

# **An Garda Síochána**



## **Code of Practice**

### **Operation of Recording Devices by Garda Personnel**

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#### **Body-Worn Camera**

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### **Garda Síochána (Recording Devices) Act 2023**

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# **1 CODE OF PRACTICE OVERVIEW**

## **1.1 INTRODUCTION**

This Code of Practice (COP) is delivered in accordance with Part 2 of the Garda Síochána (Recording Devices) Act 2023 (hereafter referred to as “the Act”) and pertains to the operation of the recording device, known as a Body-Worn Camera (BWC).

The operation of BWCs will capture video, audio, images, data and metadata which can assist with preventing, investigating, detecting and prosecuting criminal offences. The introduction of BWCs by An Garda Síochána will support the safety of Garda personnel, the securing of public order and public safety including threats to public security.

This COP sets out the manner in which BWCs must be operated, which is: fairly, responsibly, with respect for the rights of others, without unlawful discrimination, and as is necessary for a policing purpose in accordance with the Act. The operation of BWCs should not, where possible, interfere unjustifiably with the rights of others.

The principle underpinning this COP is that any action taken must comply with the fundamental principles of legality, necessity, proportionality, and accountability and that it is applied in a non-discriminatory manner in accordance with the principles of the Constitution of Ireland, the European Convention on Human Rights, and the EU Charter of Fundamental Rights and Freedoms.

## **1.2 AIMS AND OBJECTIVES**

The aim of this COP is to provide further detail on the general operation of BWCs as set out in the Act for Garda personnel.

The objective of this COP is to ensure BWCs are used as a tool to protect the rights of the public and members of An Garda Síochána, and to gather evidence, which contributes to the prevention and effective investigation of crime.

## **1.3 LEGAL CONTEXT**

The legal basis for operating a BWC is provided for in the Act and this COP is prepared in accordance with Part 8 of the Act. The COP applies to all Garda personnel and provides detail on the operation of BWCs.

The COP includes provisions relating to the processing of data, gathered as a result of the operation of BWCs, in accordance with data protection legislation. Recordings of video, audio, images, data and metadata on BWCs may be admissible in evidence in criminal, civil and disciplinary proceedings.

## **1.4 TERMS & DEFINITIONS**

Technical terms and abbreviations which are used throughout this document are defined in the following section.

Terms	Definitions
<b>Body-Worn Camera (BWC)</b>	BWC means a recording device affixed to or contained in: a) clothing, b) a uniform, or c) headgear (including helmet) or worn by an animal controlled by Garda personnel.
<b>Buffer</b>	BWC will operate a rolling pre-event buffer in stand-by mode which will add a period of seconds to the start of the recording.
<b>Code of Practice (COP)</b>	As defined in section 2 of the Act, means a Code of Practice approved by the Minister by order under Part 8 and includes part of a Code of Practice.
<b>Data Controller</b>	In relation to the operation of Part 2 of the Act and this COP, the Data Controller is any person who decides the purposes for which and how personal data is processed. The Commissioner of An Garda Síochána is the data controller for any personal data, which is captured on BWCs administered by Garda personnel.
<b>Digital Evidence Management System (DEMS)</b>	This is a software-based solution that enables an organisation to secure, store, retrieve and manage digital evidence throughout its lifecycle; and provide appropriate audit functions and controls to ensure data is handled in accordance with agreed policies.
<b>Document</b>	As defined in section 2 of the Act, means any of the following: a) a book, record or other written or printed material, b) a photograph, c) any information stored, maintained, or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in legible form, d) any audio or video recording.
<b>Principal Purposes</b>	Principal purposes for operating a BWC are provided for in the Act (section 9(2)).
<b>Garda Personnel</b>	A member of Garda personnel, as provided for at section 44 of the Policing, Security and Community Safety Act 2024 means: <ul style="list-style-type: none"> <li>• a member of An Garda Síochána, or</li> <li>• a member of Garda Staff.</li> </ul>
<b>Media Storage Device</b>	In relation to the operation of Part 2 of the Act and this COP, Media Storage Device refers to any device on which media is or can be stored or transported. A media storage device, as defined in this term, maybe removable or non-removable.

Terms	Definitions
<b>Member of An Garda Síochána</b>	Means a member within the meaning of section 44(a) of the Policing, Security and Community Safety Act 2024. It does not include a member of Garda staff.
<b>Minister</b>	Means the Minister for Justice, Home Affairs and Migration.
<b>Original Archive Master Copy (Master)</b>	In relation to the operation of Part 2 of the Act and this COP, this is an original recording, or digital image from which copies can be made (working copies).
<b>Original Working Copy</b>	The Original Working Copy is an audio-visual recording derived from the Original Archive Master Copy for the purpose of editing. The Original Working Copy may be altered from its Original Archive Master Copy.
<b>Personal Data</b>	<p>Personal data is defined in accordance with section 2 of the Act as follows</p> <ul style="list-style-type: none"> <li>a) an identified living individual, or</li> <li>b) a living individual who can be identified from the data, directly or indirectly, in particular by reference to: <ul style="list-style-type: none"> <li>i) an identifier such as a name, an identification number, location data or an online identifier, or</li> <li>ii) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of the individual.</li> </ul> </li> </ul>
<b>Public Place</b>	As defined in section 2 of the Act, means a place to which the public have or are permitted access, whether as of right or by express or implied permission and whether subject to or free of charge.
<b>Recording Device</b>	<p>As defined in section 2 of the Act:</p> <ul style="list-style-type: none"> <li>(a) means a device or system that is capable of creating a record in any medium from which visual images (including moving visual images) or sounds, or both, may, by any means, be reproduced,</li> <li>(b) includes any devices or systems that are capable of processing the record made under paragraph (a), which may include— <ul style="list-style-type: none"> <li>i. reproducing by any means the visual images (including moving visual images) or sounds concerned,</li> <li>ii. using ANPR in respect of the record, or</li> <li>iii. producing a document relating to the record or the processing concerned, and</li> </ul> </li> <li>(c) includes any device or system referred to in paragraph (a) or (b) that is in or affixed to a vehicle or a structure.</li> </ul>
<b>Removable Media</b>	This refers typically to, data storage devices (such as CD-ROM, DVD, Memory pen-drive, or portable hard drive) capable of being removed from a computer system without powering off the system for the express purpose of copying and transporting digital files (recordings or photos).

## **1.5 GUIDING PRINCIPLES**

BWCs must be operated fairly, responsibly, with respect for the rights of others, without unlawful discrimination and as is necessary for a principal purpose in accordance with the Act while minimising interference with the rights of others to the least extent possible.

The following key principles have been developed to guide the operation of BWCs:

1. Consideration must be given to balancing the potential impact on individuals and their privacy against the duty of An Garda Síochána to seek out and preserve all evidence that has a bearing or a potential bearing on the issue of guilt or innocence. This right to privacy is not an unqualified right. Its exercise may be restricted by the constitutional rights of others, including a right to a fair trial, the common good and the requirements of public order.
2. Garda personnel will be trained in the operation of BWCs prior to their use and operate BWCs in accordance with the law, this COP, and associated procedures.
3. Garda personnel must continue to follow current practices and procedures for achieving best evidence and the operation of BWCs does not replace conventional forms of evidence gathering.
4. Recordings of video, audio, images, data and metadata will be captured via BWCs in accordance with the Act, this COP, and associated procedures.
5. All recordings of video, audio, images, data and metadata that are viewed, stored, processed, and shared from any BWC are subject to applicable data protection legislation.
6. The mandatory operation of BWCs will be incident specific.

## **1.6 GARDA DECISION MAKING MODEL (GDMM)**

The GDMM applies to all decisions made by Garda personnel including spontaneous incidents, planned operations, daily duties and strategic planning.

The GDMM ensures consistency of decision making even in the most dynamic circumstances. As such, the GDMM will be used to support effective decision making in relation to the operation of BWCs.

The Garda Decision Making Model is available on the Garda website at [www.garda.ie](http://www.garda.ie).

## **2 BODY-WORN CAMERAS**

### **2.1 OVERVIEW**

In accordance with Part 2 of the Act, a member of Garda personnel acting in the course of their duties may operate, or cause to be operated, a BWC.

The operation of BWCs shall be necessary and proportionate with regard to the principal purposes, set out under section 9(2), this COP, and associated procedures.

## **2.2 ROLES AND RESPONSIBILITIES**

The use of BWCs and its associated systems will be strictly controlled. Use of BWCs, access to DEMS, and system privileges will be strictly limited to each person based on their approved uses. Each user will only be able to access the functionalities and system controls assigned to their role and position. Each member will be responsible for their use of a BWC and DEMS, and may be asked to account for their actions in the event of a review. Access controls will ensure that a user may only access the minimal amount of data which is necessary to allow them perform their duty.

## **2.3 CAPTURE OF INFORMATION**

The operation of BWCs enhances the ability of Garda personnel to gather and record information. BWCs provide the capability to record interactions and observations at scenes of potential incidents.

BWC recordings can support Garda personnel's written records of events and provide a visual and audio perspective. The notebook entries relied on to record key information, when dealing with a member of the public or capturing initial information at an incident, can be strengthened by BWC recordings to provide for a comprehensive view of an occurrence.

## **2.4 RESPECT FOR HUMAN RIGHTS**

It is the responsibility of Garda personnel to ensure that their operation of a BWC is only for a principal purpose. The operation of a BWC shall only take place as is necessary and proportionate with regard to the purposes under the Act, and such operating is in accordance with this COP and associated procedures. Decisions in this respect will be guided by the GDMM and the Garda Human Rights Framework.

To further ensure respect for and protection of human rights, a Human Rights Impact Assessment on this COP has been carried out in accordance with Part 8 of the Act.

## **2.5 -DIGITAL EVIDENCE MANAGEMENT SYSTEM (DEMS)**

A Digital Evidence Management System (DEMS) is used to securely manage video from BWCs operated by Garda personnel.

### **2.5.1 USE OF DEMS**

All content from a BWC will be uploaded automatically to the DEMS and will be categorised appropriately. Once BWC video is uploaded into the DEMS, a decision as to its use will be made, whether it will be required for evidential or other policing purposes or if any video/image taken is non-evidential.

Non-evidential content will automatically have the Recording Time, Date, and Location, User ID, and Camera Asset Tag assigned to it. Evidential content will, in addition to the information automatically applied, be updated by the Garda personnel with information such as the PULSE incident number and supporting information.

The DEMS supports the management of recordings over its lifecycle from upload to destruction, providing an audit function to ensure transparency and the preservation of the evidence chain. Audio or visual edits, (including but not limited to redaction or clipping) will be completed in the DEMS by trained users.



As soon as a file is uploaded it becomes the original archive ‘master’ copy of the video and is stored by the system and cannot be edited or updated. It will always be linked to any copies or edited versions of the original. All updates must be made to a ‘working copy’ of video files, which have been uploaded.

Garda personnel will have the ability to redact video of a working copy, which will be linked to the original archive master copy, in accordance with data protection legislation in order that only video which is evidentially relevant to a case can be prepared for court or other authorised viewing. The release of video to the Director of Public Prosecutions (DPP), Courts Services, Fiosrú - Office of the Police Ombudsman, or where otherwise required by law is managed by the DEMS and must be approved by a supervisor with the appropriate rank.

The processes governing the uploading of BWC video into the DEMS and the subsequent use of video will be set out in the relevant Garda procedure document.

### **2.5.2 UPLOAD OF BWC VIDEO**

To prevent loss or accidental destruction of recordings, all video from a BWC will be uploaded into the DEMS at the earliest opportunity. Once recordings have been automatically uploaded, a BWC is cleared of all video and ready to be used again.

### **2.5.3 DATA RETENTION**

In the event, an individual convicted in the courts undertakes an appeal or miscarriage of justice proceedings, the BWC evidence must be retained upon conviction. The circumstances of the retention should ensure that evidential integrity is maintained in the event of an appeal or civil claim being lodged or a retrial is ordered.

When video is uploaded to the DEMS, if it has been categorised as non-evidential, it will automatically be subject to the destruction policy of 31 days, requiring no input from Garda personnel. At any time in the 31 days Garda personnel can review and change their “non-evidential” decision, thus retaining the data beyond the 31 days.

### **2.5.4 DATA TRANSFER**

Data transfer from BWCs to the DEMS must be completed at the earliest opportunity. BWC video should not be transferred via removable media and should be shared via appropriate DEMS Portal links, unless otherwise required by law.

Sharing of video must be done in accordance with the procedures set out to support this process.

## **3 BWC – WHEN TO RECORD**

BWC shall only be used to record in accordance with the permitted uses under section 9 of the Act.

In addition, the Garda Commissioner may mandate certain uses of BWC. This mandating will follow a detailed consideration of the use cases and the impact of the recording. Any decision to mandate use will be based on the principles of necessity and proportionality.

Only incidents which:

- Protect and uphold the integrity of members of An Garda Síochána;
- Allow for the gathering of evidence required for potential proceedings;
- Protect the integrity of any criminal proceedings due to the duty on An Garda Síochána to seek out, preserve, and retain any evidence relating to the guilt or innocence of an accused;
- Involve the use or potential use of force;
- Achieve a lawful goal without unnecessary interference with the rights of others;
- Allow for improvements to be made in the way that policing services are delivered;
- Involve incidents of serious public disorder,

will be considered by the Commissioner as requiring the mandatory use of BWC. These uses will be subject to regular review based on feedback as to their efficacy, necessity, and proportionality.

The Garda Commissioner may add to, or remove from, the list of specific incidents as operational demands necessitates to assist with the dynamic requirements of policing.

#### **4. BWC – WHEN NOT TO RECORD**

BWCs should not be operated in the following circumstances:

- To make a recording for a purpose other than a principal purpose.
- To make a covert recording.
- Within Court premises, including a Courtroom and any public areas, unless it is for a principal purpose.
- Interviews of individuals detained under legislative provisions conducted in custody suites.
- To record indiscriminately or for an entire rostered tour of duty.
- During an intimate or strip search conducted by a medical practitioner in accordance with the Criminal Justice Act (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 and 2006.
- Where the recording might interfere with legal privilege.
- Where a suspect is engaged in a privileged conversation with a legal practitioner.
- Where Garda personnel are communicating with a Covert Human Intelligence Source (CHIS) source.
- To record Garda work practices unless it is for a principal purpose(s).

#### **5. BWC – SPECIFIC RECORDING CONSIDERATIONS**

It is a matter of individual discretion with regard to the following list of incidents however it is advised to make use of the BWC to gather evidence of the encounter in these situations. The following set of scenarios and locations, though not exhaustive, require special consideration in relation to the operation of BWCs:

- Garda stations / premises /custody facilities.
- Hospitals / mental health / social care facilities / sensitive locations.
- Sensitive operations.
- Pre-planned operations.

## **5.1 GARDA STATIONS/PREMISES/CUSTODY FACILITIES**

BWC recordings may cease when an arrested person arrives at a custody suite in a Garda station/custody facility, if An Garda Síochána have in place CCTV at the location. This CCTV will take primacy for recording. BWC recordings may continue in circumstances where there are no CCTV systems in a custody suite at a Garda station/custody facility. In the case of spontaneous incidents where use of force is necessary, Garda personnel may commence BWC recording in any area of the custody suite and its environs. In these circumstances, the operation of a BWC shall only take place as is necessary and proportionate for a principal purpose.

## **5.2 HOSPITALS / MENTAL HEALTH / SOCIAL CARE FACILITIES / SENSITIVE LOCATIONS**

Garda personnel can operate BWCs without consent whilst lawfully on private premises. When considering the operation of BWCs within a hospital, mental health or social care premises for a principal purpose, Garda personnel will be mindful of any imposition placed upon others that may occur and aim to minimise interference with the rights of others to the least extent possible.

Staff within such premises will be consulted, if practical, and informed of any decision to operate BWCs for a principal purpose and the rationale recorded.

## **5.3 COURT PREMISES**

BWCs should not be turned on within Court premises unless there is an incident to which Garda personnel are required to respond and consider BWC recording necessary and proportionate for a principal purpose. Once the incident has been concluded, the BWC should be turned off.

## **5.4 PRE-PLANNED OPERATIONS**

When planning operations, the Garda supervisor/manager in charge of the operation should consider the circumstances in which BWCs will be operated. Their decision should be recorded in a planning log or other record of the operation.

Garda supervisors/managers in charge of planning policing operations should ensure that their Garda personnel are made aware of the COP and the operation of BWCs, prior to commencement of the operation.

Consideration may be given by Garda supervisors to BWCs being used to audio and visually record any pre-planned briefings for operations where such use of BWCs is deemed necessary and proportionate.

# **6 RECORDING – REQUESTS AND OBJECTIONS**

A member of the public when dealing with Garda personnel may, on becoming aware of the BWC, make demands/requests from the Garda personnel to take certain actions. The decision to use the BWC, in these situations, rests with the Garda personnel and any action taken should be considered necessary, proportionate and in accordance with this COP and the Act.

## **6.1 REQUEST TO RECORD**

If a member of the public requests that their interaction with Garda personnel is recorded, even if there is no apparent evidential reason to do so, unless there are clear reasons to do otherwise, recording may take place provided it is considered by Garda personnel necessary, proportionate and for a purpose in accordance with section 9(3)(e) of the Act and this COP.

## **6.2 OBJECTION TO RECORDING**

If a member of the public objects to being recorded, Garda personnel shall, where practicable, inform them that the operation of BWCs is authorised under the Garda Síochána (Recording Devices) Act 2023.

Garda personnel are not required to cease the recording at the request of a member of the public.

## **6.3 COLLATERAL INTRUSION**

Collateral intrusion is the interference with the privacy of individuals who are not involved in the specific incident the Garda personnel is focused on. An example of this would be the unintentional recording of background conversation of passers-by alongside the speech of the individual who is the focus of the interaction. Garda personnel should always attempt to minimise collateral intrusion and privacy of others.

Where video is to be shared with external organisations, (third parties), in accordance with law, redaction may be necessary to obscure the identification of uninvolved third parties shown.

## **6.4 SELECTIVE CAPTURE**

Selective capture applies when Garda personnel make a deliberate choice as to when to record and when not to record.

Where Garda personnel have decided to operate a BWC, they should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary and proportionate for Garda personnel to consider the rationale for not continuing to record throughout entire incidents.

Garda personnel must be aware that stopping a recording during any incident may require an explanation. In cases where Garda personnel do interrupt or cease recording at an ongoing incident, they should record their decision on the recording, and in their notebook including the grounds for making such a decision.

# **7. RECORDING SEQUENCE**

This section details the recording process and should be read and followed sequentially.

## **7.1 PRE- INCIDENT**

With the exception of a dwelling there is no legal requirement in the Act for the operation of a BWC to be notified to individuals.

When a BWC is being operated in a dwelling, Garda personnel shall notify the occupants at the start of the operation of the recording and record the notification. The verbal announcement should be in ordinary plain language to the following effect:

***‘I am using a Body-Worn Camera; this interaction is being recorded.’***

The BWC pre-event buffer will capture the announcement if it is made within the buffer period prior to the BWC activation.

## **7.2 DURING THE INCIDENT**

It may assist Garda personnel to provide a running commentary detailing evidence not present in the video (for example, temperature, or distinctive smells such as cannabis) to assist both Garda personnel and/or viewer with later recollection/viewing of a recording.

Recording should, where practicable, be restricted to those individuals and areas where it is necessary to provide evidence relevant to an incident. Garda personnel should consider taking steps to minimise collateral intrusion for any individuals present who are not involved in the incident, particularly in areas where there is a higher than usual expectation of privacy, (e.g. changing facilities/bathrooms). When considering the operation of BWCs in such areas, Garda personnel must be mindful of the increased level of justification that is required to respect and protect the dignity of individuals.

## **7.3 STOPPING RECORDING**

Garda personnel should be satisfied that, in making the decision to stop recording, the risk of not capturing evidential material is balanced against the situations when BWC should be activated.

Garda personnel should under normal circumstances, cease recording in the following instances:

- Recording is no longer permitted under the Act or this COP.
- The incident has concluded, or Garda personnel have left the scene.
- A different recording system takes primacy

Garda personnel should therefore make a verbal announcement explaining the reason for stopping the recording before doing so to the following effect:

***‘I am ending this recording as it is no longer necessary and proportionate to record / I am leaving the scene / etc.’***

There may be occasions when Garda personnel decide to end a recording before their involvement in an incident has concluded. Prior to such they should make a verbal statement explaining the reason for same.

For the avoidance of doubt, nothing in this COP shall operate to prevent the operation of BWCs where it is necessary and proportionate for a principal purpose in accordance with the Act and this COP while minimising interference with the rights of others to the least extent possible.

## **7.4 POST INCIDENT**

Garda personnel shall upload BWC recording to the DEMS, identifying and categorising all files that are considered to be evidential.

## **8. USE OF RECORDINGS & DATA**

### **8.1 DATA CONFIDENTIALITY**

Only trained Garda personnel will have access to BWC recordings. All recordings must be viewed and managed in accordance with Garda procedure, data protection legislation and the Garda Code of Ethics.

### **8.2 DATA SECURITY**

BWC recordings will be subject to the permissions for the creation, reading, updating, destruction, and sharing with the intention of managing recordings in a way that does not harm the individual's vital interests.

### **8.3 DATA QUALITY**

Upon collection/allocation, an initial check should be undertaken to ensure that a BWC performs properly. The following fundamental maintenance and quality principles must be upheld:

- The BWCs will be maintained to a level where the quality of the images from the equipment meets the standard required by An Garda Síochána technical specifications;
- The DEMS will log the maintenance of BWCs.

### **8.4 DATA ACCESS & VIEWING**

Access and viewing of recordings is fully auditable on the DEMS. The DEMS Audit also includes a comprehensive reporting tool allowing supervisors to quickly access chain of custody reports. The DEMS Audit will record every single activity, view, delete, share, edit, update and tag for every single file that is in the system e.g. video, document, picture/image, etc.

The system will maintain this audit log for every file indefinitely, even destructed files, as the date, time, and detail of the destruction is also recorded.

### **8.5 DATA USE & PROCESSING**

Data usage and processing must be fully compliant with data protection legislation. Recordings may be subject to different handling and retention policies, dependent on their source. As far as reasonably possible, all data will be subject to encryption at rest and in transit.

### **8.6 DATA RETRIEVAL**

Save where otherwise provided for in this COP, copies of incidents captured on BWCs will only be made available by the applicable supervisory rank or grade in the following instances:

- On commencement of criminal proceedings, upon a request being received to view the video material from a party to the criminal proceedings or their legal representative.
- Following instructions from the Director of Public Prosecutions.
- Where the repeated playing of the video is required (e.g. to show a witness).

- To Fiosrú – Office of the Police Ombudsman in accordance with the provisions of the Policing, Security and Community Safety Act 2024.
- Where required in civil or disciplinary proceedings as evidence in civil or disciplinary proceedings as evidence in accordance with section 48 of the Act, or
- Where otherwise required by law.

## **8.7 EVIDENTIAL USE**

Garda personnel have a duty to seek out and preserve all evidence that has a bearing or a potential bearing on the issue of guilt or innocence. This includes video or audio captured by BWCs.

The creation and subsequent movement of working copies will be recorded in the DEMS, automatically in the Audit Log, and investigating Garda's official notebook.

## **8.8 PUBLISHING BWC VIDEO**

Disclosure of the recorded video or images to third parties should only be made in limited circumstances including:

- following a formal request from specified Garda personnel for disclosure of video/images on the grounds that the images are likely to be of use for the investigation of a particular offence.
- a requirement under any enactment, rule of law or court order to disclose the video/images.
- if required where legal proceedings are being taken against An Garda Síochána, the Commissioner of An Garda Síochána, or any member of An Garda Síochána.
- to counteract the spread of misinformation or disinformation.
- to individuals whose images have been recorded and retained in response to a subject access request or other valid legal basis for disclosure.
- to media organisations, where it is decided that the public's assistance is needed to assist in the identification of a victim, witness, or perpetrator in relation to a criminal incident. The wishes of the victim, or where appropriate their family (e.g. vulnerable person), of an incident should be taken into account.
- to media organisations to highlight the work of An Garda Síochána.
- training related purposes for An Garda Síochána.

All requests for access for disclosure should be recorded. If access or disclosure is denied, the reasons will be documented.

In circumstances where images will be disclosed to the media or other third parties, redaction, blurring or otherwise disguising of the images and audio of individuals will be applied so that individuals recorded are not identifiable. Where it is deemed necessary and proportionate to disclose video that includes identifiable individuals, the rationale and the supporting legal basis should be clearly documented.

## **9. GOVERNANCE & COMPLIANCE**

The introduction of the operation of BWCs by An Garda Síochána is governed by the Act, this COP, and associated procedures. Garda personal are required to operate BWC in accordance with these.



## **9.1 PROFESSIONAL STANDARDS**

BWC video may be used to resolve complaints and inform disciplinary investigations.

The reasons for viewing of video by complainants should be recorded by investigating Garda personnel. In such circumstances, consideration must be given to whether non-connected persons on the material shall be obscured to protect their identity/privacy.

## **9.2 TRAINING**

Before using BWCs, Garda personnel must complete any prescribed organisational training in their operation. This training may incorporate eLearning, video based material, instructor-led, virtual or classroom based delivery methods. Additional information may also be published as necessary.

Only Garda personnel who have received and completed the appropriate training and acknowledge compliance with this COP will be permitted to operate Garda BWCs.

## **9.3 ETHICAL STANDARDS**

The Code of Ethics for An Garda Síochána sets out guiding principles to inform and guide the actions of all personnel of An Garda Síochána at every level of the organisation.

The Code of Ethics states that Gardaí must treat information that is provided to An Garda Síochána with respect and in accordance with the law. This protects the rights of people who provide information and the rights of people to whom the information refers.

# **10 DATA PROTECTION**

When processing personal data for the purposes of exercising its statutory law enforcement functions, An Garda Síochána is subject to the requirements of Part 5 of the Data Protection Act 2018, which transposed the Law Enforcement Directive (EU) 2016/680 into national law.

## **10.1 COMPLIANCE WITH DATA PROTECTION LEGISLATION**

As per Section 8(1) of the Data Protection Act 2018, the Data Protection Act 1988 (as amended) continues to apply to processing of personal data for State security purposes, and the General Data Protection Regulation (GDPR) (EU) 2016/679 applies to processing of personal data for non-law enforcement purposes. In processing digital recordings relevant to this COP (including arrangements for access, storage and retention of recordings), An Garda Síochána will ensure compliance with the relevant and applicable data protection legislative framework for the processing concerned.

## **10.2 DATA SUBJECTS RIGHTS**

An Garda Síochána will ensure that data subjects can exercise their rights as outlined under data protection legislation. In the context of personal data contained on digital recordings processed for law enforcement purposes, this includes the right of access in accordance with the Data Protection Act 2018.

An Garda Síochána has a dedicated Data Protection Unit that manages subject access requests under data protection legislation on behalf of the organisation. The Data Protection Unit ensures that subject access requests are managed in line with the



requirements and timescales specified under data protection legislation. This includes reviewing relevant material in relation to a request, including digital recordings, to ensure that appropriate redactions or restrictions are applied, as required, to protect the data protection rights of third parties, or, where a necessary and proportionate measure under data protection legislation, including for the purposes outlined under Section 94 of the Data Protection Act 2018.

### **10.3 DATA PROTECTION IMPACT ASSESSMENT**

In line with the requirements of data protection legislation, An Garda Síochána has conducted a Data Protection Impact Assessment (DPIA) in relation to processing activities relevant to this COP that are likely to result in a high risk to the rights and freedoms of data subjects.

## **11. CODE OF PRACTICE REVIEW**

This COP will be reviewed and amended where appropriate and in compliance with the provisions of Part 8 of the Garda Síochána (Recording Devices) Act 2023.

### **11.1 CONSULTATION**

An Garda Síochána has undergone the consultative process, in accordance with the provisions of Part 8 of the Garda Síochána (Recording Devices) Act 2023, to develop this Code of Practice.

### **11.2 APPROVING AUTHORITY**

The Approving Authority for this COP is the Minister for Justice, Home Affairs and Migration in accordance with Part 8 of the Garda Síochána (Recording Devices) Act 2023.