



Guidance on the use of CCTV in or around your home



Purpose

This guidance is for customers seeking permission to install a Closed Circuit Television (CCTV) or other video image capturing device at their home. It is also to be referred to by our staff when assessing applications.

The simplicity of using modern CCTV and image capturing devices means that the legal requirements for capturing and storing personal data can be overlooked. This guidance sets out the legal requirements that customers must follow and our expectations as landlord.

Introduction

There has been recent growth in affordable home video security products available to the general public. Many of the products are wireless, using home wifi networks to capture and store information and images. Their ease of installation and use means that they're an affordable security enhancement for many members of the public including our customers.

Brands such as Ring, Nest and Yale sell devices which resemble traditional CCTV cameras, but also devices which locate a camera inside a doorbell. Owners can then have live and recorded images at their fingertips on their mobile phone or computers.

Red Kite Community Housing recognises that some of our tenants and leaseholders will feel more secure if they install CCTV in order to deter crime or if they have been experiencing anti-social behaviour. We also recognise that neighbours may find the erection of a CCTV camera on their neighbours' home a breach of their privacy.

Please be aware that if you install CCTV without our permission, or do not follow the conditions highlighted in this document regarding its installation, cost and use, then this may have legal consequences for you by being a breach of your tenancy or lease agreement and also the law relating to Data Protection.

Use of CCTV and video image capturing

CCTV can be a good tool to prevent crime and ASB, however there are often cheaper and more effective options. If you are a victim of ASB we would advise you to speak to one of the following:

- An Anti-social Behaviour Specialist at Red Kite Community Housing
- The Neighbourhood Policing Team at Thames Valley Police
- The Community Safety Team at Buckinghamshire Council

We recommend you talk to one of the specialists above before going to the expense of a CCTV system.



You can report anti-social behaviour to Red Kite through multiple channels (<https://redkitehousing.org.uk/contact>) including webchat and email or by phone to the police on non emergency number 101.

Legal Requirements

The Information Commissioner's Office (ICO) is the UK's independent body set up to uphold information rights. The ICO tells you that if you're thinking of using a domestic CCTV system then you need to make sure you do so in a way that respects other people's privacy.

The ICO explains that if you set up your system so it captures only images within the boundary of your private domestic property (including your garden), then the data protection laws will not apply to you.

If your system captures images of people outside the boundary of your private domestic property – for example, in neighbours' homes or gardens, shared spaces, or on a public footpath or a street, then the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA18) will apply to you. You will need to ensure your use of CCTV complies with these laws.

If the installation of your system requires you to comply with Data Protection laws and you don't, legal action may be taken against you.

The General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal information from individuals who live in the European Union (EU).

The GDPR sets out seven key principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Data Protection Act 2018

The main UK law that governs the use and installation of CCTV is the Data Protection Act 2018.



The Act gives everyone the right to see information you captured about them, such as images of them or their car number plate. It also sets strict rules that CCTV operators must follow when they gather, store, and release CCTV images of individuals.

There is detailed guidance available on the Information Commissioner's Office website – www.ico.org.uk

Human Rights Act 1998

What the CCTV can view and record is very important. Whilst it is lawful for CCTV cameras to be installed in and outside homes for security purposes, the manner in which the CCTV is used, in particular where the camera views area outside the boundaries of the property, may have legal consequences. Cameras being deliberately trained on a neighbour's property could amount to harassment and a breach of their fundamental human rights.

The Human Rights Act (HRA) covers an individual's right to privacy. The HRA implemented in the UK gives fundamental rights and freedom to everybody, this Act is based on the European Convention on Human Rights (ECHR) and in Article 8 it states that:

"Everyone has the right to respect for his private and family life, his home and his correspondence"

The right to respect for private and family life means that CCTV and all other image capturing devices should be positioned so that they only observe activities within the boundaries of a particular property and not any neighbouring property or other public areas.

Is CCTV or video image capturing the right solution for me?

Most people who choose to install CCTV do so primarily to deter would-be intruders from trespassing onto or breaking into their homes. The use of CCTV cameras for domestic purposes is exempt from data protection unless you are capturing footage of individuals outside your property.

Before installing CCTV you should check that its use is necessary and not disproportionate, for example:

- Do I really need a camera to address my security concerns?
- Would extra lighting or sensor lighting be as effective?
- Is there an alternative to a camera?
- Is there anyone who could advise me about alternatives?
- What is the most privacy friendly way to set it up?



- Can I avoid intruding into my neighbours' property?

If your camera covers, even partially, any areas beyond the boundaries of your property, such as neighbouring gardens or the street (this will include any communal areas such as shared gardens and paths), then it will no longer be exempt from the Data Protection Act.

Requesting permission if you live in a flat

You must obtain written permission from Red Kite before installing CCTV or other video image capturing devices. Permission will not be granted except in exceptional circumstances. This is because most, if not all, video cameras for flats will capture images of communal areas. We must balance the privacy rights of our other customers and the general public whose images would be captured.

Requesting permission if you live in a house

You must obtain written permission from Red Kite before installing CCTV or other video image capturing devices. Permission will be considered when it can be demonstrated that the camera will not capture images beyond the garden of the home.

If images can be captured of public or any area outside of the property then applicants must demonstrate that Data Protection law will be complied with and the guidance from the ICO will be met in full.

The guidance from the ICO is set out in the table below.



The ICO says that if you are capturing images beyond your property boundary, you should have a clear and justifiable reason for doing so. In particular, you will need to think why you need these images.

If asked by an individual or the ICO, you will need to be able to explain your reasons. 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 will also need to:

- Let people know you are using CCTV by putting up signs saying that recording is taking place, and why.
- Ensure you don't capture more footage than you need to achieve your purpose in using the system.
- Ensure the security of the footage you capture – in other words, holding it securely and making sure nobody can watch it without good reason.
- Only keep the footage for as long as you need it – delete it regularly, and when it is no longer needed.
- Ensure 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 who could use the equipment, 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 the following things:

- 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 also 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.



How we will assess requests for permission?

The Relationship Pod will be responsible for administering requests for permission.

As part of the process to reach a decision, a Community Specialist may contact you through video messaging or visit your home to inspect the location of the CCTV camera and clarify the reason for its installation.

All requests will be assessed on a case by case basis. In granting permission, the following criteria will be taken into consideration:

- Do you live in a house or a flat?
- Will images be captured beyond the boundary of the property;
- The reason for the request;
- What other action has been taken to resolve the matter;
- Support from any other agency/organisation;
- Will this be a temporary or permanent measure;
- The number of cameras being requested;
- The dimensions of the equipment including how much it will protrude from the wall;
- The impact on the appearance of the building and the area;
- Will all GDPR, Data Protection Act and Human Rights Act requirements be met

Conditions attached to approval

If approval is given, the following conditions will apply:

- The installation must be carried out by a suitably qualified technician;
- The CCTV must be securely fixed on an external wall and adequate care must be taken to ensure that the fabric of the building is not damaged or altered;
- The camera must not be able to view any neighbouring property or any surrounding public area, e.g. footpath, pavement or road etc;
- The camera must not be remotely controlled i.e. it cannot be moved left or right remotely or zoomed in or out using a controller;
- The CCTV footage must be made available to the Police or a Red Kite member of staff if it is needed to help with any investigation of crime and/or anti-social behaviour.
- The CCTV must be removed at the end of the tenancy and any damage to the property repaired. The home must meet our Home Return Standard.

You will receive our decision in writing and a record of the decision will be recorded on Red Kite's Housing Management System.



We reserve the right to review or withdraw permission should the CCTV or video device be misused or is the subject of a complaint.

Please note that you cannot fit cameras onto any street lighting columns, trees, public buildings or public fencing without written consent from the responsible authority.

Maintenance and costs

If you use CCTV or other video image capturing device it will be your responsibility to:

- maintain the equipment, service it and repair it;
- pay for the equipment, installation, ongoing maintenance, servicing and running costs;
- to make good to any damage when removing the CCTV or other video image capturing device, this will include to the external or internal areas of the property where the equipment was attached, cabling passed through, etc;
- pay for any damage caused by the CCTV or other video image capturing device in line with our recharge policy.

We are not responsible for maintaining the equipment, making good any damage when the equipment is installed/removed, or for paying for running costs etc.

Will you need to put up a sign if you install CCTV?

You are not required to put up a sign if your camera is not capturing images outside of your property including your garden. If you do capture images of a public place or outside your garden then you would need to put up a sign, however, we are unlikely to give you permission to install the CCTV where this is the case.

Even if you are not required by law to put up a sign, informing people they are entering an area covered by CCTV is strongly advised and may help should a claim be made against you that you are making inappropriate use of your CCTV cameras.

Further guidance

The Information Commissioner's Office (ICO) offers further guidance about domestic CCTV use;

www.ico.org.uk

<https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/>

References

This guidance is to be implemented in conjunction with the following:



- Tenancy agreement
- Recharge Policy
- General Data Protection Regulation (GDPR)
- Human Rights Act 1998
- Data Protection Act 2018