

## **CCTV Camera Surveillance**

**Submission: Data Protection Commissioner, dated 19.06.13**

### **Number and nature of referrals to DPC**

With regards the questions you put to me, the first point I would make is about the number and nature of referrals. As the Panel have already highlighted, the legislation does not cover 'domestic' use of CCTV. Therefore, there is no formal mechanism whereby we can conduct an investigation. As we do not make a record of the number and nature of all enquiries made to this office (which would be neither good use of time or resources), you will have to rely upon anecdotal evidence from us. What I can say is that staff here have received a significant number of complaints/enquiries over the years but in more recent years that number has been increasing noticeably. As I mentioned to the Panel, I think this is due largely down to the fact that it is now so easy and cheap to buy and install cameras.

In addition, we have had a smaller number of enquiries relating to CCTV that is covered by the legislation, mostly relating to workplace surveillance. As is the case with the majority of enquiries by employees, they do not feel confident in challenging their employer and often call us for some reassurance about the legal framework that sits around the use of CCTV.

### **Areas where current regulation/Code of Practice might be strengthened**

You also ask for my thoughts about possible areas where the current regulation/code of practice could be strengthened. I am of the view that the processing of images that is covered by the Law (i.e. non-domestic) there are sufficient controls to ensure such surveillance is done fairly and transparently. Our code of practice is, I think, helpful in this regard.

As I have mentioned, I am concerned more broadly about the escalation in problems for individuals who feel their privacy is being impinged by a neighbour putting up CCTV cameras. This is a more complex problem in that it raises questions of how far the 'state' wants to interfere with the private lives of individuals. It is an interesting set of competing rights at play – on the one hand you have an individual who claims to want to be able to protect his/her property and that is his/her right. On the other, a neighbour is claiming that their rights are being infringed because of inappropriate surveillance of their home and family. It is, I think, a question that extends into the moral/ethical sphere as much as it does a regulatory one.

As a last point, some of the important areas of CCTV usage are those of law enforcement. Advances in technology make such surveillance easier than ever before and, as I discussed with the Panel Chair, the manner in which that surveillance is conducted is a very important question for government and citizens alike. I am of the firm view that discussions around extending the scale and capability of state surveillance of the public must be open and accountable.