

CCTV Advice



Home CCTV

As we go about our daily business, we will never be too far away from being captured on CCTV. We have come to recognise CCTV as part of our daily lives. Many people welcome CCTV on the streets of our towns and cities as a reassuring presence, as it helps fight against crime and antisocial behaviour. It also helps to secure convictions for crimes that might otherwise remain undetected.

You cannot stop your neighbour from installing a CCTV system or from operating any kind of recording device e.g. a camcorder. CCTV systems at home can often help police to secure convictions for crimes or identify individuals who are engaging in antisocial behaviour. CCTV is a deterrent because criminals will avoid cameras if possible.

The Data Protection Act 1998 (DPA) provides the legal framework governing the use of CCTV. This applies primarily to businesses and organisations. It also applies to CCTV used on domestic properties if it captures footage of individuals beyond the boundaries of the property e.g. in neighbouring gardens or on the street. If you are concerned about the use of CCTV, you may find it useful to contact the Information Commissioner's Office (ICO), which is responsible for promoting good practice, enforcing and sorting complaints under the DPA. For contact details see the back page.

Concerns about your neighbour's CCTV system

We often receive calls about home CCTV, particularly from people who are concerned that a neighbour may be directing a CCTV camera at their home.

The use of a CCTV system for some domestic purposes is exempt from the Data Protection Act. A householder can install a home CCTV system which only monitors the inside and outside of their own property. However, a home CCTV system must not, even partially, monitor the private property of anyone else. Including driveways, front gardens or public areas such as the pavement or street.

Issues involving home CCTV can normally be sorted by talking to your neighbour and are considered a private matter.

If neighbouring properties or public areas are covered by the camera, it does not mean that the use of the camera is illegal. It simply means that the householder is required to comply with the Data Protection Act, which may involve registration with the ICO.

Public CCTV footage related to crime and antisocial behaviour

If you have been a victim of crime or antisocial behaviour, which you think may have been caught on public space CCTV, the best course of action is to report this to the police on 101 and ask them to find out if there is any relevant CCTV footage as part of their investigation.

If you want to view CCTV images yourself, you may be able to make a request in writing to the relevant local authority. If the images you are requesting to see are of yourself, then the request would be treated as a subject access request under the Data Protection Act and is subject to a fee. You may be asked to prove your identity and provide sufficient information so the data can be located.

If other people are identifiable in the CCTV pictures, then their images of them may be obscured to prevent identification.

Please be aware that CCTV footage may be overwritten after a limited period, e.g 30 days. If you want to view footage on a private system, you will need to ask the operator of the system.

CCTV installation advice

This rest of this booklet is a guide for those wanting to install a closed circuit television (CCTV) system at home.

Data protection

If you install a CCTV system at your home, as long as you site the cameras appropriately, you will be exempt from the Data Protection Act.

However, if the camera operates even partially beyond the boundary of your property, you will have to comply with the Act. If this is the case, you may need to put up signs to let people know that cameras are operating, as well as having safeguards in place to protect and store the footage. You would also need to register with the Information Commissioner's Office.

Using CCTV to invade another person's privacy could amount to harassment, which is a criminal offence. Using CCTV images for voyeuristic or antisocial purposes is also a criminal offence. If you intend to install CCTV, it is courteous to discuss this with your neighbours. If they have concerns, then letting them see the images the cameras are taking may help put their minds at rest.

CCTV positioning

Before installing CCTV you should consider what it is you are trying to achieve. Where you fit the cameras will depend on the purpose. Is it simply a visible deterrent? Or would you want your images to be accepted as evidence in court?

Some home CCTV systems are set up in a way that allows **recognition**. This size of CCTV images allows you to see the actions of a person, for example, seeing someone damaging your property. It may allow you some recognition of the person, however it is very unlikely this size of image would be acceptable as evidence of identity in court.

The best systems allow for **identification**. This size of the CCTV image allows you to see in more detail the actions of a person, but more importantly it is of a size that can be used to identify a person in court. The best way to make sure you are able to achieve identification-sized images is to focus cameras on very specific areas. Narrow areas through which a person must pass, for example alleyways, doors or gateways are ideal for this purpose. Make sure the cameras are not mounted so high that they are looking down on the subject.

When positioning the system, you should consider if your CCTV positioning would allow for a person to be reasonably identified.

Maintenance/evidential use

CCTV image quality needs to be of a reasonable standard to be accepted as evidence. Check the images from the camera regularly to make sure it is not being affected by dirt or weather. A camera can be thrown out of focus and make the evidence of no value. You must make sure that the time and date on the CCTV are set correctly. Failing to do so could affect the integrity of any evidence produced.

If you have been the victim of crime or antisocial behaviour, your first step should be to report this to the police non-emergency 101 number, or to 999 in an emergency or if the crime is still taking place. You should advise the officer that you have a CCTV system.

Handling the images correctly will give you the best chance of them being accepted as evidence. You should remove the evidence from the system onto a write-once media device (such as a CD-R disc) as soon as possible. Your CCTV system may be set to record over images after a pre-set time and you may lose valuable information if you delay.

Once you have removed the images from the CCTV system onto a removable media device (CD, DVD or USB) you should mark the media with an identification number. The police will advise on how to do this for evidential purposes. Log the time, date, identification number of the media and who handled the media. This record may be required as evidence in court.



CCTV signage

A business or public body installing CCTV that is able to recognise a person must make it clear to all people in the area that cameras are recording, the purpose for those recordings, and their contact details. Home users do not need to do this unless their camera operates outside the boundary of their property.

However, informing people they are entering an area covered by CCTV is strongly advised and may help if a claim is made that you are using your system inappropriately.

Signs informing people they are entering an area covered by CCTV may help deter individuals from committing offences against you or your property.

Useful contacts

Citizens Advice

03444 111 444 | www.citizensadvice.org.uk

Information Commissioner's Office

0303 123 1113 | ico.org.uk

Basingstoke CCTV enquiries

01256 844844 | www.basingstoke.gov.uk

Hart & Rushmoor CCTV enquiries

01252 398399 | www.rushmoor.gov.uk

Emergency number - 999 | **Non-emergency number** - 101

www.safernh.co.uk | CommunitySafetyTeam@communitysafetynh.org

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