



PROPOSAL PAPER

[No. 5/2014]

**“GUIDE ON THE MANAGEMENT OF CCTV UNDER PERSONAL DATA
PROTECTION ACT (PDPA) 2010”**

Personal Data Protection Department welcomes the feedback and opinion in writing to the Department in relation to matters raised in this paper. The feedback and opinion shall be submitted before 11 July 2014 to the address or e-mail as follows –

**Personal Data Protection Department
Level 6, Kompleks KKMM
Lot 4G9, Persiaran Perdana, Presint 4
Pusat Pentadbiran Kerajaan Persekutuan
62100 Putrajaya
Email: pcpdp@pdp.gov.my
Fax: 03 8911 7959**

Contact person –

**Siti Dinar binti Othman (Tel: 03 8911 7924)
Sengngeng binti Mohd.Saleng (Tel: 03 8911 7397)
Ab. Rahman bin Jarawi (Tel : 03 8911 5168)**

The paper seeks to obtain feedback and opinion on the proposal of the Personal Data Protection Department (the Department) to establish a Guide on The Management of CCTV Under Personal Data Protection Act (PDPA) 2010 (Act 709).

INTRODUCTION

CCTV or closed circuit television that are commonly used in business premises and commercial areas such as banks, shopping centres and supermarkets as well as in offices and airports is a surveillance system that uses video cameras and related equipment. However, with the increase of criminal cases in the country; CCTV is now more prevalent in high-risk areas of crime and also at private residences. This paper aims to provide guidelines for an individual or organization in the management of CCTV under Personal Data Protection Act (PDP) 2010 (Act 709).

APPLICATION

Wherever installed, CCTV is able to capture any images in its coverage area, including individual images. In Section 4, PDPA interprets "*personal data*" as "*... any information ... that relates directly or indirectly to a data subject, who is identified or identifiable from that information or from that and other information in the possession of a data user ...*". With reference to this interpretation, an individual's image is also identified as personal data and will be subjected to PDPA when it is

involved in a commercial transaction such as for promotion or sale of products and services either by contract or otherwise. For CCTV images used in commercial transactions, compliance with the Personal Data Protection Principles is necessary to protect the privacy rights of individuals and reduce the risk of misuse of personal images recorded.

GENERAL PRINCIPLE

Section 45, PDPA explicitly exempts from the provisions the personal data processed for the purposes of individual's personal, family or household affairs, including recreational purposes. Also, the General Principle exempts personal data processed for the prevention or detection of crime or for the purpose of investigation. Accordingly, for purposes other than the above; consent is required from an individual for any of his/her images recorded are to be used in commercial transactions.

NOTICE AND CHOICE PRINCIPLE

It is the responsibility organizations or the owner of premises installed with CCTV to display a notice that is visible to the visitors and placed at the entrance to the CCTV surveillance zone, informing them of the CCTV operation and the purposes for installation. For the use of CCTV at workplace, the primary purpose of installation is for crime detection

and prevention. Hence, it CANNOT be misused for other purposes such as staff monitoring.

DISCLOSURE PRINCIPLE

It is important for organizations to provide a clear procedure for handling CCTV images. This is to establish the responsibility of monitoring the images, especially in deciding which images should be recorded, how the images will be used and to whom they may be disclosed. Disclosure of CCTV images should be controlled in accordance with the purpose of installation. For example, if the system is installed to assist in crime detection and prevention; therefore the images shall be disclosed only for such purposes.

SAFETY PRINCIPLE

Organizations need to take necessary steps to ensure that the safety aspect of CCTV handling and operation is always prioritized. Organizational policies and procedures related the safety of CCTV handling and recording should be understood by the operating officers through appropriate communication and training. Access to the control room and CCTV footage should be clearly recorded and limited only to authorized personnel in order to avoid recorded images, especially the images of identifiable individuals to fall into the wrong hands.

RETENTION PRINCIPLE

PDPA does not prescribe any minimum or maximum period for the storage of recorded images. However, the retention period of those images should reflect the purpose of recording by an organization. This is to ensure that the rights of individuals' with their captured images in the CCTV are protected. Images may be kept longer if needed for the purpose of investigation by law enforcement agencies. However, they must be deleted if there is no reason to keep them.

DATA INTEGRITY PRINCIPLE

An individual's image from the CCTV intended to be used by an organization for the purposes agreed to by the individual must be clear, accurate and not misleading. In this case, the management may need to consider the use of suitable cameras depending on location and field of view to ensure images captured are of high quality, clear and precise. Organizations also need to ensure the same responsibility extends to the external processor if the organization intends to use the services of the party for processing the CCTV footage.

ACCESS PRINCIPLE

Individuals have the right to view their own images captured upon their request. However, procedures for access along with necessary details

from the individual should be provided explicitly by the organization to confirm his/her request for access to his/her images only.

The paper above represents initial suggestions of the Department. The Department would therefore like to welcome any feedback and opinion on the above proposed matters.