

Test form for video surveillance by a Bavarian public body (Art. 24 Bavarian Data Protection Act – BayDSG)

Part 1: Examination scheme for Art. 24 BayDSG

The data protection background of the individual questions is explained in the **guidance "Video surveillance by Bavarian public authorities" published by the Bavarian State Commissioner for Data Protection** (as of 2/2020; available on the Internet at [https:// www.datenschutz-bayern.de](https://www.datenschutz-bayern.de) in the section "Data Protection Reform 2018 – Orientation and Practical Aids – Video Surveillance (Art. 24 Bavarian Data Protection Act)"). The relevant paragraphs there are marked with the reference "OH para. [...]" in the following questions.

1. **Is monitoring planned with an optical-electronic device?** (see OH para. 24 et seq.)

yes no

2. **Is personal data collected?** (see OH para. 16 et seq.)

yes no

3. **Should video surveillance be carried out as part of the performance of public tasks?**

(see OH para. 35 et seq.)

yes no

Reason:

What is the task (name regulations)? How does video surveillance relate to this task?

4. **Should video surveillance be carried out in the exercise of domiciliary rights?** (see OH para. 39)

no no

Reason:

To what extent does video surveillance facilitate the exercise of domiciliary rights?

5. **Which group of people is likely to be affected by the measure?**

6. **What protection objectives under Art. 24 para. 1 BayDSG are to be pursued?** (see OH para. 40 et seq.)

- protection objectives according to Art. 24 para. 1 no. 1
 - BayDSG, namely protection of life
 - Protection of health
 - Protection of freedom
 - Protection of property
- Protection objectives according to Art. 24 para. 1 no. 2
 - BayDSG, namely protection of cultural property
 - Protection of public facilities
 - Protection of public transport
 - Protection of office buildings
 - Protection of other structures of public bodies
 - Protection of objects in the immediate vicinity of these objects

Description:

What are the objects?

- see site plan (Appendix 1)
-

1. Is there a dangerous situation with regard to the protection goals? (see OH para. 46 et seq.)

- Incident documentation has been created (Attachment).
- Incident documentation has not been created.

Prognosis:

Explain here why you assume a dangerous situation with regard to the protection goals pursued on the basis of the incident documentation or other circumstances. In particular, set out why there is a sufficient probability of damage occurring.

2. What measures should be taken? (see OH para. 64 et seq.)

- Video surveillance as described (see Part 2).
- Other measures, namely:

3. For what reasons do you think the measure is suitable for pursuing the protection goals? (see OH para. 57 et seq.)

4. For what reasons do you consider the measure necessary to pursue the protection goals? (see OH para. 60 et seq.)

In particular, explain which less burdensome alternative measures have been taken or considered compared to the persons covered. Explain why you consider these measures to be less effective than video surveillance.

5. For what reasons do you think the measure is appropriate? (see OH para. 67 et seq.)

- 1. What interests of the persons covered are opposed to the interest in pursuing the protection goals?**
- 2. For what reasons does the interest in pursuing the protection objectives outweigh the conflicting interests of the persons covered?**
In particular, gather arguments that speak in favour of the respective interests and explain the balance of interests found.

6. What measures are being taken to ensure that video surveillance and the collecting body are subject to Art. 24 para. 2 BayDSG? What measures are being taken to comply with the information obligations under Articles 13 and 14 of the General Data Protection Regulation (GDPR)? (see OH para. 72 et seq.)

- Attention is drawn to the video surveillance with signs. The location of the signs is noted in the site plan (Annex 1).
- The design of the information signs results from the appendix .
- Further measures to comply with the information obligations:

Part 2: Description of the video surveillance system

1. Video surveillance system used

Designation, technical equipment, e.g. video cameras with/without transmission, manufacturer, number of cameras

2. Spatial extent

Location of the system, zoom function, swivel function

- The location of the cameras and their detection areas can be found in the site plan (Appendix 1). Other
- information:

3. Recording times

1. Guarantee of confidentiality

Who has what access rights to the recorded data? How are unauthorized access prevented? How is confidentiality ensured during the transport or transmission of personal data?

2. Logging

Are accesses to the recorded data and data transmissions automatically logged? How long will these logs be kept? Is their disposal guaranteed in accordance with data protection regulations?

3. Evaluation of video recordings

What internal regulations exist for the evaluation of video recordings? Who can access it? Who is involved in an evaluation?

4. Evaluation of log data

What internal regulations exist for the evaluation of log data? Who can access it? Who is present at an evaluation?

5. Deletion routines

How long are video recordings stored? Who initiates a deletion? How is the deletion done? How is the deletion documented and by whom is it controlled? How are backup files handled?

Part 3: Description of the processing activity

The form essentially corresponds to the template "Description of a processing activity" issued by the Bavarian State Ministry of the Interior, Sports and Integration (available on the Internet at [https:// www.stmi.bayern.de](https://www.stmi.bayern.de) in the section "Protection and security – Data protection and cybersecurity – Protection of personal data – Data protection reform working aids – Sample text for the processing register"). To help you fill it in, reference is made to the explanations that are attached to the template there.

1. General information

Name of the processing activity	File number	Status
Responsible person (name, address, e-mail address and telephone number of the public body)		
If applicable: Details of other joint controllers (name, address, e-mail address and telephone number)		
Official data protection officer (name, business address, e-mail address, telephone number)		

2. Purposes and legal bases of the processing

Purposes
Legal bases

3. Categories of personal data

Lfd. Nr.	Name of data

4. Categories of data subjects

Lfd. Nr.	Data subjects

5. Categories of recipients to whom the personal data has been or will be disclosed, including recipients in third countries or international organisations

Lfd. Nr.	Recipients	Reason for disclosure

6. If applicable: Transfers of personal data to a third country or international organisation

Lfd. Nr.	Third country or international organisation	Appropriate safeguards in the event of a transfer pursuant to Art. 49 para. 1 subpara. 2 GDPR

7. Envisaged deadlines for the deletion of the different categories of data

Lfd. Nr.	Deletion period

8. General description of the technical and organizational measures pursuant to Art. 32 (1) GDPR, including, if applicable, the measures pursuant to Art. 8 (2) sentence 2 BayDSG

- See Part 2, points 3 to 8.
- Further explanations:

9. Responsible organizational unit

Department/Department/Department/Department/Division/Department
Creator

10. Data Protection Impact Assessment

Is a data protection impact assessment (Art. 35 GDPR) required for video surveillance?
<input type="checkbox"/> No <input type="checkbox"/> Yes
Reason:

11. Opinion of the Data Protection Officer

Is there a statement from the official data protection officer?
<input type="checkbox"/> no <input type="checkbox"/> yes (see attachment)
If necessary, further explanation