten the integrity of persons, property or facilities. In such a case, the images must be made available to the competent authority within a maximum period of seventy-two hours from the time the existence of the recording was known.

The blocking obligation provided for in article 32 of this organic law will not apply to these treatments."

In similar terms, article 8.1 of Instruction 1/2009 provides that "in those cases in which the purpose pursued cannot be achieved without storing the images, the conservation period must not exceed what is necessary to fulfill the surveillance purpose for which the data has been collected or recorded. In general, it is recommended not to exceed the maximum period of one month to cancel processed images."

- Principle of integrity and confidentiality (Article 5.1.f) RGPD).

Captured images should be treated in such a way that their security is adequately guaranteed, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, through the technical and organizational measures necessary to achieve a level of security appropriate to the risk.

To this end, the City Council should adopt the security measures that are required in accordance with the provisions of article 32 of the RGPD and the National Security Scheme, as established in the first additional provision of the 'LOPDGDD.

In the definition of the measures to be applied and without prejudice to the risk analysis that should be carried out (article 24 RGPD), the following aspects should be taken into account, among others:

- Complete technical conditions of the cameras and other elements.
- If the cameras have slots or connections for storage devices external
- If the cameras are fixed or mobile. If images are captured on a fixed or moving plane.
- If you have the possibility to obtain close-ups at the time of capture or once the images are recorded.
- If the images are viewed directly or only recorded, with limited access to certain assumptions.
- If the capture, and if applicable the recording, is done continuously or discontinuously. If the images are transmitted.
- Provisions relating to the identification and anonymization mechanisms to attend to the exercise of the rights of access, rectification, deletion, limitation of treatment and opposition.
- If the voice is recorded, the distance at which it can be recorded.

In view of these circumstances, it would be necessary to apply the security measures derived from the risk analysis, taking into account especially the provisions of article 21 of Instruction 1/2009.

- Principle of transparency (Article 5.1.a) RGPD).

It would be necessary to comply with the duty of information to the affected persons.

According to article 22.4 of the LOPDGDD:

"The duty of information provided for in article 12 of Regulation (EU) 2016/679 will be understood as fulfilled by placing an information device in a sufficiently visible place identifying, at least, the existence of the treatment, the identity of the person responsible and the possibility of exercise the rights provided for in articles 15 to 22 of Regulation (EU) 2016/679. A connection code or internet address to this information may also be included in the information device.

In any case, the data controller must keep the information referred to in the aforementioned regulation at the disposal of those affected."

Article 12 of Instruction 1/2009 also states that:

"12.1 The persons responsible for the processing of images through fixed cameras must inform clearly and permanently about the existence of the cameras by placing the informational posters that are necessary to guarantee knowledge by the affected people (...). (...)

12.3 Information posters must be placed in clearly visible locations before entering the recording field of the cameras. The specific location of the posters will depend, in each case, on the nature and structure of the video-surveillance areas and spaces.

However, the following conditions must be taken into account:

For video surveillance cameras in buildings or facilities, an information poster must be placed at each of the accesses to the video monitored area. (...). (...).

12.4 The content and design of the information poster must conform to what is established in the annex to this Instruction, without in any case requiring the location of the cameras to be specified. (...)."

Thus, it would be necessary to inform the affected people in a clear and permanent manner about the existence of cameras in the closed and delimited spaces in which the waste containers are located by placing informative posters at the access or accesses to the space in question, following the location, number, content and design criteria established in the cited articles, as well as providing the rest of the information required by the RGPD (articles 13 and 14, to which we refer) by another means.

v

Apart from compliance with the principles mentioned, the data protection regulations also provide for specific obligations for the data controller. In particular, it is worth highlighting:

a) The obligation to define the responsibilities of each agent who intervenes in the processing of data derived from the installation of the video surveillance system to which mention has been made, whether as responsible for the treatment (determination of the responsible, of the operators of the system,

security manager, the people in the service of the City Council who have access to the images, etc.), or as the person in charge of the treatment (Article 4.8 RGPD) in the event that a third party has to intervene on behalf of the City Council, with whom the agreement or contract referred to in article 28 of the RGPD would need to be signed.

b) The preparation of the Report referred to in article 10 of Instruction 1/2009, in which the following aspects should be documented:

"a) Organ, body or entity responsible: specifying the person responsible for the file, the persons operating the video surveillance system, as well as, where appropriate, the person responsible for the installation and its maintenance. b) Justification of the legitimacy of the capture and subsequent treatments that are foreseen: it is necessary to state whether the consent of the affected is counted or, if this is not the case, which of the sections of article 6.2 of Organic Law 15/ 1999, of December 13, on the protection of personal data, and if applicable, other applicable regulations, in the specific case, for the purposes of legitimizing the processing of images and voices. c) Justification of the purpose and proportionality of the system, in accordance with what is established in articles 6 and 7 of this Instruction. d) Personal data processed: it is necessary to specify whether the voice will also be recorded and whether the purpose involves, predictably, the capture of images that reveal particularly protected personal data or others that require a medium or high level of security. e) Location and field of view of the cameras: reference must be made to the location and orientation of the cameras. In particular, when it comes to cameras outside, it must be stated whether within a radius of 50 meters there are health centers, religious centers, places of worship or headquarters of political parties or educational centers attended by minors. It is also necessary to refer to the spaces that enter the field of vision of the cameras. f) Definition of system characteristics. In this section you must specify: Total number of cameras that make up the system. Technical conditions of cameras and other elements. If the cameras have slots or connections for external storage devices. If the cameras are fixed or mobile. If images are captured on an ix plan or mobile. If you have the possibility to obtain close-ups at the time of capture or once the images have been recorded. If the images are viewed directly or only recorded, with limited access to certain cases provided for in the Memorandum. If the capture, and if applicable the recording, is done continuously or discontinuously. If the images are transmitted. Provisions relating to the identification and dissociation mechanisms to attend to the exercise of the rights of access, rectification, cancellation and opposition. When recording voice, you also need to specify the distance at which it can be recorded. g) Duty of information: it is necessary to include a reference to the number and location of information posters, as well as to other additional means of information, in order to certify compliance with the duty of information. h) Period for which the system is installed and period of conservation of the images. i)

Measures planned to evaluate the results of the system's operation and the need for its maintenance. j) Security measures: specification of the level of security required and description of the security measures applied.

10.2 The information referred to in sections e) and ig) must be accompanied by the corresponding graphic information. [...]."

It should be noted, at this point, that following the full applicability of the RGPD and the entry into force of the LOPDGDD, the references to Organic Law 15/1999, of December 13, on the protection of personal data have to understand made in the RGPD.

c) The obligation to include data processing in the Processing Activities Register (RAT) and in the publication to be carried out of the Inventory of the City Council's processing activities

that derives from the intended video surveillance system, in the terms provided for, respectively, in article 30 of the RGPD and in article 31 of the LOPDGDD.

d) The obligation to assess the need to carry out a Data Protection Impact Assessment (AIPD).

Article 35.1 of the RGPD establishes the obligation of those responsible for the treatment to carry out an AIPD prior to the start of the treatment, when it is likely that due to its nature, scope, context or purpose it entails a high risk for the rights and freedoms of natural persons, a high risk which, according to the RGPD itself, is increased when the treatments are carried out using "new technologies".

Article 35.3 of the RGPD establishes that the AIPD will be required in several cases, among others, in the event that a "large-scale systematic observation of a public access area" is carried out (letter c)) when large-scale video surveillance systems are used.

In the case at hand, it seems that the treatment would not meet the conditions that may require the preparation of an AIPD, since it could not be considered that we are dealing with large-scale data processing, which involves systematic observation of public spaces.

Thus, taking as a reference the document "Directrices sobre los delegados de protección de datos (DPD)" of the Group of Article 29, in the determination of these treatments that involve a large-scale capture must be taken into account various circumstances. In this case, although the intended video surveillance may affect a considerable number of people, it must also be taken into account that it would be carried out in closed areas, which would be distributed throughout the municipality, and that the capture of images of people physical would only occur at the time of throwing the waste in the enabled areas (not continuously).

Nor, to note, does the capture systematically affect particularly vulnerable groups, nor can it be said that there is a particularly invasive use of new technologies (remote voice capture, facial recognition, etc.).

However, the analysis of whether or not it is necessary to carry out an AIPD would correspond to the City Council in view of the circumstances of the specific case and in view of the circumstances foreseen not only in article 35.3 of RGPD but also in article 28 of the LOPDGGD and the List of types of treatment operations that must be submitted to the AIPD published by which is available ^a this Authority, the link <https://apdcat.gencat.cat/obbligacions/obligacions/documentos/Lista-DPIA-CAT.pdf>.

In the event that an AIPD should be carried out, it would be advisable to take into account the Practical Guide on impact assessment relating to data protection of this Authority and also the application to carry out the impact assessment , both available on the Authority's website (<https://apdcat.gencat.cat/ca/inici/>).

Point out that in the event that an AIPD was made, it would not be necessary to make the Report we referred to before (letter b)), as long as the risk analysis incorporates all the elements that must be included in said report .

Regardless of whether or not an AIPD must be carried out, in accordance with the provisions of article 32.2 of the RGPD, the City Council must assess the level of security that must be applied to the video surveillance system from the existing risks and must implement appropriate security measures, in accordance with what has been set out in the previous Legal Basis. To this end, it should be borne in mind that, in accordance with the principle of proactive responsibility (Article 5.2 RGPD), the City Council must be able to demonstrate that this risk analysis has been

In accordance with the considerations made so far in relation to the query raised, the following are made,

Conclusions

Based on the information available, the City Council would not have a sufficient legal basis for the capture of images of natural persons through video surveillance cameras in the waste container islands of the municipality located on public roads.

However, in the event that the video surveillance system is installed in delimited and closed spaces, which are not public roads, the City Council could have a sufficient legal basis, given the provisions of article 6.1.e) of the RGPD, in connection with article 22 of the LOPDGDD and the powers of the municipality in the matter of waste, without prejudice to compliance with the principles and obligations of the data protection regulations.

Barcelona, June 22, 2021