

Draft recording device byelaw

Title.

Preamble, giving powers of Minister to make this bye law. (e.g. 'I, ---- ----, Minister of State etc.')

1. This Byelaw may be cited as the 'Recording Devices (Inland Fisheries Ireland) Byelaw No. ' .
2. This bye-law comes into operation on, 20__
3. In this Byelaw :-
'recording devices' means:
 - (a) a device or system that is capable of creating a data record in any medium from which visual images (including moving visual images) or sounds, or both, may by any means be reproduced.
 - (b) Includes any devices or systems that can process the data record made under (a) above.
4. 'data processing' means any operation or set of operations performed on personal data including storing, collecting, retrieving, using, combining, erasing and destroying personal data involving automated or manual operations.
5. 'Fisheries Officer' means an Authorised Officer and /or Authorised Person under the Fisheries Acts 1959 to 2017, the Sea Fisheries and Maritime Jurisdiction Act 2006 and / or the Local Government and Water Pollution Acts 1977 & 1990.
6. Subject to Section (7) of this byelaw, A Fisheries Officer may deploy recording devices for the purposes of:
 - (a) facilitating the prevention, investigation, detection, and prosecution of offences under the Fisheries Acts
 - (b) the execution of criminal penalties under the Fisheries Acts
 - (c) the protection and health and safety of Inland Fisheries Ireland officers.
7. A Fishery Officer may operate a recording device where he or she—
 - (a) believes on reasonable grounds that an offence has been, is being, or will be committed,
 - (b) is recording an individual where—
 - (i) the Fisheries Officer believes on reasonable grounds that a fisheries offence is occurring or may have occurred,
 - (ii) the recording is of injuries to the individual that the member believes on reasonable grounds were sustained because of an offence or of an act of violence or force,

Or -

 - (c) considers on reasonable grounds that it is required for the performance of his or her functions.

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8. A Fisheries Officer shall not operate, or cause to be operated, a recording device for any other purpose than listed at section (6) above.
9. A Fisheries Officer acting in the course of his or her duties may operate or cause to be operated—
 - (a) a recording device in a public place in which he or she is present for the purposes of the performance of his or her functions,
 - (b) a recording device worn on any animal controlled by him or her,
 - (c) a recording device that is remotely controlled, including a device affixed to or part of an unmanned aerial vehicle.
 - (d) a covert recording device
10. The operation of a recording device shall be:
 - (a) necessary and proportionate with regard to the purposes of that operation under section (6), and,
 - (b) presumed to be necessary and proportionate if that operation is in accordance with Policies and Procedures implemented by Inland Fisheries Ireland.
11. Where a Fisheries Officer is operating a body worn camera recording device, the device shall be overt i.e., visible on the Fisheries Officer's clothing or uniform on which it is located and have a visible indicator showing when it is being operated.
12. A member of Inland Fisheries Ireland personnel may, for the purposes referred to in section 6, and in accordance with Policies and Procedures implemented by Inland Fisheries Ireland, process data (including personal data) obtained as a result of the operation of a recording device under this Byelaw.
13. Any person who removes, attempts to remove or interferes with a recording device authorised for use under this byelaw, shall be guilty of an offence.

Signature etc.

Explanatory Note

(This is not part of the Byelaw and does not purport to be a legal interpretation)

This Byelaw authorises Fisheries Officers of Inland Fisheries Ireland to use recording devices in the course of their duties, and for Inland Fisheries Ireland to process data obtained through their use for the purposes of enforcing the Fisheries Acts and for the protection of their officers. It prohibits interference with a recording device lawfully used by Inland Fisheries Ireland.