

FAQ's

My neighbour has installed a CCTV camera and it is pointing towards my house/garden. Is this a breach of the Data Protection Act?

If your neighbour's camera is installed on their residential property and being used for their own personal domestic use, they are unlikely to be breaching the Data Protection Act. This is because the use of CCTV cameras for domestic purposes is exempt from the Act. This applies when a person uses CCTV to protect their home from burglary, even if the camera overlooks the street or other areas near their home. If your neighbour is using CCTV for business purposes they will need to comply with the Act. If you are concerned about the use of domestic CCTV it may be worth contacting your local police. For more information, [contact the ICO helpline](#) or read our [CCTV code of practice](#).

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/cctv_code_of_practice.pdf

Q: Can an organisation charge me for giving me my personal information?

Requesting personal information from an organisation will usually cost a maximum of £10.00. However, in some cases it may cost more, for example, requesting a copy of your medical file:

- Information that is being processed by automated means (eg on computer): £10.00
- Information that is held manually or a combination of manual and automated records: up to £50.00

Q: I have just received a subject access request. What should I do with it?

A subject access request is a request from an individual, using their right under the Data Protection Act. You must decide taking any exemptions into consideration what information needs to be given. You have 40 calendar days to respond to the request and you may request a fee of up to £10.

For more guidance on how to deal with subject access requests please see the attached link to the ICO's website.

http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/checklist_for_handling_requests_for_personal_information.pdf

Q: If the police approach us for information under what circumstances should we provide it?

There is an exemption under the Data Protection Act that can be applied if the police need some information to prevent or detect crime or catch or

prosecute a suspect. However there are limits on the information you can release. If you are satisfied that the information is going to be used for this purpose and that if you did not release the information it would be likely to prejudice (that is, significantly harm) any attempt by the police to prevent a crime or catch a suspect then you can disclose this information. For more information, please see the attached link to the ICO's website Releasing information to prevent or detect crime. http://www.ico.gov.uk/upload/documents/library/data_protection/detailled_specialist_guides/section_29_gpn_v1.pdf

Q: I want to install covert cameras on my business premises. Would the Data Protection Act prevent me from doing this?

Although the Data Protection Act would not necessarily prohibit covert monitoring of staff, it would generally only be justified in exceptional circumstances and we would advise that a data controller exercise caution when proposing monitoring of this type. The monitoring should also be warranted, specific and limited. For detailed guidance on the use of CCTV, please see the attached link to the ICO's website http://www.ico.gov.uk/upload/documents/library/data_protection/detailled_specialist_guides/cctv_code_of_practice.pdf

Q: Do I need a licence to work as a CCTV Operator?

An SIA licence is required if you undertake the licensable activities of a public space surveillance CCTV operative and your services are supplied for the purposes of or in connection with any contract to a consumer.

Unless your employer or company has been given an exemption under Section 4(4) of the Private Security Industry Act 2001, it is a criminal offence to undertake the licensable activities of a public space surveillance CCTV operative without an SIA licence. An exemption is applicable only where the company in question has been granted approved contractor status by the SIA and the other conditions of Section 4(4) have also been met. Every condition must be met for this section to be applied. Please see the attached link to the SIA website for more information <http://www.the-sia.org.uk/home/licensing/cctv/cctv.htm>

Q: What is the cost of a Licence?

The licence application fee is £245 for a three year licence. The fee is to cover the cost of processing your application and is not refundable. If you pay your own licence fee you will be able to claim tax relief against your taxable income. For example, if you pay the basic rate of tax the relief is worth £53.90. If you are an employer paying the licence fee on behalf of an employee there will be no tax or National Insurance liability.

Some security operatives may need more than one licence; in such cases the second licence will be discounted by 50%. Please see the attached link to the SIA website for more information http://www.the-sia.org.uk/home/licensing/cctv/licence_discounts.htm

Q: Will I need a separate licence to do different job roles?

In some cases, the SIA are satisfied that the licensing criteria to be met for one licensable activity are sufficient to allow a licensed individual to carry out other licensable activities. Please see the attached link to the SIA website for more information http://www.the-sia.org.uk/home/licensing/cctv/extension_cctv.htm

Q. What are the rules for the use and signage of CCTV cameras?

Following a landmark court case regarding the Data Protection Act and its relevance to CCTV, the Officer of the Information Commissioner, which oversees enforcement of the Act, has issued guidance for system users. The guidance can be downloaded from the website: <http://www.informationcommissioner.gov.uk>

Q: Why are cameras used as a means of making money?

The purpose of safety cameras is not to raise money. They are about changing driver behaviour - to encourage drivers to stay within the speed limit. Everyday about 9 people will die and a further 78 will be seriously injured on our roads, and excessive or inappropriate speed will be a factor in a significant number of these accidents. Safety cameras have played a vital role in helping us to reduce road casualties. Where, they have been introduced, cameras have on average reduced the number of people killed or seriously injured by 42%.

It is a myth that cameras are used as a means of making money. The fine income from safety cameras is not retained by local partnerships. They therefore have no incentive to place cameras other than to improve road safety. All fine income goes to the Treasury's consolidated fund in the same way as other fines.

Q: How do I request CCTV footage?

You have the right to access images of yourself that may have been recorded by a CCTV camera system. This is because the Data Protection Act of 1998 means that public bodies like local councils need to make any personal data available to you if you request it. Personal data is information that relates to an individual and is held by the public body.

You will need to make a request in writing to the owner of the CCTV system. The details of the owner are usually written on a sign attached to the camera. You will need to give them enough information to identify you, for example a specific date and time, and a description of yourself and your clothing. They may charge you a fee of up to £10 for a copy of the footage. If you contact a public body that holds CCTV footage of you, they must give you a copy of those images within 40 days. They may send you an edited version of the CCTV footage to protect the identities of other people shown in the footage.

Q: Why have some areas of the CCTV footage be obscured?

The CCTV recording may be edited to make sure that you can't see any other personal data that doesn't relate to you, like:

- a vehicle registration number that is not yours
- an unfair intrusion into the privacy of another person

Contact your local council for more information about how CCTV is used in your community, or see their CCTV code of practice for more about the use of CCTV cameras and the Data Protection Act.

Q: How many CCTV cameras are there in the UK?

This information is not available centrally, although this is one of the areas that we will be considering through the National CCTV Strategy in the future. The National CCTV Strategy was published by the Home Office in October 2007 and contains 44 recommendations designed to increase and measure the effectiveness of CCTV in the UK.

Q: What is the effectiveness of CCTV?

CCTV is a powerful crime fighting tool. Police operational experience and various research studies show that it deters and detects crime and helps secure convictions. It can also reduce fear of crime. CCTV works best as part of a package of measures to deal with specific events and crime problems.

The Home Office commissioned Professor Martin Gill to review the effectiveness of CCTV. Professor Gill's report 'Assessing the Impact of CCTV' was published in 2005.

A recent review of existing research was undertaken by the Campbell Collaboration, which was part funded by the National Policing Improvement Agency. The main points of that review will be made available to police forces by the summer.

Q: I think my neighbour is using CCTV to Spy on me, what can I do about it?

It is lawful for private individuals to make specific use of CCTV technology to monitor their own property for security purposes. However, the manner in which the CCTV is used, in particular, where the field of view covers areas outside the user's property, may have legal consequences.

It is unlikely that someone using CCTV in a responsible and proper manner, which incidentally happens to catch part of a neighbour's property, could be said to be infringing on the neighbour's privacy. If, however, cameras are being deliberately trained on someone's house or garden to film the activities of the occupants then this may amount to harassment, depending on the circumstances of the case, and could give

rise to prosecutions under the Public Order Act (e.g. Causing harassment, alarm or distress) or under the Protection from Harassment Act.

If you are concerned about the use of domestic CCTV it may be worth contacting your local police.

Q: Is there central funding available for CCTV systems.

Between 1999/2000 and 2002/03 the Home Office invested £170m in more than 680 public space CCTV schemes across England and Wales, through the CCTV Initiative under the Crime Reduction Programme (CRP). After this initiative closed, and following consultation with key stakeholders, it was decided that another CCTV specific funding stream was not required at that time.

Following the conclusion of the CRP and after further consultation, crime reduction funding moved to a structure that saw funding being directly allocated to local Crime and Disorder Reduction Partnerships (CDRPs). No new specific CCTV funding has been introduced, but funding streams such as the Building Safer Communities Fund (BSCF) which, is available to CDRPs to allow them to tackle their local crime priorities using a number of interventions, including CCTV.