

# FAQ

## Recording Device Byelaw

### Public Consultation December 2024

#### 1. What is a Recording Device?

A recording device is a device or system that can create a data record in any medium from which visual images (including moving visual images) or audio, or both, may by any means be reproduced. It includes any devices or systems that can process the data records, including personal data.

#### 2. What is the legal basis for IFI to do so?

IFI is a 'competent authority' as per [section 69\(1\)\(a\) of the Data Protection Act 2018](#), which transposed into Irish law the Law Enforcement Directive. IFI is a public authority competent for the prevention, investigation, detection and/or prosecution of criminal offence by virtue of the [Inland Fisheries Ireland Act 2010](#)

IFI process personal data under [section 71\(2\)\(a\) of the Data Protection Act 2018](#), whereby processing of personal data is lawful only if and to the extent that processing is necessary for the performance of a function of a controller for the purpose of the prevention, investigation, detection, or prosecution of criminal offences.

The function (or task) of IFI is found in the following fisheries legislation:

- Fisheries Acts 1959 to 2017
- Local Government and Water Pollution Acts 1977 & 1990
- Sea Fisheries and Maritime Jurisdiction Act 2006

Warranted Fisheries Officers are authorised to enforce this legislation and the processing of personal data collected by recording devices is necessary for IFI to perform its statutory duties under the above legislation.

#### 3. Why does IFI need a new byelaw?

As a Competent Authority, IFI relies on the Law Enforcement Directive, transposed in Irish law by the Data Protection Act 2018, in order to use recording devices. IFI have conducted a Data Protection Impact Assessment in relation to the planned introduction of body worn cameras and following consultation with the Data Protection Commissioner, intends to introduce a byelaw to support the use of recording devices in general.

#### **4. When may a Fisheries Officer operate a Recording Device?**

A fisheries officer may operate a recording device where-

- he or she has reasonable belief that an offence has been, or will be committed
- has reasonable belief that an offence is occurring or may have occurred
- is recording injuries to an individual that the officer believes on reasonable grounds were sustained as a result of an offence, act of violence or force
- reasonably considers that it is required for the performance of his or her functions

A fisheries officer may operate -

- a recording device in a public place in which they are present for the purposes of carrying out their functions
- a recording device worn by an animal controlled by his or her
- a remotely controlled recording device
- a remotely controlled recording device affixed to or part of an unmanned aerial vehicle (drone)
- a covert recording device

#### **5. Does this include Body Worn Cameras?**

Yes, under this byelaw, fisheries officers will be permitted to wear and use body worn cameras subject to strict criteria. When wearing a body worn camera, it shall be visible on the officer's clothing or uniform and will have a visible indicator showing that it is in use.

#### **6. Is this necessary?**

There is an obligation and a necessity for IFI as an employer to continuously improve and deploy new technologies to ensure both the effective and efficient deployment of its resources and the performance of its functions. It is incumbent on IFI to assess new technologies as they develop, and when considering them for use, to put in place policies, procedures and electronic measures to provide assurance of the organisation's compliance with Article 24(1) of the GDPR.

#### **7. Can I remove a camera from its location if I find it?**

It will be an offence to remove, attempt to remove or interfere with a recording device authorised for use under the proposed byelaw.

#### **8. What rights do members of the public have in relation to their data captured on a recording device operated by IFI?**

IFI recognises its obligation to ensure the collection and management of personal data is undertaken in compliance with the EU Regulation 2016/679 General Data Protection

Regulations (GDPR) and the Data Protection Act 2018. These obligations and the rights of any individual for whom IFI holds and processes personal data are set out in the IFI Data Protection Policy.

#### **9. Can I complain if I believe a recording device has been used inappropriately?**

IFI has appointed Regional Data Managers in order to ensure the compliant processing of personal data. Members of the public may contact these Data Managers by various means including telephone, email or post via their local IFI regional office which can be found on our website at <https://www.fisheriesireland.ie/contact-us>. Members of the public may also make a complaint if they feel that they have been unfairly or inappropriately dealt with in relation to data protection or any aspect of IFI's services by email to IFI at [customerfeedback@fisheriesireland.ie](mailto:customerfeedback@fisheriesireland.ie). Members of the public may also complain directly to the Data Protection Commission (DPC) if they are unhappy with the way that IFI dealt with a request from the public exercising their rights under GDPR and the Data Protection Acts.

#### **10. Where can I find further information?**

Additional information in relation to IFI and Data Protection may be found on IFI's website at [www.fisheriesireland.ie](http://www.fisheriesireland.ie).