

Security camera neighbour comes unstuck

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The Christmas holidays provide an opportunity to catch up with jobs around the house, but this could lead to trouble, as Mr Woodard found out when installing security devices around his home.

It takes a real-life case to breathe life into the law, especially one as dry as Data Protection flavoured with just a dash of Land Law. And for spicing up our lives, we should give thanks for the case of [Mary Fairhurst v Jon Woodard](#).

How many people consider the [Data Protection Act 2018](#) before installing security cameras. Jon Woodard, an audio-visual technician, living in Thame Oxfordshire, did not when installing cameras around his home, including a Ring Doorbell on his front door and two security cameras whose fields went outside the boundaries of his property. All three devices picked up sound and visuals, and he could watch and listen to recordings of his neighbours and other passers-by on his iPhone. His intention was to prevent crime.

In his enthusiasm for his inventiveness, he showed his neighbour a video of the captured data on his iPhone. The neighbour, a scientist, Dr Mary Fairhurst, was horrified and distressed so much by the knowledge he could pick up her comings and goings and conversations that, after failing to persuade him to compromise, she moved out of the home which she'd lived in for more than twenty years. The situation escalated after uncivil text messages on the part of Mr Woodard. As a result, Dr Fairhurst issued court proceedings claiming Mr Woodard had breached her Data Protection rights.

Mr Woodard argued that his camera collection of data and its processing was necessary to prevent crime, which was accepted as a legitimate interest. The question for the

Judge was whether Dr Fairhurst's right to privacy trumped this.

Helpfully the Judge distinguished between the audio and visual recordings. She found that the audio recordings were collected unlawfully on all three devices. The legitimate aim of preventing crime could be achieved without audio (or by an instrument whose microphone had a much more limited range than Mr Woodard's devices, including the Ring Doorbell).

On visual data collected by the Ring Doorbell, the Judge found that Dr Fairhurst's data was only likely to be collected incidentally as she walked past Mr Woodard's front door. On balance, his crime prevention interest for visual data on that device did not override her right to privacy.

Mr Woodard's other two devices collected visual and audio data outside the boundaries of his home. The Judge found that the claimed interest of crime prevention was not strong enough to outweigh the right to privacy of Dr Fairhurst. Accordingly, she found that Mr Woodard breached the Data Protection Act. Dr Fairhurst would be entitled to damages and injunctive relief (a remedy that restrains a party from doing certain acts or requires a party to act in a certain way).

The lesson to be learnt is that installing and using these security devices turns one into a data controller for Data Protection purposes. Still, it is also a helpful reminder that we should all strive to be good neighbours, even when challenging.

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