COURT OF JUSTICE
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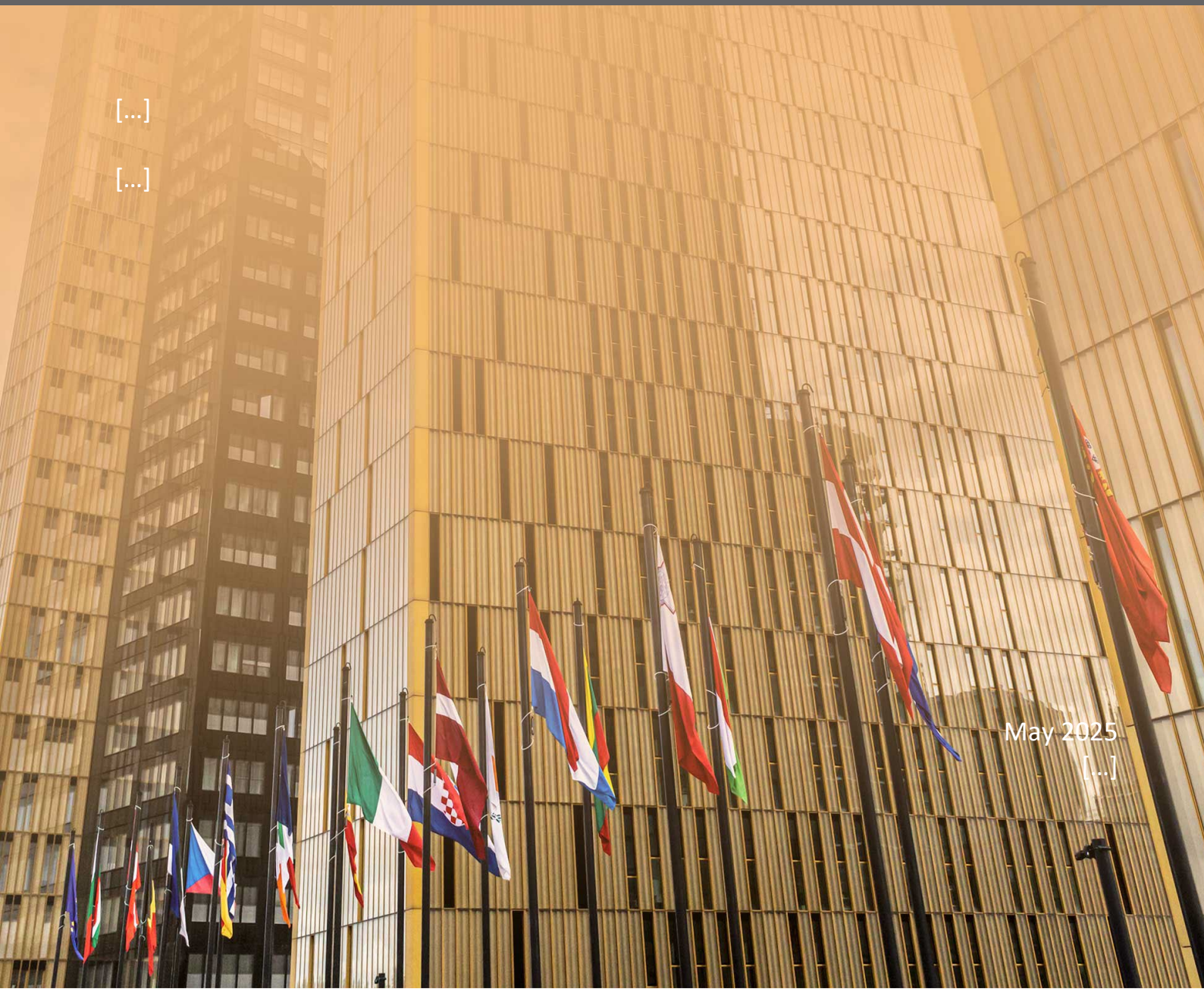
EN

RESEARCH NOTE

RESEARCH AND DOCUMENTATION DIRECTORATE

Obligation to provide information on the processing of personal data captured by means of a body camera worn by an employee of a public transport company : applicable provision



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SUMMARY

INTRODUCTION

1. The Research and Documentation Directorate received a request for a research note concerning the scope of the obligation to provide information to data subjects where personal data is being collected by means of a body camera worn by a ticket inspector of a public transport company.

2. The aim of this note is to determine whether, in the various national laws considered, the relevant rule in such a case is Article 13 or Article 14 of the General Regulation on Data Protection (GDPR). [1]

3. It will be noted that the major difference between the provisions of Articles 13 and 14 of the GDPR lies in the distinction drawn between whether the nature of the data collection carried out is direct or indirect. In that regard, the Guidelines on Transparency under the GDPR [2] provide particularly useful clarification as to what is to be understood by each of those two types of collection.

4. According to the Guidelines, Article 13 applies where the data are collected from the data subject. This occurs, for example, where a data subject consciously provides data to a data controller or a data controller collects data from a data subject by a process of observation. That is the case, for example, where automated data capturing devices or data capturing software such as cameras, network equipment, Wi-Fi tracking, RFID or other types of sensors are used. [3]

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1 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) ('the GDPR') (OJ 2016 L 119, p. 1).

2 Guidelines on Transparency under Regulation (EU) 2016/679 (GDPR), drawn up by the Working Party on the protection of individuals with regard to the processing of personal data, adopted on 29 November 2017 and revised on 11 April 2018 ('Guidelines on Transparency'). The Article 29 Data Protection Working Party was the former European Union advisory body on data protection and privacy. Since the entry into force of the GDPR in May 2018, it has been replaced by the European Data Protection Board (EDPB).

3 Guidelines on Transparency under Regulation (EU) 2016/679 (GDPR), paragraph 26, p. 17.

5. Article 14 of the GDPR, according to the Guidelines, applies in cases where the data have not been obtained from the data subject. In other words, it applies where a data controller has obtained the data from third-party data controllers, publicly available sources, data brokers or other data subjects. [4]

6. The present study relates to the legal systems of six Member States, namely, **Germany**, **Belgium, Denmark, France, Poland** and **Sweden.** [5]

7. As a preliminary point, it should be noted that research has shown that primary legal sources on this matter, such as provisions of national legislation or case- law, are relatively rare. This is due to the nature of the act in question, a European Union regulation whose provisions are directly applicable in national legal systems.

8. It should also be noted, for the purposes of ensuring completeness of the research, that the analysis carried out was expanded to include possible contributions from Directive 95/46 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. [6] Although that directive was repealed by the GDPR, its transposition could have provided hints as to answers, in particular because of the similarity between Articles 10 and 11 of that directive and Articles 13 and 14 of the GDPR. However, no relevant evidence providing any answers has emerged from it.

9. Therefore, in most of the cases, it was necessary to look for the answers in the sources produced by the national data protection authorities. [7] The diversity of those sources must be emphasised, both in terms of the extent to which their provisions are binding and in terms of the actual nature of the sources, which varies from rules to recommendations. Despite those considerations, those various forms

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4 See footnote 3 above.

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6 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31).

7 Those national authorities are: the Bundesbeauftragte für den Datenschutz und die Informationsfreiheit (Germany – federal level); the Datatilsynet (Denmark); l'Autorité de protection des données (Belgium); the Commission nationale de l'informatique et des libertés (France); the Urzą Ochrony Danych Osobowych (UODO) (Poland), and the Integritetsskyddsmyndigheten (Sweden).

of practical guidance, guidelines or opinions often provide answers regarding the positions of the Member States concerned.

10. The results of the research carried out will be presented in the form of a summary of the solutions adopted in the national laws, accompanied by a table giving an overview of those solutions.

11. The summary will start by defining the scope of the research in relation to the situation in which a body camera is worn by persons authorised to use one (I), then it will examine in detail the scope of the obligation on the data controller to provide information to the data subject regarding the processing of his or her personal data captured by such a device (II).

I. DEFINITION OF THE SCOPE OF THE RESEARCH: SITUATION IN WHICH A BODY CAMERA IS WORN BY PERSONS AUTHORISED TO USE ONE

12. In order to identify the scope of the research, it is necessary, first, to define what is meant in the context of this note by 'body camera' (A), and, secondly, to specify which persons are entitled to use one (B).

A. DEFINITION OF THE TERM 'BODY CAMERA'

13. The term 'body camera' is a commonly used name for the [...] device to which this research note relates. However, this term does not have its own legal definition. In order to avoid possible confusion with other devices, it is therefore necessary to establish a definition of it. Thus, the term 'body camera' means a recording device worn by an individual, the purpose of which is to capture on video, with or without audio, the personal data of another individual.

14. On the basis of that definition, it appears that all the Member States are familiar with such a device, [8] and we shall keep the commonly used name 'body camera' to make the research easier to read.

[8] These names are as follows: Mobile Bild- und Tonaufzeichnungsgeräte in Germany (federal law), caméra mobile or caméra individuelle in Belgium, kropsbaret kamera in Denmark, caméra mobile de type individuel in France, kamera nasobna in Poland and kroppsburen kamera or kroppskamera in Sweden.

15. However, in most of the national laws studied, [9] for reasons relating in particular to restrictions imposed on individuals in connection with the monitoring of road traffic, such devices are not in general use. Such use therefore constitutes more of a derogation granted by the public authorities to certain persons or certain economic sectors, at least in the context of use in public places, and for the purposes of crime prevention or collection of evidence of offences.

B. PERSONS AUTHORISED TO USE BODY CAMERAS

16. As the use of body cameras in places to which the public has access appears limited in the Member States concerned, it is appropriate to identify precisely which persons may use them.

17. In the legal systems considered, the most widespread use is that made of them by persons engaged in public security tasks: national [10] or local [11] police forces, fire services [12] and border guards. [13] However, in view of the special nature of those public service tasks and the regulations governing the employees responsible for carrying them out (the majority of whom are public servants), such a legal regime is not directly applicable in the context of the facts of the case before the Court.

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[9] In Sweden, while anyone can use cameras for the surveillance of their property, public authorities carrying out such surveillance are subject to the Kamerabevakningslag (2018:1200) (Law on Camera Surveillance (2018:1200)).

[10] In Germany, the Bundespolizeigesetz (Law on the Federal Police) of 19 October 1994 (BGBl. 1994 I, pp. 2978 and 2979), as last amended by Paragraph 5 of the Law of 6 May 2024 (BGBl. 2024 I, No 149); in Belgium, Law of 19 October 2023 amending the Police Functions Act of 5 August 1992 with regard to the use of body cameras by the police; in Denmark, Lovbekendtgørelse nr. 1160 af 5.11.2024 – Retsplejeloven (Consolidated Law No. 1160 of 5 November 2024 on the Administration of Justice Act); in France, Articles L241-1 to L241-3 and R241-1 to R241-7 of the code de la sécurité intérieure (Internal Security Code); in Poland, Article 15c of the Ustawa o Policji of 6 April 1990 (Dz. U. of 1990 No 30, item 179, as amended) (Police Act); and in Sweden, Kamerabevakningslag (2018:1200) (Law on Camera Surveillance (2018:1200)) and Brottsdatalag (2018:1177) (Law on Criminal Data (2018:1177)).

[11] As in France, Articles L242-1 to L242-8 and R241-8 to R241-17 of the Internal Security Code, and in Poland, Article 11(2) of the Ustawa o strażach gminnych of 29 August 1997 (Dz. U. of 1997 No 123, item 779, as amended) (Law on municipal guards).

[12] In Belgium, Law of 21 February 2024 amending the Law of 15 May 2007 on civil security in order to regulate the use of cameras by operational civil security services, and in France, Articles L243-1 to L243-5 and R241-18 to R241-26 of the code de la sécurité intérieure (Internal Security Code).

[13] This is the case in Poland: Article 11(2f) of the Ustawa o Straży Granicznej of 12 October 1990 (Dz. U. of 1990 No 78, item 462, as amended) (Law on border guards).

18. The same applies to the authorisations given for the surveillance of certain locations [14] to private security companies, such as security companies in **Belgium**. In that situation, authorisation for employees to wear body cameras is conditional on their use in non-public places. [15] Thus, this legal regime does not appear to provide any answers regarding the processing of data captured by an employee of a public transport company whose infrastructures are, by their very purpose, fully public.

19. As regards specifically the situation in which body cameras are worn by employees of a public transport company, all the Member States considered, apart from **Belgium**, recognise such an option.

20. It should be noted, however, that the scope of the authorisation given for this purpose can vary greatly. Indeed, it may in some cases be granted to the public transport sector as a whole. This is the case in **Germany** and **Poland**, where public or private public transport companies may equip their employees with such devices.

21. However, the scope of the authorisation given may be limited to certain companies, particularly those governed by public law. This was, in particular, the case until very recently in **France,** [16] where the legal system granted such a derogation only to the national railway company (SNCF) and the Régie autonome des transports parisiens (RATP). However, since 30 April 2025, [17] the use of body cameras is also open to sworn employees of the operator of the transport service as well as to sworn employees of a transport company acting on behalf of the operator. [18] It appears that use is thus open to all players

[14] Article 7/2 of the Law of 21 March 2007 regulating the installation and use of surveillance cameras.

[15] Article 142 of the Law of 2 October 2017 regulating private and special security.

[16] The French legal situation is special. The law currently applicable was put in place on 30 April 2025. It is taken from the loi relative au renforcement de la sûreté dans les transports Law on the Strengthening of Security in Transport (No 2025-379 of 28 April 2025) (JORF of 29 April 2025). However, the terms of application of Article L2241-6-1 of the Transport Code concerning the use of the data collected must be specified by a decree of the Council of State taken after obtaining the opinion of the National Commission for Information Technology and Civil Liberties (CNIL). However, given the duration of an experiment (8 years) as well as its resumption in parliamentary debates, the contributions of this experiment will be dealt with for the purposes of this research.

[17] Article L2241-6-1, first paragraph of the French Transport Code.

[18] Article L2241-1, I, 4° of the French Transport Code.

in the sector of public rail transport or public guided transport. The latter term refers to vehicles that are designed to run on a special track for all or part of their route, such as trams or metros. [19]

22. It is also possible, however, that national law does not lay down any special provisions in respect of body cameras. This is the case in **Swedish law**, [20] since the law of that State makes no provision that the installation of video surveillance within public transport companies must be authorised by the authorities, [21] on condition that the provisions of the GDPR are complied with. The same applies in **Danish law**, which does not have any specific regulations governing this type of device.

II. SCOPE OF THE OBLIGATION TO PROVIDE INFORMATION TO THE DATA SUBJECT REGARDING THE PROCESSING OF DATA CAPTURED

23. The definition of the scope of the obligation to provide information to the data subject regarding the processing of data captured by a body camera depends on which provision of the GDPR is applicable to such a situation (A). While Article 13 refers to the situation in which data is obtained directly from the data subject, the obligation to provide information laid down in that provision is sometimes accompanied by adjustments that modulate the immediate nature of that obligation (B).

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[19] These provisions are mentioned in the second part of the Transport Code, relating to rail or guided transport. Article L2000-1 of the Transport Code defines this type of transport: "For the purposes of this Code, rail or guided transport is any public transport whose vehicles are required to follow, on all or part of their route, a specific track, with the exception of ski lifts covered by the provisions of the Tourism Code and transport systems located within an establishment subject to the regulations governing establishments open to the public, fairground activities or leisure parks". Thus, guided transport should also be understood to include means of transport such as trams or metros. Moreover, such companies are often governed by public law or mixed law, i.e. combining rules of public and private law.

[20] According to the preparatory work, body-worn cameras do not come under the Camera Surveillance Act (2018:1200), but only under the general rules for the protection of personal integrity and personal data (see Regeringens proposition 2024/25:93 (Government proposal 2024/25:93), p. 36, and Regeringens proposition 2017/18:231 (Government proposal 2017/18:231), p. 136].

[21] See Regeringens proposition 2019/20:109 (Swedish Government Bill 2019/20:109, amending the Camera Surveillance Act (2018:1200)).

A. THE PROVISION OF THE GDPR APPLICABLE TO THE CAPTURE OF DATA BY A BODY CAMERA USED ON PUBLIC TRANSPORT

24. Examination of the various national laws shows that the obligation to provide information in the event of personal data being collected by a body camera used by an inspector of a public transport company is governed, in most of those laws, by **Article 13** of the GDPR.

25. This choice is clearly established for **Germany,** [22] **France** [23] and **Poland**, [24] and **Belgium** also seems to have opted for this solution. Denmark, on the other hand, considers that Article 14 is applicable. The answer is qualified in **Sweden**, as the position adopted in the case-law is different from that of the data protection authority.

26. With regard to the legal systems of the first group, it should be noted first of all that in **Germany** the division of powers between the Federal State and the Länder with regard to the protection of personal data led to the establishment of the Datenschutzkonferenz [25] (Data Protection Conference), a committee that brings together the independent authorities responsible for data protection at federal and Land levels. This body sets guidelines for harmonising the law of that Member State on this matter. Regarding the use of body cameras by

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22 *« Orientierungshilfe der Datenschutzaufsichtsbehörden zu dem Einsatz von Bodycams durch private Sicherheitsunternehmen »* (Guidance from the data protection supervisory authorities on the use of bodycams by private security companies) from the Data Protection Conference of 22 February 2019; see also to that effect, P. Scholz and S. Schindler, Simitis/Hornung/Spiecker gen. Döhmann, Datenschutzrecht, 2nd edition 2025, annex 1 to Paragraph 6 'video surveillance', subparagraph 95 et seq.

23 Délibération n° 2016-387 du 8 décembre 2016 (Resolution No 2016-387 of 8 December 2016) giving an opinion on a draft decree of the Conseil d'État implementing Article L. 2251-4-1 of the Transport Code and relating to the conditions for testing the use of body cameras by employees of the internal security services of the SNCF and RATP; délibération n° 2017-289 du 16 novembre 2017 (Resolution No 2017-289 of 16 November 2017) authorising the SNCF to introduce automated processing of personal data from the body cameras used by employees of its internal security service during their operations (authorisation request No. 2069229); CNIL website, brochure d'information de la CNIL sur la communication du traitement des données à caractère personnel aux personnes concernées (CNIL information brochure on communication of the processing of personal data to data subjects), updated 27 January 2020.

24 Position of the President of the OPDP (Stanowisko Prezesa UODO w przedmiocie zasadności udziału Polski w postępowaniu w sprawie […]), 28 August 2024, p. 4.

25 Full name: 'Gremium der unabhängigen deutschen Datenschutzaufsichtsbehörden des Bundes und der Länder' ('Datenschutzkonferenz') (Committee of the independent German data protection supervisory authorities of the Federal and Land Governments

private security companies,[26] those guidelines state that the requirements of Article 13 of the GDPR must be complied with in the context of the use of body cameras, without the reasons why this provision is applicable being made explicit.

27. It should be noted, however, that German legal writers are not unanimous on the classification of surveillance as direct or indirect data collection. There is a certain degree of consensus that Article 13 of the GDPR applies in the case of overt video surveillance, while Article 14 applies in the case of covert or secret video surveillance.[27] The fact remains, however, that some legal writers consider that direct collection within the meaning of Article 13 of the GDPR refers to any collection of personal data involving the knowledge or participation of the data subject. In other words, personal data must not be collected without the data subject's knowledge.[28] Conversely, indirect collection is demonstrated by the absence of physical or mental, active or passive participation of the data subject in the collection of the data.[29]

28. Next, so far as **France** is concerned, the approach of the Commission nationale de l'informatique et des libertés (CNIL), the national authority responsible for the protection of personal data, follows exactly the same thinking as the Guidelines on Transparency under the GDPR.[30] It takes the view that the collection of personal data carried out in the situation in question is of a direct nature, since the

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[26] *« Orientierungshilfe der Datenschutzaufsichtsbehörden zu dem Einsatz von Bodycams durch private Sicherheitsunternehmen »* (Guidance from the data protection supervisory authorities on the use of bodycams by private security companies) from the Data Protection Conference of 22 February 2019.

[27] See, to that effect, T. Starnecker, *Gola/Heckmann, Datenschutz-Grundverordnung – Bundesdatenschutzgesetz*, 3rd edition 2022, Paragraph 4 of the BDSG (German Federal Data Protection Act), paragraph 66 and Article 14 of the GDPR, paragraph 2; B. P. Paal and M. Hennemann, *Paal / Pauly, DS-GVO BDSG,* 3rd edition 2021, Article 13 of the GDPR, paragraph 11b; F. Schmidt-Wudy, *Beck'scher Online-Kommentar Datenschutzrecht*, 51st edition 2025, Article 14 of the GDPR, paragraph 31.2.

[28] L. Franck, *Gola/Heckmann, Datenschutz-Grundverordnung – Bundesdatenschutzgesetz (General Data Protection Regulation – Federal Data Protection Act)*, 3rd Edition 2022, Article 13(4) of the GDPR.

[29] F. Schmidt-Wudy, *Beck'scher Online-Kommentar Datenschutzrecht*, 51st Edition 2025, Article 14(31) of the GDPR, paragraph 31.

[30] See Guidelines on Transparency, p. 1; CNIL website, brochure d'information de la CNIL sur la communication du traitement des données à caractère personnel aux personnes concernées (CNIL information brochure on communication of the processing of personal data to data subjects), updated 27 January 2020.

data is collected directly from the data subject. Therefore, the applicable provisions are those of Article 13 of the GDPR.

29. The case-law of the French Conseil d'État supports this view. In a judgment delivered on 8 February 2017, [31] the highest French court held that the capture, by Wi-Fi metering equipment, of the addresses of mobile devices constituted 'direct' collection of personal data, although it does not require any intervention by the data subjects. Therefore, the intervention and/or consent of the data subject do not constitute criteria for classifying the collection of data.

30. As regards **Poland**, mention should be made of the advisory opinion for the Prime Minister's Office issued on 28 August 2024 by the Prezes Urzędu Ochrony Danych Osobowych (President of the Office for the Protection of Personal Data, 'the President of the OPDP') [...] [32] According to that opinion, the Polish approach to distinguishing between the regime of Article 13 and that of Article 14 of the GDPR is also based on the nature of the data collection and, in particular, on whether the source of that collection is the data subject or a third party, as well as on the fact that the camera surveillance is carried out by the data controller himself or herself.

31. The President of the OPDP notes that, like the Guidelines on Transparency, Article 14 of the GDPR refers to situations in which personal data are 'obtained from another source' and not from the data subject. [33] Since, in the case of video surveillance, the information is assumed to have been provided before processing of the personal data starts, it is the data subject who, by knowingly entering the area under surveillance, makes it possible for the data to be collected. He thus considers that the data subject's personal data are, in a situation where a body camera is used, obtained from the person himself or herself. Therefore, the applicable provision in the case of the capture of data by a body camera is Article 13 of the GDPR. In his opinion, the

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[31] Conseil d'État, judgment of the 9th and 10th chambers combined, 8 February 2017, No 393.714, ECLI:FR:CECHR:2017:393714.20170208.

[32] Opinion of the President of the OPDP (Stanowisko Prezesa UODO w przedmiocie zasadności udziału Polski w postępowaniu w sprawie [...]), 28 August 2024.

[33] Recital 61 of the GDPR, and Opinion of the President of the OPDP (Stanowisko Prezesa UODO w przedmiocie zasadności udziału Polski w postępowaniu w sprawie [...] (Opinion of the President of the Personal Data Protection Office on the legitimacy of Polish's participation in the proceedings in the case of [...]), 28 August 2024, p. 4.

application of Article 14 of the GDPR would lead to the conclusion that, where personal data are obtained by video surveillance, information on such monitoring is likely to be omitted in order for data subjects to be given information at a later date, which constitutes an unacceptable solution. [34]

32. Lastly, in **Belgium**, no case-law, decision or any opinion of the national authority has been found concerning the notion of direct or indirect collection, in the light of Articles 13 and 14 of the GDPR. However, research carried out shows that the approach taken appears to be based on the provisions of Article 13 of the GDPR. In support of that position, it is worth noting the numerous times the Belgian authority has reiterated the decisions of the competent French authority. That choice of the applicable article would seem to be based on the importance given by the national authority to transparency and the principle of fairness as regards the processing of a subject's personal data. The data subject should be able to determine in advance the scope and consequences of the processing, so as not to be caught off guard at a later stage concerning the way in which his or her personal data have been used.

33. The decision to opt for Article 13 of the GDPR that can be observed in those four Member States contrasts with the position taken by **Denmark**. In the Danish legal order, although no express choice has been made by the legislature, it would appear that it is the provisions of Article 14 of the GDPR that apply in the situation in question. Indeed, it is apparent from the preparatory work for the draft law amending the law on video surveillance [35] that the Ministry of Justice seems to have strong reservations about the classification of video surveillance as direct collection from the data subject. Thus, according to that ministry, Article 13 applies only where personal data are collected directly from the data subject, which, in its view, is not so in the case of video surveillance. That interpretation seems to lead to the classification of this type of data capture as indirect collection. It may

[34] Opinion of the President of the OPDP (Stanowisko Prezesa UODO w przedmiocie zasadności udziału Polski w postępowaniu w sprawie [...]), 28 August 2024, p. 4.

[35] Forslag til lov om ændring af lov om tv-overvågning og lov om retshåndhævende myndigheders behandling af personoplysninger (20171_L205_som_fremsat.pdf) (draft law amending the law on remote surveillance and the law on processing of personal data by law enforcement authorities).

thus explain the Danish choice regarding the applicability of Article 14 of the GDPR to the obligation to provide information.

34. As stated above, the position in **Swedish law** is more nuanced, as the case-law of the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm) and the approach of the data protection authority differ. According to the Swedish administrative court, neither the law nor the preparatory works for that law specify the applicable provision in that area. Pointing out that the recitals of the GDPR are silent on the issue, it refers to the case-law of the Court of Justice, [36] noting that, according to the latter, Article 13 of the GDPR requires deliberate action by the data subject for the personal data to be considered to have been 'collected from that person'. In other words, for the Swedish court, it is necessary for that person to participate consciously in the data collection, which is not so, in its view, where a body camera is used to capture the data. The Swedish court considers that the GDPR guidelines [37] do not mean that a different approach should be taken. That is not, however, the opinion of the data protection authority. That authority considers, on the contrary, that the Guidelines on Transparency apply. Consequently, the applicable article with regard to the obligation to provide information should, in its view, be Article 13 of the GDPR.

B. Possible adjustments to the immediacy of the obligation to provide information contained in Article 13 of the GDPR

35. It will be noted that the choice of certain Member States to apply Article 13 of the GDPR is sometimes accompanied by certain adjustments to the obligation to provide information to the data subject, which, according to that article, must be done immediately. This is the case in **Germany**, **France**, **Poland** and **Sweden**.

36. **French law** presents the largest number of adjustments in this respect. First of all, recording by a body-camera must be clearly indicated [38] and the public must be generally informed of the use of

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[36] Judgment of 11 December 2014, *Ryneš* (C-212/13, EU:C:2014:2428).

[37] These are the Guidelines on Transparency (see introduction, paragraphs 7 to 9, pp. 3 and 4).

[38] In practice, the body-camera has a red LED that lights up when a recording is in progress.

such cameras on the operator's website. [39] In addition, if the employee is unable to provide the information required by the provisions of Article 13 of the GDPR, French law compensates for that failure by publishing general information about the processing of such data and about the data controllers on the websites of the companies concerned and by displaying it in various public places (at the station, for example).

37. In addition, it is permissible that in certain circumstances the employee is not obliged to provide that information. Thus, according to the CNIL's deliberations, such an exemption from the obligation to provide information is possible only in a case where intervention is urgent (for example, in the midst of a crime taking place or a person being caught in flagrante delicto) or where a dangerous situation arises for the employee (for example, where the person being recorded becomes aggressive).

38. As regards **Germany**, although the Datenschutzkonferenz tends towards a strict application of the requirements of Article 13 of the GDPR, it nevertheless states that merely putting a sign 'video surveillance' on the employees' clothing is insufficient to satisfy the obligation to provide information laid down in that article. Furthermore, it points out that where recording is taking place, data subjects must be informed immediately and appropriately that personal data is being collected, for example, by the provision of an explanatory leaflet containing the required information. In addition, although it considers that pre-recording technology, that is to say, continuous recording which is subsequently deleted, is incompatible with Article 13, the Datenschutzkonferenz nevertheless makes provision for that technology to be activated in the event of imminent danger or in a situation where there is a certain degree of risk, without, however, requiring the immediate intervention of security staff.

39. **Polish law** considers that data subjects must be informed in a manner that is concise, transparent, intelligible and easily accessible, in clear and simple terms. The obligation to provide information in the event

[39] Article 8 of décret nº 2016-1862 of 23 December 2016 on the conditions for experimenting with the use of body cameras by employees of the internal security services of the SNCF and the Régie autonome des transports parisiens (JORF of 27 December 2016, text No 47).

of data processing by a body camera may be met, for example, by means of appropriate signage. [40]

40. As regards **Sweden**, the requirement of immediacy of the obligation to provide information to a data subject also seems to be adjusted as regards the practice of the data protection authority. That practice, based in particular on the Guidelines on Transparency, provides for the possibility of putting in place methods of providing information to a data subject suited to the degree of importance of the data collected (for example, signs and notices indicating the use of cameras in a given place, or information regarding data processing on the operator's website).

CONCLUSION

41. The obligation to provide information regarding the processing of a data subject's personal data is governed, in the national legal systems that were considered, by the provisions of Article 13 or Article 14 of the GDPR, depending on whether such data are collected directly or indirectly.

42. With regard to the capture of personal data by a body-camera worn by an employee of a public transport company, all the Member States considered, with the notable exception of **Belgium**, are familiar with the use of this type of device.

43. As to the answer to be given to the question of which provision of the GDPR is applicable to this situation, it appears that the **majority of the Member States** considered (**Germany, Belgium, France** and **Poland**) take the view that the obligation to provide information is based on Article 13 of that regulation, which does not, however, prevent some of them from providing for adjustments to the immediacy of that obligation. Only **Denmark** seems to lean more towards the applicability of Article 14 of the GDPR. The approach is more nuanced in **Sweden**, where the positions of the case-law and of the data protection authority are diametrically opposite.

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[40] Opinion of the President of the OPDP (Stanowisko Prezesa UODO w przedmiocie zasadności udziału Polski w postępowaniu w sprawie [...]), 28 August 2024, p. 6.

SUMMARY TABLE

	GERMANY	BELGIUM	DENMARK	FRANCE	POLAND	SWEDEN
Name of the device for capturing data	**Mobile Bild- und Tonaufzeichnungsgeräte (droit fédéral)**	**Caméra mobile, Caméra individuelle**	**Kropsbaret kamera/ Kropskamera**	**Caméra mobile de type individuel**	**Kamera nasobna**	**Kroppsburen kamera/ kroppskamera**
Entities permitted to use body-cameras						
Public Security Authority	**YES**	**YES**	**YES**	**YES**	**YES**	**YES**
Public transport company (similar to the case before the Court)	**YES**	**NO**	**YES**	**YES**	**YES**	**YES**
Obligation to provide information						
Application of Article 13 or Article 14 of GDPR	**Article 13**	**Article 13**	**Article 14**	**Article 13**	**Article 13**	**Article 13 according to the data protection authority Article 14 according to the Administrative Court of Appeal, Stockholm**
Main source	Datenschutzkonferenz (Data Protection Conference)	None (as regards body-cameras on public transport)	Preparatory work for the law on video surveillance	Opinion of the national data protection authority (CNIL)	Advisory opinion of the President of the national authority on the case before the Court	Guidelines on Transparency: differing views of the data protection authority and the Administrative Court of Appeal, Stockholm
Basis for choice of the applicable provision	Classification as direct collection - Adjusted immediacy requirement (public notices and need for a written leaflet) - Derogation from the obligation to provide information in a case of imminent danger or in a situation where there is some risk	Principles of transparency and fairness: objective of providing information as quickly as possible	Assessment under the law on video surveillance – Collection regarded as indirect	Classification as direct collection - Adjusted immediacy requirement (public notices or notification on the operator's website) - Derogation from the obligation to provide information in the event of urgent need for the employee to intervene or of his personal danger	Classification as direct collection - Derogation from the possible obligation to provide information by means of notices or appropriate signage	Indirect collection according to the Administrative Court of Appeal, Stockholm Direct collection according to the data protection authority Requirement of immediacy of the adjusted obligation to provide information depending on the authority (notices, website)