

Transcript: 'Know Your Data' – CCTV in the home

Welcome to 'Know Your Data', a podcast from the Irish Data Protection Commission. My name is Graham Doyle and I am Head of Communications here at the DPC. Today we're going to focus on the issue of CCTV in the home. Lots of us have cameras at home, whether it's a camera to keep an eye on your pet when you're not there or a camera on your doorbell, so you can use your phone to check who is at the door. We receive plenty of queries here at the DPC about CCTV and data protection, so in this episode we're going to go through some of the issues and some of the questions that we receive.

A recent caller to the DPC help desk informed us that she has cameras inside her house that she checks in on using her smartphone, but her question was whether or not she needed signs up in her house to let visitors know that she has these cameras. The scope of data protection legislation is set out in Article 2 of the General Data Protection Regulation which states that, the GDPR does not apply to the processing of personal data by a person in the course of a purely personal or household activity this is more commonly referred to as the household or domestic exemption. What this means in essence is that if an internal security camera system is used solely in the course of a home owner's personal or household activity then they will not be subject to the same obligations as a data controller would be under data protection law. So you don't need to put signs up to make visitors aware or to provide access to the footage from the cameras. However, it is important to note that you may become a controller for the purposes of data protection law depending on what you actually do with the recorded footage. What I mean here, and by way of example, if you publish footage that you capture within your home online or share it on social media then you may actually become subject to the obligations of a data controller. But in general the use of such systems do not fall within the scope of data protection legislation. I mentioned the phrase 'data controller' on a couple of occasions.

A recent query from an individual was in relation to having a video doorbell and the individual was asking that because she has a video doorbell and she monitors it through her smartphone does it actually make her a data controller similar to the cameras inside the home. A smart doorbell is likely to fall within the domestic exemption, as its use will be connected purely with the homeowner's personal or household activity. However where this may differ

from the previous scenario is if the camera on the doorbell is pointed towards a publicly accessible area and is capable of recording individuals in the area. There is relevant case law in this area; the Court of Justice of the European Union established in the case of Rnyeš (C 212/13) that the use of domestic CCTV systems that cover a public space fall within the scope of data protection law. Therefore to avoid this, the advice would be that when installing a smart doorbell care should be taken to avoid taking in publicly accessible area and if this can't be avoided it you should consult our guidance on CCTV systems to understand their transparency obligations. This guidance is available on our website www.dataprotection.ie. Similarly, the definition of personal data only covers information, in this case a video recording, where people are identified or identifiable. What this means is that any video footage that captures images of people where they can't actually be identified wouldn't be personal data. For example the doorbell would probably capture a pretty clear picture of the person at the door, it wouldn't be very useful if it didn't after all, but it might be designed or positioned so that any images of people on a public street are too obscure or low quality to actually identify them.

One of the most common questions that our staff here in the DPC receive in relation to CCTV are from individuals who have CCTV cameras outside of their homes pointing to their driveways and gardens and are they still exempt from data protection law. This is a very similar situation to that of the smart doorbell as long as your cameras are only capturing your garden or your driveway and don't capture a public space then the household exemption applies. However, if the direction or angle of the cameras are pointing at a public space, for example, your footpath outside your door, a roadway, back alley, then it would likely fall within the scope of data protection law. Care should also be taken to avoid capturing your neighbor's property, their house or their garden as this would intrude upon their privacy. If this can't be avoided you should consult their CCTV systems guidance on our website www.dataprotection.ie where you will also find more information about your data protection rights and obligations.

If you're not sure about any of the other terms that I've used you can find a list definitions of key data protection terms there as well. This has been 'Know Your Data' the Data Protection Commission of Ireland podcast. Don't forget you can find us on Twitter and Instagram @DPCireland and on LinkedIn.

Thank you for listening.