



An Coimisiún um
Chosaint Sonraí
Data Protection
Commission



DOMESTIC CCTV



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1. Introduction

The use of CCTV systems has become more prominent in recent years due to the increased sophistication and availability of technology in this area. CCTV has many legitimate uses, such as for security purposes, for the prevention and detection of crime, and for health and safety purposes. However, CCTV surveillance can also give rise to concerns in relation to the privacy and data protection rights of individuals.

2. Purpose of this guide

The Data Protection Commission receives a large volume of queries and complaints in relation to CCTV surveillance in domestic settings. This note, which is for guidance purposes only, aims to help you understand the law and your data protection rights when someone is using a domestic CCTV system to monitor and safeguard their property. All references to CCTV systems within this guide should be understood to include both fixed cameras and smart doorbells in a domestic setting.

If you require guidance on the use of CCTV and smart doorbells operating in a business, commercial or workplace setting please see the [CCTV Guidance for Data Controllers](#) on the DPC website for further information.

3. What is the status of CCTV in homes?

More and more of us are installing cameras in our homes – whether it is a camera to protect our property against unauthorised entry or a camera on our doorbell so we can use our phone or other device to check who is at the door.

A domestic CCTV system should only operate to capture images within the perimeter of the CCTV operator's own property, including their garden and/or driveway. Systems which operate in this way are considered to fall within the household exemption and, as such, they are not subject to data protection law.

The General Data Protection (GDPR) does not apply to the processing of personal data by a natural person in the course of a purely personal or household activity and thus with no connection to a professional or commercial activity. Personal or household activities could include correspondence and the holding of addresses, or social networking and online activity undertaken within the context of such activities.

However, if you have installed a domestic CCTV system which captures images and/or sounds beyond the perimeter of your property, for example, images and/or sounds of other people in their homes, gardens, on public footpaths or streets, the household exemption will not apply and you will be bound to comply with all data protection obligations under the GDPR. This position was established by the Court of Justice of the European Union (CJEU) in the Rnysť decision (C-212/13). The Court considered the application of data protection law to domestic CCTV systems and determined that **the personal or household exemption from data protection law does not apply where a domestic CCTV system captures images outside the perimeter of the system operator's private property.**

It is not acceptable to operate a CCTV system in a manner that captures images of your neighbours in their homes, gardens or driveways. Any actions taken to focus your CCTV cameras into those private spaces is a violation of your neighbours' data protection rights.

Where your CCTV system operates in a way that it captures images of people in shared or public spaces such as common areas, streets, roadways or footpaths, it is unlikely that your purposes for operating your CCTV system will outweigh the data protection rights of those people who may have their day-to-day activities recorded by your CCTV system.



4. Frequently Asked Questions from camera operators

I have cameras inside my house that I can check in on using my smartphone – what are my obligations under data protection law?

Article 2 of the GDPR states that the GDPR does not apply to the processing of personal data by a natural person in the course of a purely personal or household activity.

This provision is commonly referred to as the household, or domestic exemption.

If an internal security camera system is used solely for the homeowner's personal or household activity and it only records the area within the perimeter of the homeowner's property the household exemption will apply.

Homeowners should be careful of what they do with the recorded footage. As a general rule the DPC advises individuals not to publish such footage online or disseminate it via other means, as they are unlikely to have a lawful basis under the GDPR to do so. If a homeowner publishes the recorded footage online or shares it on social media then he/she will likely be bound by the obligations on data controllers under the GDPR. Read the DPC's Guidance on the use of CCTV for data controllers for further information in this regard.

I have a video doorbell that I can monitor on my smartphone – does that make me a data controller?

A smart doorbell is likely to fall within the domestic exemption provided that it only records the private area within the perimeter of your home.

The CJEU has established in the case of 'Ryneš' that a domestic CCTV system which **continuously** records any public space beyond the perimeter of the homeowner's property will fall within the scope of data protection law and the GDPR.

If a smart doorbell is not recording, or is not continuously recording, then the domestic exemption referenced above is likely to apply, however homeowners should still take care to ensure that the smart doorbell does not intrude on areas belonging to anyone other than the homeowner and respect the privacy of others.

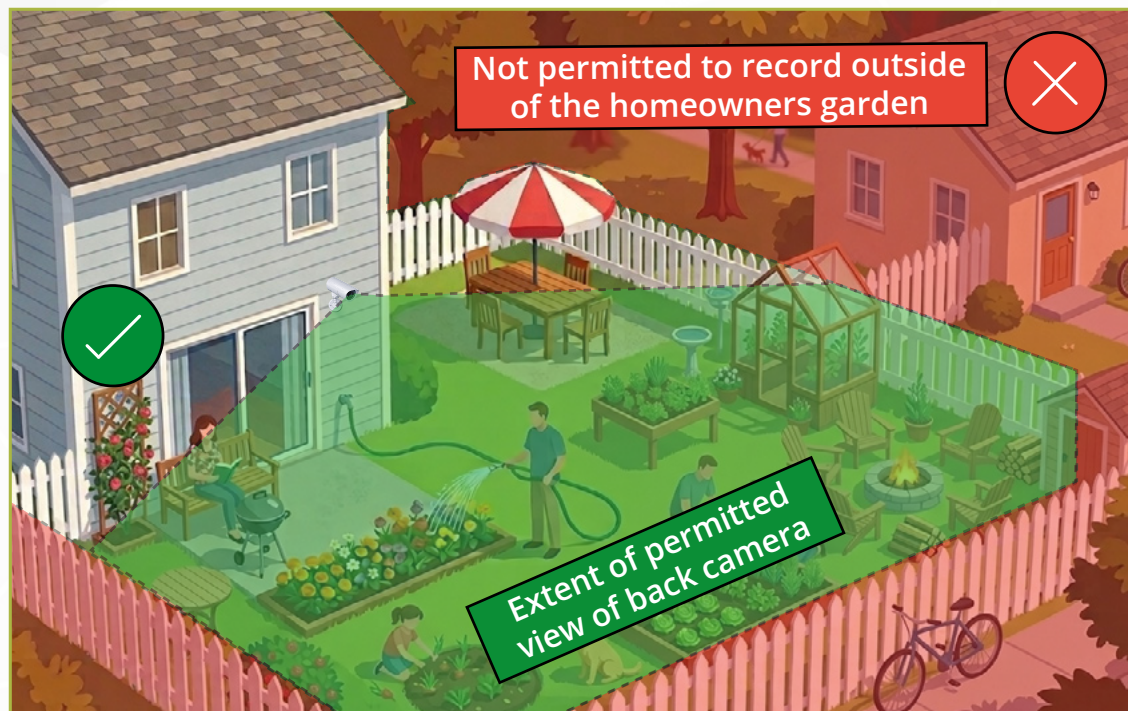
[The definition of 'personal data'](#) covers information/data (in this case a video recording) where people are **identified or identifiable**. If a smart doorbell system captures images of persons who cannot be identified or identifiable (due to the poor quality of the recording, for example), these images will not constitute personal data for the purposes of the GDPR.

For example, a smart doorbell would capture a clear image of the person at the door, but might be designed or positioned so that any images of people on a public street are obscured or too low quality to identify an individual.

I have CCTV cameras outside my house pointing to my driveway and garden – am I still exempt from data protection law?

If a homeowner's CCTV system only captures their garden or driveway the household exemption will apply. However, if the camera also captures a public space – for example a public footpath, a roadway or back alley – it will fall within the scope of data protection law. A homeowner will be considered to be a data controller if their CCTV system captures **identifiable images** of people in the public spaces. Care should be taken to avoid capturing neighbouring properties (house, garden etc).

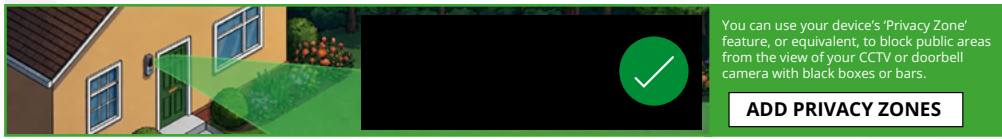
Please consult our website for our [CCTV systems guidance](#) if you are concerned that you may be recording beyond the perimeter of your personal property.





If your CCTV or doorbell camera is capturing images of a public space outside the perimeter of your property, e.g. the footpath, then the household exemption would not apply **X**

What can you do to change this?



You can use your device's 'Privacy Zone' feature, or equivalent, to block public areas from the view of your CCTV or doorbell camera with black boxes or bars.

ADD PRIVACY ZONES



You can adjust the angle of your CCTV or doorbell camera so that public areas are not being captured.

What if the cameras are off or they are dummy cameras?

The use of dummy cameras or deactivated cameras do not give rise to data protection issues.

Am I allowed to post videos or photos of a burglar on social media to get clues from the public?

If you post images or videos from your CCTV system online, you will be considered to be a data controller for the purposes of the GDPR and you will be bound by the obligations and duties of data controllers under data protection law. For example, pursuant to Article 6(1) of the GDPR, you would need to provide a **lawful basis** for processing personal data. Please see our website for further information and [guidance for data controllers](#). If an individual posts the image of another person on social media they are processing that person's personal data, this may lead to a number of data protection issues, as well as other potential legal concerns.

The sharing of CCTV footage with An Garda Síochána in order to assist in the prevention, investigation or prosecution of criminal offences is permitted under section 41(b) of the Data Protection Act 2018.

Where you have an image of someone who you believe has committed, or may commit a crime, the DPC suggests that you contact An Garda Síochána as they are best placed to determine what further action is required.

Can I monitor my vehicle parked in front of my house on a public road from my property?

No. You cannot avail of the household exemption to continually monitor, by domestic CCTV device, the public roads and footpaths outside your property for the purposes of preventing the theft or damage to parked vehicles.

The use of CCTV in public spaces falls within the scope of data protection law and camera operators will need to make themselves aware of their obligations under this legal regime.



5. Frequently Asked Questions from concerned individuals

What can I do if I believe that my neighbour is recording my property or public areas with their camera?

In most cases, we suggest that you start by contacting the CCTV owner to explain your concerns.

- The CCTV owner may not be aware that you are concerned about being recorded.
- Ask them why they are using CCTV – people usually install CCTV to monitor and protect their personal property. If you understand why they installed CCTV, it may put your mind at ease.
- Ask if they are using filters or privacy blockers – if they are, this would reduce the intrusion to your privacy. The use of filters and privacy blockers can blur out public spaces and other people's property.
- Ask to see what they are recording – the footage captured may not be as intrusive as you think and seeing an example of what is being captured may allay your concerns.
- It may be the case that your neighbour has installed dummy or deactivated cameras as a deterrent to burglary or other anti-social behaviour. In these instances no personal data is being processed, so this would not give rise to any data protection concerns.

What can I do if I think someone is recording my children?

In most cases, we suggest that you start by talking to the CCTV owner. If you feel the person is recording your child inappropriately, then you should contact An Garda Síochána.

Can the Data Protection Commission order the removal of a domestic CCTV camera?

You can lodge a complaint with the DPC if you believe that a user of a domestic CCTV system does not follow the rules.

The DPC will write to the owner of the CCTV system explaining the rules around the use of domestic CCTV systems. The DPC cannot order a private individual to remove or dismantle their domestic CCTV cameras.

The DPC advises all householders to operate their devices in a way that only captures images within the perimeter of their own property to avoid complaints about the use of these devices to the DPC.



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