

Location of CCTV cameras : what is allowed and what is prohibited

Article 85 of Law No. 1.565 provides that video surveillance systems installed in places **not open to the public shall be brought to the attention of the APDP without delay**. According to the explanatory memorandum, a place not open to the public is "for example, a private place (home, garage...) or business premises, such as offices or warehouses".

In the case of **homes** or any other place used for personal or domestic use, the declaration to the APDP must be carried out **only if people outside the family or friends' circle intervene in the home**, e.g. housekeepers, home helpers.

Concerning video surveillance systems installed in **places open to the public or filming the surroundings of public roads, spaces open to the public or to public traffic**, remain however subject to **prior authorization of the Minister of State**.

According to the explanatory memorandum, places open to the public are, for example, "a restaurant, a shopping mall, or an administration counter".

The video surveillance system must be recorded in the register of processing activities as long as its use is not occasional.

Furthermore, in some cases, the data controller will also have to carry out an impact assessment, such as when the surveillance is carried out on a large scale, for example, in a shopping center or in a shopping mall.

The terms of application of these provisions will be specified in a forthcoming Ministerial Ruling



The installation of a video surveillance system is in the vast majority of cases justified by a **legitimate interest** pursued by the data controller, who considers the installation of cameras to be **necessary to ensure the safety of property and individuals**. **Thus, cameras should only be used to combat theft or aggression**. They must not be used under any circumstances to monitor the employees' work or working hours.

While the APDP understands this interest, it is nevertheless extremely vigilant in ensuring **the respect of the rights and freedoms of the data subjects** (employees, customers, visitors, service providers, etc.), in particular by checking that the installation of these cameras does not infringe on the private sphere of these persons.

It would therefore like to remind you of the following rules:



What is allowed

In the workplace:

- the entrances and exits of buildings/offices, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- the emergency exits;
- the main traffic areas;
- the places where goods are stored;
- the production machinery, provided that employees are not filmed;
- the technical premises;
- archives;
- areas that may be considered sensitive (e.g. server rooms);
- indoor, outdoor and/or underground parking lots, provided that the neighboring buildings are not filmed;
- delivery or loading areas, delivery and unloading docks, provided that neighboring buildings are not filmed.

In shops:

- the shop entrances and exits, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- storage rooms, warehouses, storage halls or sheds (except for employees' workstations: the warehouse worker's office for example);
- sales areas, departments, display areas, sales and advice areas (with the exception of workstations behind a counter);
- the cash registers, provided that the cash register is filmed rather than the employee;
- indoor, outdoor and/or underground parking lots, provided that the neighboring buildings are not filmed;
- the delivery or loading areas, delivery and unloading docks, provided that neighboring buildings are not filmed.



If a screen for viewing live images is installed at the entrance of the store, only the sales area should be visible, not the employees working at the checkouts.

In restaurants and bars:

- the entrances and exits, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- storage areas, reserves, cellars;
- the cash registers, provided that the cash register is filmed rather than the employee;
- indoor, outdoor and/or underground parking lots.

In hotels:

- the entrances and exits of buildings, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- the main traffic areas;
- the entrance halls, lobbies;
- the indoor, outdoor and/or underground parking lots;
- the elevator doors.

In banks:

- the entrances and exits, emergency exits, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- the cash registers, provided that the cash register is filmed rather than the employee;
- the ATMs, but under no circumstances should the secret code entered by the customer be displayed/visible;
- any area that may be considered sensitive (safe rooms, ensuring that measures are taken to respect the confidentiality of deposits/withdrawals in customer safes, technical rooms, server rooms, etc.);
- indoor, outdoor and/or underground parking lots.

In schools/nurseries:

- the entrances and exits, emergency exits, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- the main traffic areas;
- the elevator doors.
- the lockers in the event of frequent and repeated malicious acts.

In wellness areas/gyms:

- the entrances and exits, emergency exits, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- the traffic area/corridors/stairs;
- the lockers, provided that you do not film the inside of the changing rooms;
- the cash registers, provided that the cash register is filmed rather than the employee.

In apartment buildings:

- the entrances and exits of buildings, taking care, however, to film only the area strictly necessary so as not to film any neighboring buildings;
- the common areas (entrance hall, car park, bicycle or stroller room, etc.);
- the technical rooms, meter rooms;
- the elevator doors.

What about elevators?

The rule: The APDP prohibits cameras in elevators and therefore asks that only the doors of these elevators be filmed.

Exception: In very busy public places, such as a museum for example, the APDP may authorize the installation of cameras in elevators, on the condition, however, that the system is only used to ensure the safety of property and people, and to gather evidence in the event of offences due to the number of people present on the premises and the risks associated with such a presence.



What is prohibited

In the workplace:

- the garage workshop, the production workshop, the workshop, the assembly/dismantling workshop;
- the changing rooms, showers, toilets;
- the staff offices or workstations;
- the waiting rooms;
- the reception desk;
- the private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the trade union premises and those of the Staff Delegates and their access when these lead only to these premises;
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

Cameras must not film employees at their workstations, except in duly justified special situations. For example, a camera can film an employee handling money, but it must be oriented in such a way as to film the cash register rather than the cashier.



In shops;

- the fitting rooms;
- the changing rooms, showers, toilets/restrooms;
- the offices;
- the private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

In restaurants and bars:

- the changing rooms, showers, toilets/restrooms;
- the offices;
- the private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the restaurant tables;
- the bar counters, except when the camera films the cash register and not the employees or customers;
- the kitchens;
- the waiting areas;
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

In hotels:

- the bedrooms,
- the swimming pool or gym;
- Inside the elevators;
- The private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the restaurant tables;
- the bar counters, except when the camera films the cash register and not the employees or customers;
- the kitchens;
- the staff offices or workstations;
- the waiting areas;
- the public roads;
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

In banks:

- the staff offices or workstations;
- the meeting rooms;
- the waiting areas;
- the reception desk;
- the private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

In schools/nurseries:

- the playgrounds, courtyards, play areas, sports halls, catering areas;
- the classrooms;
- inside the elevators;
- the meeting rooms;
- the staff offices or workstations;
- the private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

In wellness areas/gyms:

- the interior of a wellness area (treatment room, sauna, deckchairs, etc.);
- the swimming pool;
- inside the sports rooms;
- the hair/make-up/manicure area;
- the changing rooms;
- the staff offices or workstations;
- the waiting areas;
- inside the elevators;
- the private areas made available to employees for relaxation or lunch breaks (rest rooms, kitchens, sofas, smoking areas, etc.);
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

In apartment buildings:

- the corridors to the apartments;
- the entrance doors to the apartments;
- inside the elevators;
- the private terraces;
- the swimming pool or gym;
- the staff offices or workstations;
- the accesses, windows, courtyard(s) and/or terraces of neighboring buildings.

With regard to public roads: Article 85 of Law No. 1.565 now allows the immediate vicinity of public roads to be filmed. To this end, once the data controller, in application of the principle of necessity/minimization of data, justifies an interest in filming the immediate surroundings of public roads, it is up to him or her to first seek the authorization of the Minister of State. The provisions relating to video surveillance will be specified by an Implementing Ministerial Order. As a reminder, any video surveillance system can be controlled and sanctioned by the APDP.