

Opinion in relation to the consultation made by a city council on the suitability of installing a video surveillance system for the recording of waste container islands

A letter from the Data Protection Officer (hereafter, DPD) of a city council is presented to the Catalan Data Protection Authority, in which the adaptation to the data protection regulations of the installation of 'a video surveillance system for the recording of islands of waste containers in the municipality.

The Civility Ordinance is attached to the inquiry.

Having analyzed the consultation and given the current applicable regulations, and in accordance with the report of the Legal Advice I issue the following opinion.

I

(...)

II

In the consultation, it is pointed out that the Prefecture of the Urban Guard has detected, in recent months, the dumping of bulky objects and other behaviors that lead to a breach of the Municipal Civil Ordinance, of which a copy is attached, as well as other acts of vandalism that may constitute a criminal act.

In this sense, it is pointed out that according to *the "technical report on camera visualization for containers"* of the Prefecture of the Urban Guard this problem has been detected mainly in thirteen locations of container islands. The DPD states that this technical report, of which no copy is attached, is in the process of being drawn up.

According to the consultation, in order to sanction these behaviors or inform the competent authorities, the City Council intends to install *"a fixed video surveillance camera (with image capture exclusively) that will record the delimited space of the container islands in an itinerant way for a minimum of days in each location"*.

The objective of the video surveillance installation would be twofold: on the one hand, to prevent and punish conduct contrary to the Civility Ordinance, and, on the other hand, to prevent and prosecute the commission of conduct constituting a crime.

In the consultation, it is pointed out that this facility will be marked with the obligatory information posters and that all the principles of data protection regulations will be

complied with , in particular, the principles of purpose limitation, data minimization, limitation of the term of conservation, and of integrity and confidentiality, without further specification in this respect.

Also that the capture of the images will be fixed (always the same plane) and that the space corresponding to the island of containers will be captured, which will be delimited by the containers themselves and by white markings painted on the road plus a meter, in order to capture the people and vehicles that deposit the rubbish in the containers. Likewise, it is noted that the rest of the image that can be captured will be pixelated.

The consultation also mentions certain opinions previously issued by this Authority in which other video surveillance systems are examined and, in particular, the examination carried out by this Authority on the possibility of capturing images on public roads.

In addition to all this, the following questions are specifically raised in the consultation:

1. Confirm that for the purpose of ensuring citizen coexistence, the eradication of violence and the peaceful use of public roads and spaces, as well as to prevent the commission of crimes, misdemeanors and infractions related to public security, is viable the installation of a video surveillance system in accordance with 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 execution of criminal sanctions, and respecting the principles of data protection.
2. With regard to the purpose of sanctioning uncivil behavior that infringes the Municipal Ordinance, verify whether it is feasible to install a video surveillance system under the terms of article 22 of Organic Law 3/2018, of December 5, of protection of personal data and guarantee of digital rights, which includes as a delimitation of the space a marked signaling of the area of containers subject to recording, as well as a pixelation system that avoids capturing images of vehicles and people outside the delimited space, taking into account that, although the containers are located on the public road, the regulations do not establish a clear definition of whether the delimitation must be exclusively by physical means (fences that affect the entire space) or they can also be other delimitation systems (pixelated system and signs).

These questions are examined in the following sections of this opinion based on the information on the video surveillance system contained in the consultation and which has been mentioned.

III

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 intends to install allows directly or indirectly identify natural persons, data processing will be taking place (article 4.2) RGPD), which will remain subject to compliance with the principles and guarantees of data protection regulations. Specifically, in the RGPD, in Organic Law 3/2018, of December 5, on the protection of personal data and guarantee of digital rights (LOPDGDD) and, specifically, in Instruction 1/2009, of February 10, of the Catalan Data Protection Agency, on the processing of personal data using cameras for video surveillance purposes, where it has not been affected by the RGPD and the LOPDGDD.

Point out that the appropriateness or otherwise of using 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 d others, the impact on citizens' rights and compliance with the principles and guarantees of the aforementioned data protection regulations.

In this sense, the use of cameras or video surveillance systems must respect, among others, the principles of legality (Article 5.1.a) RGPD), purpose limitation (Article 5.1.b) RGPD) and data minimization (article 5.1.c) 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 adhering to the data that are adequate, relevant and limited to what is necessary in relation to the intended purpose.

In relation to the principle of legality, a matter expressly referred to in the consultation, the RGPD establishes that all processing of personal data must be lawful, fair and transparent (Article 5.1.a)). And, in order to consider the processing lawful, the RGPD establishes the need to meet one of the legal bases of article 6.1.

As this Authority has decided on other occasions (among others, in opinions CNS 4/2022, CNS 42/2021, CNS 33/2021 or CNS 21/2021, available on [the Authority's website](#)), in the scope of public administrations, the capture of images for video surveillance purposes can be authorized in the legal basis of article 6.1.e) of the RGPD, according to which the processing of data can be lawful if *"it 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"*.

As can be seen from article 6.3 of the RGPD and expressly included in article 8 of the LOPDGDD, data processing can only be considered based on this legal basis of article 6.1.e) of RGPD when so established by a rule with the rank of law.

In the consultation, two different purposes are identified with regard to the proposed data processing: one related to the proper functioning of the waste collection system - which, as we will see, includes preventing abandonment, dumping and, in general, the uncontrolled disposal of waste - and the other related to public safety derived from conduct that, as indicated, may be criminal. This forces us to analyze both purposes separately.

IV

With regard to the purpose related to the proper functioning of the waste collection system, it is necessary to start from the fact that article 22.1 of the LOPDGDD enables the processing of data from video surveillance in the following terms:

"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 goods, as well as their facilities.

Likewise, it should be borne in mind that the municipality has powers attributed to municipal waste management, as explained below.

Law 7/1985, of April 2, regulating the bases of the local regime (LRBRL), provides that municipalities exercise in any case their own powers, in the terms provided for by state and regional legislation, and among others, the management of urban solid waste (article 25.2.b)). With regard to this competence, the LRBRL provides that all municipalities, as a minimum, must provide the waste collection service (26.1.a)), and in the event that the municipality has a population of more than 5,000 inhabitants it must also be in charge of waste treatment (26.1.b)). Articles 66.4.l) and 67.a) of the revised Text of the Municipal and Local Regime Law of Catalonia, approved by Legislative Decree 2/2003 (TRLMRLC), also contain similar terms.

On the other hand, the revised text of the Waste Regulatory Law, approved by Legislative Decree 1/2009, of July 21 (TRLR) and which aims to ensure that waste management is carried out without endangering the people's health, reduce the environmental impact and, among other things, prevent the abandonment, dumping and, in general, any uncontrolled disposal of waste (article 2.d)), establishes that, in accordance with the regulations of local regime, the management of municipal waste is the responsibility of the municipality, which is responsible for providing the selective collection and transport service, among other services (article 42).

In this sense, the TRLR 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. Likewise, it establishes that it is up to the municipality to provide sufficient reserved spaces in the urban road network and neighborhood paths for the placement of containers or other equipment necessary to optimize the collection and transport of waste (article 49.2.b)). With these objectives, the TRLR foresees a system 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 the 'abandonment, dumping or uncontrolled disposal of waste (article 76.b) in case of minor, article 75.h) for serious infringements, or 74.d) for very serious ones).

As this Authority has previously highlighted in, among others, opinions [CNS 4/2022](#) or [CNS 42/2021](#), which can be consulted on the Authority's website, the authorization for the processing of data from video surveillance with the stated purpose, based on the

legal basis of article 6.1.e) of the RGPD, can be found justified in the powers that the local regulations attribute to the municipalities in the matter of waste management, the sectoral regulations and article 22.1 of the LOPDGDD to the extent that the video surveillance camera system is installed in closed and delimited spaces, which are not public roads.

To this end, the Authority has been setting as an example (such as in the opinion CNS 42/2021, cited) waste collection areas located in municipal spaces that do not involve the capture of the public road, such as a closed enclosure, some outbuilding, courtyard or annex of a municipal building, etc.

However, in the case at hand, the fact that, as recognized in the consultation, the video surveillance system is located on the public road is of particular relevance. Specifically, it is indicated that *"the space corresponding to the island of containers will be captured, which will be delimited by the containers themselves and by white signs painted on the road, plus one meter in order to capture people and the vehicles that deposit the garbage in the containers. The rest of the image that can be captured by the video surveillance camera will be pixelated in such a way that neither the people nor the vehicles passing by can be captured"*.

In accordance with these manifestations, the capture of images will take place not only within the space delimited by white markings painted on the road, but also beyond these marks, specifically, within a radius of one meter regarding the location of the containers.

The video surveillance system would therefore make it possible to record images not only of the people who deposit the rubbish in the containers, but of any person who passes through that area (including vehicles that may drive there) and, even if we adhere to the manifestations made in the consultation, of people (and vehicles) transiting outside the area ("in the vicinity"), although in the latter case it is planned to use techniques to guarantee their non-identification (pixelation). However, no specific and detailed information is provided on the characteristics and operation of this technique.

In any case, whether inside the road markings or outside them, there is no doubt that the video surveillance camera that is planned to be used to record the island of containers, despite the fact that it may be focused exclusively on the area in where they are located (more than one meter), would allow the direct or indirect capture of people's personal data on the public road. The proposed solution to delimit the area (marking on the road of the space occupied by the containers, to which one meter should be added, and pixelating the images captured in the vicinity of this space) does not detract from this fact. And this capture of the public road, moreover, does not seem to be merely incidental or accessory in the case at hand.

At this point, it is necessary to take into account again article 22 of the LOPDGDD, which provides 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 of these assumptions, said treatment will be governed by its specific legislation and additionally by Regulation (EU) 2016/679 and this organic law (...)."

And also article 5.4.b) of Instruction 1/2009, which establishes that it is not considered legitimate to "*capture images of people on public roads, unless it is carried out by the security forces and bodies of 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*".

At this point, it is worth remembering that, with regard to the concept of public space or place, as this Authority highlighted in opinion [CNS 27/2015 \(FJ V\)](#), available on the Authority's website, the regulations of "application " *foresees 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 use or public service owned by the municipality (...) ".

The capture of images on "public roads" corresponds only, in principle, to the Security Forces and Bodies for certain purposes linked to the prevention, investigation, detection or prosecution of criminal offenses and the protection and prevention against threats against public security, in accordance with the provisions of the applicable specific regulations.

In this sense, it should be in accordance with the provisions of 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 execution of criminal sanctions.

This rule repeals what is opposed to the regulations applicable to police video surveillance established until then by Organic Law 4/1997, of August 4, which regulates the use of video cameras by the Security Forces and Bodies in public spaces (LOVFCs), 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 of 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.

This regulation, which allows the capture of images from public roads, is limited to those video surveillance systems managed by police forces and for some of the purposes referred to in article 15.2 of Organic Law 7/2021, such as *"ensuring the protection of own buildings and facilities; ensure the protection of buildings and public facilities and their accesses that are under custody; safeguard and protect the facilities useful for national security and prevent, detect or investigate the commission of criminal offenses and the protection and prevention against threats against public security."*

It does not seem that the purpose linked to the guarantee of the proper functioning of the waste collection service and its good use by citizens can fit into any of these purposes.

Consequently, the City Council would not be entitled to install the video surveillance system intended to guarantee the proper functioning of the public service, given that, despite the proposed measures, it would involve the capture of images from the public road.

At this point, mention should be made of Law 5/2014, of April 4, on private security (LSP), since it establishes an exceptional case to the general rule prohibiting the capture and recording of images on the road public and public spaces by entities other than the Security Forces and Bodies.

Specifically, article 42.2 provides, with respect to private security companies, the following:

"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. (...)"

In order for the capture of images of people on public roads or in public places, open or closed, by private security companies to be considered legitimate, this assumption of article 42.2 of the LSP must be met and that do in the terms and conditions provided for in the specific regulations. In any case, the purpose should also be linked to security.

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 of this, in view of the information available, it must be concluded that the City Council does not have sufficient legal authorization to capture the public road in the installation of the video surveillance system described in the consultation, in order to guarantee the proper functioning of the waste collection service and, specifically, to prevent and sanction uncivil behaviour.

V

With regard to the other purpose of video surveillance related to public security derived from conduct that, according to the consultation, may be criminal, taking into account that the video surveillance system is intended to be installed on the public road, as s has highlighted in the previous section, there would only be authorization for the data processing that this entails if it is carried out by the Security Bodies and Forces for one of the purposes provided for in their specific regulations.

As seen, LO 7/2021, previously cited, applies to the processing of personal data carried out by the competent authorities, for the purposes of prevention, detection, investigation and prosecution of criminal offenses and execution of criminal sanctions, including protection and prevention against threats to public security (article 2).

LO 7/2021 dedicates the second section of Chapter II to the processing of personal data in the field of video surveillance by Security Forces and Bodies. Specifically, article 15.2 of LO 7/2021 establishes the following:

*"2. In the installation of image and sound recording systems, the following criteria will be taken into account, in accordance with the principle of proportionality: ensuring the protection of buildings and own facilities; ensure the protection of buildings and public facilities and their accesses that are under custody; safeguard and protect the facilities useful for national security and prevent, detect or investigate the commission of criminal offenses and **the protection and prevention against threats to public security** ."*

Thus, the purpose pursued by the City Council regarding the prevention of acts of vandalism that may threaten public safety would be within the purposes that enable the Security Forces and Bodies to carry out the processing of video surveillance data.

Consequently, in this case the City Council would have authorization for the capture of images on the public road for that purpose provided that the capture was carried out by the local police and the established conditions and requirements were complied with for LO 7/2021.

In the consultation it is indicated that it is intended to install a "fixed video surveillance camera (*with image capture exclusively*)" that will record the delimited space of the container islands *"on a traveling basis for a minimum of seven days in each location "* (in total there would be 13 areas).

This roaming of the video surveillance camera to which mention is made, seems to lead us to consider that in the present case a mobile device will be used to achieve the purpose of police video surveillance mentioned.

If so, please note that the use of mobile devices is governed by article 17 of LO 7/2021, which provides the following:

*"1. Devices for taking images and sound of a mobile nature may be used for the better fulfillment of the purposes provided for in this Organic Law, in accordance with the specific competences of the Security Forces and Bodies. The taking of image and sound, which must be joint, is subject, in any case, to the concurrence of a specific danger or event. **The use of mobile devices must be authorized by the person in charge of the Delegation or Subdelegation of the Government, who will attend to the nature of any events susceptible to filming, adapting the use of said devices to the principles of treatment and proportionality.***

In the case of the Police Forces of the Autonomous Communities that have and exercise powers assumed for the protection of persons and goods and for the maintenance of public order, their corresponding bodies will be the ones that will authorize this type of action for their police forces, as well as for the dependents of the local Corporations based in their territory.

2. In these cases of mobile devices, authorizations may not be granted in any case with an indefinite or permanent character, being granted for a period appropriate to the nature and circumstances arising from the specific danger or event, for a maximum period of one month extendable by another

3. In cases of urgency or urgent need, it will be the operational manager of the competent Security Forces and Bodies who will be able to determine its use, such action being communicated as soon as possible, and always within 24 hours, to the Delegate or Subdelegate of the Government or competent authority of the autonomous communities."

Thus, the installation of a police video surveillance system consisting of a mobile camera in the present case would remain conditional on obtaining the corresponding authorization from the General Directorate of Security Administration of the Department of the Interior, in the terms and conditions established in this article 17 of LO 7/2021.

However, the terms in which the characteristics of the police video surveillance system are set out are not clear, so it is not possible to rule out that we could be faced with a system consisting of the fixed installation of a video surveillance camera in each of the thirteen container islands and that the roaming referred to the capture of the images (every seven days images are recorded of one of the thirteen container islands) and not to the installation of the devices.

For this reason, it is considered necessary to also refer to the regime applicable to the installation of fixed police cameras. Specifically, in article 16 of LO 7/2021, which provides the following:

"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."

In accordance with this article, if it were a fixed video surveillance system, the Urban Guard, as responsible for the treatment, before starting the video surveillance must analyze, in accordance with the principle of proportionality, the suitability of the system to achieve the purpose pursued and if this is necessary, in the sense that there is no other more moderate measure to achieve that purpose and, in any case, that the treatment will be limited to the minimum necessary data.

Also beforehand, it is necessary to carry out a risk analysis and, where appropriate, an assessment of the impact relative to data protection (AIPD), depending on the purpose pursued and the risks that may arise for citizens.

Regarding the AIPD, article 35 of LO 7/2021 establishes the following:

" 1. When it is likely that a type of treatment, in particular if it uses new technologies, supposes by its nature, scope, context or purposes, a high risk for the rights and freedoms of physical persons, the person responsible for the treatment will realize, with previous character, an evaluation of the impact of the planned treatment operations on the protection of personal data.

2. The evaluation will include, as a minimum, a general description of the planned treatment operations, an evaluation of risks for the rights and freedoms of the interested parties, the measures contemplated to deal with these risks, as well as the security measures and mechanisms intended to guarantee the protection of personal data and to demonstrate compliance with this Organic Law. This evaluation will take into account the rights and legitimate interests of the interested parties and other affected persons.

3. The data protection authorities may establish a list of treatments that are subject to an impact assessment in accordance with the provisions of the previous section and, in the same way, they may establish a list of treatments that are not subject to this obligation. Both lists will have a purely indicative character."

As long as a list is not published under the terms of the police regulations referred to in the third paragraph of this article 35, the [List of types of treatment operations that they must submit to AIPD](#) published by this Authority on its website.

Beyond this, it should be agreed that technical and organizational measures, appropriate and proportionate, will also need to be applied to ensure that the processing of the data conforms to the legal provisions, taking into account, for this purpose, the state of the technique and the cost of the application, the nature, scope, context, purposes of the treatment, etc. (article 37 LO 7/2021).

With regard to the retention period of the images, bear in mind that the images must be destroyed within a maximum period of three months from their capture, unless they are related to serious or very serious criminal or administrative offenses in matters of public security, are subject to an ongoing police investigation or an open judicial or administrative procedure (article 18.3 LO 7/2021).

In the event that the commission of facts that may constitute criminal offenses is caught, the recording or the original medium with the images and, where applicable, the sounds, must be made available to the court within a maximum period of 72 hours from of its recording (article 18.1 LO 7/2021). And, in the event that facts are captured that may constitute administrative infractions related to public security, the recording must be forwarded to the competent body to sanction them (article 18.2 LO 7/2021).

It should also be agreed that it will be necessary to guarantee that the right to information is effective under the terms of paragraph 5 of article 16 of LO 7/2021, in such a way that it is clearly and permanently indicated that 'is carrying out video surveillance treatment and the identification of the authority responsible for the treatment before which they can exercise their rights, without the need to specify the specific location of the fixed video cameras installed.

As well as video surveillance treatment will need to be included in the record of treatment activities, stating the detailed information in article 32 of LO 7/2021.

In addition to the rest of the guarantees established by the specific regulations analyzed, it should be noted that appropriate measures must be taken to ensure that only authorized persons access the records and that these records will not be used for a purpose other than that established for that system

In addition to all this, it is important to bear in mind that, despite the fact that it is not mentioned in the wording of article 16 of LO 7/2021, the installation of fixed video cameras would also remain subject to the prior authorization of the General Directorate of Security Administration of the Department of the Interior, previous report of the CCDVC, in accordance with what is set out below.

The LOVFCS, previously cited, establishes a prior authorization regime for the installation of fixed video cameras as a guarantee in the use of police video surveillance systems inspired by the principle of proportionality, in its double aspect of suitability and minimal intervention (Article 3).

LO 7/2021 does not contemplate the express repeal of this rule. For this reason, the CCDVC in its meeting of July 7, 2021, considered that the authorization requirement for the installation of fixed video surveillance systems, in accordance with LO 7/ 2021 and the LOVFCS.

In this same sense, and as long as there are no additional elements to clarify the interpretive doubts that arise from the interrelationship between both rules (LO 7/2021 and LOVFCS), in order to provide greater legal certainty, the Data Protection Authorities of the Spanish state (AEPD, APDCAT, AVPD and CTBGA), taking into account the doctrine of the Constitutional Court on the need for limits to fundamental rights to be interpreted with restrictive criteria and in the sense most favorable to the effectiveness and the essence of these rights, and that the LOVFCS offers greater guarantees for the protection of the fundamental right to data protection, they have also adopted an agreement that states the maintenance of the enforceability of the authorization for the cameras fixed

Conclusions

Current regulations do not give sufficient authority to the City Council to install a system of video surveillance in a delimited space that is part of the public road in order to control and, where appropriate, exercise the sanctioning power regarding uncivil behavior related to the deposit of waste in the collection areas. The proposed measures do not detract from the fact that video surveillance would take place on public roads.

A fixed or mobile public street video surveillance system with the purpose of controlling acts of vandalism against public safety could be considered legitimate if it is carried out by the local police in accordance with the principles and guarantees of the specific police video surveillance regulations, among which, obtaining prior authorization from the General Directorate of Security Administration.

Barcelona, July 22, 2022