

**REF.NO:- DPO/DEC/14**

**This is a summary of the decision of the Commissioner.**

I received 3 complaints concerning cameras that were positioned at 2 premises which were both rented by respondent 1. The complaint pertained to alleged unauthorised viewing of personal images through the use of CCTV cameras within private premises.

My office indicated that the rules of data protection require that personal data recorded must be relevant and not excessive for the purposes for which it is obtained. In relation to CCTV cameras, this means that the cameras must be positioned so that it can capture images only within the 2 premises. Moreover, signs must be displayed to notify the public of the presence of CCTV cameras when they are entering the 2 premises concerned.

My office carried out various site visits to verify images being captured by the cameras at the 2 premises. During the latest site visits, respondent 1 informed that they are no longer capturing images at the 2 premises and there is no monitor connected to the CCTV, although all cameras and connections were still left in place. Moreover, during the enquiry, respondent 1 vacated one of the rented premises and a new tenant rented it (respondent 2). Respondent 1 informed this office that they will remove the cameras at the vacated premise.

It was observed that when the cameras were operational at the premises still occupied by respondent 1, some of them did record images outside premises and there was no guarantee that the cameras could not be re-manipulated by an expert technician to record personal images outside premises, even if they are fixed for the time being. Moreover, both respondents 1 and 2 were given ample time to cooperate with this office in having the cameras found at the vacated premise removed since they represent a potential threat to the privacy of complainants. However, despite respondent 1 displayed a clear intention to do needful, no action was taken after having left the premise, although respondent 1 reassured this office in their statements that needful would be done.

In this context, there was no other alternative and I was required to advise prosecution under section 24 of the Data Protection Act for unauthorised processing of personal information without the express consent of the data subjects (complainants) and the matter was thus referred to the Police under section 20 of the Act for the institution of proper legal proceedings against respondents 1 and 2.