

In this guidance note the generic term 'CCTV' includes closed circuit television, webcams and other video recording equipment such as dash-cams other 'on-board' cameras, body-worn cameras and drones.

Individuals can be identified from CCTV images and those images are therefore "personal data" and the Data Protection Act 2002 ("the Act") applies.

The Act does not apply in respect of personal data that is processed by an individual if it is only for "domestic purposes", i.e. the purposes of that individual's personal, family or household affairs (including recreational purposes).

Following the Court of Justice of the European Union's judgment on 14 December 2014 (the Rynes case – C212/13) "domestic purposes" is to be interpreted restrictively in accordance with Article 3 of the European Data Protection Directive which describes domestic purposes as processing "by a natural person in the course of a purely personal or household activity".

CCTV on your property

If you are only capturing footage of individuals within the boundary of your private property (not premises used for business), the "domestic purposes" exemption applies and the Act does not apply to the use of the CCTV.

However, if your camera covers any areas beyond the boundary of your property, such as a shared landing, communal entrances, neighbouring gardens, other private property or the street, even partially, then you will no longer be exempt from the requirements of the Act under the domestic purposes exemption.

This does not mean that you are breaching the Act but it does mean that you must comply with the Act. This includes compliance with the obligations imposed on you by the Act and with any right under the Act exercised by individuals.

Regardless of whether your CCTV is used only for 'domestic purposes' or not, it is recommended that you use CCTV in a responsible way to protect the privacy of others.

How can I use CCTV on my property responsibly?

First, think about the problem you are trying to address and the best solution to it.

CCTV is usually considered as a means to safeguard you and your property against crime. The local police will have advice about crime prevention. Better locks or security lighting, for example, may be a more effective way of securing your property.

The guiding principle throughout the deployment of CCTV should be checking at each stage that its use is necessary and not disproportionate.

In deciding whether CCTV is necessary, ask yourself:

- Do I really need CCTV to address my security concerns?
- Would extra lighting or sensor lighting be as effective?
- Is there an alternative to CCTV?
- What is the most privacy friendly way to set it up?
- How can I avoid intruding into my neighbours' property?

If you do decide that CCTV is necessary, you must:

- consider what areas would need to be covered by it;
- ensure that the equipment allows you to control what you record (i.e. the field of view) so that the camera captures images that you actually need and keeps privacy intrusion to a minimum;
- safeguard any recorded images so they can be used by the police to investigate crimes affecting you;
- put up signs that clearly explain that recording is taking place and detail how you can be contacted about those images;
- have appropriate safeguards in place to ensure that the equipment is only operated in the ways you intend and can't be misused;
- ensure that recordings are securely held and cannot be accessed inappropriately;
- only keep recordings for as long as necessary;
- consider speaking to your neighbours and explain what you are doing and consider any objections or suggestions they have. (It may be useful to invite your neighbours to view the footage that you capture as this may allay any concerns they may have about your CCTV);

Many CCTV systems now come with **audio recording** facilities. Audio recording is particularly privacy intrusive and in the vast majority of cases where CCTV is being used audio recording should be disabled.

'Dash-cams', other 'on-board' cameras, body-worn cameras and drones

The same considerations must be given to the use of such equipment.

Recording your own activity, for example mountain biking or horse riding, is likely to be for your own enjoyment and will be for your "domestic purposes".

However, the intentional use of such equipment to capture incidents of what the owner considers 'poor driving', for example, extends beyond "domestic purposes".

The use of images recorded for domestic purposes

Your use of images recorded for your domestic purposes may be appropriate.

However, publicly uploading or streaming footage of individuals, or information that may identify individuals, such as vehicle licence plates, will not be for your "domestic purposes".

Such actions in most cases is unlikely to be lawful and will require further justification.

This does not mean that you cannot supply recordings to the police if they are investigating an incident and actively seek evidence.

What must I do to comply with the Act?

If you cannot rely on the domestic purposes exemption you are subject to a number of requirements in the Act, such as:

- registering as a data controller with the Commissioner
- complying with the data protection principles
- complying with the rights of individuals which include:
 - the right of access to any personal data you have recorded about them (audio and visual)
 - the right to compensation if they believe they have been caused damage by your processing

Individuals also have the right to make a complaint to the Commissioner about your processing of their personal data.

Further information about complying with the Act, such as registering as a data controller, the data protection principles and the rights of individuals, is available on the website.

Is there anything else I should consider?

Other laws that protect individuals from harassment or voyeurism may apply when using your CCTV or other surveillance equipment.

Users of recreational drones should also consider the guidance and recommendations on the use of drones issued by the Civil Aviation Authority.