

TRANSLATION OF LEGISLATION:  
BELGIUM

Royal Decree of 2 July 2008 concerning the  
notifications of the installation and the use  
of surveillance cameras

Unofficial English translation –  
Consolidated version<sup>1</sup>

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**Article 1.**

For the purposes of applying this Royal Decree, the following terms have the following meaning:

1° “the Act of 8 December 1992”: the Act of 8 December 1992 on privacy protection in relation to the processing of personal data;

2° “the Act”: the Act of 21 March 2007 governing the installation and the use of surveillance cameras;

3° “the Commission”: the Commission for the protection of privacy as referred to in the Act of 8 December 1992;

4° “notification”: the notification by the data controller of the installation and the use of surveillance cameras as imposed by, as the case may be, articles 5, § 3, second section, 6, § 2, second section, and 7, § 2, second section of the Act;

5° “online service”: the electronic system for the registration of notifications of a processing of personal data, managed by the Commission and made available on its website;

6° “surveillance system”: the system whereby surveillance cameras are installed and used as referred to in article 3 of the Act, including the viewing and processing of the images;

7° “operational system”: the surveillance system whereby one or more cameras are connected in a closed circuit with one or more control rooms;

8° “control room”: the place where the images are being viewed and where they are stored, as the case may be;

9° “site”: the indication of the origin of the data, by mentioning the area covered by the surveillance system;

10° “location”: the identification of the areas on the site, where surveillance cameras are being installed.

**Article 2.**

The notification of the installation and the use of a surveillance system is performed in an electronic manner by means of the electronic form of the Commission.

The Commission makes available thematic notification forms named “camera surveillance –surveillance and supervision”.

The notification by means of the electronic form complies to the duty to notify vis-à-vis the Commission and vis-à-vis the police chief of the competent police area. The Commission ensures that the communication is sent to the latter.

**Article 3.**

A thematic notification form is made for surveillance systems that relate to “unenclosed areas”.

A thematic notification form is made for surveillance systems relation to “enclosed areas”. In this form, a distinction is made between areas accessible to the public or not.

**Article 4.**

§1. For the assessment of the enclosed or the unenclosed nature of an area, an enclosure should consist at least of a visual demarcation or indication affixed in a legitimate manner enabling it to be possible to distinguish several locations.

§ 2. When the surveillance system relates to areas of a different nature at the same time and the processing is performed by means of a single operational system, the notification is performed as follows:

1° when the operation system relates to one or more

<sup>1</sup> This version is consolidated to 7 May 2013. Bibliographical information can be found at the end of this document.

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unenclosed areas and one or more enclosed areas, by means of the notification for an unenclosed area;

2° when the operation system relates to one or more enclosed areas accessible to the public and one or more enclosed areas not accessible to the public, by means of a notification of one or more enclosed areas accessible to the public.

§ 3. For the purposes of the notification, the principal entrances to an enclosed area, accessible to the public or not, are deemed to have the same statute as the enclosed area itself.

#### Article 5.

The notification shall be performed per area to which the operation system relates to.

If the surveillance system relates to a site that covers an area with enclosed areas that are intermitted with an unenclosed area, a separate notification must be performed for each enclosed area, even if the processing of the data is carried out by means of the same operational system.

#### Article 6.

§1. Every notification shall indicate the site and the location covered by the operational system, as well as the location where the processing takes place.

The indication of the site is performed by mentioning the municipality and, in relation to enclosed areas, the address of the area.

The indication of the location is performed by mentioning:

- 1° in relation to unenclosed areas, the enumeration of streets and squares covered by the operational system;
- 2° in relation to enclosed areas, the indication whether the operational system only relates to the area within the site or to the external demarcation of the site as well.
- 3° if the operational system referred to in 2° relates to the demarcation as well, the enumeration of the streets and/or squares that are in the neighbourhood of the area, provided one or more cameras are installed there.

The indication of the area where the processing takes place is performed by mentioning the address of the control room or the address of the control rooms, if there

are multiple control rooms for the same operational system.

§ 2. The notification also mentions:

- 1° the identity of the data controller;
- 2° the name of the data processing operation and the nature of the area;
- 3° the purposes of the processing, being “surveillance and supervision”;
- 4° the categories of data that are being processed, being “images”;
- 5° the Legal or regulatory grounds, being “ the Act of 21 March 2007 governing the installation and the use of surveillance cameras”;
- 6° the manner of informing about the processing;
- 7° the categories of recipients;
- 8° the security measures implemented in the context of the communication of the data to third parties;
- 9° information about the exercise of the right to access;
- 10° the storage period of the data;
- 11° the security measures implemented to safeguard against access by unauthorised persons;
- 12° the categories of data and the destination countries;
- 13° the identity of the contact person and the signatory.

If the notification relates to an unenclosed area, the date of the positive advice of the competent municipality council.

The notification also contains the declaration that the surveillance system complies with the principles of the Act of 8 December 1992, as determined in articles 5, § 3, second section, 6, § 2, second section, and 7, § 2, second section, of the Act.

#### Article 7.

This Royal Decree enters into effect on the day on which it is published in the Belgian State Gazette.

#### Article 8.

Our Minister of Interior Affairs is charged with the

execution of this Royal Decree.

### **Bibliographical information<sup>3</sup>**

Royal Decree of 2 July 2008 concerning the notifications of the installation and the use of surveillance cameras (Belgian State Gazette of 15 July 2008).

Royal Decree of 27 August 2010 modifying the Royal Decree of 2 July 2008 concerning the notifications of the installation and the use of surveillance cameras (Belgian State Gazette of 10 September 2010).

An official, non-consolidated German translation of the Royal Decree of 2 July 2008 was published in the Belgian State Gazette on 25 November 2008. This text can also be consulted in consolidated form on the website of the Central Service for German Translation – Commission for German legal terminology (Ministry of Internal Affairs): (<http://www.scta.be/MalmedyUebersetzungen/downloads/20080702.pol.doc>).

An official, non-consolidated German translation of the Royal Decree of 27 August 2010 was published in the Belgian State Gazette on 7 April 2011. This text can also be consulted on the website of the Central Service for German Translation – Commission for German legal terminology (Ministry of Internal Affairs): (<http://www.scta.be/MalmedyUebersetzungen/downloads/20100827.pol.doc>).

<sup>3</sup> This chapter provides an overview of the acts that are incorporated in this consolidated version. Reference is made to the official title of the act and its publication date.