

Does the UK GDPR apply if someone uses CCTV in their home to monitor workers?

Yes – if it's on a routine or ongoing basis (rather than just capturing an odd job).

If someone uses CCTV in their home to monitor household employees or workers who are providing them with a commercial service (routinely or on an ongoing basis), then they need to comply with the UK GDPR.

This applies even if the CCTV's within the boundaries of that person's own home or personal space.

Capturing more informal or one-off arrangements like the homeowner using a babysitter, or a plumber making a quick visit to fix a leak, is more likely to be a household activity and so the UK GDPR won't apply. See [Is there an exemption for personal or household activities?](#)

[Note: Internal link removed, but content is below].

Also see our guidance: [For the public | Domestic CCTV systems](#)

Is there an exemption for personal or household activities?

Yes – although technically it's that the UK GDPR doesn't apply, which is a bit different to an exemption.

In other words, people don't have to comply with the UK GDPR or DPA 2018 at all – whereas if an exemption applies, they'd still have to comply with certain requirements.

Article 2(2)[a] says the UK GDPR doesn't apply to someone using information 'in the course of a 'purely personal or household activity'.

For example, someone only using personal information in private communications with family and friends, or to manage their own home or personal finances, doesn't need to consider the UK GDPR.

But people will need to comply with the UK GDPR if they're using the information for anything other than 'purely' personal or household activity (eg as part of a business or profession, as an employer, or on a public platform)

What's a purely personal activity?

Personal activities can relate to someone's personal development, private interests, health, hobbies or personal relationships with others.

This can include a wide variety of activities, including social networking and online activities – as long as information is only shared with friends and family, and not posted to the public at large.

The key is whether the activity relates to someone's personal life – people can carry out a personal activity in a public space. For example, someone taking a photo of their child at their school sports day would still be a personal activity, as long as the image is only accessible to the person's family and friends.

Someone keeping a personal diary with references to friends and work colleagues would be a personal activity. So would using social media to make contact with a relative's friends and family to arrange a birthday party - in fact Recital 18 of the UK GDPR specifically mentions that personal or household activities can include social networking.

Sometimes, a personal activity can even result in small financial gain. For example, where someone occasionally sells items on eBay, the activity will not be caught by the UK GDPR. There can be no link to professional or commercial activity though.

What's a purely household activity?

Household activities relate to a person's home and those they live with. This could be their immediate family, or other people they share their accommodation with, such as flat mates.

It can cover someone's family life, or anything related to running a household - like flat mates who share personal details with utility providers on behalf of the household, or organise payment of bills.

Household activities can also include things like:

- recording medical appointments on behalf of family members in a diary, or calendar applications on electronic devices;
- keeping an address book, and
- keeping a Christmas card list.

But, it won't cover a landlord renting to tenants – that's a commercial activity. It also won't cover people working in a professional capacity inside their home, such as:

- care workers,
- housekeepers, and
- childminders

These would all be commercial or professional activities taking place inside someone's home.

Does the UK GDPR apply to household CCTV and smart doorbells?

Yes – but only if a camera records images and audio of people in a public place (for example on the street, or the communal landing in an apartment block) or in another person's property, such as a neighbouring back garden. See our guidance: [Domestic CCTV systems | What are the rules about domestic CCTV?](#)

Our guidance says that it isn't a breach of data protection law if someone uses recording equipment, like CCTV or smart door bells, to capture video or sound recordings outside their property boundary.

If the camera only captures recordings inside someone's own home or garden though, the UK GDPR generally won't apply.

In that case, it will only apply if there's a clear connection to a professional or commercial activity.

Does the UK GDPR apply to personal tech devices?

Not if the person only uses it for private activities – for example their home life, social life or hobbies.

But, it will apply if the device is used for professional or commercial activities, or if any personal information that's captured is posted publicly.

Craig Ineson

From: Karen Harris
Sent: 19 May 2020 16:03
To: Karen Shann
Cc: Policy Advice Service; Caroline Callaghan
Subject: PAQ492 - RE: CCTV in private residency filming Nanny

Hi Karen,

I'm fine thanks – hope you are too!

In terms of your question this isn't that dissimilar to the query we had on care homes. Essentially we're talking about whether processing is in scope of the GDPR or out of scope by virtue of Article 2(2)(c) – processing....."by a natural person in the course of a purely personal or household activity".

Recital 18 qualifies this by stating that the "Regulation 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**."

So it follows that if someone uses their CCTV system to monitor the nanny (who is providing them with a commercial service) that processing wouldn't fall in the context of a 'purely personal or household activity' and would be caught by the GDPR.

As such the homeowner would need to tell the Nanny about the use of domestic CCTV at the property and their rights in allowing access to any footage etc.

I am aware that the Assurance team is looking at producing some guidance on personal/household activity so I've copied in Caroline to this email for info purposes. Hope that's ok Caroline.

Karen



Karen Harris
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From: Karen Shann <Karen.Shann@ico.org.uk>
Sent: 19 May 2020 14:20

To: Karen Harris <Karen.Harris@ico.org.uk>
Subject: CCTV in private residency filming Nanny

Hi Karen

Hope you keeping safe and well.

Do we have any guidance in regard to the use of CCTV cameras in private houses where they are recording images of the staff working there. Appreciate DPA allows for individuals to use CCTV cameras, but would this not be considered a place of work therefore a need for the DC to comply.

Just wondered as remember you saying last time we spoke about children of care home residents placing cameras in rooms, and this is similar in one respect.

Thanks in advance



Karen Shann
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Craig Ineson

From: Jonathon Woodruff
Sent: 05 August 2020 10:31
To: Scotland External Mail Account
Cc: Caroline Callaghan; Knowledge Service
Subject: RE: CCTV inside a person's rented home (PAQ577/PAQ606)
Attachments: [REDACTED]

Hi Anne

Many thanks for the update on this query.

Based on the further information received to date, we are inclined to agree with your view that the processing being conducted by the tenant (or their representative) in this instance would fall within the scope of data protection law.

This is because the tenant's CCTV system appears to be capable of capturing images of third parties outside the boundaries of their property – at least intermittently. It also seems that the tenant's representative has reviewed the CCTV footage in order to comment on the provision of the professional or commercial service being provided to them by the contractors.

We also note that some data protection concerns have been raised here, in particular, around the transparency of the processing activity taking place.

As such, it may be helpful for the Housing Association to direct the CCTV system user to review our [guidance on domestic CCTV systems \(for people using CCTV\)](#), which provides a useful steer on the relevant data protection considerations and their obligations.

Further to the above, in our current view, it does not appear that the Housing Association is acting as either a controller or processor in this scenario, as so far:

- it has not been actively involved in the decision to install the CCTV system or managing the system's operation; and
- it has not been accessing, or otherwise processing, any personal data captured via the CCTV system.

That consideration would change, however, should the Housing Association subsequently take possession of a copy of any relevant footage if offered by the tenant or their representative (where the footage was necessary to investigate complaints about the workmen). In that circumstance, the Housing Association would become a controller for the personal data it receives for that purpose.

We assume the Housing Association is looking to ask its tenants to provide it with prior notice of any CCTV installation in their property so it can advise them of the relevant data protection considerations and also monitor any concerns raised by others (rather than becoming involved in the actual 'decision-making' process itself)?

Therefore, as a suggestion, the Housing Association could consider proactively making tenants aware of the general data protection issues associated with the use of domestic CCTV systems as part of any amends it intends to make to the 'information packs' it issues to them (eg. by recommending that tenants review our guidance – as linked to above - before installing any CCTV systems in their property. The Housing Association could also direct those [tenants concerned about being filmed to review our relevant guidance](#) as well).

As always, if you have any questions on the above, or there are any further developments, please let me know.

Hi Caroline – similarly, if you have any comments to add, or wish to discuss the advice further, please let me know.

Kind regards

Jonathon



Jonathon Woodruff
Senior Policy Officer – Knowledge Service
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From: Scotland External Mail Account <Scotland.ExternalMailAccount@ico.org.uk>

Sent: 03 August 2020 15:28

To: Jonathon Woodruff <Jonathon.Woodruff@ico.org.uk>

Cc: Caroline Callaghan <Caroline.Callaghan@ico.org.uk>

Subject: RE: CCTV inside a person's rented home (PAQ577)

Good afternoon Jonathon

I hope that you are well and had a nice weekend.

I received the attached email from the Housing Association which you might like to see. With reference to your pointers –

- whether the tenant is seeking permission from the Housing Association in order to conduct the processing;

No permission was, or is being, sought [REDACTED]

- whether the Housing Association has otherwise been involved in the decision to install the CCTV system for the purpose of monitoring workers operating in the individual's home;

The Housing Association has not been involved in the decision to install the CCTV.

- whether the Housing Association is receiving (or intends to receive) any CCTV footage from the individual, or otherwise has access to it;

The Housing Association has no access to the footage. They would take possession of a copy of relevant footage if offered where it was necessary to investigate complaints about the workmen.

- whether the tenancy agreement (or any other contract or agreement that exists) between them discusses the use of CCTV systems, etc.

The tenancy agreement makes no mention of the use of CCTV systems. The Housing Association is looking to amend the information pack that goes out to new tenants to advise them that tenants have to inform the Housing Association before installing CCTV.

The Housing Association has asked that the camera be switched off pending our response to their enquiry [REDACTED]

Given your interim advice and the additional information provided it seems to me that the processing comes under the scope of the GDPR and that by installing the CCTV system the [REDACTED] is rendering himself a controller with all that that entails.

Thanks for your assistance. I look forward to hearing from you.

Regards,

Anne



Anne Gordon
Advice Officer

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From: Jonathon Woodruff <Jonathon.Woodruff@ico.org.uk>

Sent: 28 July 2020 14:36

To: Anne Gordon <Anne.Gordon@ico.org.uk>

Cc: Caroline Callaghan <Caroline.Callaghan@ico.org.uk>

Subject: RE: CCTV inside a person's rented home (PAQ577)

Hi Anne

Thanks again for your query.

Main issue

You have asked for policy advice on:

- whether an individual using a CCTV system to record footage inside their house to film workers carrying out work inside the property would be caught by the GDPR; and
- whether there are any relevant considerations regarding the relevant Housing Association's involvement in this arrangement.

Interim advice

As discussed, we are unable to provide you with a more definitive steer until further information is received from the Housing Association. However, we can provide you with interim advice on the relevant issues.

Regarding the first issue, in line with Caroline's comments, it is our current view that the GDPR may apply to the recording of workers operating within the home - depending on the circumstances.

As discussed in [PAQ65](#) and [PAQ492](#), we must consider whether the CCTV recording activity in question falls out of the GDPR's scope by virtue of Article 2(2)(c) – processing....."by a natural person in the course of a purely personal or household activity".

As recital 18 says, 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 and thus with **no connection to a professional or commercial activity.**"

In line with our previous advice, and based on the limited information received, it is our initial view that the processing described is likely to fall within scope of the GDPR.

This is because the individual seems to have *specifically* set up the CCTV system inside their house to film (and presumably, *purposefully monitor* – such as to evaluate the quality of service provision delivered by) third parties carrying out work on their domestic property – who are, as such, *providing them with a professional or commercial service* of the type referred to in recital 18 (albeit, perhaps a service arranged by the Housing Association on their behalf).

As such, the individual using the CCTV system needs to ensure they comply with their own data protection obligations – as outlined in our [relevant guidance](#).

As well its overall purpose, it would be useful to clarify whether the CCTV system is also capturing footage of the workers outside the boundaries of the individual's property - as that type of processing would fall within scope regardless of the apparent link to 'professional or commercial activity' and intent to monitor those activities (as explained in the guidance cited above).

There is also the matter of whether the individual's subsequent use of the CCTV footage or images could fall within scope – eg. if the individual is sharing the CCTV footage on social media.

Again, this needs looking at in context, but we have concluded in the past that such activities are likely to fall within the provisions of the GDPR.

A number of relevant factors are outlined in [PAQ258](#), [PAQ353](#), [PAQ380](#), [PAQ395](#) and [PAQ568](#) (in particular, the [Buivids](#) judgement and relevant [EDPB guidelines](#) – section 2.3 of the guidelines discusses the ‘household exemption’ - are also useful to reflect on).

On the second issue, as Caroline point outed, the Housing Association’s involvement in the processing needs further clarification (the Housing Association itself would not be able to rely on the ‘householding processing’ carve out in relation to its own processing activities – should any actually be taking place).

As a for pointers, it would be useful find out more about:

- whether the tenant is seeking permission from the Housing Association in order to conduct the processing;
- whether the Housing Association has otherwise been involved in the decision to install the CCTV system for the purpose of monitoring workers operating in the individual’s home;
- whether the Housing Association is receiving (or intends to receive) any CCTV footage from the individual, or otherwise has access to it; and
- whether the tenancy agreement (or any other contract or agreement that exists) between them discusses the use of CCTV systems, etc.

Some previous advice we issued on the issue of [CCTV controllership](#) may also provide a useful steer here.

I hope this helps for now.

Please let me know if you have any questions, or if you receive a relevant update from the Housing Association.

Kind regards

Jonathon



Jonathon Woodruff
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From: Anne Gordon <Anne.Gordon@ico.org.uk>
Sent: 27 July 2020 08:30

To: Jonathon Woodruff <Jonathon.Woodruff@ico.org.uk>
Subject: RE: CCTV inside a person's rented home

Thanks Jonathon.

Anne



Anne Gordon
Advice Officer

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From: Jonathon Woodruff <Jonathon.Woodruff@ico.org.uk>
Sent: 27 July 2020 08:29
To: Anne Gordon <Anne.Gordon@ico.org.uk>
Subject: RE: CCTV inside a person's rented home

Good morning Anne

Thanks for confirming – I will have a look at drafting some interim advice then.

Kind regards

Jonathon



Jonathon Woodruff
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From: Anne Gordon <Anne.Gordon@ico.org.uk>
Sent: 24 July 2020 12:07
To: Jonathon Woodruff <Jonathon.Woodruff@ico.org.uk>
Cc: Caroline Callaghan <Caroline.Callaghan@ico.org.uk>; Policy Advice Service
Chris Hogan <Chris.Hogan@ico.org.uk>
Subject: FW: CCTV inside a person's rented home

Hi Jonathon

Thank you for your email.

The HA was to get back to me with more information about the situation, however I had to chase it up yesterday, so I'm afraid I don't have any further information just now.

Regards,

Anne



Anne Gordon
Advice Officer

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From: Policy Advice Service

Sent: 24 July 2020 11:01

To: Caroline Callaghan <Caroline.Callaghan@ico.org.uk>; Policy Advice Service

Cc: Chris Hogan <Chris.Hogan@ico.org.uk>; Anne Gordon <Anne.Gordon@ico.org.uk>

Subject: RE: CCTV inside a person's rented home

Hi Caroline

Many thanks for your email and for the update.

We will keep you updated on any advice we provide on this topic.

It may also be helpful to have a call to discuss your work so far, or as it progresses, so please let me know if you would like me to arrange a call for us.

Hi Anne

Many thanks for your query.

Have you received any further information from the HA and are there any relevant documents you are able to provide us with?

This would help us to provide more specific advice. Otherwise, we could look to provide you with more general considerations / pointers.

Please feel free to give me a call to discuss if that would be helpful.

Kind regards

Jonathon



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From: Caroline Callaghan <Caroline.Callaghan@ico.org.uk>
Sent: 14 July 2020 10:24
To: Policy Advice Service
Cc: Chris Hogan <Chris.Hogan@ico.org.uk>; Anne Gordon <Anne.Gordon@ico.org.uk>
Subject: FW: CCTV inside a person's rented home

Hi All

We received the below query from Anne in the Scotland Office and think it is something that PAS needs to advise on.

The query is from a Housing Association regarding circumstances in which a tenant has placed CCTV inside the house to film tradesmen carrying out works to the property, which means there might be controllership issues, depending on the tenancy agreement and whether the tenant is seeking permission from the HA, etc (so it might not be domestic processing). (Anne has sought further information from the HA).

We are currently working towards producing guidance on personal and household processing which will cover the issue of people filming tradesmen within the home. However, this is at a very early stage and does not address the specific circumstances referred to. As we have not internally consulted or confirmed our approach, we cannot really advise at this stage. In terms of the guidance, the working position is that the GDPR may apply to the recording of tradesmen within the home. However, this will depend on the circumstances.

As this query is relevant to the work we are doing, I would be grateful if you could please let me see a copy of your response. I am also happy to discuss further, if you wish.

Many thanks and regards

Caroline



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From: Anne Gordon <Anne.Gordon@ico.org.uk>
Sent: 10 July 2020 09:15
To: Caroline Callaghan <Caroline.Callaghan@ico.org.uk>
Subject: CCTV inside a person's rented home

Good morning Caroline

I hope that you are well and bearing up in these difficult times.

Caroline, I do hope that you don't mind me contacting you. I believe that the Assurance Team is looking at producing some guidance on personal/household activity in relation to CCTV. Is this the case and if so, do you know what the position is re this guidance?

I have received an enquiry from a Housing Association where a tenant has put up CCTV inside the house to film workmen carrying out work inside the property and I am hoping that there might be some guidance that I can use to help me reply to the HA. I have found some policy advice given out in the past, but as always they don't cover the precise circumstances of my query (I am referring to PAQ198 and PAQ492).

Many thanks.

Anne



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Advice Officer

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