CCTV surveillance by your neighbour

By John Woodhouse

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Summary

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

The General Data Protection Regulation (GDPR) and the *Data Protection Act 2018* apply to the use of domestic CCTV. However, the use of cameras for limited household purposes is exempt from the legislation, providing that the field of view is limited to a householder’s own property.

The [Information Commissioner’s Office (ICO)](https://ico.org.uk) enforces data protection law and has published the following:

- [Domestic CCTV systems – guidance for people being filmed](https://ico.org.uk/for-organizations/guidance/privacy-by-design/privacy-by-default/dominic-cctv-systems-guidance-for-people-being-filmed)

An ICO [helpline](https://ico.org.uk/for-the-public/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. CCTV and data protection

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 apply to the use of domestic CCTV. However, the use of cameras for limited household purposes is exempt, providing that the field of view is limited to the householder’s own property.¹

An ICO guide summarises what the users of domestic CCTV need to do:

(…)

If your CCTV captures images beyond your property boundary, such as your neighbours’ property or public streets and footpaths, then your use of the system is subject to the data protection laws.

This does not mean you are breaking the law. But it does mean that, as the CCTV user, you are a data controller. So you will need to comply with your legal obligations under the data protection laws.

You can still capture images, but you need to show you are doing it in ways that comply with the data protection laws and uphold the rights of the people whose images you are capturing.

**What must I do if I capture images of people outside my own home and garden?**

If you are capturing images beyond your property boundary, you should have a clear and justifiable reason for doing so. In particular, you will need to think why you need these images. If asked by an individual or the ICO, you will need to be able to explain your reasons, so you should write them down now. You should also write down why you think capturing the images is more important than invading the privacy of your neighbours and passers-by.

You will also need to:

• Let people know you are using CCTV by putting up signs saying that recording is taking place, and why.

• Ensure you don’t capture more footage than you need to achieve your purpose in using the system.

• Ensure the security of the footage you capture – in other words, holding it securely and making sure nobody can watch it without good reason.

• Only keep the footage for as long as you need it – delete it regularly, and when it is no longer needed.

• Ensure the CCTV system is only operated in ways you intend and can’t be misused for other reasons. Anyone you share your

¹ The General Data Protection Regulation (2016/679 EU) came into force on 25 May 2018 and is 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
property with, such as family members who could use the equipment, needs to know the importance of not misusing it.

The guide also notes:

- Before you install the system, consider speaking to your neighbours and explaining what you are doing. Listen to any objections or concerns they may have. It may also be useful to invite your neighbours to view the footage you capture. This may relieve any concerns they have about your use of CCTV. It may also avoid disputes escalating or complaints being made about your recording.

- The phrase ‘domestic CCTV system’ refers to the use of any video surveillance equipment mounted or fixed on your home. It can include cameras fitted to doorbells.

- You should remember that your use of a domestic CCTV system may be appropriate, but publicly uploading or streaming footage of identifiable people would need more justification. In most cases it would not be justifiable.

- You don’t need to register with the ICO or pay a fee (this is a change from the previous law). However, you must maintain records of how and why you are capturing these images, and for how long you are keeping them. You may need to make these records available to the ICO on request.

Data subject rights

Under the GDPR and 2018 Act, data subjects have the following rights if they are being filmed by someone’s domestic CCTV system:

- a “right of access” - to ask for a copy of any footage where they are identifiable;

- a “right of erasure” - to ask the CCTV user to erase any footage of them;

- a “right to object” to the CCTV user capturing any footage of them in future.

For further detail, see the ICO's [guidance](#) for people being filmed by CCTV.

Enforcement

The ICO [guidance](#) for CCTV users explains what action might be taken if the law isn’t complied with:

If you fail to comply with your obligations under the data protection laws, you may be subject to enforcement action by the ICO. This could include a fine. You may also be subject to legal action by affected individuals, who could pursue court claims for compensation.

If you follow our guidance and take all reasonable steps to comply with your data protection obligations, the ICO is unlikely to regard you as a regulatory risk. So the ICO would be unlikely to think that taking enforcement action against you was a proportionate use of its resources.
2. CCTV and 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 she knows, or ought to know, amounts to harassment. Conduct in breach of section 1 is a criminal offence.² 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.³

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.⁴


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

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² Section 2(1) of the 1997 Act  
³ Section 1(2) of the 1997 Act  
⁴ Section 1(3) of the 1997 Act
3. Advice

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

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, 1 August 2019) may be useful.
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