

This is a summary of the decision of the DPC

The Data Protection Office received a complaint by email from Complainant against Respondent regarding the use of CCTV cameras. The Complainant stated as quoted that: *“The property is a two (2) floor split house comprising of a ground floor and 1st floor. We reside on the 1st floor. The property includes a communal area. When I was on my way back home, I noticed a CCTV camera in the communal area, and it was pointing at the bedroom I share with my wife, our balcony, part of our living room, and the pathway we usually undertake on a daily basis as it’s a communal pathway used by both families for ages. We did not provide any consent whatsoever for a camera to be fitted. I was advised by officers to refer this matter to the data protection unit as the latter has refused to remove the camera.”*

“Several disturbing concerns I and my family have encountered are as follows:

- 1. The camera is easily triggered and makes a loud continuous sound, preventing us from sleeping or enjoying a normal day in our home.*
- 2. The camera has a permanent blinding light, which is pointed partly at our bedroom window, balcony, and living room.*
- 3. It is unknown if the camera has thermal imaging, which is concerning as it could see us in our most intimate moments.*
- 4. The camera has an unobstructed view of our bedroom and is positioned approximately 12 feet away from our bedroom.*
- 5. We believe the camera is clearly positioned to monitor us and conduct illegal surveillance.*

We kindly request that the camera be removed promptly and effectively, otherwise we will seek independent legal advice as we feel violated.”

Subsequently, the Data Protection Office wrote to the Police to seek assistance for investigating this complaint and to conduct a site visit at Respondent’s premises to verify the camera as to whether the CCTV footage shows viewing outside Respondent’s premises.

By way of a letter, the Police informed the office that: *“an enquiry was carried out into the matter and a site visit was conducted by personnel of (...) Police on 21st September 2022, whereby complainant was met and it was found that the said camera contested by the complainant has been lowered on the metal pole at a height of 3m10cm. No footage of his CCTV Cameras which is connected to the respondent’s mobile phone is pointing only in the yard and ground floor of the latter. Furthermore, based on a second police report, it was determined that all the CCTV cameras installed at the respondent’s premises were out of order, with damaged and disconnected cables.”* The Police also enclosed the site visit report together with the letter.

The Data Protection Commissioner has decided as follows:-

In view of the above, the enquiry is closed to the satisfaction of all parties. Thus, no breach of the Data Protection Act has occurred.