

New



Revision



Resident Services

Video Doorbell Device Guidance

Version 1.0

Directorate:	Customer
Guidance Owner:	Director of Resident Services
Operational Guidance Owner:	Head of Housing (Tenancy)
Date Published:	March 2022
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Procedure signed off by:	Customer Operations Leadership Team (COLT)
Policy and Compliance Business Partner:	Karen Birch – Policy & Compliance Advisor
Policy Risk Rating:	B
Regulatory Code/Legislation and National Standards	See Section 3
Publicising the Guidance	<p>This guidance note and other associated documents will be published in the Tenancy Toolkit on the Policy pages on Hyve.</p> <p>Any changes to this policy statement will be notified to our staff and other relevant stakeholders using a variety of communication tools including:</p> <ul style="list-style-type: none">• Hyve news item;• Hyde Workplace post;• Manager and team briefings; and• Specialist training for relevant staff

Video Doorbell Guidance

1 Purpose and Scope

- 1.1 The Video Doorbell Guidance provides information and guidance on the Hyde Group's approach: to dealing with residents' use of video doorbell devices; and any concerns about its use raised by other residents including non-Hyde residents.
- 1.2 It applies to all Hyde Group tenants, leaseholders and household members. A household member refers to any person living permanently in the property (regardless of length of time they have lived there).
- 1.3 It also applies to third party agencies who receive a request to seek information, images, audio, or data concerning a Hyde resident's video doorbell device.
- 1.4 This guidance does not alter or amend a resident's occupancy agreement or the terms and conditions which the resident is expected to adhere to concerning the use of their property and the behaviour of their household members, guests and visitors to their home.
- 1.5 The Video Doorbell Guidance should be read/used in conjunction with the relevant InfoGov policies and procedures; other associated policies and procedures; and the resident's individual occupancy agreement.
- 1.6 Video doorbells are a relatively new piece of technology and household appliance which are becoming increasingly popular in use. However, they remain governed by regulations that relate to the wider category of CCTV use.

2 Key Objectives

- 2.1 By publishing this guidance note, the Hyde Group aims to ensure compliance with the key objectives. The key objectives set-out what is to be achieved by providing information and guidance to staff on the Hyde's approach to dealing with residents' use of video doorbell devices
- 2.2 All staff and managers are responsible for ensuring compliance with the key controls.

No.	Video Doorbell Guidance Key Objectives
1	Ensure compliance with all relevant legislation, regulations and best practice
2	Ensure that Hyde Group staff are confident in the information and advice given to residents regarding the use of video doorbell devices in our properties
3	Ensure a clear and concise policy is maintained, which outlines Hyde's position on the use of video doorbell devices
4	Ensure that residents are informed about their responsibilities when using a video doorbell device
5	Ensure that residents, non-Hyde tenants and third-party organisations receive the correct information and signposting to guidance if they are objecting against the use of video doorbell devices
6	Ensure residents are put in contact with appropriate agencies that can help them by providing specialist advice and support

3 Regulatory Code and Legal Framework

- 3.1 This procedure complies with the Regulator of Social Housing's (RSH) Tenancy and Neighbourhood and Community – Anti-social Behaviour standards.
- 3.2 The most important legislation, case law and national standards/guidance that currently govern registered provider policy and practice are:

Data Protection Act 2018	Crime and Disorder Act 1998
General Data Protection Regulations (GDPR)	Human Rights Act 1998
Housing Acts 1985, 1988 and 1996	Information Commissioners Office
Anti-social Behaviour, Crime and Policing Act 2014	Surveillance Camera Code of Practice (February 2022)
Regulation of Investigatory Powers Act 2000	Case Law – Woolley & Woolley Vs Nahid Akbar or Akram (2017)
Protection from Harassment Act 1997	Case Law - Fairhurst Vs Woodard (2021)
Protection of Freedoms Act 2012	

4 Definitions

Video Doorbell

- 4.1 A video doorbell is a device that is owned and/or used by a Hyde resident that may be used to identify callers to their address whilst they are at home or away from the property.
- 4.2 A video doorbell can be used as a recording device to identify activity that is occurring in the immediate vicinity.

Non-Hyde Residents

- 4.3 Non-Hyde residents include: anyone who lives in a neighbouring property to that of a Hyde resident and is not a Hyde Group tenant or leaseholder; members of the public; and organisations such as any of the emergency services and advocacy services working with or supporting Hyde residents.

Data Controller

- 4.4 Hyde uses the definition of Data Controller as set out in Part 2, Chapter 2, Subsection 6 of the Data Protection Act 2018 which states that the “controller” is the natural or legal person, public authority, agency or other body which, alone or jointly with other, determines the purposes and means of the processing of personal data.

Data Processor

- 4.5 The Data Protection Act 2018 definition of Data Processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller. Processors act on behalf of the relevant controller and under their authority.

Subject Access Request (SAR)

- 4.6 Individuals have the right to request that an organisation or person shares with them, any personal information or data that is held about them specifically. This request can be made in writing, verbally or via social media and is called a Subject Access Request. The request must be responded to within one month.

Information Commissioner's Office (ICO)

- 4.7 The Information Commissioner's Office upholds information rights that are in the public interest, promoting openness by public bodies and data privacy for individuals.

5 Video Policy Principles

Permissions for Use

- 5.1 As a registered provider of housing (RP), Hyde is not obliged to give residents permission to install, erect, or use a video doorbell device on their property.
- 5.2 Residents are also not obliged to seek permission from Hyde if they wish to install, erect, or use a video doorbell device on their property as this not deemed an adaptation to the property.
- 5.3 In accordance with Hyde's "moving in and moving out of your home" guidance any video doorbells fixed to the property by tenants must be removed when the property is vacated otherwise a re-charge cost may be incurred.

Resident Responsibilities

- 5.4 Residents who use a video doorbell device on their property are responsible for the use of the video doorbell device and the compliance of its use under the General Data Protection Act 2018. A resident who installs/uses a video doorbell device or CCTV appliance becomes the Data Controller and/or Data Processor.
- 5.5 The resident 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 the address.
- 5.6 The video doorbell device should be placed on or next to the front entrance door of the property, ideally on the door frame and must be within the legal boundary of the property. The video doorbell must not compromise any safety measures of the door when affixed and should not be screwed or nailed into the door.
- 5.7 The resident must respect people's privacy rights and take steps to minimise intrusion to neighbours and passers-by. If their primary intention is to improve security, they should first reasonably consider all other options as an alternative to the use of any video recording device such as better lighting, cutting back hedges or adding a "spy-hole" to the front door.

Use of a Video Doorbell Device

- 5.8 The video doorbell device 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.

The video doorbell device should not look out onto a neighbouring property or any public highway, footpath or shared space at the property (e.g., communal hallways) in a way that captures images of the public or other residents who are not giving permission or not aware their images and data is being recorded.

Nor should the video doorbell be placed on any communal front entrance doors such as a block of flats or converted street properties. Hyde will consult with our Legal Services Team about the removal of any recording devices placed inappropriately on our properties.

- 5.9 A "privacy screen" should be used on the video doorbell device to prohibit any recording from the device capturing a public highway, footpath, or neighbouring property.

5.10 The Information Commissioner's Office (ICO) confirms the framework of acceptable use of video doorbells 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."

5.11 The video doorbell device should preferably be situated so that it is looking directly out from the front door and straight ahead – not placed at an angle

5.12 The video doorbells should limit continuous recording, and the possible intrusion of others, by only having the camera activate when the doorbell is pressed.

5.13 The use of a video doorbell device by a resident cannot be covert. The resident must ensure their use of any recording device, including video doorbells must be overt and they should be as transparent about their use of the device.

5.14 If a member of the public, neighbouring resident or agency require access to the images, audio and data captured by the video doorbell device held by the data controller and/or data processor, Hyde cannot request access to that information on behalf of that person or agency.

Legal Claims against the Data Controller/Processor

5.15 The Data Controller and/or Data Processor is responsible for the correct and legal processing of any images, audio and data captured on the video doorbell device under the General Data Protection Act 2018.

5.16 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 device.

5.17 If the Data Controller and/or 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 bringing the claim.

5.18 If a member of the public or neighbouring tenant has a concern about the use of the video doorbell appliance 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 and/or Data Processor.

If they are not satisfied with the Police response, then they should escalate their concern to the Information Commissioner's Office for them to advise on.

5.19 Hyde Housing has a duty to investigate reports from customers about nuisance, annoyance and/or harassment and will offer advice, guidance and consider any tenancy enforcement actions as part of their response. However, claims of harassment or nuisance by inappropriate use of a video bell must be supported by corroborated evidence of specific incidents.

5.20 General dissatisfaction that a neighbour has and is using a video doorbell is not considered anti-social behaviour or a breach of tenancy.

5.21 If there is a concern or a legal dispute between a member of the public, neighbouring tenant, or agency and the Data Controller and/or Data Processor this is a private and civil matter between those parties concerned.

- 5.22 If a member of the public or neighbouring tenant brings a legal challenge concerning the use of the video doorbell, the Data Controller and/or 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.
- 5.23 If the Data Controller and/or 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.

6 Associated Policy Guidance Documents and Procedures

InfoGov policies and procedures	CCTV Guidance (ASB Toolkit)
Subject Access Request Procedure	Homeownership Policy Statement
Anti-social Behaviour Policy Statement and Procedure	Preventing Tenancy Failure Policy Statement, Policy Guidance and Procedure
Tenancy Management Policy Statement and procedures	

7 Equality and Diversity

- 7.1 This policy aims to ensure that any reports of harassment, intimidation or intrusion by residents unhappy at the use of video doorbells are treated consistently and fairly regardless of a person's age, gender, ethnicity, religion or belief, sexuality, nationality or marital status, or for any other reason not related to the above. We will take all necessary steps to ensure we meet our obligations under the Equality Act 2010.

Version History

Version no.	1.0	Effective date:	March 2022
Full/partial review/new procedure		New procedure	
Brief summary of changes		N/a	
Staff consultation:(teams):		Tenancy, ASB, InfoGov, Legal Services	
Signed-off by:		Customer Operations Leadership Group (COLT)	
Date Published:		March 2022	
Guidance Author:		Craig Kendell – ASB Team Leader	
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