

CCTV Guidance

Do you really need CCTV?

There are a number of ways to improve the security of your home before considering purchasing a CCTV system.

However, if installed correctly and used for the right purpose, CCTV can be an effective tool. It can discourage anti-social behaviour and reduce crime prevention because offenders don't want to be caught on camera.

CCTV and the law

Legislation in relation to the use of CCTV is covered in Data Protection Act of 1998 and 2003. It is perfectly legal to install CCTV to protect your property against intruders and trespassers, subject to any planning and other considerations. In general, private CCTV installations owned by members of the public, used on private domestic property will be exempt from the Data Protection Act unless the CCTV system captures footage of individuals outside the curtilage of the private domestic property.

Before the installation of a CCTV system consideration should be given as to whether it is necessary for the CCTV camera system to operate beyond the boundary of the private domestic property. If the CCTV camera covers, even partially, any areas beyond the boundaries of the property, such as neighbouring gardens or the street, then it will no longer be exempt from the Data Protection Act (DPA) under the domestic purposes exemption (see note: 1, page 3). This does not mean that this is a breach of DPA but it does mean that these CCTV camera systems are subject to it (see note:2, page 1).

Comply with DPA

What can I do to make sure that what I'm doing complies with DPA?

First, think about the problem you are trying to address and the best solution to it. This will usually be to safeguard you and your property against crime. Check your local police advice about crime prevention. Better locks or security lighting may be a more effective and less expensive way of securing your property.

If you decide to use CCTV cameras, you should (note 2):

- Consider what areas would need to be covered by it, will the camera capture images you actually need and how you will safeguard any recorded images so they can be used by the police to investigate crimes affecting you.
- Consider whether you can put up signs clearly explaining that recording is taking place and take steps to do so if it is practical.
- Have appropriate safeguards in place to ensure that the equipment is only operated in ways you intend and can't be misused. At its simplest, this means that anyone you share your property with, such as family members who could use the equipment, need to know how important it is not to misuse it.

- Ensure you have activated settings to enable the security of footage captured by the CCTV system and that any recordings of individuals are held securely. Make sure that you only allow to people who need it.
- Consider speaking to your neighbours and explain what you are doing any objections or suggestions they have. (It may be useful to invite your neighbours to view the footage that you capture; this may allay any concerns they may have about your use of a CCTV system).
- Consider purchasing equipment that enables you to control what you can record. This will enable you to keep privacy intrusion to a minimum.

You should remember that your use of a CCTV system may be appropriate but publicly uploading or streaming footage of individuals will require further justification and in most cases will not be justifiable.

As the data controller for this footage, individuals do have the right to request a copy of it from you under the DPA, if you collect their personal data.

If in rented accommodation, written consent of the Landlord is needed for the CCTV installation. Cameras can only be installed on other people's property with written permission. If agreement is given it can be sited on buildings etc. but may need planning permission.

If you wish to film just outside your property onto the public realm then you must seek the advice from the Information Commissioner's Office. Otherwise this may amount to harassment and potentially give rise to protection under the Public Order Act/Protection from Harassment Act.

Understand what you need

You need to have a clear idea of what you want the CCTV system to do and how it should perform. This should include exactly what you want to see and where e.g. your rear garden, your front door, your driveway at the side of your house etc. This process is called an Operational Requirement and will assist you to choose what equipment you need.

The guiding principle throughout the deployment of your CCTV equipment should be checking at each stage that its use is necessary and not disproportionate. For example – ask yourself:

- 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 an alternative?
- What is the most privacy friendly way to set it up?
- Can I avoid intruding into my neighbours' property?

If you leave the decision to an installer you may not get what you expect, want or need. All cameras should be fitted with robust anti-tamper housing to reduce interference and vandalism.

Any recording equipment should be placed in a secure area with restricted access; if you suffer a break-in one of the first things likely to be stolen is the hard drive so any evidence gathered would be lost.

There should be sufficient hard drive storage to record all incidents for at least a 7 day period. If downloaded, all recordings should be kept on suitable media in a secure place. If an incident occurs the images should be copied onto suitable media such as CD, DVD, USB etc. that can be seized by police and used as evidence.

The transferred images should be to WORM (Write Once Read Many) e.g. so the disc is finalised or closed in the CD-writer before the disc is removed.

A written record should be kept of movement of the media, showing a number, times, dates and names of those handling it. All used media should be destroyed and disposed of securely.

Signs depicting CCTV in operation should be displayed to warn that CCTV is in use to act as a deterrent. The signs should be large enough to be easily seen.

A suitable qualified company should be engaged for the installation. Both the National Security Inspectorate (NSI) and the British Security Industry Association (BSIA) list companies that meet essential satisfactory standards.

Other Considerations

If you cannot rely on the domestic purposes exemption you are subject to a number of requirements in the Data Protection Act. This includes a requirement to notify the ICO that you are a data controller (note:1).

If you wish to record images outside the curtilage of your property, you must seek the guidance of the Information Commissioner.

- Install, operate and account for your CCTV images properly.
- Ensure your CCTV scheme is 'fit for purpose'.
- Ensure picture quality is clear and offers useable images.
- Check your time/data displays are accurate.
- Check your cameras are covering the right area to the right image standard.

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 on domestic properties it should be disabled.

Source information for further advice is:

The Information Commissioner's Office (IC) has a wealth of information and they regulate CCTV usage. It is always good to seek their advice. You can phone the ICO helpline on 0303 123 1113 which is open 9am to 5pm Mon-Fri. Or visit their website at <https://ico.org.uk/for-the-public-cctv/>

Essex Police Crime Prevention Tactical Advisors: You can visit their website at <https://www.essex.police.uk/advice/crime-prevention-tactical-advisors/> to find the relevant number or email crimepreventiontacticaladvisors@essex.pnn.police.uk