

English version

**Data protection and privacy by design and by default -
Technical Report on applicability to the video surveillance
industry - State of the art**

Datenschutz durch Technikgestaltung und durch
datenschutzfreundliche Voreinstellungen -
Technischer Bericht über die Anwendbarkeit in der
Videoüberwachungsindustrie - Stand der Technik

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European foreword

This document (CEN/CLC/TR 17919:2023) has been prepared by Technical Committee CEN/CLC/JTC 013 “Cybersecurity and Data protection”, the secretariat of which is held by DIN.

This document has been prepared in complement of EN 17529: *Data protection and privacy by design and by default 2021*, under mandate M530 given to CEN/CENELEC by the European Commission.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. CEN shall not be held responsible for identifying any or all such patent rights.

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Introduction

This document explains how EN 17529, “Data Protection and Privacy by Design and by Default”, is applicable to the video-surveillance industry, a security industry which is permanently serving the objectives of its various customers, themselves subject to a balance between privacy and security expectations, eventually changing with the political, local and conjunctural situations.

EN 17529 defines the process through which the developers and/or manufacturers of all types of products and services make sure that the end-users thereof will be encouraged and be able to use them in compliance with the applicable privacy rules, directly or after an appropriate set-up. Concretely, implementing this standard will allow this industry sector to provide its customers (and especially their data controllers) with solutions designed with the necessary options and flexibility to comply with their privacy protection obligations over the lifetime of the delivered solutions.

It should be noted that in parallel to this report, the European Data Protection Board (EDPB) has published its *Guidelines 3/2019 on processing of personal data through video devices*, version 2.0, which provide an official interpretation of the use of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, GDPR) applied to video-surveillance systems.

1 Scope

This document illustrates, through a review of the state of the art, the applicability of the EN 17529 to the domain of the video-surveillance industries, a security industrial domain which is serving the objectives of its various customers, themselves subject to a delicate balance between privacy and security objectives eventually changing with the political, local and conjunctural situations.

Implementing this standard will allow this industry to provide its customers with solutions designed with the necessary options and flexibility to contribute to their privacy protection obligations over the lifetime of the delivered solution.

The present document considers at this stage the core video-surveillance solutions consisting in up to:

- A number of cameras (fixed or PTZ);
- A Video Management System (VMS) including its storage capability;
- A display and replay capability:

Basic video analytics allowing automatic detection in the video of each camera of simple geometric situations (movement detection, line crossing, etc.), but excluding embedded tools allowing automated distinguishing, direct identification or tracking of individuals;

- IP interfacing with external (not included) terminals.

This basic set-up may be expanded in future versions.

The “off-the-shelf” system and sub-system manufacturers are the core targets of this document; companies doing systems installation may be indirectly addressed, but service providers eventually running the systems are not covered.

2 Normative references

The following documents are referred to in the text in such a way that some, or all, of their content constitutes references for this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

EN 17529:2022, *Data protection and privacy by design and by default*

3 Terms and definitions

For the purposes of this document, the terms and definitions given in EN 17529 and the following apply. ISO and IEC maintain terminological databases for use in standardization at the following addresses:

- IEC Electropedia: available at <https://www.electropedia.org/>
- ISO Online browsing platform: available at <https://www.iso.org/obp>

3.1

pan-tilt and zoom

PTZ

capacity of a camera to be controlled remotely regarding direction and zoom

4 High level objectives

Referring on the main body of EN 17529 and based on the state of the art, the present TR details how it is possible for a manufacturer of a video-surveillance system to take into consideration as part of the quality process followed by its product line, the provisions of EN 17529 making sure that its different potential end-users can easily and are encouraged to comply with their data protection and privacy obligations.

To do so, the different prescriptions of EN 17529:2022, Clause 6, will be translated into features and set-up of a video-surveillance system, while as per the core principle of EN 17529, the manufacturer can have a formal process through which all such prescriptions are considered (in existence, performance, set-up, etc.) with regard to the privacy requirements, for each system delivered.

It must be noted:

- That, nevertheless, the product will be delivered, maintained and disposed in compliance with the written configuration request established by the customer, who remains the sole accountable entity, even if this may not correspond to an optimum privacy set-up or configuration among the options proposed by the vendor; this is especially true as video-surveillance systems are often used in governmental security missions covered by dedicated regulations,
- That this document applies to digital, analogue and hybrid systems (containing both digital and analogue technologies). It might not be possible to fully decompose these systems into the functional perspectives envisaged in the example presentation given in EN 17529. System integrators and manufacturers may need to map their system architectures directly to the data protection and privacy requirements, using a more natural decomposition into parts as appropriate for their system,
- That in many countries, video-surveillance has been subject to local privacy regulations for many years and that accordingly at least some of the prescriptions discussed hereafter are covered by legacy implementations,
- And finally that in parallel to the preparation of this TR, the European Data Protection Board (EDPB) has published the *Guidelines 3/2019 on processing of personal data through video devices*, Version 2.0, which provide an official interpretation of the use of the GDPR applied to video-surveillance systems, which, as such, prevails on interpretations which may result of provisions of the standard and of this TR.

5 Guidelines regarding the process to follow

The main body of EN 17529 details, in its Clause 5, process to follow in a comprehensive detailed and generic manner.

As clearly demonstrated in the EDPB Guidelines, the video-surveillance domain requires a detailed functional analysis for each individual use case to be able to identify the set of the GDPR (and of Clause 6 below) provisions applicable.

It is worth remembering as well that, although not all the video-surveillance systems are digital, privacy regulations might remain applicable.

As stated in 5.1.2 of EN 17529 to ensure a proper match between the variety of use cases implied by the targeted market and their implication in the activation of the GDPR provisions, the organization is encouraged to select, train and fully inform staff in charge of the process below on

- Applicable legislation, e.g. the GDPR and its functional logic, and
- A comprehensive view of all the usage conditions relative to the different segments covered by the marketing plans.