

USE OF CCTV IN DISCIPLINARY MATTERS*

In case ADJ-8545 the AO in this case has helpfully set out that the Data Protection Commissioners finding in Case Study 10 requires an employer to satisfy the fair obtaining principles of the Data Protection Act which regard the use of CCTV cameras and those people whose images are captured on camera must be informed of the identity of the Data Controller and the purpose of processing the data. If the employer intends to use cameras to identify disciplinary or other issues relating to staff as in this instance, staff must be informed on this before the cameras are used for those purposes. In this case the AO found that there has been no evidence that this was done and awarded the sum of over €6,000.

This case is a warning to employers that if CCTV cameras are to be used, it is appropriate to ensure that staff were advised that it can be so used and that its use is proportionate.

****Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.***

*****In contentious cases, a solicitor may not charge fees as a proportion or percentage of any award or settlement.***