

Privacy & You

(2010.11.18)

CCTV Surveillance

One day, Mr. Wang and his wife were shopping at a shop near their residence. At the entrance, they saw a poster displaying a photo of a scene of suspected shoplifting, which had been derived apparently from the CCTV surveillance system in the shop.

Wang and his wife found the suspected shoplifter in the photo was easily identified, looking like their neighbour. They began talking about the suspect. Mr. Chan, one of the neighbours, heard what they said, also stopped to take a look at the poster.

Regarding the case, Chan wondered whether personal images used in posters like this would violate someone's privacy in some way. He thought that the shop management had better consult the Office for Personal Data Protection.

Upon Chan's recommendation, the shop manager visited the Office for Personal Data Protection. According to him, the CCTV surveillance system was used for security purposes. The suspected shoplifting recorded by the CCTV did not cause significant loss. Hence, instead of reporting the incident to the police, the shop management used the image data to produce a poster and put it up in the shop premises to warn others for preventing shoplifting.

After consulting the Office for Personal Data Protection, the manager realised that, according to the Personal Data Protection Act, personal images are personal data under the protection of the law. Processing such data is subject to the provisions of the law. It was legitimate and legal to use video surveillance system in shop premises for security reasons, aiming at the protection of the shop owners' legal and legitimate interests, whereas it went beyond security purposes if the shop chose to process image data derived from the CCTV system in the way it did, which constituted processing data related to suspected crime, without fulfilling its obligations under the Act. Therefore, the shop might be guilty of using personal data for purposes other than that for which personal data were collected. The accurate approach to deal with the incident would be reporting the case and submitting the related data to the police which have the authority to handle such cases.

Having the advice of the Office for Personal Data Protection, the manager made a

critical review on the approach in which the shop had processed people's personal data. The shop removed the problematic photo, updated the contents of the notice, and submitted the related data to the relevant law-enforcement department, in conformity with the Personal Data Protection Act.

(The text is provided by the Office for Personal Data Protection. The cases presented here are based on social reality and past real-life cases. Any enquiries about personal data protection can be referred to the Office for Personal Data Protection by phone at 28716006.)