

Closed-Circuit Television Policy

EG Approval: March 2025

Responsible Board:

Ocean Housing Ltd

Next Review: March 2028

Responsible Executive:

Managing Director
Ocean Housing Ltd

1.0 Background

1.1 This policy explains how Ocean Housing Ltd (OHL) makes use of Closed-Circuit Television (CCTV) and outlines the expectations on our tenants when they choose to install their own CCTV system.

1.2 CCTV will be installed by OHL for the purposes of public safety and the prevention and detection of crime and anti-social behaviour. CCTV will be used to facilitate the identification, apprehension, and prosecution of offenders in relation to crime and anti-social behaviour. An ancillary benefit of operating CCTV may include the reduction of the fear of crime.

2.0 Purpose and Scope

2.1 The purpose of this policy is to help ensure that OHL's use of CCTV:

- a) adheres to the principles of the Data Protection Act 2018, Human Rights Act 1998, other relevant legislation, and guidance issued by the Information Commissioner's Office (ICO) and the Surveillance Camera Commissioner (SCC).
- b) is operated fairly and lawfully and only for the purposes authorised by OHL and with due regard for the privacy of individuals.

2.2 The principles and terms within this document are binding on all OHL colleagues. It also applies to anyone else who, for whatever reason, may need access to CCTV recordings made by OHL.

3.0 Legislation

3.1 This Policy is in line with the following legislation:

- Data Protection Act 2018
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act 2012

4.0 Definitions

4.1 **Directed Covert Surveillance** - The Home Office defines directed surveillance as covert surveillance that is not intrusive and is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of private information about

any person (other than by way of an immediate response to events or circumstances such that it is not reasonably practicable to seek authorisation under Regulation of Investigatory Powers Act) (RIPA).

- 4.2 **Exceptional and Justified Circumstances** – OHL defines ‘exceptional and justified circumstances’ as circumstances where we know that the wider community is being significantly impacted by criminal or otherwise anti-social behaviour of an individual or group, but the victims are unwilling to come forward to provide evidence. This applies particularly where victims have seen the alleged perpetrator(s) behave in a menacing or aggressive manner that would deter victims or witnesses from coming forward.
- 4.3 **Intrusive Covert Surveillance** - The Home Office defines intrusive surveillance as covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle.
- 4.4 Overt surveillance is carried out with the full knowledge of colleagues, tenants, and local people. The cameras are on open display and there are signs advertising their use.

5.0 Responsibilities

5.1 The **Complaints and Compliance Manager** will:

- Provide advice and guidance on issues around CCTV.
- Review CCTV impact assessments to ensure that the installation of CCTV is proportionate and does not adversely impact on the rights and freedoms of individuals.

5.2 The **Neighbourhood Services Team** will:

- Carry out impact assessments on Ocean installed CCTV systems in their area with the assistance of the Complaints and Compliance Manager Officer.
- Deal with any problems with CCTV systems in their areas such as damaged cameras and missing signs.
- Consider and assist with requests from residents to install their own CCTV systems and signpost the resident to submit a Tenant Improvement Request (TIR).
- Ensure that CCTV is compliant with the guidance as set out.

5.3 The **Neighbourhood Services Manager** will:

- Support Neighbourhood Service Officers and/or equivalent, in considering requests from residents to install their own CCTV systems.
- Ensure that their staff are aware of and follow the policy and work with or refer to appropriate agencies.

5.4 **All colleagues and contractors** will:

- Follow this policy when there is a business need to install CCTV or to allow access or share CCTV images.

- Not use the images captured by CCTV systems for purposes not set out in this policy.

5.5 All Ocean Staff have a duty to report breaches of this Policy.

6.0 Why do we use CCTV?

6.1 CCTV will be installed by OHL for the purposes of public safety and the prevention and detection of crime and anti-social behaviour. CCTV will be used to facilitate the identification, apprehension, and prosecution of offenders in relation to crime and Anti-Social Behaviour.

6.2 An ancillary benefit of operating CCTV may include the reduction of the fear of crime.

6.3 OHL will normally use CCTV systems in a way that is apparent to people in the immediate area. This is known as overt surveillance.

6.4 Routine covert surveillance is not carried out by OHL, but this may be used in specific circumstances. Covert surveillance is when the cameras are not advertised and are hidden from view. Images are captured without the knowledge of residents or local people and are usually monitored as an ongoing process.

7.0 Overt Surveillance

7.1 This is a common method of deterring vandalism, theft, or anti-social behaviour. Images are recorded on an ongoing basis, are not routinely monitored, and are not stored for longer than necessary (enough time to detect that a crime has taken place, usually 30 days).

7.2 The images will only be viewed should an incident occur, or to monitor compliance with court orders and alleged perpetrators of ASB, as an aid to the identification of the perpetrator and evidence in any subsequent warnings or prosecutions.

7.3 All schemes will operate within the guidelines set out in the ICO's Code of Practice for Surveillance Cameras and the Cameras and the Surveillance Camera Commissioner's Code of Practice.

7.4 OHL must adhere to the following in order to conform to the codes of practice:

- The Head of Customer Experience and Neighbourhood Services has overall responsibility for the management of Ocean's CCTV systems.
- cameras will not be hidden from view and signage informs the public of the presence, the purpose and ownership of the system.
- cameras have been positioned to avoid impinging on the privacy of individuals not visiting the premises and not involved in unlawful activity.
- the systems are not subject to live monitoring or control under normal circumstances.
- images recorded are secured safely and can only be viewed by authorised persons.
- privacy impact assessments will be carried out on all systems; and all systems will be configured with privacy zones where necessary.

- 7.5 All CCTV cameras operated by OHL will be checked and maintained by an appropriate servicing company.
- 7.6 It is the responsibility of OHL as the Data Controller to be the overall owner of the CCTV scheme. OHL's Complaints and Compliance Manager will ensure:
- compliance with this process.
 - that the key objectives of the scheme are not exceeded.
 - That, unless covert directed surveillance is to be used, all persons in the locality of CCTV cameras are notified that a CCTV scheme is in operation.
 - That formal subject access requests under the Data Protection Act 2018 for images captured are dealt with in a timely way.
- 7.7 The Neighbourhood Service Manager and/or Complaints and Compliance Manager (or a more senior manager) will approve requests for the release of captured images following an incident where there is a legal basis for sharing the image; for example, Data Protection Act 2018 - schedule 2, part 1(2) prevention or detection of crime or the apprehension or prosecution of offenders. The Data Protection Officer will include all requests on an information sharing log.

8.0 Covert Surveillance

- 8.1 The Surveillance Camera Commissioner's Code of Practice says, 'covert surveillance in public places by those who do not fall within Regulation of Investigatory Powers Act 2000 (RIPA) may be used as part of a specific investigation in "exceptional and justifiable circumstances'.
- 8.2 The Home Office's Covert Surveillance and Property Interference Revised Code of Practice distinguishes between intrusive surveillance and directed surveillance.

9.0 Directed Covert Surveillance

- 9.1 Whilst OHL understands that the use of covert surveillance can be intrusive, we also recognise that the deployment of covert surveillance, for a strictly limited period, can help ensure that local people's privacy is impacted for a shorter time than the long-term deployment of an overt surveillance system.
- 9.2 Directed covert surveillance, is when a camera is secretly put in place and hidden from view. There are no signs displayed to inform the residents or local people that cameras are in operation. It is usually carried out in response to a serious or ongoing problem of criminal or anti-social behaviour (ASB) activity. In this case, cameras are installed for a fixed period of time, as an attempt to gather evidence. The images will be monitored at the end of the fixed period, to see if evidence of the ASB or criminal activity has been captured.

- 9.3 CCTV will be installed for two weeks at a time by a contractor and the Neighbourhood Services Team are then provided with equipment to watch the footage to decide if this is helpful in terms of evidence gathering.
- 9.4 Directed covert surveillance is carried out by OHL Neighbourhood Services Team in “exceptional and justified circumstances” in relation to anti-social behaviour or criminal activity. This may, or may not be, in conjunction with the Police and Cornwall Council’s Community Safety Team.
- 9.5 OHL although not a public authority as defined by RIPA, we will strive to maintain the relevant standards set out in RIPA and to apply good practice.
- 9.6 The Neighbourhood Service Manager and Complaints and Compliance Manager will maintain a register of all CCTV deployed as part of directed covert surveillance that as a minimum; records the justification for the use of covert surveillance, the date surveillance began, and the date surveillance ended.

10.0 Intrusive Covert Surveillance

- 10.1 OHL will not carry out intrusive covert surveillance operations.

11.0 Tenants Requesting Permission to Install CCTV

- 11.1 Tenants should obtain written permission from OHL before installing CCTV if the fabric of the building will be damaged or altered. There are clauses in our tenancy agreements which require tenants to seek approval for these installations. Permission will be given via the [Tenant Improvement Request \(TIR\) procedure](#).
- 11.2 Tenants cannot fit cameras onto any street lighting columns, trees, public buildings, or public fencing without written consent from the responsible authority.
- 11.3 Tenants do not require permission to install domestic CCTV or a ring doorbell if the installation will not cause damage to the fabric of the building. The tenant should be aware that where their CCTV captures images of people outside the boundary of their private domestic property then the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018) will apply.

12.0 Tenants CCTV that Captures Images Outside their Own Property

- 12.1 CCTV that captures images of people outside the boundary of a tenant’s private domestic property (for example, in neighbours’ homes or gardens, communal or shared spaces, or on a public footpath or street) is a regular cause of disputes between neighbours. OHL position on this is that these are matters between the individuals concerned. Sections 13 & 14 cover the approach to be taken where it is alleged that a tenant’s CCTV causes nuisance or annoyance in breach of their tenancy agreement.
- 12.2 In the event of a complaint about a tenant’s use of domestic CCTV our tenant and the complainant should be made aware of the following guidance from the ICO - www.ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/

- 12.3 Our tenants should comply with this guidance which essentially makes clear that where a CCTV captures images of people outside the boundary of their private domestic property then UK GDPR and Data Protection Authority 2018 will apply to the tenant, and they will need to ensure their use of CCTV complies with these laws. The guidance sets out clear expectations if the CCTV records outside the tenant's own property which includes putting up a sign to say recording is happening, being able to respond to subject access requests, requests to delete footage, and objections.
- 12.4 Neighbours can complain to the ICO if others do not comply with ICO guidance and can access further guidance on what they can do if unhappy about the use of a home CCTV system - www.ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-being-filmed/i-m-unhappy-about-the-use-of-a-home-cctv-system-what-can-i-do/. This guidance will be made available on Ocean's website.
- 12.5 In the event of complaints about the flying of drones, which usually incorporate onboard CCTV, the Civil Aviation Authority (CAA) recommend reporting the flying of a drone on 101 if this is a safety issue.
- www.caa.co.uk/Consumers/Unmanned-aircraft/General-guidance/Reporting-misuse-of-a-unmanned-aircraft-and-drones/
- 12.6 The CAA also say that privacy issues relating to drones can be reported to the ICO whose guidance is here - www.ico.org.uk/your-data-matters/drones/
- 13.0 The Protection from Harassment Act 1997**
- 13.1 Where a tenant continues to breach the ICO's guidance a complainant may be able to seek a criminal or civil remedy under the Protection from Harassment Act 1997.
- 13.2 The House of Commons Library has published a Briefing Paper on CCTV surveillance by neighbours. This says that 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.
- 13.3 Harassment is both a criminal offence and a civil action under the Protection from Harassment Act 1997. This means that someone can be prosecuted in the criminal courts for harassment. It also means that an individual can take action against the person in the civil courts. The Act says you must have experienced at least two incidents by the same person or group of people for it to be harassment. It is the courts that decide if something is harassment under the Act. The courts will look at whether most people or a reasonable person would think the behaviour amounts to harassment.
- 13.4 If one of our tenants, or a neighbour of one of our tenants has been the victim of harassment Ocean will advise them that they can take action in the civil courts against the person harassing them. They will need to make a claim within six years of when the harassment happened. They can still take civil court action even if the person harassing them has not been found guilty of a criminal offence.

14.0 Complaints that CCTV is a breach of tenancy as it causes nuisance or annoyance

- 14.1 As a social landlord, OHL has an obligation to enforce the terms of the tenancy agreements and leases and to comply with our Anti-Social Behaviour (ASB) Policy. This means that the ICO/Police involvement can run alongside OHL's own investigations but does not remove our obligation to investigate and enforce if necessary.
- 14.2 Relevant case law in this regard is set out in *Platts Lane Ltd v Randall and Worthington & Anor v Metropolitan Housing Trust Ltd*. In these cases, the courts noted that the installation and use of CCTV cameras may cause a nuisance or annoyance to other tenants. Our tenancy agreements include clauses requiring our tenants not to cause a nuisance or annoyance to others.
- 14.3 When investigating a complaint about a tenant's use of domestic CCTV, our ASB policy and procedure should be followed. When determining if the CCTV can remain, a balancing exercise of the rights and freedoms of the public who say they are being caused a nuisance, and the resident's reasons for having installed the CCTV should be carried out.
- 14.4 With this in mind, it is necessary to determine the following when investigating a complaint:
- Where the CCTV is installed (to gauge the scope of the footage).
 - Why the resident has it installed.
- 14.5 The first point is important to establish what is caught by the camera (i.e. whether the CCTV captures images of people outside the boundary of a tenant's private domestic property as set out above). It may be that OHL can assist with resolving the issue by proposing that the CCTV is re-angled or repositioned so that only the person's own property is recorded.
- 14.6 The second point is also key because it may be that the CCTV has been installed because the tenant has been the victim of ASB or criminal acts themselves and need the camera for reassurance or to capture the behaviour of the perpetrator. This will be where we must balance the parties' rights and needs. This means that enforcement decisions are needed on a case-by-case basis.

15.0 Equality, Diversity and Inclusion

- 15.1 Everyone has a right to be treated with dignity, fairness and respect. We will ensure that TIRs are decided carefully and thoroughly.
- 15.2 Reasonable Adjustments, under the Equality Act 2010, will be considered on a case-by-case basis.
- 15.3 We are committed to addressing any communication or language barriers by providing translation services for face-to-face contact and written communication when needed. We will also produce information in alternative formats such as audio or large print where required.

16.0 Monitoring and Review

- 16.1 This Policy will be reviewed every three years or when new legislation or best practice guidelines are introduced.