

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

Instructions for filling in the form

For the **installation** and **operation** of a **video surveillance system** within the scope of Art. 24 BayDSG, **incident documentation** is regularly required. The incident documentation documents the facts on the basis of which the dangerous situation required by Art. 24 para. 1 BayDSG is assessed, see for more details Bavarian State Commissioner for Data Protection, Video Surveillance by Bavarian Public Authorities, Orientation Guide, as of 2/2020, para. 46 et seq., available on the Internet at <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 following form is used to prepare such **incident documentation**. The incident documentation is created before the start of the measure on the basis of known incidents from the past and then updated on an ongoing basis. The following must be entered:

1. under "**General information**", the **controller** and the **location of the video surveillance system** (e.g. "swimming pool ...") with **address** and/or parcel number for the purpose of identification. The design of the video surveillance system is explained in Part 3 of the form "Test form for video surveillance by a Bavarian public body" provided by the Bavarian State Commissioner for Data Protection (see above for availability on the Internet);
1. under "**Incidents**" the **individual events** which, in the opinion of the person responsible, are supposed to be of significance for a danger situation.
 1. In addition to the **date**, the time **must also** be specified precisely, because the necessity can depend on the time of day.
 2. In any case, for a facility with several cameras, reference to a corresponding marking in the site plan is recommended for the location. A verbal description must be comparably accurate (e.g. "at the waste paper container").
 3. The **catchphrase-like designation of the incident** is only intended to provide a rough orientation and to enable classification according to the legal interest concerned (e.g. "large-scale paint smearing on the wall to the Rosengasse 8 property").
 4. Particularly important is the indication **relevance for camera no. ...**, because the necessity must be assessed separately for each individual camera.
5. Any damage that may **have occurred** must be named according to type and amount (e.g. "property damage, 2,500 euros").
6. The reference to the **place where documents were found** is intended to open up the possibility of providing more detailed evidence of the information in the form. Suitable documents include, in particular, notes from employees, reports to the police, investigation reports from the police, reports to an insurance company, letters to the person causing the damage, receipts for repairs, and also work slips from a municipal building yard. If copies are included in the attachment file, the personal data contained therein must usually be redacted.
7. Finally, for incidents during operation, the **success** or **effect** of video surveillance must be documented. In particular, it must be stated here if an "ongoing" incident could be prevented on the basis of video surveillance or if those responsible for the incident could be identified.

1. General information

Responsible person (name, address, e-mail address and telephone number of the public body)
Location of the video surveillance system

2. Incidents

Incident 1

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 2

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 3

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 4

Date and time of the incident	Location of the incident
Brief description of the incident	

Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 5

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 6

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 7

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 8

Date and time of the incident	Location of the incident
Brief description of the incident	

Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 9

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	

Incident 10

Date and time of the incident	Location of the incident
Brief description of the incident	
Relevance for Camera No.	Damage (type and amount, if applicable)
if applicable, location where the documents were found	
If applicable, success/effect of video surveillance	