



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) system at their home. It is also to be referred to by our staff as and when required.

It sets out the legal requirements that customers must follow and our expectations as landlord.

Introduction

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.

Use of CCTV

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 Wycombe District Council

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

You can report anti-social behaviour via Red Kite's website or by phone to the police on non emergency number 101.

Legal Requirements

If you are considering CCTV there are two main pieces of legislation that must be followed:

- Data Protection Act 1998
- Human Rights Act 1998

These, and their accompanying guidance, must be complied with. Failure to comply with these may result in legal action being taken against you.

Data Protection Act 1998

The main law that governs the use and installation of CCTV is the Data Protection Act 1998. There is detailed guidance available on the Information Commissioner's Office website – www.ico.org.uk

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 under the domestic purposes exemption and you will need to register with the Information Commissioner's Office (ICO) as a data controller and pay the associated fee.

You can install CCTV as long as you

- meet certain criteria as listed below;
- obtain written permission;
- take due care to ensure that consideration is shown to neighbours and members of the public and that the fabric of the Association's building is not damaged.

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 cameras 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.

Obtaining permission

You must obtain written permission from Red Kite before installing CCTV. Experience Specialists will be responsible for dealing with requests for permission. Such permission will not be unreasonably withheld. As part of the process to reach a decision, an Experience Specialist will visit you 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:

- 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;
- The Data Protection Act and Human Rights Act are adhered to.

If approval is given, the following 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.

It is ultimately the decision of the Experience Specialist whether you are permitted to install CCTV based on the criteria above. You will receive the 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 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 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, 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 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?

No. Domestic users do not have to fulfil the same data protection principles as commercial users and therefore do not need to make the public aware. However, 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 in respect of domestic CCTV use;

www.ico.org.uk

References

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

- Tenancy agreement
- Recharge Policy
- Human Rights Act 1998
- Data Protection Act 1998