

## New CCTV rules in Portugal

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The **legal framework of private security activities (Law no. 34/2013, of May 26<sup>th</sup>)** was **amended** by the Law no. 46/2019, of July 8<sup>th</sup>.

Following the changes (underlined) of this recent Law, CCTV systems will be subject to the subsequent rules:

1. CCTV shall be used for protection of goods and safety of persons purposes
2. Image records shall be retained in a codified record for 30 days and destroyed up to 48 hours later.
3. All the persons with access to the image records as a result of their professional duties are bound to a secrecy obligation
4. The image records shall only be used for criminal procedures and shall not be copied or disclosed in other circumstances
5. A notice in a visible place in the area under video surveillance should be displayed with the following information:
  - (i) The wording “for your protection this place is under video surveillance”
  - (ii) The private security company that operates the CCTV identified by name and license
  - (iii) The data controller to whom the data subjects shall exercise their data protection rights

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The notice shall be displayed together with the following symbol with a yellow background:



The symbol shall comply with the technical specifications and dimensions of ISO 3864-1

The notice shall be displayed in a way that ensures good visibility of the messages contained therein and the normal movement and safety of the users of the spaces.

The notice shall be placed outside the perimeter of the surveillance site using CCTV, and in the most convenient way for its ready recognition by users and repeated inside.

6. CCTV systems will be obliged to have the following characteristics:
  - a) Capacity of direct access to the images in real time by the security forces and services, for the purposes of preventive actions or of criminal investigation;
  - b) Alarm systems that allow alerting the territorially competent security forces and services in case of imminent disturbance, risk or threat to the safety of people and assets that justifies their intervention;
  - c) Registration of accesses including identification of who accesses the CCTV systems and guarantee of inviolability of data regarding the date and time of collection.

The technical requirements to ensure the above will be approved by decree of the Minister of Internal Affairs.

7. Record of sound is prohibited, unless authorised by the Portuguese Data Protection Authority.
8. CCTV systems can only be used in accordance with the principles of adequacy and proportionality and shall comply with data protection laws as far as collection and processing of personal data are concerned and, in particular, as regards to data subject access rights and penalties.



The changes resulting from this recent Law will enter in force on September 6 of 2019 but the CCTV systems will have until September, 6 of 2024 to adapt to the technical characteristics referred in 6 above and that will be regulated afterwards by decree of the Minister of Internal Affairs.

Finally, the version of the New Portuguese Data Protection Act that was recently approved by the Parliament but still has not been published in the Official Journal concerning CCTV establishes the following:

- (i) The CCTV cannot be placed in areas that allow to capture security codes in ATMs or other similar nor in areas reserved to staff or clients only (rest areas, sanitary installations, dinning and changing rooms)
- (ii) Record of sound is allowed during the period the premises under video surveillance are closed
- (iii) Image records of employees can also be used to apportion of disciplinary liability as long as they can also give rise to criminal liability.