

REF.NO:-PMO/DPO/DEC/2

IN THE MATTER OF:-

Complainant

VERSUS

Respondent

The circumstances of this complaint are as follows:-

On 8 November 2010, complainant wrote to His Excellency, the President of the Republic of Mauritius and to the Commissioner of Police regarding a complaint about CCTV cameras. On 25th January 2011, the complaint letter was channelled to the Data Protection Office through the Office of the Commissioner of Police.

Complainant alleged that his neighbour and brother, the respondent has placed CCTV cameras in his yard, the visual angle of which is directed towards him and in so doing has caused and is still causing heavy prejudice to him by violating his right to privacy. Because of the alleged doings of respondent, complainant is not able to open his kitchen room and his family is suffering from intense heat during summertime.

Further to the complaint, respondent was informed by the investigators of this office to focus his camera in such an angle so as to avoid any recording of images outside his premises.

Respondent was also informed that in accordance with section 26(c) of the Data Protection Act 2004, all personal data collected should be “adequate, relevant and not excessive in relation to the purposes for which such data have been collected and processed.”

The investigators scheduled a site visit on 25th February 2011 at complainant’s and respondent’s premises with their consent respectively.

The first site visit was carried out at complainant’s premises. Complainant showed the investigators present the 2 cameras placed at his neighbour’s house. The investigators then moved for further investigation at respondent’s site. Respondent informed the investigators that he has installed 2 surveillance cameras to safeguard his surrounding yard. The investigators verified the images recorded in respondent’s camera and did not find any recording having taken place outside the respondent’s site.

Respondent alleged in the statement dated 25.02.11 recorded by the investigator, having placed cameras in his yard for privacy and security reasons only and that the cameras are not infringing in any way whatsoever the privacy rights of his neighbour and family. Complainant has further given a written declaration on 25.02.11 that the cameras placed by respondent are not infringing his privacy rights since they are not directing towards his premises and was satisfied with the enquiry carried out by the Data Protection Office.

The Data Protection Commissioner has decided as follows:-

The enquiry has revealed no incriminating evidence against respondent. However, respondent is required to place within 2 months of the date of receipt of this decision, a small but visible and legible sign near his entrance gate or any other appropriate area within his premises to inform all visitors that CCTV cameras are in operation for security purposes so as to prevent any potential infringement of privacy rights of individuals and violations of sections 22, 23, 24, 25, 26, 27, 28 & 29 of the Data Protection Act. Respondent is further required to inform this office of compliance with the above requirement as soon as is practicable. Failure to comply may result in the commission of an offence under section 12 of the Data Protection Act.

The complaint is therefore set aside under section 11 of the Data Protection Act as the commission of an offence under the Data Protection Act has not been proven beyond reasonable doubt.

Mrs Drudeisha Madhub

Data Protection Commissioner

Data Protection Office

Prime Minister's Office

4th floor, Emmanuel Anquetil Building,

Port Louis

25.04.11