



JOIC

JERSEY OFFICE OF THE
INFORMATION COMMISSIONER

GUIDANCE NOTE

CCTV & ME



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CCTV is the most privacy intrusive form of personal information processing undertaken presenting the greatest risk to individuals (data subjects).

With the consistent evolution of technology, it's no surprise that the use of CCTV surveillance has become part of our daily lives. CCTV has many legitimate uses particularly in relation to security, prevention and detection of crime, however, with the technology so readily available it can also raise concerns in relation to an individual's rights should excessive monitoring be taking place.

Organisations and businesses use CCTV and sometimes individuals do too. Some users of domestic CCTV need to comply with the **Data Protection (Jersey) Law 2018** (DPJL); it depends on what the camera can see. If a CCTV system captures images of people outside the boundary of their private domestic property – for example, from neighbours' homes or gardens, shared spaces, or from public areas, then they will need to comply with the DPJL. The DPJL doesn't apply, however, if the cameras only cover the user's private property and it doesn't capture images beyond their boundaries.

It's not a breach of the law for people to have CCTV, they just need to comply with the law when it applies to them and when it does, respect the data protection rights of those whose images they capture.



Legal Basis

Personal information is information that relates to an identified or identifiable living individual. Frequently the terms personal information and/or data are associated with details that can be written down such as names, address, social security number etc. However, a person's image or voice is a visible identifier therefore recordings via CCTV are a form of personal information.

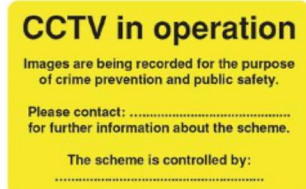
Is CCTV Personal Information?

Personal information is information that relates to an identified or identifiable living individual. Frequently the terms personal information and/or data are associated with details that can be written down such as names, address, social security number etc. However, a person's image or voice is a visible identifier therefore recordings via CCTV are a form of personal information.

Legal Basis

All processing of personal data requires a legal basis and if an organisation or business (the data controller as defined in the DPJL) is recording CCTV they must clearly understand what the legal basis for doing so is. In the majority of cases, CCTV footage may be recorded based on an organisation's legitimate interest to protect their premises and property from crime or damage, or to ensure the health and safety of staff members and the public.

If a data controller uses CCTV based upon their legitimate interests, they must be able to clearly demonstrate the reasons for doing so. If you are not satisfied that their use of CCTV is justified or proportionate in terms of its impact upon you, you have a right to make a complaint to the JOIC.



What are my rights?

Right to be informed

Under the DPJL you have the right to be informed about the collection and use of your personal information. This applies to the recording of your image and or voice by CCTV Surveillance.

If CCTV recording is taking place there should be clear signs informing you of this and the purpose for this information being collected. The signs should also provide the contact details of the relevant data controller or their agent, should you wish to get more information or access your personal data.

Right to access

To ask for a copy of the information that is held about you. This is known as making a **subject access request**. You can ask verbally or in writing for copies of any footage where your image is identifiable. The CCTV user must respond to this request within one month. Bear in mind that if they regularly delete footage they no longer need, they might not hold your images.



Right to erasure

To ask the CCTV user to **erase** any personal data they hold about you.

Right to object

To ask that the CCTV user **does not capture** any footage of you in future. However, the nature of CCTV systems may make this very difficult and it might not be possible for the user to do this.

You have a complaint

Where you consider that your rights have been infringed by the use of CCTV, in the first instance contact the organisation, business or person responsible for the camera. You can use a **template letter** from our website. If they do not respond to you in 4 weeks or you feel that the answer is unsatisfactory you have the right to **complain to us**.

There is further information on our complaint handling process available on our website.

Covert Filming

The use of recording mechanisms to obtain data without an individual's knowledge is generally unlawful. Covert surveillance is normally only permitted on an exceptional, case-by-case basis, where the data are kept for the purposes of preventing, detecting, or investigating offences, or apprehending or prosecuting offenders.

Online Publication of Recordings

If you are aware that your image or recorded footage has been published on a social media platform online, you can request that the social media platform used remove it.

All social media platforms now have functions to report content that are in breach of their code of conduct. With millions of users accessing social media every day each platform will have a specified timeframe that they aim to review and action any reports that have been made.

