

Privacy and data protection case study

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.

9 - MAPPING



You are using a drone to map an area – this could be for an array of reasons such as: missions related to construction planning, mining and geographical surveying to assist in mapping the path of a new road or the layout of a new housing estate. You are flying your drone 100m above houses and land, filming the buildings, the land and the immediate surrounding neighbourhoods. Citizens' cars and items in their back garden are clearly visible, as are the persons walking to/from their houses, hanging out on the street or attending local services, places of worship and other facilities. After you are done filming, you download the recorded footage to your computer and share it with your company and third-party companies.

Privacy

Transparency, 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 who live in the immediate homes and streets may be unsure about whether the drone is filming, what it can see and the purpose for which it is being used. This could lead individuals to adjust their behaviour as though they are under surveillance, even when they are not being monitored.

Privacy of location and space: Persons living in the neighbourhood have a right to move about freely in their own home (or garden, or car) without being identified, tracked or monitored. This right may be infringed as the individuals may feel they are being observed in their own homes or in their neighbourhoods.

Privacy of thoughts and feelings: Individuals have a right not to share their thoughts or feelings or to have them revealed. This includes their beliefs or religious views. This privacy may be infringed upon if the places of worship visible in your footage are being used, for example.

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.

Lawfulness, fairness, transparency: Your collection and processing of personal data must be lawful, based on one of the options laid down by EU law. It must be fair, meaning that it must not cause any harm to the individuals. It must also be transparent – people have to know if their images have been captured, by whom and why. You must not do anything

unlawful with the data.

Purpose limitation: People have the right to know exactly for what purpose their data is collected and, once you inform them of the reason (mapping), you cannot use their data for a different incompatible purpose (e.g. profiling of the neighbourhood for marketing purposes) without informing them again and ensuring your actions are lawful (see above).

Data minimisation: You should collect as little personal data as possible to achieve your goals – the mapping of the area. Only collect what is necessary, directly related to your purpose and/or unavoidable.

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.

Integrity and confidentiality: Where you have footage of identifiable people, you should make sure that that data is stored in a secure and protected manner. Unauthorized access must be prevented.

Accountability: Remember that if you collect personal data and can choose what to do with it, you will be accountable if you don't follow any of these principles.

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, especially by targeting a specific person.*

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 - *Only collect and store data relevant for mapping. Collect the minimum amount of data necessary in relation to your legitimate course. Consider flying at a lower altitude above the space you wish to map to ensure less background data is collected. This also ensures that individuals are more aware of the drone and promotes transparency.*

TIPS - *Individuals recorded should have a right to access the material where they can be identified and should be enabled to request the data controller to delete that material. You should inform them of that right.*

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 - *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.*

TIPS - *Store any personal data collected in a secure manner, and ensure that it is not stored longer than necessary for your planned purpose.*

TIPS - *Be aware who the data controller and the data processor is in this case, especially if you are carrying out this activity together with another company. Remember that data controllers and data processors are subject to various legal obligations in the EU.*

