



Tax & Business Lawyers

# NEWSLETTER

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## VIDEO SURVEILLANCE IN CONDOMINIUMS: LEGAL FRAMEWORK AND MAIN OBLIGATIONS

The installation of video surveillance systems in condominiums has become increasingly common to enhance security.

However, their implementation is subject to strict legal rules, both in terms of condominium law and personal data protection.

It is therefore essential to understand the rights, duties and legal limits associated with the installation and use of this system.

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Business Team

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## INTRODUCTION

The installation of video surveillance systems in condominiums has become increasingly common, reflecting growing concerns about the safety of people and property.

In Portugal, the use of cameras in common areas is governed by two fundamental plans: on one hand, the Civil Code, with regard to the rights and duties of condominium owners and administrators; on the other, the personal data protection regime, enshrined in the General Data Protection Regulation (GDPR – Regulation (EU) 2016/679) and Law No. 58/2019, which ensures its implementation in the domestic legal system.

The work of the National Data Protection Commission (Comissão Nacional de Proteção de Dados – CNPD), as the supervisory authority, complements this legal framework, and it is therefore essential to understand the limits and obligations associated with the installation and use of these systems.

## LEGAL FRAMEWORK

Under the Civil Code, each co-owner has the right to use and enjoy their unit and the common areas of the building. Consequently, the installation of cameras in common areas depends on a decision by the co-owners' meeting, and it is recommended that the condominium regulations expressly govern the use of the system, particularly regarding the areas covered, purposes and operating hours.

For the purposes of the GDPR and Law No. 58/2019, video surveillance constitutes the processing of personal data and is subject to a set of fundamental principles:

### Transparency

Condominium owners and visitors must be informed of the existence of the system through visible signage. It is mandatory to display, in a clearly visible place, a notice identifying the private security entity authorised to operate the system, the data controller and the following statement:

*"For your protection, this location is subject to video surveillance."*

The notice must be accompanied by the symbols legally defined by Internal Administration Ordinance No. 373/2012.

## Purpose

The images collected may only be used for security and management purposes within the condominium.

## Data minimisation

Only images that are strictly necessary should be captured. Cameras may not focus on the interior of autonomous units, reserved areas, neighbouring properties or public roads, except to the extent strictly necessary to ensure access to the building.

They must be directed exclusively towards common areas, avoiding, whenever possible, the direct capture of doors to units, lifts, terraces or balconies for exclusive use.

Sound recording is prohibited, unless prior authorisation has been obtained from the CNPD.

## Retention

Images must be retained for a maximum period of 30 days and must be deleted within 48 hours after that period. This limit does not apply when there is a criminal case that justifies the preservation of the recordings.

## Security and confidentiality

Access to images is restricted to authorised persons, and appropriate technical and organisational measures must be taken. The transfer or unauthorised copying of recordings is prohibited.

Anyone who, in the course of their duties, has access to the images is subject to a duty of confidentiality, under penalty of criminal liability.

The condominium administrator assumes special responsibility for ensuring compliance with these obligations and must ensure that the system fully complies with the applicable legal regime.

## RESPONSIBILITY OF THE ADMINISTRATOR AND CONDOMINIUM OWNERS

It is important to distinguish between the installation of cameras in autonomous units and in common areas.

Within the scope of their private property, each co-owner may install cameras for the protection of persons and property, without the need for authorisation from the condominium. However, these cameras must be limited to the interior of the unit and may

not capture images of common areas, neighbouring properties or third parties. The images may only be used for the purposes of reporting criminal activity.

If there are workers in the unit (e.g. domestic staff), the system may not involve constant monitoring of their work activities, and they must be informed of its existence in advance.

Conversely, in the common areas of the building, the installation of video surveillance requires the unanimous decision of the condominium owners' meeting, including owners and tenants. Consent must be expressed and reduced to writing, namely through registration in the minutes.

It is not permissible for a condominium owner to install cameras on their own initiative in common areas such as garages, entrances, corridors or other shared areas.

Condominium owners have the right to:

- ✓ be informed about the installation and operation of the system
- ✓ challenge decisions they consider illegal or abusive
- ✓ demand compliance with applicable legal standards

In turn, they must:

- ✓ comply with validly approved decisions
- ✓ not interfere with, manipulate or damage the equipment
- ✓ cooperate in ensuring the legality of data processing

The administrator is responsible, in the exercise of their duties, for:

- ✓ ensure that the system is only installed after valid approval
- ✓ guarantee adequate information to co-owners and visitors
- ✓ control access to images
- ✓ represent the condominium before the authorities
- ✓ ensuring the correct storage and disposal of recordings
- ✓ prevent any abusive or improper use

## CONCLUSIONS

Video surveillance is an increasingly common tool used in condominiums to enhance security. However, its implementation requires a careful balance between protecting people and property and safeguarding fundamental rights to privacy and personal data protection.

The adoption of these systems must comply with criteria of necessity, proportionality and legality, and individual initiatives in common areas are not permitted.

The administrator plays a central role in ensuring the system's compliance, while condominium owners must respect the applicable legal limits.

In short, video surveillance can be a legitimate and effective tool, provided it is used in a responsible and transparent way and only when strictly necessary.

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