



## BRIEFING PAPER

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# CCTV surveillance by your neighbour

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Inside:

1. The Data Protection Act 2018
2. Protection from harassment
3. Dispute resolution



## Contents

Summary	3
1. The Data Protection Act 2018	4
2. Protection from harassment	6
3. Dispute resolution	7

## Summary

Constituents sometimes complain to their MPs that a neighbour's CCTV camera is "intrusive" and ask what the law says.

The use of CCTV in general is regulated by the *Data Protection Act 2018*. However, the use of cameras for limited household purposes is exempt from the Act, providing that the field of view is limited to the householder's own property.

The [Information Commissioner's Office](#) (ICO) enforces the 2018 Act. An ICO [helpline](#) (0303 123 1113) is available for queries on data protection, including the use of CCTV.

The domestic use of CCTV could be challenged if its use amounted to harassment under the *Protection from Harassment Act 1997*. The relevance of the legislation would depend on the specific circumstances.

# 1. The *Data Protection Act 2018*

The use of CCTV in general is regulated by the *Data Protection Act 2018*. Photographs or moving images of individuals qualify as “personal data” for the purposes of the Act.<sup>1</sup>

The use of cameras for limited household purposes is exempt from the Act, providing that the field of view is limited to the householder’s own property.<sup>2</sup>

If someone is using CCTV for business purposes, they will need to comply with the Act.

The Gov.UK [website](#) gives brief guidance on some of the considerations to take into account so that a CCTV system does not intrude on the privacy of others:

## 3.1 Reasons for getting a CCTV system

Think about the following questions before getting a CCTV system:

- why do I need CCTV?
- could I use another means to protect my home, such as improved lighting?
- what do I want my CCTV camera to view and record? (this could be the front door, a parking space, the back yard, a shed etc)

## 3.2 How your CCTV system affects others

It is important to consider the privacy of others while setting up your system. Ask yourself:

- where will I position the CCTV to ensure minimal intrusion in to my neighbour’s and other people’s privacy?
- will the range of the cameras overlook my neighbour’s property, pavements and other areas? (if so, consider ways to reduce intrusion such as using privacy filters)
- how will my neighbours feel about my CCTV?

## 3.3 Letting people know about your CCTV system

Ensure that you are transparent to those around you when installing your CCTV system. You can do this by:

- informing your neighbour(s) about your system

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<sup>1</sup> See ICO, [What is personal data?](#), May 2018

<sup>2</sup> The [General Data Protection Regulation](#) (2016/679 EU) came into force on 25 May 2018 and is now the basis for UK data protection law. The GDPR does not apply to personal data processed “by a natural person in the course of a purely personal or household activity” (Article 2(2) (c)). In 2014, a European Court of Justice [ruling](#) determined that the “domestic purposes” exemption under the then in force [1995 Data Protection Directive](#) only applied if a camera’s field of view was restricted to the householder’s own property - ECJ (Fourth Chamber), [Case C-212/13, request for a preliminary ruling](#), 11 December 2014

## 5 CCTV surveillance by your neighbour

- putting up a notice informing people that recording is taking place

On the use of CCTV and the storage of images, the guidance states:

### 3.5 Taking responsibility for your CCTV system

If you are thinking of installing a CCTV system on your property, you should be aware of your responsibilities:

- it is your responsibility to make sure that the CCTV system is installed correctly
- you are also responsible for all the information that is recorded by your system
- you must make sure that the information is not used for any other purpose than protecting your property
- it is vital that you understand how your system works, so please make sure you read the manual and if necessary ask your installer to show you how to operate it

### 3.6 Storing the recorded information

Ensure you follow the steps below when storing the information you record on your CCTV system:

- you should make sure that the date and time on your system are accurate
- it is important to check that you have enough recording space
- you should not store any information or images for longer than is necessary to protect your property which means you should delete the information once it is no longer required
- you should make sure that the information recorded is used only for the purpose for which your system was installed (for example it will not be appropriate to share any recordings on social media sites)
- you must keep the recordings secure and keep access to them to a minimum (remember that you are responsible for what happens with the information)...<sup>3</sup>

Data subjects have a number of rights under the 2018 Act. These include a [right of access](#) to find out how personal information is being used and stored.

The [Information Commissioner's Office](#) (ICO) enforces the 2018 Act. The ICO is working on updated guidance on CCTV.<sup>4</sup>

An ICO [helpline](#) (0303 123 1113) is available for data protection queries, including on the use of CCTV.

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<sup>3</sup> Gov.UK, [Domestic CCTV: using CCTV systems on your property](#), 8 December 2015 [accessed 5 July 2018]

<sup>4</sup> i.e. to take into account the 2018 Act and the GDPR – see ICO, [Guide to the General Data Protection Regulation](#), June 2018, p233

## 2. Protection from harassment

The use of CCTV cameras by a neighbour could, depending on the circumstances, be challenged under the *Protection from Harassment Act 1997* (as amended). Under section 1 of the Act, a person must not pursue a course of conduct which amounts to harassment of another and which he knows or ought to know amounts to harassment. Conduct in breach of section 1 is a criminal offence.<sup>5</sup> The question of when someone “ought to know” what amounts to harassment is addressed as follows:

...the person whose course of conduct is in question ought to know that it amounts to [or involves] harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to [or involved] harassment of the other.<sup>6</sup>

The prohibition on the type of conduct defined above does not apply if the person who pursued it can show that it was for preventing or detecting crime.<sup>7</sup>

Further information on the Act is available in the Library paper, [The Protection from Harassment Act 1997](#) (CBP 6648, 9 June 2017).

In December 2008, the Home Office published the following advice:

Whilst it is lawful for you to monitor your own property for security purposes, the manner in which CCTV is used, in particular where the field of view covers areas outside your property, may have legal consequences.

Cameras being deliberately trained on areas outside an individual’s property, could amount to harassment and potentially give rise to prosecution under the Public Order Act or Protection from Harassment Act.<sup>8</sup>

If a neighbour is concerned that CCTV is being used for harassment, anti-social behaviour or other matters dealt with under the criminal law, then these are matters for the police.

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<sup>5</sup> Section 2(1) of the 1997 Act

<sup>6</sup> Section 1(2) of the 1997 Act

<sup>7</sup> Section 1(3) of the 1997 Act

<sup>8</sup> [Using your CCTV in a Responsible & Proper Manner](#) (available from the archived [Respect website](#), accessed 5 July 2018)

### 3. Dispute resolution

If a constituent wants to obtain legal advice on their circumstances, the Library's Briefing Paper [Legal help: where to go and how to pay](#) (CBP 3207, 15 June 2018) may be useful.

Another Library Paper describes [Mediation and other alternatives to court](#) (CBP 4176, 6 June 2013).

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