

By email to: daragh.obrien@outlook.com

07 August 2020

Our ref: C -20-6-122

Dear Mr O'Brien

I refer to your correspondence to the Data Protection Commission (DPC) in relation to Wexford County Council (WCC) and their use of drones.

I wish to advise you the DPC contacted WCC seeking written clarification on the following:

- whether drones were deployed in recent months by WCC to monitor covid-19 compliance or connected matters and, if so
- the specific purpose(s) for which drones were deployed and the use to which any information was put concerning any individuals observed by the drone cameras.
- the legal framework under which WCC operates in terms of any deployment of drones by WCC to monitor covid-19 compliance.
- how any such use of drones by WCC is in compliance with the Data Protection Act 2018, with a particular focus on demonstrating the lawfulness of any processing of personal data.

WCC's response confirmed to the DPC that WCC did deploy drone technology between 10th and 29th of April 2020 during the *Stay at Home* phase (27th March to 5th May 2020) of the COVID19 pandemic. WCC stated that it utilised the drones to provide supplementary monitoring assistance in the patrolling and monitoring of road blocks at coastal areas and ensuring that all caravan parks were closed in accordance with Government requirements.

WCC outlined that the footage captured informed WCC whether any further increase in population movement was evident between the 10th and 29th of April 2020, by examining vehicle volumes. WCC stated it considered that given the unprecedented nature of the threat to public health and safety, as well as its legislative function as a local authority and the functions permitted under COVID 19 regulations, that its actions were measured, proportionate and essential in order to help protect the citizens of County Wexford.

WCC clarified that 13 hours of drone footage was captured in total during this time, across beaches, caravan parks and in limited cases holiday home estates. WCC advised this office that

“drones were not used to capture the images of individuals to the extent that they could be identified, as the devices were flown at significant height (100 to 110m) and have no zoom capability. Therefore, images captured were distant and of low image quality and thus did not contain any personal identifiable information. As there was no personal data captured in the drone deployment,

it is the Councils view that no data processing took place. The deployment strategy was in line with GDPR requirements in that it was designed to eliminate the collection of personal data (i.e. flown at a height where no person, other personal data was identifiable, principally captured from the boundary of a particular site/area in question, no zoom functioning).

The footage captured was stored in a secure location on the Councils internal servers, where only 2 members of staff had access. The footage captured was retained for the period up to 8th June, when the restriction of movement eased to county boundaries.

The Council can also confirm that we did not process personal data from drone footage captured, as no personal data was available.”

The DPC reverted with some additional queries as although WCC initially indicated that all data was destroyed once the restriction on movement eased, there was reference by WCC to the existence of several clips of drone footage “confirming caravan park closure from a height where no personal data was breached.” WCC subsequently supplied the DPC with copies of these clips. DPC officers examined the footage and noted the clips did not contain any personal or vehicle registration data.

Given the particular focus of your attention on the conduct of data protection impact assessments by data controllers, the DPC wishes to advise you that WCC has subsequently revised its **Drone Policy** in June 2020 to include the following requirement:

“Any department engaging in future purchasing or use of drones must complete a Data Protection Impact Statement and submit it to the Data Protection Officer for approval.”

The DPC notes the formal commitment of WCC to conduct DPIAs as set out in its amended **Drone Policy** and the detailed written submission from WCC outlining that no personal data was collected. Having examined the remaining footage in the clips provided by WCC, the DPC is satisfied these clips did not contain personal data.

As per our regulatory functions, the DPC will take into account the commitments outlined by WCC during the course of this engagement should similar data protection issues arise in the future and exercise our powers in accordance with the provisions of the Data Protection Act 2018 and the GDPR.

Thank you for contacting the DPC and bringing this matter to our attention.

Yours sincerely



Eunice Delaney
Assistant Commissioner.