

Privacy and data protection case study

7 - INSPECTING INFRASTRUCTURE



You are using a drone to inspect infrastructure; e.g., power lines, rail tracks, wind turbines. Often infrastructure can be in a difficult to reach area and a drone, fitted with a high-definition video camera, provides safe access. Sometimes around this infrastructure human life is found: dwellings, farms, people going about their life. Images of this can be captured and included in the footage that is used by you.

Below you will see some of the main privacy and data protection issues that could arise in this situation and tips/safeguards for how to avoid them.

Privacy

Visibility and accountability: Individuals on the ground may not know a drone is in operation. They should be aware who, when and how the drone is being used and for what purpose. This allows them to adjust their privacy expectations, be prepared and keep control over their privacy by acting accordingly.

Chilling effect: Individuals may perform a form of self-preservation/ self- censorship by restricting their behaviour when they are, or believe that they are, being watched. Making individuals in the area aware of the purpose of filming and what is being captured can reduce this negative effect.

Capturing continuous footage and private spaces: As you fly your drone, you may capture people living in the area moving about. This could threaten their right to privacy of location and space. People have a right to move about freely without being tracked and monitored and to be left alone in their own home. The sphere of the home (including the garden, the car and, for example, the driveway) is a place where individuals have a right to privacy..

DATA PROTECTION

Remember that there are special requirements that apply whenever people whose information or images you collected can be identified (making it their personal data). Keep in mind that sometimes it may be possible to identify people also from the context – location, house numbers, car registration numbers, time of day, etc.

Inform people: Whenever you collect someone's personal data or plan to do so, you should inform them of a variety of aspects regarding your activity, including who you are, what you are doing and why, what you will use their data for, how long you will keep the data for and what rights they have.

Reason for data collection: You should have a good reason to collect personal data, even if that is accidental. In this case, the reason would be a legitimate interest you are pursuing.

You are carrying out an activity of social importance – you are inspecting important infrastructure.

Data minimisation: You should collect as little personal data as possible. This means you should only collect data if it is linked to your purpose or it is unavoidable.

Purpose limitation: People have the right to know exactly for what purpose their data is collected and, once you inform them of the reason (inspection of the infrastructure), you cannot use their data for a different incompatible purpose (e.g. advertising) without informing them again and (1) asking them for their consent or (2) seeking another lawful reason for your actions (see above).

Integrity and confidentiality: Store any personal data in a secure and protected manner. Unauthorised access or data corruption must be prevented.

Storage limitation: You should not keep the footage of people in a manner that would allow their identification for longer than necessary for your planned purpose.

Feel free to keep the footage of the infrastructure for your records, as long as there are no identifiable people caught in it.

SAFEGUARDS

TIPS - *If you think someone has a reasonable expectation of privacy, don't violate that privacy by taking pictures, video, or otherwise gathering personal data on them, especially if they are in a private space.*

TIPS - *Engage in a public information campaign. Consider the use of advertisements, signs, leaflets and social media announcements that provide information about what the drone is doing, when it will be operating, what it may record, and what the footage will be used for. Don't forget to include your contact information as well, so individuals could turn to you if they have any questions or requests. If someone does not wish to be filmed, you should comply with their wish.*

TIPS - *Collect only the minimum amount of information about people necessary for the purpose of your drone operation and only store it when and as long as it is relevant to your task. Consider flying at a higher altitude to ensure less focused data relating people on the ground is collected. This would make the identification of individuals more difficult and could contribute to minimising the impact of our activities on their privacy. Don't forget to observe the maximum allowed flight altitudes.*

This can make the identification of individuals more difficult and can help minimise the impact of your activities on their privacy.

TIPS - *Do not share data on identifiable persons with third parties without the agreement of the people in the images or without a legal obligation requiring you to do so.*

TIPS - *Store any personal data collected in a secure manner, and ensure that it is not stored for excessive lengths of time, i.e. for longer than necessary.*

TIPS - *Minimise personal data: Consider taking anonymising steps whenever and as soon as possible, such as blurring, to minimise the amount of personal data collected. E.g., blur the images of people inadvertently caught on the footage, as well as all house numbers and car registration and plate numbers. Delete data which you no longer need.*

