



## Smart Doorbells Procedure

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### Version Control

Date	Owner	Version	Reason for Change
June 23	Michaela Loughlin	1.0	New Procedure

### Summary of Changes

Section	Change
Whole procedure	Existing Ark procedure G48 was reviewed and DPO advised that it should be broken down into a number of individual procedures and updated



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# Smart Doorbells Procedure

## Contents

1.0 Introduction .....	4
2.0 Responsibility for SMART Doorbells .....	5
2.1 Tenants .....	5
2.2 Ark Departments.....	5
2.3 SMD records.....	5
3.0 Data Protection .....	5
3.1 Data Protection Impact Assessments .....	5
3.2 Freedom of Subject Access requests .....	6
3.3 Signage and Privacy Notice .....	6
3.4 Freedom of Information .....	6
4.0 Technical Specification.....	7
5.0 Location of SMART Doorbells .....	7
6.0 Operation of SMART Doorbells.....	7
6.1 Training .....	7
6.2 Access.....	7
6.3 Recording & Storage of Images .....	7
6.4 Copies of Recorded Images.....	7
6.5 Retention .....	7
7.0 Disclosing Images to Third Parties .....	8
7.1 Requests from the Police .....	8
7.2 Requests from other Third Parties.....	8
7.3 Disclosing Images .....	9
8.0 Misuse of SMART Doorbells or Images .....	9
9.0 Complaints .....	9
10. Implementation and Review.....	9

10.1 Implementation.....	9
10.2 Review.....	9
Appendix 1. SMART Doorbells – Guidance for Tenants.....	10

## 1.0 Introduction

The installation of a doorbell which has the ability to record and store images or sound from around a property (often referred to as a SMART Doorbell), has been increasing in popularity over recent years. Smart Doorbells (hereafter referred to as SMD's) utilise the positioning of traditional doorbells, and incorporate cameras that can capture images and sometimes audio of individuals visiting or leaving a property.

A number of SMD designs offer a high definition field of vision up to 180 degrees, which can also allow the owner of the device to see individuals at the door from head to foot. Similarly there are versions which have the ability to connect to a mobile app, which enables the user to view a live feed from a remote device, and both save and edit recorded footage or share footage with others such as insurance companies or law enforcement agencies.

Ark recognises that the use of SMD's can be considered "privacy intrusive" as they are effectively capable of putting law-abiding people under surveillance.

This procedure sets out the process for dealing with applications from Ark departments, and customers who wish to install and operate an SMD at a property, and will ensure Ark meets its legal obligations under data protection law.

The procedure has been developed with support from Ark's Data Protection Officer, and published guidance regarding the use of SMD's on the Information Commissioners Office (ICO) website.

It should be noted that the use of SMD's either by public bodies and/or tenants is not supported by the Information Commissioners Office (ICO), and organisations and individuals are strongly encouraged to find alternatives wherever possible.

No SMD's are known to be in use at any Ark location or by any of our tenants at this time.

## 2.0 Responsibility for SMART Doorbells

### 2.1 Tenants

Ark tenancy agreements include an “alterations and improvements clause”, therefore any application to install an SMD would require the written permission of the organisation. On receiving an application the tenant should be provided with a copy of the guidance attached to this procedure as an **Appendix 1. SMART Doorbells – Guidance for Tenants.**

If an application is approved, responsibility for installing and operating the SMD, including the recording and storage of any images or sound, would rest solely with the tenant.

### 2.2 Ark Departments

As defined by the Information Commissioners Office (ICO), SMD’s fall within the definition of “a surveillance system capable of processing the personal data of identifiable individuals”. Public bodies who wish to install and operate these devices need to comply with the UK GDPR and Data Protection Act 2018.

Ark will only be responsible for an SMD where both the settings and any data captured by the device can be managed by a member of Ark staff on-site. Under data protection law Ark is the data controller and this responsibility **cannot** be discharged to a third party or private individual e.g. a tenant. Where located Ark will operate and manage any SMD’s in accordance with Ark’s Data Protection Policy and this procedure.

Applications to install and operate an SMD at one of our locations will require a Data Protection Impact Assessments (DPIA).

### 2.3 SMD Records

An inventory of all SMD’s including locations and positions, will be maintained by the Data Protection Lead.

## 3.0 Data Protection

### 3.1 Data Protection Impact Assessments

A Data Protection Impact Assessment (DPIA) will be completed for each new request to install an SMD at an Ark location, and for the renewal or alteration of any existing installations. Ark staff should contact the Data Protection Lead for support with this process.

The Data Protection Impact Assessment will:

- Describe the nature, scope, context and purpose of the processing;
- Assess necessity, proportionality and compliance measures;
- Identify and assess risks to individuals; and
- Identify any additional measures to mitigate those risks.

### 3.2 Subject Access Requests

The UK GDPR gives individuals the right to find out what personal data we hold about them including requesting to view or be provided with a copy of recorded footage that they may appear in.

All requests for SMD footage by individuals will be treated as subject access requests and will be handled in line with the Data Protection Policy and Data Subject Rights Procedure.

Providing there are no other third parties identifiable in the footage, and there are no applicable exemptions to the disclosure under data protection law, Ark will arrange for the data subject to view the images.

If footage contains images of third parties and it has not been deemed appropriate to allow footage to be viewed, the data subject may be provided with a narrative of the footage content or a still photograph.

If the request is denied, the data subject will be informed of the reasons in writing and how to appeal the decision and/or complain to the Information Commissioner's Office.

### 3.3 Signage and Privacy Notice

Appropriate and clear signage will be put in place to ensure everyone aware where a SMD is in operation, and who to contact regarding any queries about the device. The use of SMD's will also be recorded in the relevant privacy notice.

Individuals within localities who may be captured in images should wherever possible should be reassured that their privacy is being respected, and their information is being handled appropriately.

Signage will include the Ark logo and should:

- Be clear, visible and readable.
- Contain details of the purpose of the SMD and who to contact for further information.
- Include contact details; website address, telephone number and/or e mail address.

### 3.4 Freedom of Information

As a public authority, Ark is subject to the Freedom of Information (Scotland) Act 2002 (FOISA).

FOI requests in relation to SMD's can include information on where these are sited, their functionality, and whether they were operational over particular time periods.

All FOI requests have to be submitted in a recordable format, e.g., by letter or email, and must be processed within 20 working days from the date of the request.

Access to recorded images may be subject to an exemption under Section 38 (Personal Information) or section 39 (Health, Safety and the Environment) of FOISA 2002.

## 4.0 Technical Specification

Where present SMD's will be of the technical specification to ensure appropriate quality of images, and that unnecessary images are not viewed or recorded. Systems will have an accurate date and time set and be checked regularly.

## 5.0 Location of SMART Doorbells

Ark will position an SMD in such a way that the camera does not inadvertently record neighbouring entrances, private property or any area that is not the intended subject of surveillance

## 6.0 Operation of SMART Doorbells

### 6.1 Training

As required employees will be trained in the necessary operational and administrative functions associated with the operation of these devices.

### 6.2 Access

Access to SMD will be strictly limited to relevant employees.

### 6.3 Recording / Storage of Images

Recorded images will only be accessed only when an incident has been reported that requires the images to be viewed. Requests to view images by Ark staff will require prior approval of the Data Protection Lead, and will only be permitted for the purposes the device has been installed for.

### 6.4 Copies of Recorded Images

Copyright and ownership of all material recorded on these devices will remain the property of Ark. Copies of recorded images will only be made when required for investigation or disclosure in relation to the purposes for which the device was installed for.

### 6.5 Retention

Recorded images will be retained only for as long as necessary to fulfil the required purpose and in accordance with Ark retention schedules.

This will not usually exceed 30 days unless requested by the Police or other statutory enforcement agencies when, in accordance with data protection laws, the Association may retain digital images for longer periods until such time as they are able to be viewed or shared with the relevant body.

## 7.0 Disclosing Images to Third Parties

Disclosure of information from SMD's will be consistent with the purposes for which the system was installed.

Images will only be disclosed to relevant and authorised third parties, e.g., Police Scotland.

A register of disclosure and non-disclosure will be maintained by the Data Protection Lead.

### 7.1 Requests from the Police

Police Scotland may request access to recorded images from SMD's held by Ark, either by viewing the data on the premises or by requesting a copy of the data.

To disclose personal data lawfully to the police we need to be satisfied:

- That disclosure is necessary for one or more of the following purposes: the prevention or detection of crime or the apprehension or prosecution of offenders; and
- That not disclosing the personal data would be likely to prejudice the purpose cited.

As one of the purposes for having SMD's is to assist with crime prevention and detection, releasing images to the Police may be done without breaching data protection legislation. However, the identity of the requester and validity of the request must always be verified. This can be done by checking Police ID cards and/or by calling the local police station to confirm the identity of the requester and validity of the request.

### 7.2 Requests from other Third Parties

Any request to release recorded images to a third party (except the Police) must be put in writing. Thereafter the request will be reviewed by the Data Protection Lead, and recorded images released subject to their authorisation. If there are doubts or concerns about a request, it is important to note that Ark has the discretion to refuse a request for information unless there is an overriding legal obligation such as a court order or information access rights. In the rare event that an urgent request is made, then images may be disclosed without prior authorisation if a delay in doing so may put an individual at serious risk.

### 7.3 Disclosing images

Disclosing images must be carried out securely to ensure that the images are only viewed by the intended recipients. Any disclosure must be recorded in the SMD request Register.

Once images have been disclosed to a third party they become the data controller and are responsible for the security of the images.

## 8.0 Misuse of SMART Doorbells or Images

Any misuse of Ark's SMD's or images by employees will be treated seriously and may be considered under misconduct or disciplinary procedures.

## 9.0 Complaints

If an individual wishes to make a complaint about our operation of an Ark SMART Doorbell this should be directed to the Data Protection Lead in the first instance.

Individuals also have the right to complain to the Information Commissioner if they feel we are not operating such a device in accordance with the UK GDPR.

## 10.0 Implementation and Review

### 10.1 Implementation

The Operational Management Team (OMT) is responsible for ensuring that this procedure is implemented throughout the organisation.

### 10.2 Review

This procedure will be reviewed every 3 years or when required to address any weakness in the procedure or changes in legislation or best practice.

### **SMART Doorbells – Guidance for Ark Tenants**

The following guidance is for Ark tenants who are considering having a SMART Doorbell installed.

A SMART Doorbell (hereafter referred to as SMD's) is a device which has the ability to record and store images or sound from around a property. SMD's utilise the positioning of traditional doorbells, and incorporate cameras that can capture images and sometimes audio of individuals visiting or leaving a property.

A number of SMD's have a field of vision up to 180 degrees, which can also allow the owner of the device to see individuals at the door from head to foot. There are also versions which have the ability to connect to a mobile app, which can enable the user to view a live feed from a remote device, and both save and edit recorded footage or share footage with others.

#### **Alterations or Improvements**

The installation of an SMD at your address would constitute an alteration to the property, and as set out in your tenancy agreement, the proposed installation of the device would require our written permission.

Applications to install and operate an SMD will be carefully considered, however failure to notify us may be in breach of your tenancy agreement, and you should not install an SMD without permission having been granted by Ark.

#### **SMART Doorbells: Knowing the Law and Your Responsibilities**

The main principle for using an SMD is set out by the Information Commissioners Office (ICO) and is described as follows:

If you set up your system so it captures only images within the boundary of your property (including your garden) then data protection law, specifically the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, will not apply to you. However this law will apply if your system captures images of people outside the boundary of your property – for example, in neighbours' homes and gardens, shared spaces, or on a public footpath or street.

The easiest way to deal with the data protection laws is to set up your system so it doesn't view anything outside the boundaries of your property. If that's not possible, then under the law you are considered to be a "data controller" and you will have to take extra steps to comply with data protection law.

Firstly, if you capture images outside the boundaries of your property, you must be able to explain why you need those images. The advice is to write down these reasons so, if asked by the Information Commissioners Office, you will be able to offer an explanation as to why capturing the images is more important than protecting the privacy of your neighbour and other members of the public.

The ICO also says you will need to:

- Display signs to let people know what you are doing and why
- Limit how many images you capture to only what you need
- Hold the images securely to prevent them being misused or shared without permission
- Delete the images as soon as you don't need them

- Respond to Subject Access Requests
- Delete images if people ask you to
- Consider any objections you receive to the use of the SMD.

Failure to comply with the law could lead to enforcement action by the ICO and a fine.

**For further information you should contact the ICO via their helpline Tel: 0303 123 1113 or visit their website at <https://ico.org.uk/>**