



Comhairle Chontae na Gaillimhe **Galway County Council**

DATA PROTECTION POLICY ON THE USE OF DRONES (UAS)

Version 1

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Introduction

This Data Protection policy defines Galway County Council's commitment to the use of Drones that is compliant with Data Protection/GDPR requirements and with the EU regulations and IAA guidance on the use of Drones. Drones (UAS – Unmanned Aircraft Systems) that are guided remotely by a pilot maybe used by Galway County Council for a number of purposes which may involve the recording of personal data of individuals including their recognisable images. Galway County Council is obliged to protect such data in accordance with provisions contained in the General Data Protection Regulation (GDPR) which came into effect on 25th May 2018 and the Data Protection Act 2018. Galway County Council's Data Protection Policies are available to view on the Council's website www.galway.ie.

The use of drones will be conducted in a professional, ethical and legal manner within the terms of this policy and the law. Their usage will be proportionate and will not be used to routinely monitor the activities of council employees or members of the public in the ordinary course of their lawful business. Their use will be conducted in a manner consistent with all existing policies adopted by the Council, including Equality & Diversity Policy, Dignity at Work Policy, Codes of Practice for dealing with complaints of Bullying & Harassment and Sexual Harassment and other relevant policies and guidelines such as those issued by the Office of the Data Commissioner.

This policy should be read in conjunction with the [Data Commissioner Guidance](#) on the use of Drones and the [Guidance of the Council's Insurers IPB](#), in this area. In addition, there are specific statutory requirements related to registration and other requirements depending on the type of drones used and the nature of use. More information is available at <https://www.iaa.ie/general-aviation/drones>

Purpose of Policy

The purpose of this policy is to regulate and outline the safeguards in place in Galway County Council regarding the operation, monitoring and access to drones and recordings while assisting Galway County Council to fulfil its data protection obligations regarding the operation of drones including, but not limited to, arrangements relating to GDPR principles such as transparency, purpose limitation and data minimisation; security arrangements and access to drone recordings, including measures that may be required to limit unnecessary capture and processing of any personal data.

Flying and operating drones in Ireland is subject to European Union Regulation 2019/947 which came into effect on the 1st January 2021. The Irish Aviation Authority (IAA) supervises and implements the Regulation in Ireland. Galway County Council Drone operators are required to comply & familiarise themselves with [EU Regulations 2019/947 & 2019/945](#) and comply with any Specific Operating Permission (SOP) issued by the Irish Aviation Authority (IAA) for the use of drones by Galway County Council. Further guidance is available on the [IAA](#) & [EASA](#) websites. **Only employees that have obtained the relevant and appropriate [UAS](#)**

training in accordance with [EU Regulations 2019/947](#) & & 2019/945 are approved to operate drones for work purposes.

Scope

The scope of this policy applies to:

- Galway County Council usage of drones which involves the recording of data that may include personal data
- All Galway County Council employees
- Every Council employee using a drone must take every precaution to ensure compliance with Irish Aviation Authority requirements, Data Protection legislation and Health and Safety requirements
- All individual or organisations acting on behalf of Galway County Council or any third-party Drone service providers that may be engaged by Galway County Council.

Purpose of Drone usage

When deciding to use a drone for any particular purpose which involves the recording of personal data, Galway County Council shall seek to ensure that at least one of the conditions outlined in Article 6 (and where relevant Article 9) of the GDPR exists to ensure the lawfulness of the processing of the personal data involved. Personal Data obtained using drones shall be limited and proportionate to the purposes for which it was obtained.

Drones may be used by Galway County Council for any purposes [as prescribed in the EU Regulations 2019/947 & & 2019/945](#) and including, but not limited to, the following identified purposes:

- The provision of emergency services, such as those that may be provided by the Fire Service
- The provision of search, rescue and recovery services such as those that may be provided by Civil Defence
- Risk Assessment, Aerial mapping, infrastructure surveying, photography, outreach and promotional activities for the Council
- Evidence gathering to assist enforcement activities such as those that may be carried out by the Planning & Environment Unit of the Council
- To comply with the Safety, Health and Welfare at Work Act 2005 as amended in order to manage and conduct work activities in such a way as to ensure the safety, health and welfare of all employees.

Location of Drone usage

Drones may be used, in any location where it is considered appropriate and in accordance with the [EU Regulations 2019/947](#) & & 2019/945, for any of the purposes outlined in this document.

Every reasonable effort should be made to ensure that drone recordings are limited to the target area and the purpose for which the drone has been deployed. A drone's functionality should be appropriate for the intended purpose. Drone operators should consider measures to limit the unnecessary recording of personal data that is not required e.g. using a live stream rather than recording.

Pre-Flight Requirements

Signage, Public Notices

Prior to and following the carrying out of any drone activity, consideration should be given to placing a notice on Galway County Council's social media channels to advise the public of the Council's use of drones. The following details shall be provided at a minimum on any such notices:

- Statement that Galway County Council will/has carried out drone activity
- Dates, times and locations that drone activity will or did take place
- Purpose for which the drone activity will/was carried out
- Link to the Privacy Notice providing information in relation to the drone activity and contact details for enquiries by members of the public.

Drone operators are required to display temporary signage around the operator to advise the public of the following:

- Name of Data Controller i.e. Galway County Council
- Purpose for which the drone activity is being carried out
- Drone activity is taking place & clearly marked launch site
- Drone must be marked and clearly visible in the air as set out in the [EU Regulations](#)
- Members of the piloting team clearly visible and accessible on the ground

Pre-Flight Checklist

In advance of all drone activities, drone operators are required to action the following:

- Ensure they understand and comply with this policy and once developed by Galway County Council's IT Unit as set out in this policy Galway County Council's Standard Operating Procedure (SOP) for the use of drones
- Are familiar with and understand [IPB's Step by Step Guide to managing the risk of using Drones](#)

- Where required and feasible, seek permission from the landowner, if the land is not owned by Galway County Council
- Where feasible verbal notification should be given to adjacent landowners when drone activity is taking place
- Complete the [DroneRules PRO Pre-flight checklist](#) which is intended as a check for privacy and data protection Risk Assessment as to questions relevant to drone pilots before a drone takes flight
- Section 82 of the Data Protection Act 2018 prescribes that where a controller or processor carries out processing of personal data by automated means, the controller or processor shall create and maintain a log of the processing operations. It is a requirement that any new drones procured by Galway County Council from the date of adoption of this policy shall include an inbuilt electronic data log to enable the auditing of access/use of Drones by the Controller/DPO/DPC. Processors shall, where requested to do so, make a data log created available to the Controller/DPO/DPC.
- Where existing drones do not have this functionality a register of drone use is required to ensure the recording of adequate records that can demonstrate the following and can be produced for DPC inspection on request:
 - ✓ Date of use of Drone by a staff member, the name of staff member, the purposes of use
 - ✓ Date of disclosure of Drone footage by a staff member, name of the staff member disclosing and of recipient
 - ✓ The date of erasure of Drone footage
 - ✓ Flight log & Pilot log in respect of each proposed drone activity
 - ✓ Any incident caused by use of a Drone by a Council employee should be notified immediately to relevant supervisor, the Council's Health & Safety Officer and Councils Risk Control Unit.

Covert Drone Activity

- Covert drone activity is normally only permitted on a case-by-case basis once a Data Processing Impact Assessment (DPIA) has been conducted and the Data Protection Officer has been engaged with
- Where deemed compliant (DPIA to inform) to undertake covert drone activity it must be focused and of a short duration
- If no evidence is obtained that is relevant to the purpose of the covert drone activity within a reasonable period, the drone activity should cease.

Roles & Responsibilities

1. Galway County Council's Drones shall be operated and maintained by:
 - Galway County Council and/or
 - Third party Drone service providers

- Every care should be taken by authorised staff to operate the Drone in a safe and careful manner to ensure no danger to life or property of others and in accordance with the [EU Regulations 2019/947](#) & & 2019/945.
2. Galway County Council must comply with [EU Regulations 2019/947 & & 2019/945](#) registration requirements with the IAA, the National Aviation Authority.
 3. Third party Drone service providers are considered Data Processors and as such they are required to enter into a formal Data Processing Agreement with Galway County Council to ensure that they, in addition to the County Council, discharge their obligations under data protection legislation and do not retain any of the data after handover to Galway County Council. Any processor engaged must be provided with the [IPB's Step by Step Guide to managing the Risk of using Drones](#) and the Data Processing Agreement must include specific reference to their obligation to comply with IPB's document.
 4. Drones operated by Galway County Council will be centrally managed by Galway County Council's IT Unit and all units must engage with IT prior to purchasing a unit. The registration of Galway County Council with the IAA will be managed by the Chief Fire Officer in accordance with Regulation (EU) 2019/947 Article 14. The maintenance of registers/logs as set out in Regulation (EU) 2019/947 & Section 82 of the Data Protection Act 2018 safety, security, access, maintenance and storage of Drones and Drone footage, with Service Management roles being as follows:

HIS – M. Martyn:	HIS overall manager and approval for procurement /business case oversight prior to Director approval
IS Project Lead – C. Averill:	Data Security
IS Project Lead - K Jordan:	Asset Manager
IS Project Lead - B Doyle:	Data Acquisition and operations coordinator (GIS Co-ordinator)
IS Project Lead - M Matthews:	GDPR coordinator
CFO – Gerry O'Malley:	IAA Registration

IT will engage with Galway County Council stakeholders and be responsible for developing A Standard Operating Procedure Manual (SOP) that will govern the use and operation of Drones by Galway County Council in accordance with the [EU Regulations 2019/947](#) & 2019/945 this policy, the GDPR and Section 82 of the Data Protection Act 2018, and guidance received from the CCMA and [IPB's Step by Step Guide to managing the risk of using Drones](#). Once developed, the SOP should be read in conjunction with this Data Protection policy.

4. Only staff that have been nominated as Authorised Employees for the purpose of being a Drone Operator or accessing Drone footage by the relevant Director of Services for each Unit may have access to the system and its recordings. Authorised Employees should include the following:

- Designated Employees who may access drone footage for the purpose of fulfilling their role in Galway County Council.
- Drone Operators that **that have obtained the relevant and appropriate [UAS training in accordance with EU Regulations 2019/947](#) & & 2019/945**
- IT Unit Staff with Service Management roles
- Data Protection Officer who may access all Galway County Council drone systems and their recordings.

5. The relevant Director of Services shall have overall responsibility for the following:

- Article 30 of the GDPR requires the Council to maintain a record of all personal data processing activities as Drones have the potential to capture personal data (e.g. images of people /car registration numbers) they must be included on the Units Record of Processing Activities (RoPA) register
- The use of Drones for new purposes or the procurement of a new Drone requires a DPIA to be completed prior to commencement or purchase. The final approved DPIA must be signed by the relevant Director of Service who will oversee its implementation and will ensure ongoing adherence to the DPIA recommendations
- Any Drone purchased prior to the date of this policy must be notified to the IT Units Asset Manager immediately, to facilitate the maintenance of a Drone Register as required under the GDPR
- Use of Drones should be covered under the Council's insurance with IPB (Remotely Piloted Aircraft Extension under the Public Liability Policy). All Drones must be notified to the IT Units Asset Manager without delay, including those already purchased so that they are registered with the Insurance Risk Control Unit of Galway County Council, if not already done
- Ensuring Authorised Employees are appropriately trained in the operation of drones and that they have attended GDPR awareness training
- Agree & authorise the off-site storing of Drones required for example by use of the Emergency Services at Fire Station locations around the county and ensure appropriate logs and secure storage requirements are implemented and adhered to
- Ensure that the use of drones is implemented in accordance with this Data Protection policy, including ensuring the Pre-Flight Requirements as set out in

this policy are adhered to by the Authorised persons in respect of each drone activity.

Retention of Personal Data from Drones Recordings

Personal Data recorded on Drones shall be kept for no longer than is considered necessary in accordance with Article 5(e) of the GDPR.

- Where imagery is inadvertently recorded of individuals/passers-by every effort will be made to obscure same during data processing. In addition, the drone pilot will make every effort to reduce the possibility of capturing such imagery. Any personal data inadvertently captured and not required for prosecution purposes should be deleted immediately and in a secure manner within a period of no more than 30 days.
- Any personal data required for prosecution purposes should be retained only for as long as necessary and deleted when no longer required, in line with the National Record Retention Policy for Local Authority Records and Galway County Council's Retention Schedule.

All other photographic or video data should be retained only as long as necessary and deleted when no longer required, in line with the National Record Retention Schedule for Local Authority Records and Galway County Council's Retention Schedule.

- All images remain the property and copyright of Galway County Council.

Drones Recording Access

All access to Drone images/recordings that may contain personal data, will be confined to authorised personnel and an Access Log will be maintained centrally by the IT Unit. Viewings must be carried out for a specific legitimate purpose in line with this Data Protection policy and Galway County Council's Drones Data Recording and /or Transfer to 3rd Party form must be completed – refer to Appendix 5.

In the event that access to drone footage is deemed necessary to perform statutory functions and the sharing of such footage with other Units is required the appropriate Disclosure Form shall be completed – refer to Appendix 4.

All requests from Data Subjects and 3rd parties for disclosure are to be notified to the DPO at dpo@galwaycoco.ie to facilitate management and central log of disclosures in accordance with the GDPR Article 15.

Third Party Access to Personal Data captured on Drone Recordings

Access to Personal Data captured on Drone recordings may be provided to the following:

- Data Subjects or their legal representatives - pursuant to an access request under the Data Protection Acts, where the time, date and location of the recordings is furnished to the Council
- An Garda Síochána - on request in writing when a crime or suspected crime has taken place and / or when it is suspected that illegal / anti-social behaviour is taking place on Council property or in a public place
- In the event that drone footage it is deemed necessary to perform the statutory functions of Galway County Council and the sharing of such footage with other Units is required
- Individuals (or their legal representatives) – subject to a Court Order
- Council Insurers to pursue a claim for damage.

Access by Data Subjects

- Data protection legislation provides data subjects with a right to access their personal data. This includes personal data captured by Drone recordings. Access requests are required to be submitted in writing in physical or electronic format e.g. by letter or e-mail. In circumstances where data is held for the purposes of further investigation or potential prosecution, then access to this data may be withheld pending completion of investigations and/or initiation of legal proceedings.
- It would not suffice for a data subject to make a general access request for a copy of Drone recordings. Instead, it will be necessary that data subjects specify that they are seeking to access a copy of Drone recordings that have captured their personal data between specified dates, at certain times and at a named location. In seeking such an image, it will be necessary for the requester to submit their own photograph to ensure that it matches with that on the Drones.
- The provision of access to a data subject to Drone recordings of his/her personal data, provided that such an image/recording exists, the Council may provide a still / series of still pictures, a tape or a disk with relevant images. Where the image / recording identifies another individual, those images may only be released where they can be redacted / pixelated so that other persons are not identified or identifiable.
- All Data Subject Access requests are to be notified to the DPO at dpo@galwaycoco.ie to facilitate management and central log of DSAR's in accordance with the GDPR.

Access by An Garda Síochána

There is a distinction between a request by An Garda Síochána to view Drone recordings that captured personal data and to obtain copies of such recordings. In general, a request made by An Garda Síochána to simply view Drone recordings should be accommodated as it does not raise any concerns from a data protection perspective and the Access Log will record these viewings.

Requests from An Garda Síochána for copies of Drone recordings that captured personal data are required to be submitted in writing on An Garda Síochána headed paper and signed by an appropriate ranking member of An Garda Síochána (Inspector for the Superintendent or higher). The request should specify the details of the Drone recordings required and cite the legal basis for the request being made.

All requests are to be notified to the DPO at dpo@galwaycoco.ie to facilitate management and central log of DSAR's in accordance with the GDPR.

Access under Freedom of Information (FOI)

Under the Freedom of Information Acts, people can request access to any recorded information (with certain exemptions) that the council holds. However, if individuals are capable of being identified from the Drone recordings, then it is personal information about the individual concerned and is unlikely to be disclosed in response to a freedom of information request. A public authority who has surveillance systems, may also receive requests for information under FOI relating to those surveillance systems. For example, requestors may ask for information regarding the operation of the systems, the siting of them, or the costs of using and maintaining them. If this information is held, then consideration will need to be given to whether it is appropriate to disclose this information under FOI.

Requests under the FOI Acts should be addressed to: FOI Department, Corporate Services, Galway County Council, Prospect Hill, Galway.

Security Arrangements for Drones & Storage of Drone Footage

- Access to each Drone and its recordings shall be centrally managed by Galway County Council's IT Unit and shall be restricted to Designated Employees and other personnel that have authorised access to the systems and a log of access shall be maintained. A sign in/sign out process shall be in operation in respect of each Drone device
- All drones shall be stored centrally by the IT Unit, in a secure location and where feasible, access to Drones Hub room will be controlled via Maglock or a secure alternative

- Where agreed and authorised by DOS, Drones may be stored off site, for example drones required for use by Emergency Services in Fire Stations located in the county. will be stored in secure location and where feasible, access to the Drones hub room will be controlled via Maglock or a secure alternative secure
- Imagery that is collected by the drone. The data is stored on an SD card within the drone itself or in the case of multirotor drones, on a non-removable internal storage device (in the absence of an SD card). A USB cable is connected to the drone and laptop and the data is downloaded to the Units Galway County Council's SharePoint online storage platform as soon as practically possible post flight. The drone pilot shall ensure that all data is removed from the SD card or in-built memory of the drone (in the absence of an SD Card)
- Excepting ICT support personnel who require access for technical support needs, each Units folder will only be accessible by that Units Authorised staff. SharePoint online can be fully audited for a log of when and who may have accessed the folders. Where footage is accessed that contains identifiable personal data the log must record the legitimate purpose for which it was accessed
- Once imagery is downloaded from the drone (to SharePoint) the said imagery is completely removed from the drone
- Where imagery is inadvertently recorded of individuals/passers-by this data shall be deleted where not necessary to retain and every effort will be made to minimise the capturing of same during the drone flight.

Data Protection Impact Assessment (DPIA)

Completion of a DPIA is a requirement of Article 35 of the GDPR and is set out in the [DPC guidance related to use of Drones](#). The use of Drones for new purposes or the procurement of a new Drone requires a DPIA to be completed prior to commencement or purchase. The business unit determining the purpose and use of a drone shall be responsible for initiating the DPIA process in consultation with the IT Unit and the Data Protection Officer. All Galway County Council Stakeholders are required to engage fully with the DPIA process. With regard to Drones that are currently in use, if a DPIA has not been completed, it is a requirement that a DPIA is completed.

The purpose of a DPIA is to identify the lawfulness of processing, define the purposes for which you will process personal data, demonstrate the necessity and proportionality for the use of drones for the processing assess the data protection issues of your activity and identify the implementation of appropriate measures to eliminate or minimise any risks arising out of the processing of personal data by a drone system. In this regard, those completing DPIA's are obliged to consider measures to address risks in Drone use as outlined in [IPB's Step by Step Guide to managing the risk of using Drones](#) (pages 12-28 refer).

The completed draft DPIA must be submitted to the DPO for review who will provide guidance and make recommendations on the DPIA. In accordance with DPC Guidelines, DPIA's will be reviewed on an ongoing basis.

The final approved DPIA must be signed by the relevant Director of Service who will oversee its implementation and will ensure ongoing adherence to the DPIA recommendations.

Monitoring and Review

This policy shall be subject to ongoing monitoring and review that will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, An Garda Síochána, audit units (internal and external), legislation and feedback from staff and others.

These reviews will ensure that legal requirements, policies and standards are complied with in practice. This policy will apply from the date of adoption by Galway County Council's Executive Team with implementation of and adherence to the policy to be monitored by the relevant Director of Services.

Further Information

Further information on the operation of this policy document is available from the Data Protection Officer, Galway County Council. Contact details for the County Council's Data Protection Officer are as follows:

E-mail: dpo@galwaycoco.ie

Address: Data Protection Officer, Áras an Chontae, Prospect Hill, Galway

Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner's website is www.dataprotection.ie or you can contact their Office at:

Phone

1800 437 737

E-mail

info@dataprotection.ie

Address

Data Protection Commissioner Canal House Station Road Portarlinton, Co. Laois, R32 AP23.

Appendices

Appendix 1 – Definitions

Definitions of words / phrases used in relation to the protection of personal data and referred to in the text of the policy:

Access Request: This is where a person makes a request to the organisation for the disclosure of their personal data under Section 91 of the Data Protection Act 2018.

Audio recording: The use of equipment for recording of voice and sound.

DRONES: Drones (common name for Unmanned Aircraft Systems (UAS)) are a broad category of aircraft of various sizes which are remotely piloted without humans on board, equipped with technology for collecting images, videos, sounds and/or other information (data collection system) and transmitting them to smart devices (for example, to cloud storage).

Data: Information in a form that can be processed. It includes automated or electronic data (any information on computer or information recorded with the intention of putting it on computer) and manual data (information that is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system).

Data Controller: A person who (either alone or with others) controls the contents and use of personal data.

Data Processing: Performing any operation or set of operations on data, including:

- Obtaining, recording or keeping the data
- Collecting, organising, storing, altering or adapting the data
- Retrieving, consulting or using the data
- Disclosing the data by transmitting, disseminating or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the data

Data Processor: A person who processes personal information on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection Acts place responsibilities on such entities in relation to their processing of the data.

Data Protection Acts: The Data Protection Acts 1988 and 2018 confer rights on individuals as well as responsibilities on those persons handling, processing, managing and controlling personal data. The Council must comply with the provisions of the Data Protection Acts when collecting and storing personal information. This applies to personal information relating both to employees of the organisation and individuals who interact with the organisation.

Data Subject: An individual who is the subject of personal data

Personal Data: Data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller

[Appendix 2 - IPB's Step by Step Guide to managing the risk of using Drones](#)

[Appendix 3 – Drones Pre-Flight Checklist](#)

Appendix 4 – Internal Request form for access to Drone Footage

Appendix 5 – Release of Drones Recording and/or Transfer to 3rd Party form