



Guidance on CCTV Surveillance Practices



Introduction

The use of CCTV¹ in public places or common areas of buildings for security reasons or for monitoring illegal acts² (e.g. throwing objects from a height) has become increasingly widespread. However, since CCTV may capture extensive images of individuals or information relating to individuals, any indiscriminate use of CCTV inevitably involves intrusion into the privacy of individuals.

This guidance note offers advice to organizations on whether CCTV should be used and how to use CCTV responsibly and to help them to understand some of the requirements under the Personal Data (Privacy) Ordinance (the “Ordinance”) relating to the collection of personal data.

In relation to the use of CCTV to monitor and record employees’ activities at workplaces, guidance can be found in the “Privacy Guidelines: Monitoring and Personal Data Privacy at Work” issued by the Privacy Commissioner for Personal Data.

Is it necessary to use CCTV?

Data Protection Principle (“DPP”) 1(1) of the Ordinance requires that personal data shall only be collected where it is necessary for a lawful purpose directly related to the function or activity of the data user and that the data collected shall be adequate but not excessive.

In assessing whether it is necessary to use CCTV, the prime question to ask is –

“Is the use of CCTV in the circumstances of the case justified for the performance of the lawful function and activity of the organization and whether there are less privacy intrusive alternatives?”

Take for example, while the use of CCTV for deterring and detecting criminal activities like the throwing of corrosive liquid from a height appears to be justifiable, the use of CCTV inside taxi for general security reason may be regarded as privacy intrusive. For the purpose of crime prevention, due consideration should be given to the use of less privacy intrusive alternatives that could achieve the same purpose.

To conduct an assessment before installation

An organization should conduct an assessment objectively before installing CCTV to ensure that it is the right response to tackle the existing problem (e.g. the throwing of objects from a height) and is proportionate to the degree of intrusion into personal data privacy in addressing the problem. In considering whether to install CCTV, the following steps should be taken:

- Decide whether there is a pressing need to use CCTV (for example, if the use involves public interest).
- Establish a specific purpose of the use of CCTV and clearly identify the problem to be addressed. For example, a bank may intend to use CCTV to monitor the unlawful activities happening in the vicinity of the ATM machines and the operator of a public car park may intend to use CCTV to monitor the security of visitors and the vehicles parked.
- Collect relevant information to see whether CCTV will substantially solve the existing problem. For example, if a property management body intends to use CCTV to

¹ “Closed Circuit Television” - camera surveillance systems or other similar surveillance devices that capture images of individuals.

² Covert surveillance conducted by a law enforcement agency is regulated by the Interception of Communications and Surveillance Ordinance, Cap 589.