

This is a summary of the decision of the Commissioner.

The Data Protection Office received a complaint under section 6 of the Data Protection Act 2017 from Complainant against Respondent alleging that Respondent has placed cameras in his premises but facing her side window and her private home access.

Subsequently, this office issued a letter to Respondent to inform the latter on the complaint and to provide his statement on the allegation made by Complainant. Respondent was also requested to position his CCTV cameras in such a way in order to capture images within his premises only within a period of 21 days from receipt of the letter.

Respondent informed this office by way of an email that:

1. the installation of CCTV Cameras on their premises was done solely for security measures.
2. the camera facing the side window of Complainant does not capture pictures of his/her side window as same is obstructed from being recorded by a concrete stairs. Respondent provided a picture showing the staircase and the side window of Complainant.
3. Complainant access entrance road is being captured to quite an extent and that they will recalibrate the camera position to have his/her entrance access being significantly reduced from being captured.
4. However, Respondent also stated that since Complainant access and theirs are parallel, a small part of Complainant access road will be shown. Respondent provided a picture of the private home access showing how the image is currently being captured
5. the camera installation, by no means, was done for spying on Complainant.

This office analysed the pictures provided by Respondent and observed that Complainant access to her private home and her site window are being captured by Respondent's CCTV cameras. Consequently, the Data Protection Office wrote a letter to Respondent requiring the latter to reposition the CCTV cameras in order to capture images only within her premises within a period of 21 days following receipt of the letter and to display signs to notify people entering its premises of any camera surveillance' systems. Respondent was also requested to reply to this office on the measure/s taken and to provide a copy of the images being captured by the cameras after their calibration within the given period.

Following the letter issued by this office, Respondent informed the Data Protection Office by telephone that technicians would reposition the CCTV camera installed at her premises. Respondent was thus requested through an email to reply to the letter sent by this office as soon as the above task is completed.

Respondent informed this office that needful was done to reposition the cameras to capture only images of her premises. Copy of images being captured was provided to this office as evidence. Respondent further requested this office to cross-check same by way of an onsite inspection.

This office analysed the pictures provided by Respondent after the recalibration and observed that Complainant access to her private home and her site window are not being captured by Respondent's CCTV cameras.

A site visit was thus conducted at the premises of Respondent on the given date and time by two data protection officers accompanied by a police officer. The daughter of Respondent who is also the point of contact of Respondent for this case permitted the officers for the verification of the cameras and to check the implemented measures by the former.

All cameras shown to the officers have been observed to focus within the premises of the Respondent. Pictures were taken by the officers during the site visit as evidence in this case.

Following the site visit, this office wrote a letter to Complainant to inform her that a site visit was carried out by this office at Respondent's premises and images captured by the 3 CCTV cameras were verified. Complainant was informed that all 3 cameras are properly positioned and are taking images of Respondent's premises only that is no images of her side window and the entrance of her house are being captured.

Complainant was requested to inform this office if she has any other issues regarding this complaint and to notify this office in writing by providing all concrete evidence to substantiate her allegations by a given date, failure to which the enquiry will be closed. Complainant did not provide further allegations.

The Data Protection Commissioner decided as follows:-

Based on the above enquiry and the evidence gathered, confirming that the images captured by the 3 cameras belonging to Respondent are not breaching any provisions of the Data Protection Act, there is no offence found committed under the Act.

The enquiry is concluded to the satisfaction of all parties concerned.