

If you operate CCTV from your property, please read the recommended guidance and, if applicable, register at <https://ico.org.uk/registration/cctv> to ensure that you are compliant with the new GDPR regulations that come into force on 25 May.

Government guidance from 2015 can be viewed at <https://www.gov.uk/government/publications/domestic-cctv-using-cctv-systems-on-your-property/domestic-cctv-using-cctv-systems-on-your-property>

Current guidance from Neighbourhood Watch Network can be viewed at <file:///C:/Users/suesa/Desktop/NWN-Data-Protection-Guidance-April-2018-1.pdf> page 9. This states:

The use of surveillance systems for limited household purposes can be exempt from the Data Protection Act under S36 - "Personal data processed by an individual only for the purposes of that individual's personal, family or household affairs (including recreational purposes) are exempt from the data protection principles and the provisions of Parts II and III."

Case law has concluded that where a fixed surveillance camera faces outwards from an individual's private domestic property and it captures images of individuals beyond the boundaries of their property the recording cannot be considered as being for a purely personal or household purpose. This means that cameras attached to a private individual's home may, in certain circumstances, no longer be exempt from the requirements of the Data Protection Act under section 36. This would include any camera that covered, even partially, a public space such as the pavement or street. It would also cover cameras which captured areas such as neighbours' gardens.

This decision does not mean that using such a camera is not possible but it does mean that individuals will have to ensure that its use is legitimate under the Data Protection Act. The above case law made it clear that use of cameras to protect a property in this way can meet the legitimate interest condition in the legislation. The ICO has produced a short piece of guidance for the public on how to ensure the use of a surveillance camera on a private domestic property complies with the Data Protection Act. <https://ico.org.uk/for-the-public/cctv/>

Each resident in your Neighbourhood Watch Scheme that uses CCTV cameras that monitor any area beyond the interior and exterior limits of that individual's home will need to register their use of Household CCTV with the ICO. <https://ico.org.uk/registration/cctv>