

Inquiry into Limerick City and County Council

(03/SIU/2018)

Date of Decision: 9 December 2021

This inquiry sought to assess whether Limerick City and County Council was processing personal data in compliance with the GDPR and the Data Protection Act 2018. The inquiry examined a number of the Council's processing operations including its use of CCTV cameras, Automatic Number Plate Recognition technology and drones in public places which were used for the purposes of prosecuting crime or other purposes.

The findings made in the decision include:

- The Council has no lawful basis for the processing of personal data by CCTV cameras for traffic management purposes.
- The Council lacked a lawful basis for a number of CCTV cameras used for the purposes of countering crime on account of failing to demonstrate it had obtained a Garda Commissioner authorisation pursuant to section 38(3) of the Garda Síochána Act 2005 which was sufficiently clear, precise and foreseeable as specified by the GDPR.
- The Council lacked a lawful basis to carry out surveillance with CCTV cameras which employed Automatic Number Plate Recognition technology.
- The Council infringed Article 15 of the GDPR by rejecting subject access requests in respect of CCTV cameras used for traffic management purposes.
- The Council did not fulfil its transparency obligations under Article 13 by failing to erect signage in respect of its CCTV processing operations.
- The Council infringed Article 12 of the GDPR by failing to make its CCTV Policy more easily accessible and transparent.

The corrective powers exercised

- A temporary ban on the processing of personal data with CCTV cameras at a number of locations used for the purposes of criminal law enforcement until a legal basis can be identified.
- A temporary ban on the processing of personal data with CCTV cameras used for traffic management purposes until a legal basis can be identified.
- An order to Limerick City and County Council to bring its processing of personal data into compliance taking certain actions specified in the decision.
- A reprimand in respect of a number of Limerick City and County Council's infringements.
- An administrative fine of €110,000.