

New technology means that more homes now have cameras installed. This could be to monitor the interior or exterior of a property, or connected to a doorbell enabling remote checks of the person at the door. Individuals also use other devices, such as dash-cams, action cameras and drones.

In this guidance, the term 'CCTV' describes any camera or device that processes or records images of people. As those images identify living individuals, they are "personal data" and the data protection legislation<sup>i</sup> ("the DP law") applies, in most circumstances. However, the DP law does not apply to the use of CCTV by a natural person for their *purely personal or household activities*<sup>ii</sup>.

## **CCTV on domestic property**

If you install CCTV on domestic property, you should avoid capturing neighbours' properties as this intrudes upon their privacy. Many CCTV systems come with **audio recording** facilities. Audio recording is particularly privacy intrusive and should be disabled.

### **The DP law does NOT apply to CCTV that only covers:**

- the inside of your domestic property; or
- the outside of your domestic property and only captures images of individuals within the boundary of your domestic property,

as this will be for purely personal or household activities.

### **The DP law DOES apply to CCTV installed at a domestic property in all other circumstances.**

If a camera or device captures images of people in any public space, such as a footpath, roadway, shared parking area or communal entrance, etc., this does not mean that you are breaching the DP law, but it does mean that you are a "controller".

As a "controller", you must comply with the DP law, including the data protection principles and individuals' rights.

"Controllers" are accountable for the processing of personal data and must:

- display signage advising that CCTV is in operation, which includes details about how the "controller" can be contacted;
- keep CCTV images for no longer than necessary;
- keep CCTV images secure;
- comply with the rights of individuals, in particular the right to request, and be given, copies of their personal data (i.e. CCTV images of them), or request their personal data to be erased.

"Controllers" must also register with the Commissioner, for which an annual fee is payable.

Individuals can complain to the Commissioner about the use of CCTV to record their activities (i.e. the processing of their personal data) and the Commissioner may ask you to demonstrate how you comply with the DP law. Individuals may also seek compensation from a "controller" if they suffer any damage by the processing.

***CCTV on a domestic property that covers any public space is subject to the DP law and you should read the CCTV guidance for controllers to understand all your obligations.***

## **Using CCTV on domestic property responsibly**

The use of CCTV should be necessary and proportionate. Regardless of whether the DP law applies or not, CCTV should be used in a responsible way that respects the privacy of others. You should also be aware that other laws that protect individuals from harassment or voyeurism might apply and people may make complaints to the police or local authority.

Whilst CCTV installation is sometimes considered as a crime prevention measure, better locks or security lighting, for example, may be a more effective way of securing your property. The police should be able to advise you about crime prevention measures.

As CCTV affects privacy, you should consider what effect the installation of CCTV may have on your neighbours and how they may react.

Think about:

- what problem you are trying to solve; and
- what privacy-friendly alternatives to CCTV could be used.

If you do conclude that CCTV is necessary and proportionate to solve the problem, you must:

- consider what areas it needs to cover;
- ensure the equipment allows you to control what is recorded (i.e. the field of view) so that the cameras only capture images that you need, whilst keeping privacy intrusion to an absolute minimum.

It may help to invite your neighbours to view the footage captured as this may allay any concerns they have about your CCTV.

## **Dash-cams, action cameras and drones**

The use of these, or similar, devices is subject to the same considerations as CCTV installed on domestic property. Recording your own activity, for example, mountain biking or horse riding, is likely to be for your own enjoyment and will be for your “purely personal or household activities”. Other uses of the images or footage are unlikely to be for “purely personal or household activities”.

## **Police requests for recorded images**

The police may actively seek public assistance and ask for relevant CCTV footage to investigate incidents. You will not contravene the DP law by giving the police relevant footage or access to your CCTV in such circumstances. However, you are not obliged to do so.

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<sup>i</sup> The data protection law in the Isle of Man is the Data Protection Act 2018, the Data Protection (Application of GDPR) Order 2018, the GDPR and LED Implementing Regulations 2018

<sup>ii</sup> Following the Court of Justice of the European Union’s judgment on 14 December 2014 (the Rynes case – C212/13) “domestic purposes” is to be interpreted restrictively in accordance with Article 3 of the European Data Protection Directive which describes domestic purposes as processing “by a natural person in the course of a purely personal or household activity”.