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NEWS

Regulation of the Video-Surveillance Law

1. Introduction

Law 2/2020 of 22 January (the “Video-Surveillance Law”) establishes the legal framework applicable to the authorisation, installation and use of video-surveillance systems for capturing, recording and processing images and sound. The law is based on a fundamental notion: security. There was a need to intervene by legislating on this matter to maintain public safety and to help all entities involved in matters of this nature.

"This Regulation establishes the legal framework applicable to the authorisation, installation and use of video-surveillance systems for capturing, recording and processing images and sound."

As a result, on 21 December 2021, the Angolan Executive approved the Regulation on the Law on Video Surveillance (Presidential Decree 318/21 - the “Regulation”), which sets out the technical criteria and procedures that allow for the installation and use of video surveillance systems.

This Regulation specifies the scope of application of the Law.

In addition to increasing the security of Angolan citizens, this Regulation allows state agencies to (re) assert themselves as the main guarantors of public order and security.

2. Changes / specific provisions

Many of the issues addressed in the Regulation are already covered by the Video-Surveillance Law, but the Regulation specifies the matters identified below:

a. Definitions

First of all, the Regulation defines the concept of fixed and mobile cameras.

Fixed cameras are cameras installed at a certain point to view a predetermined field. **Mobile cameras** are cameras with their own technical characteristics that may allow them to be placed in a motorised vehicle, for the purposes of video-surveillance.

Thus, a drone will be a mobile camera if it allows images to be captured. However, under the terms of the Law on Video-Surveillance, private entities cannot use mobile cameras for video-surveillance purposes.

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Additionally, the Regulation defines video-surveillance as a system comprising a set of fixed cameras (analogue or digital) in a closed circuit, with the capacity to transmit image and sound to a central NVR (network video recorder) for video management.

"The terms of the Law on Video-Surveillance, private entities cannot use mobile cameras for video-surveillance purposes."

b. Authorisation procedure

- **Authorising entity:** requests for authorisation to install video-surveillance systems must be sent to the Minister for Public Security and Internal Affairs
- **Information accompanying the application:** in addition to the items already defined in article 12 of the Video-Surveillance Law, the application for authorisation should also indicate the location of the cameras and the IT registration certificate
- **Submission of the application:** authorisation applications must be submitted to the Angolan National Police Command in accordance with the location of the space where the video-surveillance will take place
- **Issuance of authorisations:** the authorisation document is issued by the National Police after authorisation by the competent authority, and its issuance is subject to payment of fees to be defined by Joint Executive Decree of the Ministry of Internal Affairs and Public Finance.

Authorisation documents cannot be transferred or leased.

c. Supervising body, suspension or revocation of authorisations

Under the Regulation, the National Police of Angola is responsible for supervising the installation of video surveillance systems and, for this purpose, it can carry out inspection visits.

Any authorisations granted may be suspended or revoked.

The Regulation establishes that revocation may take place in the following circumstances (i) non-compliance with the technical specifications or misuse of the images or sounds captured; (ii) failure to provide images requested by criminal police bodies under the law; (iii) failure to keep images, sounds and other important data for a period of 30 days; (iv) failure to report facts constituting a crime, captured by the video-surveillance system; (v) violation of the rights of the data subjects by the controller, proven in a procedure conducted by the Data Protection Authority, under the terms of the Personal Data Protection Legislation; (vi) poor technical condition of the equipment.

It seems to us, however, that the Regulation contains an inaccuracy, since it states, on the one hand, that the revocation lasts up to 90 days and, on the other hand, that the repeated commission of the acts indicated above gives rise to the revocation of the authorisation.

In our understanding, there was an error on the part of the legislature, as it intended to provide that the suspension of authorisation may have a maximum duration of 90 days and that revocation occurs in the event of repeated non-compliance with the conditions that gave rise to the suspension.

We expect a possible rectification of the Regulation on this point.

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3. Obligations of the controller

The Regulation also details the obligations of the controller with regard to access to the information captured, minimum technical requirements for the video-surveillance system, and the installation of signs.

a. Obligations regarding access

Access, viewing and control of images and sounds captured should be guaranteed, in real time, up to a maximum of 60 minutes after their capture.

b. Technical requirements

Among the technical requirements to be observed, we highlight the following:

- The local recording of images and sounds must be made in digital format and encrypted
- The authenticity of the date and time must be guaranteed, and these must appear in the images or sounds captured in real time
- Images and sounds must be transmitted using the IP protocol (as well as the control and management of the cameras). This must be encrypted and the encryption key must be changed every 6 months
- The protection of the system against vandalism must be ensured

c. Signs

Information must be displayed in places subject to video-surveillance regarding:

- The existence and location of video cameras, with the wording and the symbols indicated in the Regulation
- The purpose of the video-surveillance
- The identification of the person responsible for processing, with address, telephone number and email address.

The signs should be placed inside and outside the premises subject to video-surveillance, and should be legible, in accordance with the parameters set out in the Regulation. ■