



Tuesday Tips: Use CCTV? Tips to ensure you're complying with the Data Protection Act

February 23, 2016 From GSPC. Tuesday Tips

Laura Irvine from GSPC member firm bto solicitors explains the issues surrounding using CCTV and provides tips to help ensure you're complying with the Data Protection Act.

If a business is using CCTV then it must comply with the Data Protection Act 1998. It must ensure that it is using surveillance cameras for a legitimate reason, put up proper notices and provide members of the public with copies of the footage that they appear in on request.

However, what if a private household has CCTV? Must they also comply and what does that mean?

It is estimated that there are around 3,000 CCTV cameras in use in Scotland for domestic purposes and generally there is an exemption under the Data Protection Act for processing of information in a domestic setting. However from December 2014, householders who use CCTV which captures images in areas beyond the interior and exterior limits of their house, including public spaces and their neighbours' gardens, must also comply with the terms of the Act. In fact, the regulatory authority for the Data Protection Act, the Information Commissioner's Office (ICO), advises that even if your cameras do not operate outside of your property, you should use the cameras in a responsible way.

If have a CCTV camera you will need to:

- Ensure that the use of CCTV is necessary under the Data Protection Act 1998 using one of the processing principles. If there is an alternative way to address this issue, then this must be considered. For example, if you want to use CCTV to deter criminal activity, would extra lighting do the same job?
- Put up signs indicating why you are using CCTV, advising who the operator is and providing contact details for that person.
- Ensure that the system is not misused, even by your own family. The images should not be used for any purpose other than the one stated.
- Have a system in place determining how long the images are stored for and you will have to store them securely.
- Ensure you are registered with the Information Commissioner's Office as a data controller.

The ICO has indicated that CCTV which records sound will rarely be justified for use.

Finally, anyone whose personal data (their image and potentially any footage of their car) is being captured by your CCTV cameras has the right to make a subject access request under the Data Protection Act. This will oblige you to provide them with a copy of any images that you hold of them.

If you are interested in any further information, or would like to speak to **bto** regarding your property transaction, please feel free to contact a member of the team. www.bto.co.uk

