



## **ICO view on CCTV installation being made a condition of an alcohol licence by the licensing authority**

The Data Protection Act 1998 (the Act) regulates the holding and processing of personal information that relates to living individuals and which is contained in, or related to, images captured using CCTV.

Over the last few months the ICO has received a number of complaints from landlords, privacy activists and journalists stating that licensing authorities are making CCTV a condition of a licence as a matter of course.

CCTV installation and use should not be made a condition of an alcohol licence unless there is a justification for doing so. If there has been no history of crime or antisocial behaviour associated with your premises and no likelihood of future trouble, it is difficult to see how the installation of CCTV can be justified as a licensing condition to prevent crime or antisocial behaviour. If you have had no ongoing problems with minors buying alcohol on your premises, then this cannot be the justification for making CCTV a condition of your licence.

Licensing authorities are able to set conditions on any licence they grant to sell alcohol. However, conditions which are placed on a licence must be consistent with the details contained in the application for a licence, such as the plan of the bar or the times that alcohol might be provided, and must help to meet the licensing objectives. Licensing authorities are also bound, as public bodies, to ensure that they act in accordance with the provisions of the Human Rights Act 1998 and that any processing of CCTV is necessary and proportionate to meet a legitimate aim. In addition, any retention, use or disclosing of personal information caught on CCTV must be carried out in line with the data protection principles.

### **Licensing policies**

All licensing authorities are required to produce a licensing policy. Many of these licensing policies present the installation of CCTV as a model condition for obtaining a licence to sell alcohol. This runs contrary to the need for licensing authorities to consider CCTV installation on a case by case basis.

In addition, many of these model conditions include provision that CCTV images should be provided to local police services "on request". This wording does not fit in with the provisions of the Data Protection Act 1998 (which requires a prejudice test) and could be seen as contradicting the UK's obligations to implement the provisions of the European Data Protection Directive.