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## 1. Purpose and Scope

- 1.1 This policy explains the approach taken by Lewisham Homes when deploying and managing the use of CCTV and surveillance equipment within properties and areas under our management, including on behalf of London Borough of Lewisham (LBL). It also confirms our policy regarding a resident's use of personal surveillance systems.
- 1.2 This policy should be read in connection with our ASB policy and our Data protection policy. It supports our vision as set out in our corporate plan which is:  
  
*"To create thriving communities and places people are proud to call home":*
- 1.3 This policy applies to all assets managed by Lewisham Homes where CCTV or surveillance systems are/could be deployed. This includes:
  - Offices and workplace facilities,
  - Residential properties and gardens including communal areas,
  - Community facilities, buildings and land within managed neighbourhoods,
  - New or existing developments,
  - Areas accessible to unmanned aerial vehicles (e.g. drones)
- 1.4 This policy and the associated procedures apply to Lewisham Homes and includes:
  - All staff whether permanent, temporary or voluntary
  - Board Members,
  - All contractors and third parties working for or on behalf of us,
  - All residents, regardless of tenure, particularly in terms of requests to use personal surveillance measures in and/or on their own home.
- 1.5 Our intention is to balance the privacy rights of individuals, with our responsibilities to prevent and detect anti-social behaviour or crime. We will ensure the use of CCTV is

proportionate to the impact of anti-social behaviour or crime on individuals or communities. We will conduct Environmental Visual Audits to consider whether there may be an alternative more appropriate measure (See section 5).

- 1.6 This policy excludes door entry systems installed by LH which do not record sound or vision. It excludes any images captured on non-fixed personal devices such as conventional cameras and smartphones.

**Note:** If a resident has evidence of criminal activity captured on their own device they will be directed to share this information with the Police. Lewisham Homes are not in a position to process and store such data obtained by another party.

## 2. Introduction and key objectives

- 2.1 We recognise that CCTV and other fixed position surveillance tools can be successfully used to enhance safety and security, especially where there is a potential risk of crime or threat to the safety and well-being of individuals and property. Like most tools there are risks and limitations as well as potential benefits in using these systems. We will use Environment Visual Audits to help us to determine the most appropriate means of dealing with identified issues in an area. This may include for example additional lighting or upgrading a lock. See also our ASB policy for more information about preventative work and evidence gathering.
- 2.2 We must comply with law and, wherever possible, with prevailing good practice when considering the capture and use of information obtained by CCTV or other fixed position surveillance. By means of this policy, we provide information to anyone who could be impacted by their operation (i.e. whose images could be captured), to help them understand how and when Lewisham Homes may use such systems, and how they can obtain personal data if held.
- 2.3 Where CCTV systems are used by Lewisham Home's the key objectives are:
- Detecting and deterring crime and ASB in public areas.
  - The identification of offenders to assist with successful prosecution or other enforcement action
  - Protecting our residents and staff
  - Reducing the fear of crime and helping to make neighbourhoods feel safer

## 3. Legislation and Regulation

3.1 Relevant legislation, regulation and good practice includes, but is not limited to:

- Regulation of Investigatory Powers Act 2000 (RIPA)
- General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA18)
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Information Commissioner Office – CCTV Code of Guidance
- Home Office - Surveillance Camera Code of Practice

## 4. Terms and definitions

The following are terms and definitions as may be used in the context of this policy:

**CCTV:** means fixed-position cameras designed to capture and record images of individuals and property.

**Surveillance Systems:** means any devices or systems designed to monitor or record images of individuals or information relating to individuals. The term includes CCTV systems as well as any technology that may be introduced in the future. (*For example doorbell cameras*).

**Overt CCTV:** means cameras which are in place with the full knowledge of staff, residents and those using public or communal areas. There will be accompanying signage.

**Covert CCTV:** means CCTV which is in place without the knowledge of all staff or residents. Covert CCTV images are captured without the knowledge of those being recorded. (*Routine covert CCTV is not used by Lewisham Homes*).

**Data:** In respect of CCTV, this generally means video images. It may also include audio recordings and static pictures such as printed screen shots.

**Personal Data:** means data relating to a living individual who can be identified from that data (or other data in Lewisham Homes' possession). This can include video images of identifiable individuals.

**Processing:** is any activity which involves the use of Personal Data, including obtaining, recording or holding data, or carrying out any operation on the Personal Data including organising, amending, retrieving, using, disclosing or destroying it. Processing also includes transferring Personal Data to third parties.

**Subject Access Request:** means a written request to Lewisham Homes asking for access to the personal information it holds on you.

**Data Subjects:** All living individuals about whom Lewisham Homes holds Personal Data as a result of the operation of its CCTV.

**Data Controllers:** Lewisham Homes is the Data Controller of all personal data used in the process of managing housing stock for London Borough of Lewisham.

**Data Users:** Lewisham Homes' employees whose work involves the processing of personal data. This will include those whose duties are to operate CCTV cameras/ surveillance systems to record, monitor, store, retrieve and delete images. Data Users must protect the personal data they handle in accordance with this CCTV Policy.

**Data Processors:** means any person or organisation that is not a Data User (or other employee of a Data Controller) that processes personal data on Lewisham Homes' behalf and in accordance with Lewisham Homes' instructions (for example, a supplier which handles Personal Data on Lewisham Homes' behalf).

**DPIA:** means Data Protection Impact Assessment. A DPIA is an internal Lewisham Homes process designed to identify risks arising out of the processing of personal data, and to minimise these risks as much as possible.

**EVA:** means Environmental Visual Audit. An EVA is when Lewisham Homes, in partnership with police and other relevant agencies, conducts a walk-through in a neighbourhood or local area to identify issues of concern and potential solutions.

## 5. Systems managed by Lewisham Homes

5.1 As explained earlier (see 2.1) we will consider the use of the most appropriate tool to meet the purpose, which means that we will usually consider solutions first which are less intrusive and expensive than CCTV. Where and when we believe it may be appropriate to install CCTV on an estate or a communal area, we will write to local residents to confirm:

- The purpose of the CCTV
- Whether it is a temporary or permanent installation
- Who to contact if the camera is damaged
- Whether there is a cost recoverable from a service charge for the CCTV – and if so we will consult residents as required.
- We have the appropriate authorisation to install CCTV
- We have the appropriate controls to keep the data secure
- That we have conducted a data privacy impact assessment (DPIA)
- How they can access their data

**Note:** For new build properties, we will take the decision whether or not to fit CCTV cameras or other surveillance system during the development process, and following a DPIA. This will usually be reviewed at a later point when the building is occupied.

5.2 For new and existing systems, to ensure we comply with Data Protection and GDPR requirements, we will ensure arrangements are in place to:

- Conduct a GDPR data privacy impact assessment (DPIA) for each CCTV system
- Conduct a six-monthly visual check of the CCTV system
- Conduct a three-yearly enhanced check of the CCTV system
- Ensure the quality of the cameras is sufficient to identify persons
- Ensure the system is time and date stamped accurately
- Display visible CCTV signs confirming that we are recording and who to contact for enquiries
- Remove cameras when they are no longer required for their original purpose. (Before removing fixed cameras, we will consult local residents).

**Note:** Where we have recorded images of an individual, they have a legal right to view any of these currently retained. This can be requested by submitting a 'Subject Access Request'. (See our Data Protection Policy for details).

## 5.3 Audio

5.3.1 We will only record sound via CCTV cameras when tackling anti-social behaviour and crime, not for general observation.

5.3.2 We will put up signs and we must make it very clear audio recording is in use (except when being used covertly – see 5.7).

5.4 We will usually retain images and audio recordings for 31 days where reasonable and practicable, erasing them after this unless the information relates to an ongoing anti-social behaviour case. Where this is the case, we will erase images and audio recordings within twelve months of the case closure or the conclusion of any legal proceedings. We will keep a record when we:

- Review images
- Download images
- Disclose data legally to a third party
- Move the data to another location
- Process a Subject Access Request.

5.5 Only staff authorised and trained to operate CCTV equipment can review, download and share data. We hold a central list for all our cameras and staff authorised to operate our CCTV equipment.

5.6 Where CCTV systems are managed by third party managing agents that we have appointed, they must follow our CCTV Policy. Where CCTV has been installed and is being managed by a third party we arrange for enquiries to be directed to the third party. For example Police or Lewisham Council Highways, or another building owner where we are a leaseholder.

## 5.7 Covert systems

We will only use hidden (covert) CCTV when other methods of gathering evidence of crimes, such as tenancy fraud or anti-social behaviour, fail to meet the purpose. In such a case:

- Use of hidden CCTV will be time limited and authorised - by a Magistrate and by the London Borough of Lewisham at the appropriate authority level.
- No signs will be displayed
- There will be no obligation to tell the alleged perpetrator or any other individual that hidden CCTV is in place

## 6. Resident use of surveillance systems

6.1 Forms of security cameras are becoming more commonplace in a domestic setting. This includes technology such as doorbell cameras. Individuals sometimes install these to prevent and detect crime and anti-social behaviour, as well as to identify visitors and track deliveries. Although these may seem a reasonable use, there are legal and other implications that must be considered before any installation. Any resident (regardless of

tenure) who wishes to attach surveillance to their property must first ask and receive written consent before commencing (See also Alterations and Improvement policy).

**Note:** Where it is discovered that a resident has installed equipment without permission they will be asked to remove it until permission is obtained.

6.2 Where a resident requests permission to install CCTV on a building to which they have sole access (e.g. a street property where no one else shares the entrance) we may be able to grant permission subject to it meeting required criteria. This will depend for example on the technology being used; its positioning; and the method used to affix the equipment. For example we will not grant permission which would compromise the integrity of a fire door. In most instances we are the freeholder and responsible for the exterior of the property and what we consider to be an appropriate installation.

6.3 If the equipment proposed by a resident will or could capture images from a shared area of a building or land managed by Lewisham Homes we will not grant permission for it to be installed and used. This includes where it will face onto any corridor or walkway immediately outside a door of a flatted property which does not form the boundary of the individual property. In effect this means there will be very few potential exceptions where we are likely to be able to grant permission in a flatted building, and only where the external layout and boundaries could allow for it. We will examine such cases on an individual basis.

6.4 If anyone sets up a system so it captures only images within the boundary of their private domestic property (including private garden), then the data protection laws will not apply. If the system captures images of people outside the boundary of their private domestic property – for example, in neighbours' homes or gardens, shared spaces, or on a public footpath or a street, then the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA18) apply.

6.5 Where a resident is granted permission to install CCTV on/in their home they are alerted to the following:

- It is their responsibility to make sure that the CCTV system is installed and positioned correctly - and remains in the agreed position
- They must indicate that the CCTV is in place through clear signage
- They are responsible for all the information that is recorded by their system and must comply with data protection legislation including responding to subject access requests.
- They must make good any damage caused through the installation work

For more information on the obligations please visit the ICO website [for guidance for those installing CCTV in a domestic setting](#) and [Surveillance Camera Commissioner's website](#).

6.6 We will withdraw permission if there are confirmed reports about the system being misused – for example if it is repositioned to capture images outside of the permitted boundaries. We will take action to have the equipment removed. We will also take action such as civil enforcement action and for breaches of the tenancy or lease, for example where the recording of images may be considered harassment or a nuisance to others.

6.7 Lewisham Homes do not accept responsibility for the use or management of resident owned surveillance, regardless of whether or not we have granted a resident permission to have a surveillance system in place. We do not control or process this data.

## 7. Other resident recordings

7.1 Residents are reminded that recordings must not breach Article 8 of the European Court of Human Rights. This protects a person's right to respect for their private life, family life, home and correspondence (for example telephone calls and emails).

7.2 Residents and visitors to our buildings are reminded that they should not:

- film employees without their consent when they visit their homes or when carrying out their duties in our neighbourhoods and buildings
- record conversations including telephone conversations involving our employees without their consent
- record other residents and their visitors in communal areas in and around our buildings without their consent
- distribute and share recordings on social media platforms where they have not obtained the consent of those concerned

7.3 Our tenancy and lease agreements contain clauses prohibiting nuisance and harassment, for which we will take action where breached. Further detail can be found in our ASB policy.

## 8. Monitoring and controls

8.1 We will review this policy and its procedures in line with any changed to legislation, regulation and good practice.

8.2 We keep a list of all active CCTV/surveillance systems for which we have managed contracts. These are available on request.

8.3 We will regularly review the suitability and effectiveness of the CCTV/surveillance systems we have in place. We will keep a record of Data Protection Impact Assessments and these will be reviewed where there are significant changes.

8.4 Information will be stored in line with data protection principles. We have processes in place to erase data beyond the dates stated in the policy.

## 9. Equality, diversity and inclusion

9.1 An Equality assessment was undertaken during the development of this policy. No adverse impacts were identified regarding any protected characteristic.

9.2 While we recognise people who have been affected by ASB or crime may request to install surveillance equipment to prevent further problems, we also recognise that an installation could lead to complaints from other residents who may feel they are being targeted or spied upon. Either the person proposing to install a system, or someone who could be captured on camera could potentially be vulnerable. We will work with

residents to consider alternative ways to support them. This approach ensures we can continue to meet the aims of the Equality Duty including a requirement to '*Eliminate unlawful discrimination, harassment and victimisation...*' and to '*Foster good relations between people who share a protected characteristic and those who do not*'.

- 9.3 We considered whether it was fair to treat requests for permission to install in flatted properties differently to those in properties without communal areas, e.g. street properties. We concluded that this is acceptable as the permission is not based on the occupants but the property type, and that the difference in approach is proportionate and is based on risk including different potential for breaches of data protection.

## 10. Communication and consultation

10.1 In the review and development of this policy we consulted with residents by means of a survey and a workshop discussion. Residents wanted clear links to relevant legislation, including how we will handle requests from residents who wish to install surveillance of their own. We also used feedback from complaints and ASB cases where this has already been an issue and source of conflict. Residents asked us to confirm that we will consult with them where we may be considering deploying or removing CCTV, and how we will check that it is an effective solution.

10.2 This policy will be communicated through the Lewisham Homes website. We will produce additional information and reminders for residents - such as newsletters and information for new tenants.

10.3 We consulted with staff from key departments when developing this policy. This included those managing CCTV contracts; those managing housing and ASB, those responsible for health and safety; and those responsible for data protection matters.

10.4 Complaints regarding the application of this policy will be handled in line with our main complaints process.

## 11. Related documents

Related documents include but are not limited to:

- Data Protection policy
- Anti-social behaviour (ASB) policy
- Alterations and Improvements policy

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