



POLICY FOR TENANT USE OF CCTV AND CAMERA DOORBELLS

1. Introduction

- 1.1 Mid Devon Housing (MDH) is part of Mid Devon District Council (the Council). It is responsible for the Council's housing stock and believes that everyone has the right to lawfully enjoy their home and local neighbourhood. It is committed to developing sustainable communities and helping tenants to retain safe and secure tenancies.
- 1.2 MDH recognises that some of our tenants will feel more secure if they install external Close Circuit Television (CCTV) or camera doorbells in order to deter crime or if they have been experiencing problems of persistent anti-social behaviour or other crime. Some of our tenants may have been advised to install these items for these purposes by other agencies including for the purposes of providing evidence of crime.
- 1.3 MDH also recognises that some neighbours may find the installation of a CCTV camera or camera doorbell that covers (or seems to cover) their property to be a breach of their privacy.

2. Policy Aims and Objectives

- 2.1 This policy applies to MDH tenants who may wish to install an external CCTV system or camera doorbell. This policy does not apply to the use of CCTV by MDH itself which is covered in a separate policy and guidance.
- 2.2 The aims and objectives of the policy are to:
 - Help create safe, secure and sustainable neighbourhoods and communities
 - Improve tenancy sustainment
 - Recognise that some tenants will feel more secure if they install external CCTV or camera doorbell
 - Recognise that some tenants may find the installation of a CCTV camera or camera doorbell to be an invasion of their privacy
 - Find a balance between the two situations above in order to allow a tenant to feel more safe and secure by installing a CCTV camera or camera doorbell or provide evidence of crime or anti-social behaviour, but also protecting the privacy of their neighbours and members of the public
 - Provide guidance to staff, members and tenants on the criteria and rules for allowing the installation of CCTV or camera doorbell by our tenants on our properties
- 2.3 MDH has a legal obligation to meet the standards set by the Regulator of Social Housing to:
 - Keep neighbourhood and communal areas associated with the homes it owns safe; and
 - Prevent and tackle anti-social behaviour in the neighbourhoods where it owns homes.

3. Permission to Install CCTV or Camera Doorbells, Records and Review

- 3.1 Tenants must apply to MDH for permission, before installation of CCTV or camera doorbells. Supporting information can be provided by other agencies (e.g. Police) but it must be the tenant that makes the request (or anyone legally entitled to act on their behalf).
- 3.2 Any requests from tenants to install their own CCTV or camera doorbells will be reviewed and determined on a case by case basis.

- 3.3 MDH may ask that tenants consider other possible options such as security lighting or neighbourhood watch schemes before requesting permission to install CCTV or camera doorbells.
- 3.4 Where CCTV or a camera doorbell has been installed without permission, the tenant will be required to remove the installation. In some cases, it may be possible to apply for retrospective permission which will be considered against all aspects of this policy. This is at the discretion of MDH and all cameras must be disabled until the outcome of the request.
- 3.5 Numerous factors will be considered when CCTV or camera doorbell installation has been requested. These include but are not limited to:
- Why the CCTV or camera doorbell is needed
 - Whether any other means could be used to protect the property or occupants
 - The area covered by the CCTV or camera doorbell
 - Whether the CCTV or camera doorbell is recording sound or not
 - Whether the CCTV or camera doorbell coverage could be considered to be intrusive on neighbours' or others' privacy
 - How neighbours feel (or might feel) about the CCTV or camera doorbell being installed
 - Whether another agency has recommended the installation of CCTV or camera doorbell to the tenant
 - Any other factors that MDH deems reasonable to consider
- 3.6 The initial review will be carried out by a Neighbourhood Officer or team leader who will make a recommendation setting out the factors considered in line with this policy. The relevant Operations Manager or Corporate Manager responsible for MDH will make the final decision and provide a written rationale for the approval or rejection of the request. The review and final decision shall be held on MDH records for as long as the CCTV or camera doorbell system remains in use.
- 3.7 MDH may periodically monitor the use of tenant CCTV or camera doorbell systems to ensure compliance with this policy including any guidelines or recommendations set out. With reasonable notice, MDH may therefore require a tenant to give MDH access to the system for this purpose. We will not view general footage, or get involved in decisions about the processing of data, captured by CCTV or camera doorbell installed by a tenant. However, MDH may use two staff members (one on a phone to the other) viewing footage when the only 'data subject' in view of the camera is a MDH staff member
- 3.8 In accordance with Section 3.7 of this policy, MDH will hold a secure record of all permissions made under this policy for the installation of a CCTV or camera doorbell system in one of its properties by a tenant.
- 3.9 The continued use of the CCTV or camera doorbell system can be reviewed by MDH at any stage and permission withdrawn for reasons set out in Section 4.2 and/or in light of any valid complaints received as set out in Section 5 of this policy or as directed by the relevant regulator (Commissioner) of such systems. Any CCTV or camera doorbells left at a property once it becomes void (end of tenancy), undergoes a mutual exchange or a transfer it will be removed before the property is allocated to a new tenant unless there are exceptional reasons to retain it, whereby a new review of the continued use of the CCTV or camera doorbell must be completed and determined as set out in Section 3.6 of this policy.

4. The Law and Tenants' Responsibilities

4.1 Once permission is granted tenants must:

- Comply with the law. When a tenant contacts us, MDH will direct them to information about the law that they must follow at:
<https://www.gov.uk/government/publications/domestic-cctv-using-cctv-systems-on-your-property/domestic-cctv-using-cctv-systems-on-your-property>
- Cover their property and not the neighbour's property or any communal areas. This means that tenants may not be granted permission for the CCTV or a camera doorbell if they live in a flat with a shared entrance.
- Have a camera doorbell which does not record or save footage if it covers a neighbour's property or any communal areas. This means if a tenant lives in a flat with a shared entrance, permission may only be given for a camera doorbell with a live video stream.
- Make good any damage caused from the installing or removing of any CCTV or camera doorbells.
- Not compromise electrical or fire safety (e.g., overload or damage electrical systems, damage fire doors including flat entrance doors).

4.2 Failure to meet these requirements may result in MDH requiring the tenant to remove the CCTV equipment or camera doorbell.

4.3 MDH does not regard CCTV or camera doorbell installation as an improvement and will not make payments under the compensation for improvements scheme.

4.4 In some instances, it may not be possible to site a CCTV or a camera doorbell without capturing images of parts of a neighbouring property or communal areas. If images are being captured outside of the boundaries of a tenant's property, it may be covered under subject to data protection laws (i.e. the Data Protection Act 2018 and/or the UK General Data Protection Regulation and the tenant will need to comply with all requirements under this legislation.

4.5 In the exceptional event permission is granted for the installation of a tenant's CCTV or camera doorbell that captures images beyond their property boundary, such as:

- Other properties or gardens
- Communal corridors or shared spaces
- Car parks
- Footpaths

Then the use of the system is subject to data protection laws, as the person using the CCTV or camera doorbell is considered a data controller and/or a data processor. Data protection laws require a number of actions to be taken by such persons in relation to the installation and use of CCTV or camera doorbells

4.6 For the full guidance, and more information please visit the Information Commissioner's Office (ICO) website:

- <https://ico.org.uk/your-data-matters/domestic-cctv-systems-guidance-for-people-using-cctv/>

5 If a tenant is unhappy about a neighbour's CCTV or camera doorbell

- 5.1 If a tenant or third party feels unhappy about being filmed, MDH will ask that they talk to their neighbour in the first instance. They may not know that it is causing a problem and therefore they should be given the opportunity to make changes to the CCTV or camera doorbell coverage so that both parties are happy. For example, blanking out areas from being recorded.
- 5.2 If the matter is not resolved to the tenant or third party's satisfaction the dissatisfied party can make a referral to the ICO.
- <https://ico.org.uk/make-a-complaint/>
- 5.3 Any concern about the use of the CCTV or camera doorbell or the improper use of the data captured, can also be reported to the Police
- 5.4 Any unresolved dispute regarding the CCTV or camera doorbell is essentially a private and civil dispute between the parties concerned and the Council cannot take action.
- 5.5 MDH has a responsibility to investigate any complaint made against a MDH tenant whether made by another tenant or a third party.
- 5.6 If a tenant or third party submit a complaint to the Council it will be dealt with in accordance with the Council's complaints policy. More information on how to submit a complaint and the process is set out at:
- <https://www.middevon.gov.uk/your-council/customer-services/customer-feedback-and-complaints/>
- 5.7 The Council may undertake a review of the permission granted for the installation of CCTV or video doorbells as part of its complaints handling.
- 5.8 General dissatisfaction that a tenant is using CCTV or a camera doorbell is not considered a breach of the tenancy. However, the Council will investigate and take action, if necessary, any reports of nuisance, annoyance and/or harassment.
- ## 6 Review and Version
- 6.1 MDH will review this Policy every 5-years and as required to address legislative, regulatory, best practice or operational issues.
- 6.2 This policy was produced in 2022 and is version 1.