



**COMHAIRLE CHONTAE CHILL CHAINNIGH**

**KILKENNY COUNTY COUNCIL**

**POLICY ON USE OF DRONES**

**18<sup>th</sup> February 2020**

<b>Contents</b>	<b>Page No.</b>
<b>1.0 SCOPE</b>	<b>3</b>
<b>2.0 PURCHASE OF DRONES</b>	<b>3</b>
<b>3.0 DATA PRIVACY IMPACT ASSESSMENT (DPIA)</b>	<b>3</b>
<b>4.0 REGISTRATION OF DRONES</b>	<b>4</b>
<b>5.0 STORAGE AND MAINTANCE</b>	<b>4</b>
<b>6.0 RECORDS OF USE &amp; NOTIFICATION TO PUBLIC</b>	<b>4</b>
<b>7.0 INSURANCE</b>	<b>4</b>
<b>8.0 DOWNLOAD OF DRONE FOOTAGE</b>	<b>4</b>
<b>9.0 USE OF DRONE FOR ENFORCEMENT PURPOSES</b>	<b>5</b>
<b>10.0 RESPONSIBILITY</b>	<b>5</b>
<b>11.0 ACCESS REQUEST, COMPLAINTS AND BREACH NOTIFICATION</b>	<b>6</b>
<b>12.0 FURTHER HELP &amp; ADVICE</b>	<b>6</b>
<b>13.0 DISCLAIMER</b>	<b>7</b>

## 1.0 SCOPE

- 1.1 This policy addresses the use of small unmanned aircraft (“Drones”) by Kilkenny County Council (“Council”) staff for Fire Services, Enforcement & Civil Defence purposes. It should be read in conjunction with the Council’s CCTV Policy [https://www.kilkennycoco.ie/eng/Your\\_Council/Data-Protection/CCTV-Policy-October-2018.pdf](https://www.kilkennycoco.ie/eng/Your_Council/Data-Protection/CCTV-Policy-October-2018.pdf) and the Data Commissioner Guidance on the use of drones: <https://www.dataprotection.ie/en/guidance-landing/video-recording> and the Guidance of the Council's Insurers IPB, in this area <https://ipb.ie/wp-content/uploads/2018/10/Drones-final.pdf>
- 1.2 The use of Drones presents the potential for property damage, personal injury, invasion of privacy and other violations of law, in addition to general safety concerns. Any Council employee using a Drone must take every precaution to avoid negative impacts and ensure compliance with legislative requirements.
- 1.3 This policy applies to staff who are authorised to use the Drone or view images/footage taken from the Drone for Fire Services, enforcement or civil defence purposes.

## 2.0 PURCHASE OF DRONES

- 2.1 Under GDPR & the Data Protection Acts the Council must maintain a central register of all data processing activities; as Drones have the potential to record and capture personal data (e.g. images of people /car registration numbers) they must be included on this register.
- 2.2 Any Drone purchased prior to the date of this policy must be notified to the Data Protection Officer immediately (if not already done).
- 2.3 Any future proposals regarding purchase of additional Drones must be notified in advance to the Data Protection Officer to facilitate completion of a Data Privacy Impact Assessment.

## 3.0 DATA PRIVACY IMPACT ASSESSMENT (DPIA)

- 3.1 Under the GDPR, a DPIA is mandatory where data processing **“is likely to result in a high risk to the rights and freedoms of natural persons.” This mandatory requirement covers CCTV and associated surveillance technology including Drones. Further information regarding DPIA can be obtained at**

#### **4.0 REGISTRATION OF DRONES**

- 4.1 Drone use is regulated by the Irish Aviation Authority (IAA); details on registration requirements can be obtained [here](#) . Drones purchased for use for Council work and related purposes must be registered in the name of the Council.

#### **5.0 STORAGE AND MAINTANCE**

- 5.1 The physical storage, maintenance, and flight-readiness preparation of Drones will be the responsibility of the department in question.
- 5.2 The Drone shall be stored securely when not in use and not available for unauthorised use.

#### **6.0 RECORDS OF USE & NOTIFICATION TO PUBLIC**

- 6.1 The appropriate line manager shall ensure that a log of use is maintained indicating date of use, name of user, purpose, location etc. Ideally a sign in /sign out facility to use the Drone should be in place.
- 6.2 Drones are typically flown over rural areas for environmental enforcement /waste management or Civil Defence purposes. Where feasible and appropriate, verbal notification should be given to adjacent landowners when a Drone is going to be used.

#### **7.0 INSURANCE**

- 7.1 Use of the Drone should be covered under the Council's insurance (Remotely Piloted Aircraft Extension under the Public Liability Policy)
- 7.2 Any incident resulting in damage/injury caused by use of a Drone by a Council employee should be notified immediately to relevant supervisor, the Council's Health & Safety Officer and Council's insurance section.

#### **8.0 DOWNLOAD OF DRONE FOOTAGE**

- 8.1 Footage downloaded from the Drone shall be securely stored with restricted viewing access implemented.
- 8.2 Any personal data inadvertently captured and not required for prosecution purposes should be deleted immediately and in a secure manner.

- 8.3 Any personal data required for prosecution purposes should be retained only for as long as necessary and deleted/destroyed in a secure manner when no longer required.
- 8.4 Retention periods for personal data must be documented in a service specific privacy statement.
- 8.5 If feasible, auto-delete functionality should be employed once retention periods have expired.
- 8.6 All other photographic or video data should be retained only as long as it is required for comparison /monitoring/legal purposes.
- 8.7 The service department will give consideration to any software/programmes used in conjunction with the drones, ensuring the appropriate agreement, contract or third-party processing agreement with the necessary data protection stipulations are in place. Any personal data stored either by the Council or third parties outside the European Economic Area must ensure the necessary security safeguards are in place. The section will liaise with IT to ensure appropriate and up to date technological safeguards & updates are in place & applied in a timely manner to protect personal data captured by Drones.

## **9.0 USE OF DRONE FOR ENFORCEMENT PURPOSES**

- 9.1 Only designated staff within relevant sections are authorised to use the Drone. Designated/authorised staff must undergo the appropriate training before operating the Drone.
- 9.2 Every care should be taken by designated staff to operate the Drone in a safe and careful manner to ensure no danger to life or property of others.
- 9.3 All users should be familiar with the Irish Aviation Authority guidance outlined in [Drones Q&A](#)

## **10.0 RESPONSIBILITY**

- 10.1 The relevant Director of Service shall have overall responsibility for deployment and operation of Drones used within their directorates.
- 10.2 Day-to-day supervision of Drones and compliance with this policy shall rest with Heads of Section.
- 10.3 Line Managers must ensure designated employees with access to personal data are adequately briefed and trained in the use of Drones and are made aware of and are trained in their responsibilities under the GDPR and Data Protection Act 2018.
- 10.4 Designated employees (Responsible Officer) shall be responsible for the following:

Day to day operation & maintenance of the Drones within their charge and the security and accountability of this equipment Restricting access to any other employees and or members of the public to operate the equipment or view data without authorisation

- 10.5 Every care should be taken by Responsible Officers to operate their Drones in a safe and careful manner and ensure use of same is appropriate and reasonable in line with this policy and GDPR. They must ensure that their Drones are fully charged prior to use and the date and time displayed is correct. Any discrepancy in the time and date should be brought to the attention of the line manager. At the end of each working day the Responsible Officer shall ensure that the Drone is stored securely.
- 10.6 It is a matter for the Head of Section to establish if the Drone is to be used outside the limits prescribed in the regulations; if so, application must be made for a Specific Operating Permission (SOP) from the IAA following training with one of the IAA Registered Training Facilities (RTF).

#### **11.0 ACCESS REQUEST, COMPLAINTS AND BREACH NOTIFICATION**

- 11.1 All requests by data subjects for access to their personal data captured by Drones are to be made via the Data Protection Officer. If a request comes to any employee, it should be immediately passed onto the Data Protection Officer. Please see policy Subject Access Request Policy in relation to the procedure for making an access request.  
[https://www.kilkennycoco.ie/eng/Your\\_Council/Data-Protection/](https://www.kilkennycoco.ie/eng/Your_Council/Data-Protection/)
- 11.2 All loss or damage to Drones or its contents must be reported immediately to the line manager and head of section.
- 11.3 Any breach of personal data must be notified to the line manager, head of section and DPO without delay. Please see **Data Breach Policy** for steps in managing a personal data breach incident.

#### **12.0 FURTHER HELP & ADVICE**

For further information and advice about this procedure and about data protection matters, please contact:

**Name:** Eamonn Tyrrell

**Phone:** (Direct)353-56-7794277

**E-mail:** [dataprotection@kilkennycoco.ie](mailto:dataprotection@kilkennycoco.ie)

**Website:** [www.kilkennycoco.ie](http://www.kilkennycoco.ie)

Postal Address: Kilkenny County Council, County Hall, John Street, Kilkenny R95 A39T

**13.0 DISCLAIMER**

The Kilkenny County Council reserves the right to amend or revoke these procedures at any time without notice and in any manner in which the Kilkenny County Council sees fit at the absolute discretion of the Kilkenny County Council