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SEMINAR ON BUILT  
ENVIRONMENT  
AND TECHNOLOGY  
(USBET) 2023**

**SUSTAINABLE BUILT  
ENVIRONMENT**

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# THE ASSURANCE OF CCTV SURVEILLANCE FOR CIVILIAN PRIVACY RIGHTS AT AEON MALL NILAI

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## ABSTRACT

*This research explores the owner's assurance of public privacy protection in Aeon Mall Nilai. The problems statement for this research are CCTV cameras must adhere to guidelines in commercial spaces and public areas, but hidden cameras in fitting rooms raise concerns about public safety and privacy and Malaysian Federal Constitution lacks a specific privacy law, relying on common law and Personal Data Protection Act. The main objective why this research was written are to identify and analyse the assurance of CCTV surveillance for civilian privacy rights at Aeon Mall Nilai. For this research, the data collection method is qualitative method. The interview session was conducted to collect data on semi-structured and unstructured questions. The findings of research are the need of put up signs to inform people about the presence of CCTV, Premises must install CCTV in their own area only, Building owners are responsible for installing CCTV in areas permitted by the premises only, Premises cannot disclose footage to the public except with the supervision of the relevant authorities, Only certain authorities can review CCTV recordings. The act of duplicating CCTV recordings for the public is prohibited among staff and premises must maintain accurate records of type, amount, duration, and range in their businesses.*

**Keywords:** CCTV, privacy, PDPA 2010

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## **INTRODUCTION**

According to Vennam et al. (2021) highlight the rise in thefts and criminal activity, leading to a surge in CCTV surveillance systems. These systems monitor people's behaviour, movements, and activities for management, control, and protection. They are utilized by governments, private organizations, residential, commercial, and public spaces for safety and security purposes.

However, there are concerns about the violation of people's right to privacy that are closely related to the data gathered from CCTV surveillance. This occurs as a result of the potential for CCTV surveillance data to be abused by unintended recipients. Moreover, according to Ayub et al. (2019) the Personal Data Protection Act 2010 only protects information related to commercial transactions, and the Federal Constitution of Malaysia does not expressly recognize privacy as a fundamental right.

Therefore, the topic of this article will be how much the owner of the premise in the building assures the public's right to privacy protection. In order for the public to feel secure with the CCTV data recorded in the building and not misused, this study uses a qualitative research method that involves interviewing the owner of the premise at Aeon Mall Nilai about the CCTV assurance issue.

## **LITERATURE REVIEW**

### **CCTV**

CCTV cameras have gained popularity over the past three decades worldwide, primarily used to monitor and record real-time images of specific locations. These systems can be used for various purposes, such as preventing theft, monitoring traffic, or monitoring sporting events. However, crime prevention is the most common and often justifies the deployment of CCTV systems. The environment plays a critical role in the initiation and progression of criminal behaviour, as it is influenced by situational factors.

Criminal behaviour is influenced by spatial distribution, with crime concentration in areas that provide opportunities for them and facilitate their commission. CCTV cameras are widely used in public places, businesses, establishments, streets, schools, and along public highway routes. Skogan (2019) argues that the proliferation of CCTV should be contextualized in terms of innovations that will shape video surveillance's future.

Cuevas (2016) claims that most CCTV camera systems have a common goal of crime and disorder prevention through deterrence. They also provide public reassurance, reduce fear of crime, and increase the use of public spaces. Piza (2021) states that CCTV cameras have a deterrent effect, as offenders are likely to calculate the risk

and opportunity of committing a crime, and the cameras monitoring them cause them to refrain from committing the crime.

## **Privacy**

According to Lukács, A. (2016), Máté Dániel Szabó, a Hungarian jurist, came up with the definition of privacy that "privacy is the right of the individual to determine about himself/herself." This idea may include a wide range of what is thought to be private, as practically all of the definitions given above can be included in this category.

## **PRIVACY LAW OF FACE RECOGNITION TECHNOLOGY IN THE UNITED KINGDOM, UNITED STATES AND MALAYSIA**

### **United Kingdom**

The Data Protection Act of 2018 is the UK's primary privacy law, and Section 64 of the Act mandates controllers to conduct an impact analysis on data protection if processing personal data poses a significant risk to individuals' rights and liberties. The assessment includes a description of activities, risk assessments, risk reduction strategies, and safeguards for personal information protection. Subsection (4) also requires an evaluation of data processing's nature, scope, context, and goals. The South Wales Police Force used live automated face recognition technology for surveillance, violating Article 8 of the European Convention on Human Rights and failing to adhere to public sector equality responsibility.

### **United States**

The Biometric Information Privacy Act (BIPA) was passed in 2008 by the State of Illinois and the National Biometric Information Privacy Act of 2020. The Act defines face geometry as a biometric identifier, and any information obtained based on it is considered biometric information. Private entities with access to biometric identifiers must have a publicly accessible policy, including retention schedules and destruction criteria. Section 15(a) prohibits private entities from acquiring or purchasing biometric information without written notice and consent. Section 15(b) requires a reasonable standard of care to protect biometric identifiers and information from disclosure. Section 20 grants individuals who have been wronged by a BIPA violation the right to take legal action, including damages, reasonable legal fees, and court costs.

### **Malaysia**

The Federal Constitution recognizes the right to privacy as a fundamental liberty, but the legislation protecting it, particularly with regard to FRT, is sparse. This means that parties who are wronged have limited legal recourse. The Personal Data Protection Act of 2010 (PDPA) is the only piece of legislation in Malaysia that addresses data privacy, but it only applies to personal data pertaining to commercial transactions.

The PDPA does not offer enough legal protection to a person whose privacy rights may be violated by the use of FRT by a particular private organization or the government. The PDPA's sections 6 to 12 contain the general concept, notice and choice principle, disclosure principle, security principle, retention principle, data integrity principle, and access principle.

When public entities violate one's privacy rights, one may seek redress under constitutional rights violations. In Zainal et al. (2021), three requirements are outlined: the plaintiff's constitutional right was violated, the person who violated the plaintiff's constitutional right acted under or for the State, and the plaintiff suffered or lost their constitutional right as a result of the person's actions or inactions. In situations where third parties who do not have a business relationship with the plaintiff violate their private rights, the plaintiff may rely on the cause of action for invasion of privacy. Malaysian privacy law must advance to solve the issues brought on by the introduction of FRT.

## METHODOLOGY

This study used the qualitative approach of face-to-face interviews. The author of the interview divided the interview questions among five participants to be answered. This question is divided into two parts: Part A demographic and Part B semi- structured and unstructured questions. The participant of this research will be the owner of premise or the person in charge with CCTV in the premise.

### Location

The location chosen as a case study at Aeon Mall Nilai Negeri Sembilan. Here are the details of the selected building data.

**Table 1: Information of Case Study**

NO	GENERAL INFO	DESCRIPTION
1.	Building Name	Aeon Mall Nilai, Negeri Sembilan
2.	Coordinate	2.8176°N, 101.7907°E
3.	Address of building	No 2, Persiaran Pusat Bandar, Putra Point, 71800 Bandar

## Primary Data Collection

The research objective will be achieved through case study observation, ensuring CCTV surveillance for civil privacy rights. Data collection will be based on interview questions. Ethical issues are crucial in qualitative research, and researchers must obtain informed consent from participants. The interview protocol should be structured to elicit detailed responses about experiences, feelings, and views. A pilot test should be conducted before conducting interviews to detect difficulties and fine-tune techniques.

Face-to-face interviews should be conducted in a welcoming setting, with prompts to elicit more information. Recording and note-taking are necessary to capture nonverbal signs and emotions. Data transcription and analysis are conducted after the interviews, organizing and categorizing data, detecting themes and patterns, and interpreting findings to meet study objectives. Confidentiality is maintained, and data should be securely preserved with only authorized researchers. Validity and reliability are ensured through procedures like member-checking and peer debriefing.

## Secondary Data Collection

Throughout the dissertation preparation process, desk research will be undertaken. The bulk of material may be collected through journals, books, internet pages, newspaper and magazine articles, academic research, and other sources deemed valuable by the researcher in conducting the study. This study is being supported by all of these data.

## FINDING AND ANALYSIS

### Semi-Structured Interview Finding

**Table 4.11: Semi-Structured Interview Finding**

Respondent	F1	F2	F3	F4	F5	F6	F7	F8	F9
	1(a)	1(b)	1(c)	1(d)	1(e)	1(f)	1(g)	1(h)	1(i)
<b>R1</b>	√	√	√	√	√	√	√	√	x
<b>R2</b>	√	√	√	√	√	√	√	√	x
<b>R3</b>	√	√	√	√	√	√	√	√	x
<b>R4</b>	√	√	√	√	√	√	√	√	x
<b>R5</b>	√	√	√	√	√	√	√	√	x

Approved (√)

Rejected (x)

The table depicts an assessment or evaluation framework with responders marked as R1 to R5, factors labelled as F1 to F9, and sub-questions such as 1(a) to 1(i) related to Factor 1. Checkmarks (√) indicate acceptable factors, whereas "x" marks indicate rejected ones. Through sub-questions, the table assesses responders across nine variables. The table provides a concise overview of individual accomplishments in relation to these criteria. All factor from F1 to F9 have been explain in detail below.

F1 – Needs to put up signage to inform about the presence of CCTV F2 – Premises need to install CCTV in their own area only.

F3 – The building owner is responsible to install CCTV in the permitted area of the premises only.

F4 – The premise cannot expose the footage to the public except with the relevant authority's supervision.

F5 – Only certain authorized parties can check on CCTV footage.

F6 – Duplication action of CCTV footage to the civilian is forbidden within personnel.

F7 – The premise may not install CCTV in user's private area inside the building such as (toilet/ changing room).

F8 – The premise must store complete information on the type/amount/duration/range of clear footage on every angle in their respective businesses.

F9 – The premise must eliminate the CCTV footage from their storage every 3 months without leaving any traces.

Overall, the study's participants reached a consensus on several factors that are crucial for assuring civilian privacy in Aeon Mall Nilai through the use of CCTV surveillance. First factor they approved on the importance of putting up signage to inform about the presence of CCTV. According to Edwards (2023) said Video surveillance signs for companies are more prevalent than for individual housing units. So, the signage will helps create awareness, fosters transparency, promotes compliance with rules, and contributes to a sense of security.

For the second factor all of them approved that premises need to install CCTV in their own area only. It is because according to Strom et al. (2010), this will help maintain positive relationships with neighbouring businesses, focus surveillance efforts on high-risk areas, prevent misconduct, and ensure compliance with privacy laws and regulations installing cameras only within the premises' own area, and avoiding sensitive locations.

Concerning the third issue, they all approved that the building owner is solely responsible for installing CCTV in the allowed area of the property. The use of camera systems, according to Inspired eLearning (2022), must be objectively justified, ideally by an impartial authority, and the objectives and expected outcomes must be defined.

To ensure privacy, building owners should avoid putting CCTV cameras in sensitive areas such as restrooms, staff offices, and dressing rooms. This indicates a compromise between security concerns and privacy rights.

The fourth factor all of them are approved that the premise cannot expose the footage to the public except with the relevant authorities' supervision. According to IFSEC Global (2021), this reflects a commitment to maintaining privacy, protecting sensitive information, and complying with legal and regulatory requirements

For the factor number five all of them are approved that only certain authorized parties can check on CCTV footage. According to IFSEC Global (2021), Rice University's Security Camera Acceptable usage Policy emphasizes that all information obtained through the usage of security cameras is deemed secret, and that any publication of observations or other information for non-official reasons is banned. So based on this statement it show that certain parties only able to check on CCTV footage.

Next, the factor number six all of them are approved that duplication action of CCTV footage to the civilian is forbidden within personnel. According to the Malaysian Parliament (2010) in PDPA, unauthorized duplication of CCTV video may violate individuals' private rights and may result in violations of privacy rules and law.

Furthermore, the factor number seven all of them are approved that the premise may not install CCTV in user's private area inside the building such as (toilet/ changing room). According to the Malaysian Parliament (2010) PDPA policies frequently emphasize the need to get consent, limit data collection to required reasons, and respect individuals' privacy rights.

Other than that, the factor number eight all of them are approved that the premise must store complete information on the type/amount/duration/range of clear footage on every angle in their respective businesses. According to the Malaysian Parliament's (2010) PDPA, companies may better manage and monitor occurrences, investigate security breaches, and maintain compliance with legal and regulatory obligations by preserving detailed information regarding CCTV video.

Meanwhile for the factor number nine all of them are rejected that the premise must eliminate the CCTV footage from their storage every 3 months without leaving any traces. According to the Nation Protective Security Authority (2020), there is no specified duration for keeping CCTV footage. So based on this statement the unique conditions, the optimal storage time can be chosen by the owner of premise.

## **Unstructured Interview Finding (PART B)**

The result of unstructured interview there have several additional factor that can give the assurance of CCTV surveillance for civilian privacy rights from the owner of premise such as Reliable person in ownership of CCTV data, Install CCTV in a strategic location that is in a place in hidden from the public eye, Installing a monitor that displays the CCTV footage, Appoint a committee on a rotating basis to operate the CCTV operation room, Install CCTV only in areas that require surveillance, such as parking areas, entrances, and other high-risk areas, and Use of strong passwords and always updating security software.

## **CONCLUSION**

This research aims to investigate the privacy protection measures in Aeon Mall Nilai's CCTV cameras. Malaysian law lacks specific rules for CCTV cameras in public places, but concerns remain about hidden cameras in fitting rooms. Interviews and questions were conducted with residents, who suggested that signs should be placed in designated areas and that mall owners should be responsible for putting cameras in the right places. The researchers also suggested that only trusted individuals should have access to the footage, and the cameras should be hidden from the public. They also suggested using monitors to show footage, but they also emphasized the importance of privacy and data protection. A group of people should be responsible for the cameras, and they should change regularly. The cameras should be placed in specific locations, have strong passwords, and be updated regularly to protect against hackers.

## **RECOMMENDATION**

Future research on CCTV surveillance safeguards in Malaysia can help develop a comprehensive legal framework and guidelines for responsible and ethical use of CCTV systems. It is recommended to explore the need for and feasibility of enacting a specific CCTV act, analyse the experiences of other countries, and investigate public perception and attitudes towards CCTV surveillance. This will provide valuable insights into privacy trade-offs, acceptable practices, and the need for legal and ethical safeguards. Additionally, research should explore the impact of emerging technologies on CCTV surveillance and privacy, such as artificial intelligence, data analytics, and biometric identification. These findings can inform policy-making, regulatory initiatives, and industry practices, contributing to a more secure and privacy-respecting environment in the context of CCTV surveillance.

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**SITI BASRIYAH SHAIK BAHARUDIN**  
Timbalan Ketua Pustakawan

*nar*

*Setuju.*

*27.1.2023*

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