

This is a summary of the decision of the Commissioner.

1. Her organisation (...) has installed CCTV cameras that capture all her acts and movements, including when she scratches her head, nose or any part of her body.
2. As a woman, she feels ashamed that adjusting her clothes (Uniform) or underwear is also being captured by the CCTV monitored by a male security officer. She is presently being heard before a disciplinary committee set up by her employer and all these CCTV footages are being viewed by unauthorised persons.
3. She was never informed nor consented that these footages would be used for any disciplinary action initiated by her employer. She doubts whether her employer is a registered controller/processor for this specific camera.
4. She requests an investigation into these illegal acts and doings of her employer (...). She clarifies that her complaint is not against CCTV cameras installed for security reasons where the public has access.

Following the statement provided by the Complainant, a letter was addressed to the Respondent by Data Protection Office (DPO) by way of letter that how the complainant is constantly being monitored and that CCTV footage has been used to monitor her acts and movements at work for disciplinary action.

Thus, the Respondent was told to provide to this office his written comments with regard to the above allegations.

The office then received a reply from the Respondent as follows:

1. Complainant was an employee of the organisation.
2. Following a blood spillage incident caused by the Complainant, CCTV was installed in the meat lab.
3. Disciplinary proceedings were initiated using CCTV footage as evidence of misconduct.
4. The company is a registered controller with the DPO.
5. CCTV was installed for protection and security, supported by a CCTV Policy.
6. Additional points mentioned:

- CCTV is placed in high-risk or regulated areas, e.g., where footage was used in the proceedings.
- Employees may request access to footage of themselves; the Complainant was given a copy before her hearing.
- The company denies constant monitoring of employees.

The DPO wrote to the Respondent on our general advice on the installation of CCTV cameras where we had requested him on the following classifications:

- “Paragraph 2 under ‘CCTV Policy’ stating that the policy is available upon request is not in line with section 23(2) of the DPA. Individuals must be informed at the time of data collection, including the purpose(s). If the complainant was not informed, CCTV images cannot be used in disciplinary proceedings.

A CCTV policy template was issued by this office as guidance.

The Complainant was informed that based on the enquiry:

- a) If she was not informed as per section 23(2) of the DPA, the CCTV images cannot be used against her.
- b) The Respondent must update and make its CCTV policy available to all employees.

The Respondent informed this office that corrective measures were taken: its updated CCTV policy is now shared with staff through portals, emails, notice boards, meetings, onboarding, and Standard Operating CCTV Procedures circulation. The Respondent also committed to uphold data protection and improve compliance with the DPA.

Both Complainant and Respondent were informed of the above for closure of the complaint.

The Data Protection Commissioner has decided as follows: -

In view of the above, the enquiry is closed to the satisfaction of all parties under section 6 of the Data Protection Act 2017 (DPA).