

## INFORMATION NOTE ON DATA PROTECTION AND DOMESTIC CCTV

### 1. Introduction

The PSA is issuing this information note to inform contractors and householders who install and maintain CCTV in domestic settings of the Data Protection implications which may arise. **Contractors should bring this note to the attention of their domestic clients.**

### 2. Domestic CCTV

It will never be acceptable for a householder to operate a CCTV system in a manner that captures images of their neighbours in their homes or gardens or driveways. These are private spaces. Where a householder's CCTV system operates in a way that captures images of people in shared or public spaces such as common areas, streets, roadways or footpaths, it is unlikely that the householder's purposes for operating the CCTV system will outweigh the data protection rights of those people who may have their day-to-day activities recorded by the CCTV system. As a rule of thumb, operating cameras in such a manner is not permitted under the GDPR and cameras should not be installed or orientated so as to capture public spaces or private property other than that of the householder.

### 3. Household Exemption

The scope of data protection legislation is set out in Article 2 of the GDPR, which states that the GDPR does not apply to the processing of personal data by a natural person in the course of a purely personal or household activity. This provision is commonly referred to as the household, or domestic, exemption.

### 4. The implications of installing systems that take in views outside the boundaries of the domestic premises

If a householder has a CCTV system that captures images (and sounds) of people outside of the perimeter of their property, for example in neighbouring homes or gardens or on public footpaths or streets, they cannot avail of the household exemption and must comply in full with data protection regulations. To comply with data protection law a householder must demonstrate that they have a lawful basis for operating the CCTV system, install appropriate signage on the boundaries of their property for transparency, must keep any personal data safe and only for a limited period, and must respond to any access requests or requests for erasure from affected neighbours and individuals who contact the householder.

### 5. What happens if a householder fails to comply with Data Protection Law

If a householder fails to comply with data protection law the Data Protection Commission (DPC) may take action against the householder and/or the householder may be exposed to a claim for damages in the courts by any affected neighbours and other persons. Further information is available from [www.dataprotection.ie](http://www.dataprotection.ie)

### 6. Obligations of PSA Licensed Contractors

Contractors should bring this note to the attention of all householders who are installing a CCTV system. The contractor should advise the householder if the CCTV system will capture images (and sounds) of people outside of the perimeter of their property. This information should be recorded in the System Design Proposal and As Fitted Document presented to the householder.

**This is not a legal document and cannot be relied upon as a legal interpretation of the Data Protection Acts. Further information on the obligations of householders with CCTV systems can be found on the Office of the Data Protection Commissioner website, [www.dataprotection.ie](http://www.dataprotection.ie).**