

Surveillance Systems and Data Protection

Robert Wassall, Solicitor and Managing Director DataHelp shares his Top Tips for security installers who have a need to understand how data protection law applies to the systems they install for their customers.

What has data protection got to do with surveillance systems?

The Data Protection Act (DPA) regulates the use of “personal data”, i.e. data which relates to a living individual who can be identified from that data. Images of people allow them to be identified which means that most uses of CCTV and other surveillance camera systems will be covered by the DPA (regardless of the number of cameras or how sophisticated the equipment is).

What should be done before installation?

Any business considering installing CCTV or other surveillance camera systems should conduct a ‘Privacy Impact Assessment’, (PIA). When the General Data protection Regulation (‘GDPR’) replaces the DPA, in May 2018, a PIA will become compulsory.

Who’s going to be in control?

It is important that responsibility for deciding what is to be recorded, how it should be used and to whom it may be disclosed is established *before a system is put into operation* . It is the business that makes these decisions that is legally responsible for compliance with the DPA.

Who should be able to view live streams?

Viewing of live images on monitors should usually be restricted to the operator and any other authorised person where it is necessary for them to see it, unless the monitor displays a scene which is also in plain sight from the monitor location.

Where can cameras be sited?

Both permanent and movable cameras should be sited and image capture restricted to ensure that they do not view areas that are not of interest and are not intended to be the subject of surveillance.

What should people be told?

People should know when they are in an area where a surveillance system is in operation. The most effective way of doing this is by using prominently placed signs at the entrance to the surveillance system’s zone and reinforcing this with further signs inside the area. Care should be taken to ensure these signs are suitable and appropriate.

What could happen systems are not installed or operated properly?

Any business operating or using a CCTV or other surveillance camera devices will need to be careful to ensure that it is doing so in compliance with the DPA. Failure to do so could result in being fined. (Currently up to £500,000, but going up soon to €20 million or 4% of turnover, whichever is the higher).

Are there any particular issues with analogue (VCR) CCTV systems?

The main issues with analogue CCTV systems, in terms of complying with the Data Protection Act, is with releasing personal information to an individual if requested, and also ensuring that personal information (video images) are kept as long as necessary.

Where can I get further help and advice?

Please click here mail@securityinfoportal.co.uk

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