

CNS 42/2021

Opinion in relation to the query made by a municipal group, regarding a municipal video surveillance system with the purpose of control and, where appropriate, exercising the sanctioning power regarding uncivil behavior related to the dumping of waste in the collection areas

A consultation by a municipal group is presented to the Catalan Data Protection Authority, in which it is requested that the Authority issue an opinion in relation to the suitability of the installed municipal video surveillance system to the data protection regulations with the purpose of controlling and, where appropriate, exercising the sanctioning power regarding uncivil behavior related to the dumping of waste in the collection areas

Attached to the consultation is a document with a description of the video surveillance system installed, including a plan indicating the location of the cameras and photographs of the waste collection areas.

Having analyzed the request, which is not accompanied by further information, in view of the current applicable regulations and in accordance with the report of the Legal Counsel, the following is ruled:

I

(...)

II

At the outset, prior to the analysis of the query raised, it must be taken into account that the documentation sent has not included the Report referred to in article 10 of Instruction 1/2009, of 10 of February, on the processing of personal data using cameras for video surveillance purposes. For this reason, the analysis carried out in this opinion is carried out based on the information transferred with the consultation and the attached documentation and without being able to take into account all the elements that should be included in the report and that they do not appear in the transferred documentation.

It follows from the information transmitted that the City Council, almost a year ago, installed through an external company a video surveillance system that affects eight waste collection areas in order to control and, if necessary, exercise the sanctioning authority for uncivil behavior related to the dumping of waste in the collection areas, such as the abandonment of objects, waste or other debris outside the authorized places. The municipal group informs that the file containing the award of the video surveillance system installation contract only contains the contractual documentation, a document in which the installing company resolves legal doubts in relation to the system of video surveillance, the recording of treatment activities and the location of the container islands, but warns that there is no report from the legal services relating to this treatment.

The City Council has received various inquiries from citizens questioning its legality and, for this reason, the aim of the inquiry is to find out if the procedures carried out for its installation, and the system itself, they comply with current regulations.

It is clear that prior to the installation of this system, the municipality was already equipped with video surveillance cameras in order to ensure public safety and traffic control, controlled by the local police. In any case, the treatments carried out by these other cameras do not constitute the subject of this opinion.

The City Council's processing activity register (RAT) records two data treatments through video surveillance systems. On the one hand, the system that responds to the purpose of "[...] preserving the safety of people and property, as well as their facilities", and on the other hand, another system with the "[...] purpose of controlling illegal dumping in waste collection areas", the latter being the treatment subject to consultation.

In accordance with what is contained in the RAT, the legal basis that would enable the processing for the stated purpose is contained in article 6.1.e) of Regulation (EU) 2016/679 of the Parliament and of the Council, of 27 of April 2016, relating to the protection of natural persons with regard to the processing of personal data and the free movement of such data and which repeals Directive 95/46/CE (General Data Protection Regulation), d hereinafter RGPD, that is to say, when it is a treatment necessary for the fulfillment of a mission carried out in the public interest or in the exercise of the public powers conferred on the person responsible for the treatment.

In relation to the people affected, the RAT points out that they are the citizens who dump waste in the waste collection areas, capturing only their image, and that the management of the images corresponds to a technician from the environment department municipal. The retention period for the images is one month.

With regard to the procedures for its installation, it is indicated that the City Council did not request "prior authorization from the CCDVC (of the Department of the Interior)", considering that the treatment is subject to the RGPD.

Regarding the security measures applied, the RAT notes that "[...] they correspond to those provided for in the City Council's Data Protection and Information Security Policy "[...]".

Based on the information provided, regarding the video surveillance system, the installed cameras issue an automatic warning when detecting a foreign object in the waste collection area, so that the City Council can check the recordings and review the recorded images to verify the alleged infringement, and its person responsible, with the possibility of zooming among other features, which are not specified.

Finally, with regard to the location of the cameras, a plan showing their locations is attached with the consultation, together with photographs of each waste collection area and a brief description for each one. In particular, according to this information, most waste collection areas are not demarcated or fenced, and cameras are located outside the area so that they reportedly capture the images of people and vehicles that circulate around the areas. On the other hand, in some

case it can also be seen that the information poster is considerably away from the area that is captured, or is completely or partially hidden by containers or other elements.

III

Having set out the query in these terms, it must be said that, in accordance with what is established in articles 2.1 and 4.1 of the RGPD, the data protection regulations apply to the treatments that are carried out on any information "on a 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".

In the case of the query, there is no doubt that the video surveillance cameras located in the waste collection areas allow the direct or indirect capture of personal data, insofar as the system installed allows the capture of the direct image of people physical and of vehicles that circulate through the waste collection areas, allowing at the same time to identify people based on the number plate.

Based on this basis, data processing will be subject to the principles and guarantees of the personal data protection regulations, that is, the RGPD, Organic Law 3/2018, of December 5, on data protection 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 video surveillance cameras, in what has not been affected by the RGPD and the LOPDGDD.

Whether or not it is appropriate to use a certain video surveillance system, from the perspective of data protection, must respond to a prior assessment and weighting by the City Council, which must take into account, among others, the impact on the rights of citizens and the correct compliance with the principles and guarantees of the data protection regulat

The use of cameras or video surveillance systems must respect, among others, the principles of legality (art. 5.1.a RGPD), purpose limitation (art. 5.1.b of the RGPD) and data minimization (art. 5.1.c of the RGPD), from which data can only be captured and processed through video surveillance systems under the protection of a legal basis, with specific, explicit and legitimate purposes, and se to data that are adequate, relevant and limited to what is necessary in relation to the intended purpose. In article 2.e) of Instruction 1/2009, reference is made to the purposes of surveillance or control in buildings, facilities, vehicles or other public or private spaces, for reasons of public or private security, control of traffic, labor control, ensuring the normal operation of certain public services, control of people's habits, behavior or condition or for other similar reasons. It is in the context of these purposes that it is necessary to analyze the legitimacy of a video surveillance system such as the one in question.

IV

In the analysis of the adequacy of the data protection regulations of the video surveillance system in order to control the appropriate use of the waste collection systems, it is necessary to analyze, first of all, whether the principle of legality is met, which requires having a sufficient legal basis that enables the treatment.

In accordance with the provisions of article 5.1.a) of the RGPD, any processing of personal data must be lawful, loyal and transparent in relation to the interested party. And in this sense, the RGPD establishes the need to comply with one of the legal bases of article 6.1.

As this Authority has decided on other occasions, in the field of public administrations (as in the case examined), the capture of images can be authorized in article 6.1.e) of the RGPD, according to which, the processing 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". In the case at hand, in accordance with what is contained in the RAT, the City Council has adopted this legal basis to legitimize the treatment described.

It should be borne in mind that, in accordance with article 6.3 of the RGPD in relation to 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 public interest or in the exercise of public powers conferred on the person in charge, in the terms provided for in article 6.1 e) of Regulation (EU) 2016/679, when it derives from a competence attributed by a law-enforcement rule".

In relation to this, the authorization for the purpose of controlling the appropriate use of the waste collection systems and, where appropriate, exercising the sanctioning power based on the legal basis provided for in article 6.1.e) of the RGPD can be found justified in the powers that local regime regulations attribute to municipalities in the matter of waste management, and

In this sense, article 25.2.b) of Law 7/1985, of April 2, regulating the bases of the local regime (LBRL) provides that the municipalities exercise in any case their own powers, in the terms which provides for state and regional legislation, and among others, the management of urban solid waste. At the same time, with regard to this competence, article 26 of the LBRL provides that all municipalities, at least, must provide the waste collection service (26.1.a), and in the case that the municipality has a population of more than 5,000 inhabitants must also be in charge of waste treatment (26.1.b). In similar terms, articles 66.4.l) and 67.a) of Legislative Decree 2/2003, of April 28, which approves the revised Text of the Municipal and Local Government Law of Catalonia (TRLMRLC).

In the field of sectoral regulation, Legislative Decree 1/2009, of July 21, approving the revised text of the Waste Regulatory Law (DL 1/2009) aims to ensure that the management of waste is carried out without endangering people's health, reducing the environmental impact and, among other things, preventing the abandonment, dumping and, in general, any uncontrolled disposal of waste (art. 2.d), providing in accordance with what is provided for in the regulations of the local regime, that the management of municipal waste is the responsibility of the

is responsible for providing the selective collection and transport service, among other services. (art. 42 DL 1/2009).

In short, DL 1/2009 foresees the regime from which the municipality must ensure that the waste management service, including collection, is provided in such a way as to prevent abandonment, dumping and in general, the uncontrolled disposal of waste. With this objective, it foresees a regime of infringements and sanctions for actions and omissions that contravene the provisions of this rule, without prejudice to the others that result from the sectoral legislation that affects waste, such as those related to abandonment, the dumping or uncontrolled disposal of waste (art. 76.b in case of minor, art. 75.h for serious infringements, or 74.d for very serious ones).

However, in the case at hand, the fact that, according to the consultation, it seems clear that the video surveillance system is located on the public road, in areas that are pedestrians, and that allows the capture of 'images of both the people and the vehicles that travel there, regardless of whether they make use of the waste collection areas.

It should be noted that this Authority has on several occasions analyzed the installation of video surveillance systems in public spaces, specifically, on public roads (among others, in Opinions 1/2016 or 14/2017, which can be consult the website www.apdcat.cat).

To this end, article 22 of the LOPDGDD, and in particular its sections 2 and 6, provide for the following:

"2. Only images of the public road may 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 these assumptions, said treatment will be governed by its specific legislation and additionally by Regulation (EU) 2016/679 and this organic law".

At the same time, article 5.4.b) of Instruction 1/2009 provides that it is not considered legitimate "the capture of images of people on the public road, unless it is carried out by the forces and security bodies in accordance with its specific regulations. The incidental capture of images from the public road for the surveillance of buildings or installations is only legitimate if it is unavoidable to achieve the purpose of monitoring the building or installation".

Thus, as the first element to take into account from what has been exposed is that the capture of images on the "public road" corresponds only, in principle, to the security forces and bodies, in accordance with the which provides for the applicable specific regulations.

In relation to the concept of "public place", it should be noted that this Authority already pointed out, in Opinion CNS 27/2015 (Legal Basis V) that the regulations:

"[...] provides for a broad conception of the concept, that is any public space whether open or closed. This concept has traditionally been understood to refer to those places in the public domain that are intended for general use (eg a road, a beach or a park). However, the concept "public place" tends to prevail today to more commonly designate the places that the public usually frequents, regardless of their ownership. Thus, other private spaces open to the public (such as commercial areas) are also considered public places. It seems, therefore, that, for the purposes of establishing the scope that must be given to the concept of "public place", the elements of accessibility and the use that citizens make of this space acquire greater relevance in the face of legal nature of the asset (among others, SAN of May 20, 2011).

It is not superfluous to point out, at this point, that the various municipal ordinances regulating public places or spaces - to, among other things, guarantee citizen coexistence - tend to define these spaces as streets, thoroughfares, squares, avenues, passages, parks, gardens and other spaces or green or forest areas, bridges, tunnels and underpasses, car parks, fountains and ponds, public buildings and other spaces intended for municipal use or public service (...). "

The regulations applicable to police cameras were established by Organic Law 4/1997, of August 4, which regulates the use of video cameras by Security Forces and Bodies in public spaces (from now on, LOV), developed in Catalonia by Decree 134/1999, of 18 May, regulating video surveillance by the police of the Generalitat and the local police of Catalonia, by the Order of 29 June 2001, regulating the means by which the existence of fixed video cameras installed by the police of the Generalitat and the local police of Catalonia in public places is reported, in force at the time the video surveillance system was installed.

However, at this point, it is appropriate to refer to the fact that Organic Law 7/2021, of 26 May, on the protection of personal data processed for the purposes of prevention, detection, investigation and prosecution of criminal offenses has recently been approved and enforcement of criminal

In any case, in the case at hand, the regulations relating to police video surveillance regulated in this specific regulation (Organic Law 7/2021) cannot be applied to the extent that this only applies to the treatments carried out by the competent authorities, for the purposes of prevention, detection, investigation and prosecution of criminal offenses and the execution of criminal sanctions, including protection and prevention against threats to public security (art. 2 LO 7/2021).

According to the consultation, the purpose of the video surveillance system is to control the waste collection areas and, where appropriate, to exercise the sanctioning power regarding uncivil behavior related to the dumping of waste in the collection areas. Therefore, the purpose of the system

video surveillance in the case examined, has nothing to do with the purposes provided for in the police video surveillance regulations.

Therefore, and since the aforementioned police force that could allow the capture of images on the public road does not apply, the system cannot find protection in the aforementioned regulations.

On the other hand, according to article 5.1.f) of Law 5/2014, of April 4, on private security (LSP), the installation and maintenance of devices, equipment, devices and security systems connected to alarm receiving centers or control or video surveillance centers, is a private security activity.

In this case, article 42 of the LSP 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 forces and security forces. Specifically, section 2 of this article provides 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. (...)"

It is worth saying that article 42.2 of the LSP has not yet had a regulatory development that has specified these terms and conditions, although article 42.6 of the LSP provides that "In what is not provided for in this law and its rules desarrollo, the provisions in the regulations on video surveillance by the Security Forces and Cuerpos will be applied.

In any case, from the information available, it does not seem that this is the case described in the query either.

Therefore, it does not seem that the City Council has authorization for the capture of images on the public road for the purpose described in the consultation.

v

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

For example, if the waste collection areas are located in municipal spaces that are not on a public road or passageway (an enclosed area, an outbuilding, yard or annex of a municipal building, for example) where citizens can deposit waste, in this case the City Council could install video surveillance cameras based on the provisions of article 6.1.e) of the RGPD, in relation to the regulations governing the collection of waste before mentioned

In this case, however, it should be remembered that the City Council must ensure compliance with the principles and obligations derived from the data protection regulations before the start of the video surveillance treatment.

From the perspective of compliance with the principles, and taking into account the information that has been transmitted with the consultation, it is considered pertinent to refer to some considerations that the City Council must take into account:

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

It should be borne in mind that the images recorded for the purpose of video surveillance cannot be processed subsequently for incompatible purposes, unless there is a sufficient legal basis (art. 6.1 RGPD).

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

Based on this principle, the images captured by the video surveillance system must be adequate, relevant and limited to the purpose of video surveillance. To this end, first of all, the City Council must clearly state in the Report that the video surveillance system, in accordance with the information that has been sent with the consultation, will only record images, and not video. Otherwise, disproportionate treatment may result.

On the other hand, the City Council must also justify the purpose of the treatment (for example, because it has found that in the garbage collection areas materials are dumped outside the containers, or in containers where they do not belong, and this generates extraordinary expenses) and to what extent video surveillance would lead to an improvement of the service or public activity, referring to the fact that the aforementioned purpose cannot be achieved by other means that, without requiring disproportionate efforts, are less intrusive for people's rights. The concretization of these aspects is essential to the extent that it can affect the legitimacy of the

Equally, it is essential to assess in the light of this principle other aspects such as the specific location of the cameras, the field of view, the degree of definition of the camera, the capture or not of the sound, etc. At this point, it is particularly relevant that the field of view of the cameras captures and records only the area of interest in relation to the purpose of the treatment, and that the capture of other areas or of the public road is only accessory.

- Principle of limitation of the retention period (art. 5.1.e) RGPD).

The captured images must be kept in such a way that the identification of the interested parties is 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 must be deleted within a maximum period of one month from its capture, except when it must be kept to prove the commission of acts that threaten the integrity of people, property or facilities. In this case, the images must be made available to the competent authority within a maximum period of seventy-two hours after becoming aware of the existence of the recording.

The blocking obligation provided for in article 32 of this Organic Law is not applicable to these treatments".

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

According to this principle, captured images must be treated in such a way that their security is adequately guaranteed, including protection against unauthorized or unlawful processing and against their loss, destruction or accidental damage, through the appropriate technical and organizational measures.

To this end, the City Council must adopt the security measures that are required in accordance with the provisions of article 32 of the RGPD and the National Security Scheme, in accordance with the first additional provision of the LOPDGDD. In addition, and without prejudice to the measures that are necessary in view of the risk analysis that must be carried out, in any case, it is necessary to take into account the characteristics of the system, among others:

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

In view of these circumstances, it will 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 (art. 5.1.a) RGPD): Duty to inform those affected

The City Council must comply with the duty of information to those affected, in compliance with the principle of transparency (art. 5.1.a) RGPD). Specifically, according to article 22.4 of the LOPDGDD:

"The duty of information provided for in article 12 of Regulation (EU) 2016/679 is understood to be fulfilled by placing an information device in a sufficiently visible place with the identification, at least, of the existence of the treatment, the identity of the person responsible and the possibility of exercising the rights provided for in articles 15 to 22 of Regulation (EU) 2016/679. A connection code or an Internet address with 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."

Thus, it is necessary to inform the affected people in a clear and permanent manner about the existence of cameras in the video-surveillance areas, by placing as many informative posters as are necessary to guarantee knowledge before entering the area of capture of the

image, following the location, number, content and design criteria established in article 12 of Instruction 1/2009, as well as providing the rest of the information required by the RGPD (art. 13), by another means in accordance with the provisions of the aforementioned article 12.

VI

Apart from taking into account the principles established in the data protection regulations, it must be taken into account that the data protection regulations also provide for specific obligations that the City Council must fulfill. In particular, highlight the obligations relating to the definition of the roles of the different agents who can intervene in the management of the system, the preparation of a Report, as well as, where appropriate, the impact assessment relating to data protection .

- It is important to define the responsibilities of each agent who will intervene in the treatment, whether as a person in charge of the treatment (determination of the person in charge, of the system operators, security manager, the people in the service of the City Council who have access to the images, etc.), or as a processor (art. 4.8 RGPD) in the event that a third party must intervene on behalf of the City Council. In the event that a processor must intervene, the agreement or contract referred to in article 28 RGPD must be established.

- Elaboration of a Report

Article 10 of Instruction 1/2009 provides that, prior to the start-up of the video surveillance treatment, a report must be drawn up documenting the following aspects:

"[...] a) Organ, organization 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 part

educational institutions 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) **Planned measures 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 is necessary to highlight the fact 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.

- **Impact assessment related to data protection**

Article 35.1 of the RGPD establishes the obligation of those responsible for the treatment to carry it out prior to the start of the treatment, when it is likely that due to their nature, scope, context or purpose they involve 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".

Section 3 of the same article 35 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 an area of public access" (art. 35.3.c) RGPD), when large-scale video surveillance systems are used.

It should be borne in mind that the analysis of whether or not it is necessary to carry out an impact assessment must be done by the person responsible for the treatment in view of the circumstances of the specific case and in view of the circumstances that are foreseen not only in article 35.3 RGPD but also article 28 of the LOPDGDD and the [List of types of treatment operations that must be published by this Authority](#).

In the event that an AIPD must be carried out, it is 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 assessment of impact available on the Authority's website](#).

In the event that an AIPD is made, it would not be necessary to make the Report we have referred to, insofar as the risk analysis already incorporates all the elements that must be included in the report.

In any case, the fact that an AIPD does not have to be carried out does not mean that, in relation to what is provided for in article 32.2 of the RGPD, the City Council does not have to assess the adequacy of the security level of the system of video surveillance based on the risks presented by this treatment, in particular as a result of the accidental or unlawful destruction, loss or alteration of the personal data processed, stored or otherwise processed, or unauthorized communication or access in said images. To this end, it must be taken into account that in accordance with the principle of proactive responsibility, the City Council must be able to demonstrate that this risk analysis has been carried out.

Conclusions

Given that the video surveillance system involves, given the information available, the capture of images of people and vehicles on public roads, the data protection regulations do not give the City Council sufficient authority to install it in the public road in order to control and, where appropriate, exercise the sanctioning authority regarding uncivil behavior related to the dumping of waste in the collection areas.

In the event that the City Council installs a video surveillance system in closed and delimited waste collection areas, and not on the public road, it would be necessary to comply with the principles and guarantees of the personal data protection regulations in the terms provided in the RGPD, the LOPDGDD and Instruction 1/2009.

Barcelona, September 3, 2021