



# CCTV Policy

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## **Introduction**

The monitoring, recording, holding and processing of images of distinguishable individuals constitutes personal data as defined by the General Data Protection Act (GDPR) and the Data Protection Act 2018 (DPA). The information from the Commissioner's Office (ICO) regulates and enforces the GDPR and DPA.

This policy intends to ensure that, in its use of Closed-Circuit Television (CCTV), Empower Housing Association (EHA) is fully compliant with the requirements of the Data Protection Legislation, including the DPA 2018 and GDPR, Protection of Freedoms Act 2012 (POFA), and the linked Information Commissioner's Office (ICO) Code of Practice for Surveillance Camera Code of Practice, published by the Home Office in 2012 and updated in 2022.

This Policy should be read in conjunction with EHA's Data Retention Policy.

By ensuring compliance with the above legislation and guidance, EHA ensure the privacy and rights of the public are upheld, whilst also enabling use of CCTV for its required purpose(s).

## **Scope of the Policy**

The Policy applies to tenants, EHA colleagues, contractors and suppliers.

GDPR requires the processing of personal data to be lawful, fair and transparent. As CCTV collects personal data in the form of images, it is not immune from the requirements. In almost all cases, business owners and households can rely on legitimate interests or the need to comply with another legal requirement for the legality of operating CCTV. However, they will be required to justify this against the area of coverage. Data subject's rights and freedoms cannot be overridden, especially in the case of legitimate interests. Inside a work premises, employees have a right to privacy.

Suppliers and contractors must also comply with the current Data Protection legislation where they are implementing, operating, or managing CCTV systems on behalf of EHA. The terms of this policy, where appropriate, should be translated into the supplier contracts and our requirements, ensuring they are aware of their obligations under the legislation and specifying them as a Data Processor. This must include the ability to evidence their compliance and allow for auditing of their legal compliance.

## **The Policy**

EHA recognises that some of our tenants will feel more secure if they install CCTV to deter crime or if they have been experiencing anti-social behaviour.

## Use of CCTV

CCTV can be a useful tool to prevent crime and ASB, however there are often cheaper and more effective options. If a tenant is a victim of ASB, there is an expectation they will be signposted to EHA's Housing Management Team.

When CCTV is used or is proposed to be installed at an EHA property, a justification exercise must be carried out by the Housing Management Team which highlights security, use, and authority issues (Appendix 1). This exercise will be reviewed by EHA's Director along with the owner of the property and approved/rejected as appropriate. The installation will be treated as an alteration to the property and the tenant cannot be permitted to carry out the installation without prior written permission from EHA.

### Installation of CCTV in our Properties

We will consider the installation and use of a CCTV system where EHA have assessed that it is necessary and proportionate, and that the system will assist in:

- Protecting public safety and increasing tenancy sustainment by creating safe, secure, sustainable communities and reducing the fear of crime.
- Prevention or detection of crime against our tenants or colleagues.
- Monitoring the security of our premises and assets.
- Working with Police, local authorities and other partners to identify and take appropriate action against perpetrators of crime, Anti-Social Behaviour or breaches of tenancy

EHA recognise that some tenants may find the installation of a CCTV camera to be an invasion of their privacy and will seek to find a balance between privacy and security that allows tenants to feel safe by installing CCTV whilst protecting privacy.

This will include:

- Consultation and engagement with the tenants and residents at the location prior to installation of any CCTV systems.
- Ensuring that any neighbouring gardens and/or properties not owned by EHA are not monitored without obtaining consent from the owners.
- Ensuring that the placing of CCTV at the location which needs to be monitored also minimises any adverse impact on people's privacy.
- Clear signage will be displayed to ensure all tenants, visitors, and colleagues are aware that CCTV is in operation.
- Any CCTV camera will be set to only monitor an area necessary for the purpose and capture images of our property and any communal areas associated with the building.

CCTV must not be viewing or monitoring any other properties but may include:

- The reception area and doorways at our office.
- External common areas, stairwells, and doorways within the agreed location.

### Tenant Requests to Install CCTV

We will generally allow tenants to install their own domestic CCTV cameras provided they comply with the instructions and advice that EHA issue.

Tenants must contact EHA before they install CCTV, and we will discuss other solutions that could be considered such as security lighting or neighbourhood watch schemes.

Tenants will be permitted to install and operate CCTV, or a camera doorbell, on the following conditions:

- They must comply with the law.
- Systems must cover their property and not a neighbour's property or any communal areas or shared entrance.
- A doorbell system should not capture or store footage that includes a neighbour's property or any shared spaces. Signage must be displayed for all recording equipment to inform individuals about the recording.
- They must make good if any damage is caused when installing or removing the equipment. If installation will cause any disruption to the property for example by using the electricity supply the tenant will need to request permission.
- Systems must not compromise fire safety (for example, damage fire doors including flat entrance doors).

Failure to meet these requirements may be a breach of the tenancy and EHA may ask that the CCTV equipment or doorbell camera is removed. If the tenant won't remove the equipment, EHA will take action to remove it and recover the costs from the tenant.

### Legal Requirements

The ICO explains that when setting up a domestic system, it should only capture images within the boundary of the private domestic dwelling including the private garden. In these circumstances the data protection laws will not apply.

If the system captures images of people outside the boundary of the tenant's private domestic property, for example, in neighbour's homes or gardens, shared spaces, or on a public footpath or street, then the GDPR and DPA will apply.

Support providers and tenants must adopt the following 12 guiding principles from the Surveillance Camera Code of Practice when installing CCTV:

1. All CCTV systems must be for a specific purpose, which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a CCTV must consider the effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of CCTV system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all CCTV activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a CCTV is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a CCTV and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. CCTV system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice. The Housing Management Team will review its necessity and operation of approved systems every two year (Appendix 2 - CCTV Appraisal for existing installations).
11. When the use of CCTV is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a CCTV system which compares against a reference database for matching purposes should be accurate and kept up to date.

CCTV will be used only to monitor external areas within private boundaries, or in internal communal areas. No CCTV will be used within a house or flat, or EHA office premises.

#### Damage to the fabric of the building

Fixtures to the fabric of the building must not compromise the fire safety of the building. Where an inspection reveals the fabric of the property has been damaged or compromised by the installation of CCTV, the tenant will be recharged for the cost of the inspection and all remedial works required.

### **Responsibilities**

The Housing Manager has overall responsibility to ensure compliance with this policy and legislation relating to CCTV.

### **Related Legislation, Regulation and Codes of Practice**

- General Data Protection Act (GDPR)
- Data Protection Act 2018 (DPA)
- Protection of Freedoms Act 2012 (POFA)
- Commissioner's Officer (ICO) Code of Practice for Surveillance Camera Code of Practice 2022
- The Human Rights Act 1998
- Protection of Freedoms Act 2012
- Equality Act 2010

### **Related Policies, Procedures and Documents**

- Anti-Social Behaviour and Hate Crime Policy
- Complaints & Feedback Policy & Procedure
- Health & Safety Policy
- Safeguarding Adults & Children Policy
- Equality, Diversity and Inclusion Policy
- Tenancy Agreement

### **Reporting and Monitoring**

When it has been approved that CCTV is to be located at a tenanted property the Housing Management Team will review its necessity and operation every two years (Appendix 2 - CCTV Appraisal for existing installations).

### **Consultation and Publicising Policy**

The following groups have been consulted with in the development of this policy.

- Management Team

- Senior Management Team

This policy will be published on EHA website.

### **Review**

The policy will be reviewed every three years (or sooner if there is a change in regulation, legislation or codes of practice).

### **Equality Impact Assessment**

An Equality Impact Assessment has been completed for this policy

## Appendix 1

### CCTV Appraisal for new installations

<b>Address</b>	
<b>Proposed System i.e., number of cameras, what areas they will cover, manufacturer, etc</b>	
<b>Reason for installation, e.g monitor ASB, safety, etc</b>	
<b>Does the system record or just stream live images? If recording, how long will data be retained for?*</b>	
<b>Is audio captured or just images? If audio, is this necessary or can this be disabled?</b>	
<b>Security measures – is the system password protected? Is this changed regularly?</b>	
<b>Who has authority to access images?</b>	
<b>Do authorised users have GDPR training and security system training?</b>	
<b>Does CCTV cover any area(s) outside the property boundary?</b>	
<b>Does the Support Provider/Tenants agree to adhere to EHA's CCTV Policy (save email confirmation)</b>	

\*EHA insists data is not held for longer than 28 days unless expressly permitted

Housing Tenant Support Officer :.....

Authorised/Rejected by Empower Housing Association Chief Executive (delete as appropriate)

Signed: ..... Date: .....

Authorised/Rejected by Owner (delete as appropriate)

Signed: ..... Date: .....



## Appendix 2

### CCTV Appraisal for existing installations

<b>Address</b>	
<b>Detail any changes or repairs to the system in the last 12 months</b>	
<b>Does the system still only cover areas within the property boundary?</b>	
<b>Is the system still justified? Why?</b>	
<b>Is audio captured or just images? If audio, is this necessary or can this be disabled?</b>	
<b>Security measures – are passwords secure and is access limited to certain individuals?</b>	
<b>Do authorised users have GDPR training and security system training?</b>	
<b>How long will data be retained for? (EHA insists data is not held for longer than 28 days unless expressly permitted)</b>	
<b>Are there any concerns or significant changes? If yes, discuss with EHA's Director of Housing &amp; Operations before signing off this review.</b>	

Housing Tenant Support Officer : .....

Signed: ..... Date: .....

Authorised/Rejected by Empower Housing Association **Director of Housing & Operations** (delete as appropriate)

Signed: ..... Date: .....

Signed: ..... Date: .....