

SURVEILLANCE CAMERA CODE – summary of consultation responses

We engaged in statutory consultation, as required in Section 29 of the Protection of Freedoms Act 2012. Statutory consultees are:

- (a) such persons appearing to the Secretary of State to be representative of the views of persons who are, or are likely to be, subject to the duty under section 33(1) (duty to have regard to the code*) as the Secretary of State considers appropriate,
- (b) the Association of Chief Police Officers,
- (c) the Information Commissioner,
- (d) the Chief Surveillance Commissioner, [*now Investigatory Powers Commissioner*]
- (e) the Surveillance Camera Commissioner,
- (f) the Welsh Ministers, and
- (g) such other persons as the Secretary of State considers appropriate.

*This refers to police and local authorities.

We wrote to representatives of all the organisations listed at (a) to (f) and gave six weeks for responses. In addition, the Surveillance Camera Commissioner ran a consultation of stakeholders (g) and also advertised the consultation on his webpage.

We received six responses from statutory consultees. The National Police Chiefs' Council confirmed that they had no comments, although we separately received a few suggestions from a portfolio lead. The Association of Police and Crime Commissioners was similarly supportive. The Information Commissioners' Office and the Investigatory Powers Commissioners' Office suggested some clarification around GDPR terminology and references to the Regulation of Investigatory Powers Act 2000 respectively. Some made suggestions that were out of scope of the Code, and so could not be reflected here, such as the suggestion that the Government should adopt the Code, as a minimum voluntarily, across its estate; or changes that would be more appropriate in other guidance referenced by the Code.

The Surveillance Camera Commissioner received 36 responses. Nine of these were from representatives of statutory consultees (police and local authorities), who also declared broad support. These again included some points that were outside the scope of the Code, as well as others that could be considered for inclusion in other guidance.

The other consultees included academics, technology companies, representatives of transport networks, users of CCTV and civil liberties groups. Most responders supported the proposed changes. A number suggested more detailed additional text. We are considering how best to take forward these suggestions. As suggested by these consultees, we added further references to legislation in the definitions

section, and a reference to the new Forensic Science Regulator Act 2021. As with other responses, there were suggestions that went beyond textual changes and were outside the scope of the consultation.

We had used the following approach when considering how to update the Code:

- Reflect legislative changes since 2013.
- Reflect at a high level the judgment in *Bridges v South Wales Police*; more detailed relevant guidance will be available via the College of Policing and police forces' own local policies; we additionally noted that there is also guidance available from the Surveillance Camera Commissioner and the Information Commissioner's Office.
- Make the document easier to use by simplifying it.
- Not to add any new burden to those who should have regard to the Code.

We used the same criteria when considering proposed amendments during the consultation. We accepted:

- Amendments relating to legislation and associated terminology, including to list all the main relevant legislation referred to in the document in the definitions section and to reference the Forensic Science Regulator Act.
- Changes that were factual, clarificatory or made the document simpler.

We also received suggestions, that are not reflected in the document, including to:

- Broaden out the additions in principle 12 to apply wider than just policing: *Bridges* was a judgment that was specific to policing.
- Widen the scope of who needs to follow the Code. This would add burdens and would require separate legislation outside the scope of this exercise.
- Add new text. We feel that many of this could go into other guidance.
- Add details about specific technologies, for example drones and body worn video. However, these are already covered under the general definition of surveillance camera systems at the start of the Code, and the fact that the Code is principles based rather than technology specific helps to ensure it does not rapidly get out of date as technologies and use cases develop.
- Set out industry standards. This is potentially worthwhile, but would involve a substantive separate exercise, and could be covered in other guidance.
- Ban certain technologies. The Government is committed to empower the police to use new technologies to protect the public while maintaining their trust and the Code is one tool to help them do that.