

Using CCTV in your home



There are lots of CCTV systems on the market to help you protect your home. If you're thinking of using one, you need to make sure you do so in a way that respects other people's privacy.

If you've set up your system so it only captures images within the boundary of your private domestic property (including your garden), data protection laws won't apply to you. But if your system captures images of people outside the boundary of your private domestic property, like neighbours' homes or gardens, shared spaces, or on a public footpath or a street, then the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA18) will apply to you. If this is the case, you'll need to make sure your use of CCTV complies with these data protection laws.

Regardless of whether your use of CCTV falls within the data protection laws, the ICO recommends you use it responsibly to protect the privacy of others.

How can I use CCTV responsibly at my property?

Ask yourself whether CCTV is the best way to improve your home security. Think about the following questions:

- ▶ Do I really need CCTV?
- ▶ Are there other things I could use to protect my home, e.g., better lighting?
- ▶ What is the most privacy-friendly way to set up the system?
- ▶ What areas do I want the cameras to capture?
- ▶ Can I position the cameras to avoid intruding on my neighbours' property or any shared or public spaces?
- ▶ Do I need to record the images, or is a live feed enough?
- ▶ Has my CCTV system got an audio-recording facility? Audio recording is very privacy intrusive. So, in most cases where householders use CCTV, they should disable audio recording.

What must I do if I capture images of people outside my own home and garden?

If you're capturing images beyond your property boundary, you should have a clear and justifiable reason for doing so. In particular, you'll need to think why you need these images. If asked by an individual or the ICO, you'll need to be able to explain your reasons, so you should write them down now. You should also write down why you think capturing the

images is more important than invading the privacy of your neighbours and passers-by.

You'll also need to:

- ▶ let people know you're using CCTV by putting up signs saying that recording is taking place, and why
- ▶ make sure you don't capture more footage than you need to achieve your purpose
- ▶ make sure the footage is secure and that nobody can watch it without good reason
- ▶ only keep the footage for as long as you need it - delete it regularly, and when it's no longer needed
- ▶ make sure the CCTV system is only operated in ways you intend and can't be misused for other reasons. Anyone you share your property with, such as family members, needs to know the importance of not misusing it.

You also need to make sure you respect the data protection rights of the people whose images you capture. This includes:

- ▶ responding to subject access requests (SARs), if you receive any. Individuals have a right to access the personal data you hold about them, including identifiable images. They can ask you verbally or in writing. You must respond within one month and give them a copy of the data.
- ▶ deleting footage of people if they ask you to do so. You should do this within one month. You can refuse to delete it if you specifically need to keep it for a genuine legal dispute - in which case you need to tell them this and tell them they can challenge this in court or complain to the ICO.
- ▶ consider any objection you get now from particular people about capturing their image in the future. Given the nature of CCTV systems, this may be very difficult to do. However, you should again think whether you need to record images beyond your property boundary - particularly if your system is capturing images from a neighbour's home or garden.

What happens if I break the law?

If you fail to comply with your obligations under the data protection laws, you may be subject to enforcement action by the ICO. This could include a fine. You may also be subject to legal action by affected individuals, who could pursue court claims for compensation.