



## Laga Newsflash

### New formalities and conditions for the installation and use of surveillance cameras (CCTV)

As the general data protection regulation ("GDPR") entered into force, adjustments were also made to the Camera Surveillance Act of 21 March 2007.

As of 25 May 2018, new formalities and conditions are applicable to the installation and use of surveillance cameras (CCTV). The Act provides for a new procedure for notifying the police of cameras, new indications to add to pictograms notifying individuals of cameras, and mandatory records of footage processing activities. Controllers already using surveillance cameras must also comply with these new rules.

The additions to the existing legal framework can be summarised as follows:

#### Notification to the police

Controllers who decide to place surveillance cameras must notify the police of their surveillance cameras, through an online tool accessible on the FPS Homeland Affairs' website ([www.declarationcamera.be](http://www.declarationcamera.be)). This notification must be updated each time the surveillance camera system is modified or switched off, and must in any case be re-validated by the controller at least once a year. Conversely, notifying the Data Protection Authority (formerly Privacy Commission) is no longer required.

Controllers installing a new surveillance camera system must proceed with this notification no later than the day before the cameras are operational. For **existing systems**, the

notification must be submitted by **25 May 2020 at the latest**.

## New indications to add to pictograms signaling the presence of cameras

The legislation in force before 25 May 2018 already required the posting of a pictogram whenever a surveillance camera system was installed.

The new provisions modify the content of the text that must appear on these pictograms, especially to bring it in line with GDPR (by adding, for example, reference to the data protection officer, as well as the obligation to include additional contact data). For **existing systems**, the new pictograms must be posted by **11 December 2018 at the latest**.

## Records of footage processing activities

The Camera Surveillance Act now requires records of footage processing activities ("CCTV records"). These new CCTV records complete the records of personal data processing activities mandated by GDPR. The Camera Surveillance Act provides for a list of information specific to footage processing activities that need to be included in CCTV records, in addition to those mandated by GDPR. For **existing systems**, no transition period has been provided by law, which means that controllers must comply with this new obligation **with immediate effect**.

## Relationship between the Camera Surveillance Act of 21 March 2007 and the CBA no. 68

The Camera Surveillance Act of 21 March 2007 applies to the installation and use of surveillance cameras in order to prevent, observe or detect incivilities or offences against persons or property.

On the other hand, the Act of 21 March 2007 is in principle not applicable to surveillance cameras in the workplace, which aim to ensure health and safety, the protection of the company's property, the monitoring of production processes and supervision of employee activity. Such cameras are regulated by collective bargaining agreement no. 68 (CBA no. 68).

When surveillance cameras fall within the scope of the Camera Surveillance Act as well as CBA no. 68 (e.g. when cameras are placed in a store, filming both customers and employees), the Act now explicitly stipulates that the obligations provided by the two regulations must be respected simultaneously. Where there is an incompatibility between these obligations, the provisions of the Camera Surveillance Act will take precedence.

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