

Taken from the Our watch website:

<https://www.ourwatch.org.uk/crime-prevention/crime-prevention-advice/cctv-domestic-property>

Some members of your scheme may suggest putting up CCTV cameras in the neighbourhood.

There are different rules for using CCTV on a private domestic property, and in public places such as alleyways or roads. Use of CCTV in a private domestic dwelling in England and Wales is regulated by the Protection of Freedoms Act 2012. The Act aims to balance people's right to protect their property with others' right to privacy. The capturing of images outside your own property is subject to the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Use of CCTV on a private domestic property

CCTV systems should always be operated in a way that protects the privacy of others. The installation of CCTV has been the subject of many disputes between neighbours and complaints to the police and Information Commissioner's Office by people who believe the cameras are being used to spy on them and their families.

With this in mind, consider the following questions:

- Do I really need CCTV? Could I use other means to protect my home, such as better lighting and new locks? (You can read more information on how to secure your home against burglary page)
- What do I want the CCTV camera to capture? (A front door, parking space, back yard, shed etc)
- How do my neighbours feel about my putting up CCTV? Where can I position the camera to ensure minimal intrusion to my neighbours' and others' privacy? If the camera's range overlooks a neighbour's property, can I attach privacy filters?
- Do I need to record the images, or is a live feed enough?

Be aware that if your camera captures images outside your own property, those images are subject to the Data Protection Act and GDPR, which are enforced by the Information Commissioner's Office, and you will need to ensure that you comply with this law.

See below for more info on this.

- Tell your neighbours as a matter of courtesy. You may wish to put a sign up on your property informing people that CCTV is in use, although this is not mandatory unless your system records images beyond your own boundary.
- Make sure the date and time is correctly set on your system.

- Ensure recordings are not used for any other purpose than protecting your property. Regularly delete recordings and ensure they are not kept for longer than is necessary for the protection of your property.
- Keep all recordings secure and keep access to them to a minimum. Remember that you are responsible for what happens to the information. Check your system regularly to ensure it is working properly. Clear away debris and wipe the lens.

Be aware that in the event your CCTV captures images of an incident, your recordings may be used as evidence to help a police investigation. So, you should consider:

- How practicable is it to extract recordings from your system? Can this be done without interrupting the operation of the system?
- Can it be provided in a suitable format without losing image quality or time and date information?
- If you do collect footage that may be used to identify offenders, you should only share this with the police or other relevant law enforcement body. It is strongly advised not to share images or recordings on social media sites without police permission. Doing so could jeopardise a police investigation, and any repercussions from such activity may well not be covered under the Public Liability Insurance currently offered to Neighbourhood Watch schemes by Neighbourhood Watch Network.

Read more about using CCTV on your domestic property.

Use of CCTV in a public place, such as alleyways

If you install a CCTV camera overlooking a public place, such as a walkway that runs behind a terrace of houses or the road at the end of a cul-de-sac, the images you capture are subject to the Data Protection Act 2018 (DPA). 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.

These include:

- The person responsible for the CCTV system must have a clear and justifiable reason for capturing CCTV images, and must be able to explain this to the ICO if asked. This person must decide what is to be recorded, how the information should be stored and used, how long recordings are kept for, and to whom they may be disclosed. These policies should be written down. **You should also be able to explain why the need to record such images is more important than the need to protect the privacy of passers-by.** You no longer have to register with the ICO or pay a fee, but you are still legally responsible for compliance with the DPA.
- Obvious signs must be erected advising people that CCTV is in use in the area. Signs must be clearly visible and readable.

- Conversations between members of the public should not be recorded on CCTV, as a general rule, as this is very intrusive to people's privacy. So if your CCTV system has an audio recording function, you should turn it off.
- Recordings must only be retained for as long as there is a reason for keeping them; information should be deleted regularly.
- Images and recordings should only be released in line with the current NWN data protection guidance ie to the police or other law enforcement agency. In general, these should not be shared on social media, released to the media or to another member of the NW scheme. If data is shared incorrectly, or without reasonable justification, the ICO can take action against you and you may be fined.
- If you capture images of an individual, they can legally request to see the footage and you must provide this to them within one month. They can also ask you to delete it, which you must do unless you need to keep it for a legal dispute. In this case, you must tell them this, and also let them know they can complain to the ICO or challenge it in court.

It is important that your information can be used by law enforcement agencies if required. If it can't, this can undermine the whole purpose of having CCTV. So you need to consider:

- How practicable is it to extract recordings from your system? Can this be done without interrupting the operation of the system?
- Can it be provided in a suitable format without losing image quality or time and date information?

The ICO is keen that people consider whether use of CCTV is necessary and proportionate in the circumstances. It states: *"Using surveillance systems can be privacy intrusive. They can place large numbers of law-abiding people under surveillance and recording their movements as they go about their day-to-day activities. You should therefore consider carefully whether to use a surveillance system. The fact that it is possible, affordable, or has public support should not be the justification for processing personal data."*

The ICO has produced guidance for private use of CCTV.

In 2012 the government created the role of Surveillance Camera Commissioner, whose functions are to encourage compliance with the Home Secretary's Surveillance Camera Code of Practice and its 12 guiding principles. The SC Code applies to cameras operated by relevant public authorities, but the Commissioner also encourages other operators, including private citizens, to adopt the Code voluntarily.