

CCTV MONITORING REGULATIONS UNIVERSITY OF TWENTE 2011

ARTICLE 1 DEFINITIONS OF TERMS

- a. *Supervisor*
 - 1: the dean, the scientific director of a research institute or the service director of the unit - as referred to in article 1 sub e of the Management and Administrative Regulations of the University of Twente - where the 'person involved' is an employee or a student.
 - 2: the head or the director of any other organisation established in a building on the grounds of the University of Twente.
 - 3: the director of the Facility Department.
- b. *File*

any structured body of personal data, irrespective whether this body of data is centralised or dispersed in a specific functional or geographical way, and which is accessible according to specific criteria and relates to different persons.
- c. *Person involved*

the person to whom the personal data refer. This can be an employee and/or a student of the University of Twente and/or a third party, who has obtained access to the buildings and/or the grounds of the University of Twente.
- d. *CCTV monitoring*

monitoring with the aid of cameras or other current and future equipment by which monitoring can be performed.
- e. *Executive Board*

the Executive Board (the competent authority) of the University of Twente
- f. *Unit*

an administrative unit as described in article 28 of the Management and Administrative Regulations (faculty, research institute, service department, interfaculty service department or another administrative unit designated as such by the Executive Board).
- g. *Personal data*

any information referring to an identified or identifiable natural person
- h. *Technical supervisor*

the person appointed by the Facility Department and entrusted with placing and connecting (hidden) cameras and recording visual information
- i. *Exemption decree*

decree of 7 May 2001 (Bulletin of Acts and Decrees 2001, 250), with respect to the designation of the processing of personal data exempted from the report as referred to in Section 27 of the Personal Data Protection Act.

ARTICLE 2 OBJECTIVE AND SCOPE OF THESE REGULATIONS

1. These regulations are applicable to persons entrusted with activities relating to CCTV monitoring and refer to all persons who are present in the buildings or on the grounds of the University of Twente (the persons involved).
2. With the aid of CCTV monitoring visual information is recorded. This recording occurs with the objective of calling a halt to or disclosing the unauthorised manipulation of business activities and to monitor compliance with the regulations concerning rules of conduct and rules of use within the University of Twente.

ARTICLE 3 GENERAL PRINCIPLES

1. There has to be a fair balance between CCTV monitoring and the protection of the privacy of the persons involved.
2. Personal data containing privacy-sensitive information, related to the use of CCTV monitoring shall not be kept for longer than is necessary, with due observance of the periods prescribed in the Personal Data Protection Act and the Public Records Act.
3. Personal data obtained from CCTV monitoring is accessible to:
 - The Head of the Security Department of the University of Twente or his deputy;
 - The Executive Secretary of the University, his legal assistant, the Supervisor and the Technical Supervisor.Visual information can only be viewed in designated spaces. Visual information can be handed over to third parties (such as the police) if this is required in the interest of the University of Twente.
4. The Executive Board is responsible for both compliance of the regulations and the accuracy of the data collected. The Executive Board ensures appropriate technical and organisational measures to prevent the loss or unlawful processing of personal data. Considering the state of the art and the costs of implementation, these measures guarantee an appropriate security level, taking into account the risks involved in the processing and the nature of the data that need to be protected.

The same obligation rests on the persons listed in paragraph 3.
Officials, who by virtue of their duties become cognisant with personal data from the file (see paragraph 3.), are obliged to use these data in the necessary performance of their duties only, and are not allowed to disclose these to unauthorised persons, in accordance with the articles 1.8 and 1.16 of the Collective Labour Agreement of Dutch Universities.

ARTICLE 4 RECORDING AND USE OF DATA

1. CCTV monitoring is present on the grounds of the University of Twente. This is indicated by signs and/or stickers on the access routes to the grounds and the access doors to the buildings of the University of Twente.
2. The collecting and processing of personal data obtained by CCTV monitoring by the University of Twente is exclusively allowed for:
 - A. Protecting the safety and health of one or more natural persons;
 - B. Protecting the access to the buildings and the grounds;
 - C. Protecting objects present in the buildings or on the grounds;
 - D. Recording incidents.
3. The personal data obtained by CCTV monitoring are recorded. This recording occurs for the objectives described above. Any data recorded will be stored until the next working day, unless incidents are involved.

ARTICLE 5 INCIDENTS

1. The data obtained by CCTV monitoring can be analysed to detect unacceptable behaviour or to perform a further investigation into inappropriate behaviour if there is a reasonable suspicion or presumption of an unauthorised act by one or more persons involved.
2. The data concerned will be kept as long as needed in view of further investigation and possible measures taken against an employee, student or third party.

3. In the event there is a reasonable suspicion or presumption of an unauthorised act, as set out in paragraph 1, hidden cameras can be placed without informing the persons involved. In that case consultation will take place between the Executive Secretary of the University (and the Supervisor), the Head of the Security Department and the police.
4. Before publication of these regulations on the website of the University of Twente, the persons involved will be informed of the objectives of CCTV monitoring, the possible positions of the cameras, the conditions under which data are recorded, and the contents of these regulations.
5. Any person involved has the right of access to data recorded involving him or her when these are kept longer than the period mentioned in article 4, paragraph 2, provided this does not hamper the interest of a further investigation.
A request to this end has to be presented in writing to the director of the Facility Department. Within four weeks of the date of receipt, a request for access will be granted and the requester will be informed in writing within the period mentioned.
Any person involved can put a request to the director of the Facility Department concerning the improvement, completion, removal or protection of the personal data recorded. The director of the Facility Department will comply with the request if the data are factually incorrect, incomplete or not relevant for the purpose for which these have been processed, or in any other way contrary to these regulations or any statutory provision. Within four weeks of the date of receipt of the request both the person involved and those to whom incorrect data on the person involved have been provided, will be informed of this. If the director of the Facility Department does not comply with the request, he will provide the requester with the reasons for this within four weeks after the date of receipt of the request.

ARTICLE 6 SANCTIONS

1. If acting contrary to these regulations, the business interest or the generally accepted values and standards, measures can be taken towards the persons involved depending on the nature and gravity of the offence. This involves disciplinary measures and/or measures relating to a person's legal status, such as (non-exhaustively) a reprimand, a transfer or dismissal and similar measures in the case of students or third parties. In the event of persons involved acting unlawfully, this will be reported to the police.

ARTICLE 7 CONCLUSION

1. In all cases for which these regulations do not provide the Executive Board decides, within the scope of the Personal Data Protection Act and after consulting the director of the Facility Department and the director of Human Resources Management.
2. The University Council has agreed to the contents of these regulations on 9 November 2011. The regulations will come into effect on 1 December 2011. The regulations can be consulted by any person involved on the Intranet or can be obtained at the Security Department.
3. The University of Twente takes care of notification to the Dutch Data Protection Authority.

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EXPLANATION OF THE CCTV MONITORING REGULATIONS UNIVERSITY OF TWENTE 2011

Introduction and framework

The objective of these regulations is to regulate CCTV monitoring in such a way that it strikes the right balance with the protection of the privacy of persons who are present on the grounds of the University of Twente.

The main regulations and conditions for the handling of personal data are laid down in the Personal Data Protection Act. This Act is applicable to both (partly) automated processing and systematised manual processing.

With respect to these regulations the University Council has the right of approval. The use of cameras, whether the images are recorded or not, can be considered as a personnel tracking system as referred to in Section 27, paragraph 1 under I of the Works Councils Act.

Further regulation in respect of CCTV monitoring is necessary because the application of (electronic) control systems raises questions in respect of the protection of privacy. On the one hand these systems are of vital importance to the protection of the grounds and buildings of the University of Twente, on the other hand the data which are collected and recorded with the aid of these systems can generally be qualified as personal data. These regulations have been drawn up to lay down for which objectives CCTV monitoring is implemented, which data are collected and recorded, who is authorised to use these data, how long data are stored, and to whom the data can be provided.

These regulations describe the use of CCTV monitoring in and around the buildings of, and on the grounds of the University of Twente and specify the way in which CCTV monitoring is dealt with within the University of Twente. This involves rules of conduct with respect to the responsible use of CCTV monitoring and personal data which are collected by means of CCTV monitoring.

These regulations comprise CCTV monitoring only as this is carried out for the objectives described in article 4. Use of cameras concerning, among other things, video conferencing (meetings, distance learning), by students or to look at research set-ups from a distance, is not included in these regulations for it is assumed that the persons involved agree explicitly to the use of their personal data.

Explanation by article

Article 1:

The personal data in question or the position of the CCTV monitoring determine who the Supervisor is. Therefore it is possible to opt for:

- the director of the unit (personal data concern staff members or students from this unit),
- the head or director of other organisations (personal data concern persons involved from this organisation) or
- the director of the Facility Department (personal data concern several units or third parties).

Article 2:

The University of Twente is based in a large number of buildings on and outside the campus grounds. The grounds and buildings are easily accessible due to the open layout. Besides employees and students, third parties – for instance guest staff members or family members at a doctoral degree ceremony – also enter the grounds and buildings. All of these persons are submitted to CCTV monitoring.

Article 3:

CCTV monitoring invades the privacy of persons. Therefore CCTV monitoring should only be applied when this is really necessary. The necessity is determined by experiences in the past or in comparable situations. Criteria are the nature of the interest to be protected, the vulnerability to infringements on this, the frequency with which infringements are to be expected and the risks for the persons involved.

Moreover, it is important that the intended security or the intended supervision due to the use of cameras cannot be realised in a less drastic manner. For each and every organisation, thus also for the University of Twente, it has to be determined for which specific objectives CCTV monitoring is implemented. The rules for this processing are based on the [Exemption Decree](#). The processing of personal data as described in accordance with the rules of the Exemption Decree does not have to be reported to the Dutch Data Protection Authority.

This article also regulates the position and integrity of those who have access to the personal data. For privacy reasons these persons have to handle the personal data available to them confidentially. Depending on their role they can gain access to these data for use for research activities for the benefit of the objectives referred to in article 4.

Article 4:

For the protection of personal data determining the objective of CCTV monitoring, thus the collection and its further use, is vital. The objective determines which minimum and maximum data may be processed and for which purpose these may be used. No more data may be processed than necessary for the objective. The data may not be excessive, not too detailed and they have to be relevant. Data which go further than requested due to a misunderstanding or a wrong comprehension by the staff member, or which are irrelevant for the purpose of this question, may not be processed. If it is not necessary for the objective to process personal data because the objective can be achieved via another way, then processing is not permitted. Data that are processed for a specific objective have to be adequate. If too few data are processed to satisfy the objective, this processing is not a suitable means to achieve the objective and therefore is not permitted. It is not permitted to start collecting data before the objective has been determined. The objective may not be changed in the interim.

It is under no circumstances permitted to place a camera in areas where one should be able to stay undisturbed, such as toilets, showers, and changing rooms. In this context it is not relevant whether or not the images are recorded.

The technical implementation of CCTV monitoring has to be done in such a way that no more locations and persons are recorded (or observed) than necessary for the objective; see article 4 paragraph 1:

- For objective A: targeted recordings of the person or persons involved, in so far as necessary for the objective;
- For objective B: targeted recordings of the entrance to buildings and grounds, in so far as necessary for the objective;
- For objective C: targeted recordings of objects which are present in buildings or on grounds, in as far as necessary for the objective;
- For objective D: targeted recordings of the parts of buildings and/or grounds where incidents tend to occur, in so far as necessary for the objective.

Only the following types of personal data may be registered by means of CCTV monitoring, in so far as necessary for the various objectives:

1. video recordings of buildings and grounds and persons and objects present in or on these, to which the care of the Executive Board extends;
2. data in respect of the time, the date and the place when the recordings were made.

The functionalities of the cameras used have to correspond as much as possible with the objectives described above. Additional functionalities (such as special analysis techniques, facial recognition, and such) are only involved in so far as these fit in with the objectives mentioned or with incidents as described in article 5.

The data can only be supplied to the following persons or companies, in so far as necessary for the various objectives:

- a. Persons, including third parties, who are responsible for or manage the activities referred to in articles 2, 3 and 4 or who are necessarily involved in these; they are the Secretary of the University, his legal assistant, the Supervisor and the Technical Supervisor.
- b. The Executive Board.
- c. Police officers or government agencies with comparable competences.

Data may only be provided to third parties after approval of the Executive Secretary of the University. Data obtained by recordings are usually stored up to and including the next working day.

Article 5:

If incidents are established the data are stored until after the incidents established have been dealt with.

Although the Personal Data Protection Act offers organisations the possibility to use hidden cameras (in cases wherein there is a justified interest; for instance if there is are many incidences of theft and despite serious effort this problem is not resolved), in such cases the University of Twente will seek cooperation with the police. Then it is up to the police to determine any subsequent procedure. Every person involved has a right to inspect the data and the right to request his or her own data to be corrected, completed or removed, in case these are factually incorrect, incomplete for the objective of the recording, or not relevant, or appear in the recording in contravention of a statutory provision.

Article 6:

The regular sanctions which can be applied with regard to employees, students or third parties also in other situations, can also be applied in the event of infringement of the business interest or contravention of generally applicable norms and standards.

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