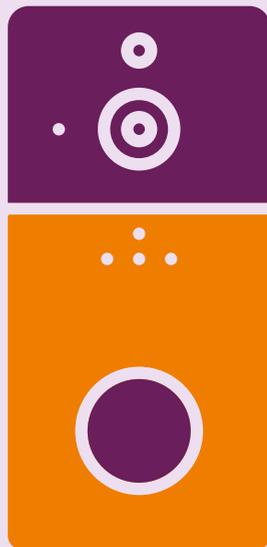


# Policy for Resident Closed Circuit Television (CCTV) and Doorbell Cameras



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# 1. Introduction

- 1.1** This policy establishes an effective, accountable and transparent framework for tenants' responsibilities regarding the installation and monitoring of CCTV (including Doorbell Cameras) on and inside RBKC Housing Management Properties.

# 2. Related Documents

- Leaseholder Agreement / Terms of Lease
- Improvements to your home policy
- Tenancy Agreement and Tenancy Handbook
- Terms and Conditions for Resident CCTV and Doorbell Cameras

# 3. Equalities Statement

The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

Further detail on the Duty, and the Council’s approach to fulfilling its requirements, can be found at [www.rbkc.gov.uk](http://www.rbkc.gov.uk).

## 4. Legal Context

- Declan Molloy v BPHA
- Fairhurst v Woodard
- General Data Protection Regulation (EU) 2016/679
- UK Data Protection Act 2018

## 5. Policy Statement

- 5.1** The Council is committed to treating all requests in this area fairly and impartially in accordance with this policy while upholding the importance of Data Protection legislation.
- 5.2** In any instance, Residents who have installed CCTV Equipment or a Doorbell Camera must follow the RBKC Housing Management Terms and Conditions for Resident CCTV and Doorbell Cameras.
- 5.3** The purpose of this Policy and accompanying Terms and Conditions is to a) state our position as a landlord, and b) ensure residents are aware that certain activities pertaining to installation of CCTV and/or Doorbell Cameras may be a breach of their Tenancy Agreement and/or Data Protection legislation.

## 6. Purpose of CCTV Recording

- 6.1** If you decide to use CCTV in or on your property, you must ensure that the scope of the camera does not capture images outside of your property, such as the street with passers-by and cars, or even your neighbours.
- 6.2** If any CCTV surveillance does capture a public space, this cannot be an activity which is considered purely a ‘personal or household’ activity. This is also the case if you are operating a business from your property.

- 6.3** Ultimately, these points call into question the purpose for CCTV recording by residents, and as such, RBKC Housing Management will usually discourage installation of these devices by residents for these reasons.
- 6.4** Residents must be prepared to remove CCTV should it be raised as an issue that is found to contravene this policy or the Housing Management Terms and Conditions for Resident CCTV and Doorbell Cameras.

## **7. Doorbell Cameras**

- 7.1** Doorbell cameras are devices that allow for viewing, monitoring and/or recording of a public space (e.g., a front door or a drive).
- 7.2** Residents must make sure that such devices only records visitors to their own property; otherwise, this may be constituted an invasion of privacy of other residents and members of the public.
- 7.3** Where Residents wish to install Doorbell cameras, they should only consider models that allow adjusting of default settings to enable blocked out areas deemed off-limits or an Audio Toggle to prevent it from recording conversations. For example, as the Ring Doorbell's settings allow through enabling the 'Privacy Zone' option.
- 7.4** Personal data may not be captured from people who are not aware that the device is there, or that the device records and processes audio-visual, i.e. personal, data.
- 7.5** If you do any of the above, this may make you a data controller for the purposes of the UK Data Protection Act 2018 (please see section 5.6).
- 7.6** Residents should be prepared to share information regarding what data is being processed by third parties, how long the recording will be kept and how to contact those who own the recording.

## 8. Permission for Installation

- 8.1 You may require RBKC Housing Management's permission before installing CCTV at your property. Tenants should contact their NSC in the first instance.
- 8.2 If you are a leaseholder, this will depend on the specific terms of your lease.

## 9. Signage

- 9.1 Signage must notify that CCTV is operational in the area, provide the purpose of its processing and your contact details as a data controller.
- 9.2 The information should be positioned at a reasonable distance from the places monitored in such a way that the public can easily recognise the circumstances of the surveillance before entering the monitored area.

## 10. Role of a Data Controller

- 10.1 If you monitor a public space via CCTV, or operate a business from your property, you will be expected to implement additional safeguards for your device and the data it captures.

### **This includes:**

- setting and documenting a clear justification for capturing these images and being able to explain it;
- ensuring technical measures around secure storage and retention of data are managed adequately;
- installing signage notifying that CCTV is operational in the area, and positioning this at a reasonable distance from the places monitored in such a way that the public can easily recognise the circumstances of the surveillance before entering the monitored area

**In addition, you must be prepared to:**

- provide the purpose of its processing and your contact details as a data controller on the signage;
- respond to subject access and erasure requests

## **11. Subject Access Requests**

**11.1** In line with Data Protection legislation, someone could lawfully request footage of them captured by your device. In any case, you must respond promptly and in any event within a month of receiving the request.

**11.2** For further information you should contact the ICO on 0303 123 1113 (Monday to Friday between 9am and 5pm).

## **12. Consequences of not following the Policy**

**12.1** If these Terms are not adhered to consequences can be severe. Breach of these terms are not just breaches of Council Policy but may be breaches of Data Protection Law as well.

## **13. GDPR and Data Protection**

The UK and EU GDPR introduces a duty for controllers, such as private businesses and councils like RBKC to appoint a data protection officer (DPO) if they are carrying out certain types of processing activities.

DPOs assist controllers to monitor internal compliance, inform and advise on their data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the Information Commissioner's Office (ICO).

RBKC's DPO is contactable at **[dpo@rbkc.gov.uk](mailto:dpo@rbkc.gov.uk)**

## **As a directorate of RBKC, Housing Management shares the commitment to ensure that all data is:**

- processed lawfully, fairly and in a transparent manner
- collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- relevant and limited to whatever the requirements are for which the data is processed
- accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay
- stored for as long as required, as specified within RBKC's Records Retention policy
- secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction or damage

For further information about the Council's commitment to the General Data Protection Regulations (GDPR), visit the Council's website at [www.rbkc.gov.uk](http://www.rbkc.gov.uk).

## **14. Compliance, Monitoring and Review**

The overall responsibility for the approval of this policy sits with the Housing Management Directorate.

The Head of Customer Experience and Governance will be responsible for reviewing this policy.

This policy will be reviewed every 3 years, or when legislative or regulatory changes take place that could affect it.

The next review will take place by June 2025.