Organisational Policy

Tenant Installation of CCTV and Video Doorbell Policy

Our Commitment
Argyll Community Housing Association Group is committed to provide equal opportunities across all services and to avoid discrimination. This policy is intended to assist Argyll Community Housing Association (ACHA) and Argyll Homes for All (AHFA) to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

This policy can be made available in other formats, for example in large print, audio-format or Braille: the document may also be available in other languages, in full or summary form, as appropriate.

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Section 1 – Context

1.1 This policy provides information and guidance on Argyll Community Housing Associations (ACHA) approach to dealing with our tenant's use of CCTV and video doorbell devices and any concerns about their use raised by other residents including non ACHA tenants.

1.2 The policy applies to all ACHA tenants and household members and members of the public.

1.3 The Policy also applies to third party agencies who receive a request to seek information, images, audio or data concerning an ACHA tenant's CCTV or video doorbell device.

1.4 This policy does not alter or amend our tenant's tenancy agreement or the terms and conditions which our tenants are expected to adhere to concerning the use of their property and the behaviour of their household members, guests and visitors to their home. This policy should be read/used in conjunction with the relevant Government information found at Information Commissioners Officer General Data Protection Regulations (GDPR), other associated policies and procedures and the tenants individual tenancy agreement.

1.5 Video doorbells are a relatively new piece of technology and household appliance, which are becoming increasingly popular in use. They are governed by the same regulations that relate to CCTV use.

Section 2 – The Law and Good Practise

1.2 In order to effectively deliver the aims and obligations of this policy ACHA will meet the requirements of the following:-

- Antisocial Behaviour Etc. (Scotland) Act 2004;
- Housing (Scotland) Act 2001;
- Human Rights Act 1998;
- Data Protection Act 2018;
- UK General Data Protection Regulation (UK GDPR);
- Regulation of Investigatory Powers (Scotland) Act 2000;
- Housing (Scotland) Act 2014;
- Equality Act 2010;
- Protection from Harassment Act 1997;
- The Performance Standards for Registered Social Landlords in Scotland as detailed in the Scottish Housing Charter;
- The terms of the Scottish Secure Tenancy Agreement and any other lease or agreement in place;
- ACHA's Actions by Unreasonable Complainants policy;
- ACHA's safeguarding policy;

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- ACHA's Estate Management Policy;
- ACHA's Void Management Policy;

Section 3 – Our Policy Aims and Objectives

3.1 By publishing this policy and guidance note ACHA aims to ensure that our position in regard to CCTV and video doorbells is clear to our staff, our tenants and other customers.

3.2 Ensure that ACHA staff are confident in the information and advice given to residents regarding the use of video doorbell devices and CCTV in our properties.

3.3 ACHA recognises that video doorbells and CCTV are becoming very popular with the technology now being cheaper and more readily available. They add an extra level of security to a home and ACHA want our tenants to feel safe in their homes.

3.4 ACHA will not stop our residents installing CCTV or video doorbells, but we do expect them to be used responsibly, in line with the law and with respect to neighbours.

3.5 To ensure that residents receive signposting to information regarding their responsibilities when using video doorbells and CCTV.

3.6 Ensure that tenants and other residents receive the correct information, advice and signposting to guidance if they are objecting to the use of CCTV or video doorbell devices.

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Section 4 – Implementing Our Policy Objectives

4.1 As a Registered Social Landlord ACHA is not required to give tenants permission to install, erect or use a video doorbell device or CCTV on their property.

4.2 Our tenants are not obliged to seek permission from ACHA if they wish to install, erect or use a video doorbell device or CCTV on their property as this is not deemed an adaptation to the property.

4.3 In accordance with ACHA's void management policy any video doorbells or CCTV fixed to the property by tenants must be removed when the property is vacated otherwise a recharge cost may be incurred.

4.4 No damage should be caused to our property during the installation or removal of any CCTV equipment or video doorbell. If any damage is caused to our property then it must be made good by the tenant of that property or they will be recharged the full cost of any works ACHA has to carry out to repair the damage.

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4.5 Residents who use a video doorbell device or CCTV on their property are responsible for the use of the video doorbell device/CCTV and the compliance of its use under the General Data Protection Act 2018 (GDPR). A tenant who uses or installs CCTV or a video doorbell device becomes the Data Controller and/or Data Processor as soon as the device takes in communal or other residents' property.

4.6 When required the tenant is expected to have signage placed on the property and visible to all guests, visitors, and callers to that address which announces that there is a recording device in operation at that address.

4.7 The video doorbell device/CCTV should be placed within the legal boundary of the property. The video doorbell/CCTV must not compromise any safety measures of the door/window or property when affixed and should not be screwed or nailed into the door.

4.8 Any devices that we deem to be placed inappropriately or where they are likely to cause damage or compromise the safety measures of the door will be removed.

4.9 The tenant must respect people's privacy rights and take steps to minimise intrusion to neighbours and passers-by where possible.

4.10 The video doorbell device/CCTV should only capture images of persons visiting the property that is within the area of the front entrance door or the pathway leading to their front door.

4.11 The video doorbell/CCTV should not deliberately look onto a neighbouring property or a public highway, footpath or shared space at the property in a way that captures images of other persons who are not giving permission or not aware their images and data are being recorded.

4.12 A privacy screen should be set on the recording device as per the set up instructions to limit the capturing of other persons where possible.

4.13 There should be reasonable limits set on the devices recordings of audio and images. This should include not allowing the device to record continuously and permanently and it should only record for motion sensor purposes when a visitor attends in the vicinity of the property and parameters of the device settings.

4.14 ACHA will provide residents with signposting to information regarding their responsibilities when using CCTV and video doorbells. The relevant signposting information will be given to our tenants at sign up, if they make enquiries regarding CCTV or video doorbells and will also be available on our website. Guidance relating to the use of CCTV and video doorbells can be found at the following websites:-

www.ico.org.uk;
www.ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/

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4.15 The video doorbell/CCTV should not be placed on any communal doors.

4.16 The Information Commissioners Office (ICO) confirms the framework of acceptable use of video doorbells/CCTV and states on its website:

> "If your CCTV captures images beyond your property boundary such as your neighbour's property or public streets and footpaths then your use of the system is subject to the data protection laws. This does not mean you are breaking the law but it does mean that as the CCTV user you are a data controller so you will need to comply with your legal obligations under the data protection laws".

4.17 If a member of the public, neighbouring resident or agency require access to the images audio or data captured by the video doorbell/CCTV of one of our tenants ACHA cannot request access to that information on behalf of that person or agency.

4.18 The data controller and/or processor is responsible for the correct and legal processing of any images, audio or data captured on the video doorbell/CCTV under the GDPR Act 2018.

4.19 The Data controller and or Data processor is responsible for any Subject Access Requests made by members of the public, neighbours and agencies who have requested access to the images, audio and data captured by the video doorbell/CCTV.

4.20 If the Data controller/Data processor does not comply with any Subject Access Request then this would be referred to the Information Commissioners Office by the person or agency who is making the request.

4.21 If a member of the public or neighbour has a concern about the use of the video doorbell/CCTV or the improper use of the data captured they should report this to the Police for them to carry out enquiries with the data controller/data processor. If they are not satisfied with the Police response then they should escalate their concern to the Information Commissioners Office for them to advise on.

4.22 ACHA has a duty to investigate reports of Anti-Social Behaviour and/or harassment and will offer advice, guidance and consider any tenancy enforcement actions as part of the response, however claims of harassment or Anti-Social Behaviour by inappropriate use of video doorbells/CCTV must be supported by evidence of specific incidents. General dissatisfaction that a neighbour has and is using a video doorbell/CCTV is not considered anti-social behaviour or a breach of tenancy.

4.23 If there is a concern or a legal dispute between a member of the public, neighbour or agency and the Data controller/Data processor – this is a private and civil matter between those parties concerned.

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4.24 If a member of the public or neighbour brings a legal challenge concerning the use of the video doorbell/CCTV the data controller/data processor would be expected to evidence why their data capture is justified and deemed to be more important than the privacy rights of the individual whose images, audio or personal data has been captured.

4.25 If the data controller/data processor fails to comply with their obligations under the data protection laws, they may be subject to enforcement action by the Information Commissioners Office which could include a fine. They may also be subject to legal action by any affected individuals who would pursue Court claims for compensation.

Section 5 – Roles and Responsibilities

5.1 The roles and responsibilities of staff are as follows.

5.2 The Director of Customer Experience is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

5.3 The Regional Manager is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

5.4 Operational Managers will be responsible for the effective implementation of this policy, and the guidance which supports it, within their area of responsibility. They must also ensure that each member of their staff, through induction and e-learning, is made aware of this policy and participants in relevant training where applicable.

5.5 All ACHA employees are required to familiarise themselves with this policy, and the associated guidance which supports it, and comply with its provisions, as well as undertake any training implemented in association with this policy.

Section 6 – Performance Management

6.1 The Director of Customer Experience will monitor and evaluate the effectiveness of this policy annually. This policy will be reviewed to keep up to date with the changes around CCTV and Video Doorbells.

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Section 7 – Development and Training

7.1 ACHA is committed to training and developing staff in order that they have a good knowledge of the policy and ACHA's position in relation to our tenants' use of CCTV and video doorbells.

7.2 Awareness sessions are made available to Governing body members on request as part of their development plan.

Section 8 – Dealing with Complaints

8.1 As a Landlord ACHA does not have responsibility to deal with complaints made about the improper use of CCTV or video doorbells or the data captured by them. Complaints of this nature should be reported to the Police in the first place and if the complainant is still dissatisfied they should escalate their concern to the Information Commissioners Office for them to advise on. If the complainant remains dissatisfied with the response then they should raise their own civil/private action.

8.2 If ACHA receives a complaint relating to the use of CCTV or video doorbells causing harassment or Anti-Social Behaviour then we will investigate this, offer advice, guidance and consider any tenancy enforcement actions as part of the response, however for us to take any action there must be evidence of harassment or anti-social behaviour being perpetrated. General dissatisfaction that a neighbour has and is using a video doorbell/CCTV is not considered anti-social behaviour or a breach of tenancy.

8.3 We value complaints and endeavour to use information from them to help us improve our services. Complaints relating to how we have dealt with complaints regarding CCTV/video doorbells are dealt with in line with our complaint handling procedure. Complaints can be made if we fail to apply this policy properly or do not meet our organisational standards.

8.4 There may be times where we have communicated our decision to a complainant, yet they continue to report the same matters. On occasions we may have contact from people who are abusive or unreasonable. If the contact from a complainant becomes unreasonable, persistent or vexatious then we may consider taking action in line with our Unreasonable Actions by Complainants policy. We may also consider unreasonable contact to meet our definition of ASB and therefore deal with the matter in line with this policy.

8.5 We will always take a sensitive approach, seeking to understand the reasons for the unreasonable contact and trying to provide support where we believe it is due to an additional need, rather than an intention to cause nuisance or harassment.

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Section 9 – Consultation and Review

9.1 This policy will be reviewed every five years or earlier if required due to substantive changes in legislation or regulatory requirements.

9.2 As part of the review process formal consultation will take place with relevant stakeholders, who include:

- Tenants;
- Residents;
- Registered Tenant Organisations;
- The Feedback Forum;
- The Your Voice Scrutiny Group;
- Staff.

9.3 The outcome of the review process will be made available via our tenants' newsletter, website and social media platforms.

Section 10 – Confidentiality and Data Protection

10.1 All information provided by tenants and residents will only be used for the purpose provided. We will ensure that we meet the requirements of the Data Protection Act 2018 and UK GDPR (General Data Protection Regulation). We will process and retain personal information in compliance with current data protection legislation and regulations.