

# **CCTV PROTOCOL AT EBUSCO**

**Version 1.0**

## Introduction and purpose:

CCTV (closed-circuit television), also known as video surveillance, is used in various situations, for example to protect people and property. In this respect it is important for CCTV images to be used carefully.

The deployment of CCTV is a physical measure applied to ensure the safety of employees and visitors within and in the immediate vicinity of the Vuurijzer 23 unit C site.

CCTV must never be an end in itself. It forms part of the physical measures for security and to deter theft and/or destruction for example.

But CCTV surveillance also inevitably involves an invasion of employees' and visitors' privacy.

Employers must ensure that the invasion of privacy is as limited as possible. For example cameras in changing rooms and/or aimed at toilets go too far and are not permitted.

These CCTV "regulations" help Ebusco to properly regulate the use of the cameras and thus ensure the privacy of employees and visitors. The CCTV regulations concern the site at Vuurijzer 23 unit C, 5753 SV Deurne, where video surveillance is deployed. They describe tasks, responsibilities and procedures in relation to CCTV, with a view to ensuring ethical use of the CCTV system and the protection of employees' and visitors' privacy.

## Definitions:

1. **CCTV:** surveillance with the help of cameras, involving personal data in the meaning of the GDPR.
2. **Covert CCTV:** surveillance with the help of covert and/or invisible cameras, or CCTV of which employees and visitors have not been informed.
3. **Camera system:** the cameras, monitors, recording equipment, connection cabinets and connections with which CCTV surveillance is carried out, viewed as a whole.
4. **CCTV image:** the image obtained by CCTV.
5. **Manager:** the Ebusco employee designated by Senior Management who is responsible for management and supervision of the CCTV.
6. **Authorised employee:** a person designated as such by the manager who is involved in carrying out CCTV surveillance.
7. **Incident:** an observed undesirable and/or criminal act, accident or other event requiring enforcement, investigation and/or criminal prosecution.

## Article 1: Scope and objectives of the CCTV regulations

- 1.1 These regulations apply to employees and visitors who are in the buildings or on the land of Ebusco in Deurne.
- 1.2 The deployment of CCTV surveillance and the use of CCTV images is permitted only for:
  - a. protecting the health and safety of employees and visitors;
  - b. securing access to the building and grounds, which includes denying access to unauthorised persons or persons declared unauthorised;
  - c. guarding assets located in the building or on the site;
  - d. analysing incidents.
- 1.3 CCTV images must be used exclusively for the purpose stated in Article 1.2.

## Article 2: Tasks and responsibilities

- 2.1 CCTV surveillance takes place under Senior Management's responsibility.
- 2.2 Before changing or intensifying CCTV surveillance, Senior Management must conduct a privacy test, weighing the degree of invasion of employees' and visitors' privacy against the institution's interest in using CCTV. Consideration will be given to whether the objectives set out in Article 1(2) can be achieved by other, less intrusive means than CCTV.
- 2.3 Senior Management designates the Facility Manager as the person responsible for managing and supervising CCTV.
- 2.4 The following person or persons is or are exclusively authorised to review CCTV images:

The C.E.O and the Facility Manager or a person or persons designated and/or authorised by the Senior Management.

- 2.5 The authorised employee(s) as referred to in the foregoing section is or are also authorised to review the recorded CCTV images.
- 2.6 The manager shall appoint an alternate, who shall assume the manager's duties and responsibilities in the event of his or her absence.
- 2.7 The employee(s) named in section 4 is or are authorised to review and publish recorded CCTV images, whether or not from a predetermined period.

### **Article 3: Installation and security of the CCTV system**

- 3.1 Senior Management is responsible for the installation of the CCTV system and the placing of the cameras within the limits of the privacy test conducted in accordance with Article 2 (2).
- 3.2 The manager shall take appropriate technical and organisational measures to protect the CCTV images against loss or any form of unlawful use. The measures concern the CCTV system and the server room.
- 3.3 Recorded CCTV images will be reviewed only if there is a direct reason for doing so. This may be prompted by the security service or by tip-offs or indications by Ebusco employees.
- 3.4 The employee(s) responsible for CCTV shall treat the knowledge they acquire through CCTV confidentially and ethically, in particular as regards employees' and visitors' privacy.
- 3.5 The manager shall ensure that employees and visitors are made aware of the CCTV in a visible and recognisable manner, such as, but not limited to, signs and stickers at the entrance to the building or grounds.
- 3.6 Insofar as CCTV images are stored in the CCTV system, these images shall be automatically deleted four weeks after recording, unless an incident has been identified on the basis of which it is necessary to preserve the CCTV images associated with it. Once the incident has been dealt with, the CCTV images in question must be deleted.
- 3.7 CCTV images may be processed only in order to sharpen them.

### **Article 4: Showing and giving recorded CCTV images to third parties**

- 4.1 At the request of the police, an examining magistrate or the public prosecutor or his/her deputy, CCTV images may be made available for inspection in the performance of their public law duties.
- 4.2 CCTV images shall be delivered only at the request of the police, an examining magistrate or the public prosecutor or his/her deputy and then only when the requirement is based on legal grounds.
- 4.3 Ebusco is entitled to report to the police, examining magistrate or public prosecutor or his/her deputy that cameras film the public thoroughfare. However, delivery of these images is possible only providing Articles 4.1 and 4.2 of these Regulations are complied with.
- 4.4 Before being allowed to inspect or take delivery of CCTV images, the officer concerned must first identify himself or herself to the manager and must sign for receipt of any CCTV images given to him or her. Such delivery must be recorded separately.
- 4.5 No other third parties are allowed to see the CCTV images.

### **Article 5: Rights of persons concerned (data subjects)**

- 5.1 The employees and visitors concerned have the rights attributed to 'data subjects' by the GDPR. These include the rights of access to and correction and erasure of CCTV images in which they appear.
- 5.2 Requests for access will be handled in accordance with the privacy regulations in force.
- 5.3 Requests may be declined for good reason.
- 5.4 In the event of an incident, a request for access may be refused if this is necessary in the interests of the prevention, investigation and prosecution of criminal offences.

- 5.5 Any complaints about the application of the CCTV system, these regulations or the conduct of the manager or the authorised employee(s) will follow the regular complaints procedure as set out in the personnel handbook.

## **Article 6: Covert CCTV**

- 6.1 Covert deployment of CCTV is not allowed for preventive purposes.
- 6.2 Covert CCTV as referred to above may be used only temporarily and in such a way as to ensure minimal intrusion into the personal privacy of employees and visitors.
- 6.3 Covert CCTV is permitted only with the express prior written agreement of Senior Management stating the conditions under which the covert surveillance is to take place.
- 6.4 Insofar as reasonably possible, Ebusco shall subsequently inform the employees and visitors concerned of the covert CCTV surveillance carried out.
- 6.5 Before deploying covert CCTV, Senior Management must inform the Dutch Data Protection Authority of its intention to do so. Covert CCTV shall not commence until the aforementioned Authority has given its consent.

## **Article 7: Reporting**

- 7.1 The manager shall report at least annually to Senior Management on the CCTV applied, including a report on the provision of CCTV images as referred to in Article 4.
- 7.2 Senior Management shall report annually to employees on whether use has been made of covert CCTV.

## **Article 8: Final provision articles**

- 8.1 Senior Management shall approve these regulations. Prior to such approval or to any amendment, HR and the manager must be asked for their agreement.
- 8.2 The regulations shall come into force immediately. Any amendments to these regulations and the provisions and information below shall enter into force 30 days after publication of the amendment.

## **Location of the cameras:**

For the security of the property at Vuurijzer 23 unit C, 5753 SV Deurne, senior management has installed 19 cameras.

1. Entrance to the car park and driveway to the property.
2. Main entrance
3. Central hall
4. Entrance to the pantry on the ground floor and entrance door to the main hall
5. Entrance door to mezzanine on the first floor
6. Entrance to the pantry on the first floor and server room
7. Entrance gate to the car park on the left hand side of the property
8. Car park on the left hand side of the property
9. Car park at the rear of the property
10. Sliding door entrance at the rear of the property
11. Main hall entrances to warehouse and goods reception bay
12. Goods reception bay
13. First floor warehouse entrance
14. Second floor warehouse entrance
15. Sliding doors 10 and 11 entrance
16. Central workshop overview
17. Workshop at the back of the hall near the warehouse
18. Workshop middle of hall
19. Workshop at front of hall near offices

**Purpose and legitimate interest:**

The purpose and legitimate interest of this CCTV is to combat theft and fraud. But also to protect people, buildings, grounds and assets such as production processes. At the same time the use of this CCTV must be demonstrably necessary. It must not entail excessive or unnecessary invasion of employees' privacy.

**Policy rules:**

The policy rules state that the employer may use CCTV only if other (security) measures have already been taken. The cameras must not be set up so as unnecessarily to capture more people and/or places than is necessary.

The employer may install permanent CCTV only if it is not sufficient to have recordings for only certain periods.

**Hidden cameras:**

The employer may not make use of a hidden camera without very good reason in exceptional circumstances. In this regard the employer has not installed any hidden cameras or had any such cameras installed.

**Informing employees:**

The employer has informed its employees of the CCTV. This was done by distributing the "CCTV" protocol and is also referred to in the personnel handbook. The protocol has been included in this handbook.

**Monitoring employees' performance:**

The employer may not use cameras to evaluate employees. Employee evaluation can be done without CCTV and must be carried out by managers and supervisors on the shop floor.

**Evidence obtained unlawfully:**

If the employer does not comply with the GDPR, any evidence on CCTV images of an employee's fraud or theft is in principle to be considered as having been obtained unlawfully. In many cases, however, magistrates do allow this evidence and take it into account in their judgements.