



OFFICE OF THE BIOMETRICS
AND SURVEILLANCE
CAMERA COMMISSIONER

Chief Constables/Commissioners of Police
Local Elected Policing Bodies
Local Government Association
National Crime Agency
CC: Senior Responsible Officers
By e-mail

15th February 2022

Re: Updated Surveillance Camera Code of Practice

To Relevant Authorities

I am writing to you as Biometrics and Surveillance Camera Commissioner regarding the [Surveillance Camera Code of Practice](#) recently updated by the Home Office.

As you will be aware, policing bodies and local authorities are under a legal obligation to have regard to the statutory Code which regulates the use of surveillance camera systems in public places. The Code applies to all overt surveillance camera systems including devices used on mobile platforms and those worn by personnel.

The Home Secretary laid an updated Surveillance Camera Code before Parliament on 16 November 2021 pursuant to Section 31(3) of the Protection of Freedoms Act 2012 (PoFA). Upon receiving parliamentary approval, the updated Code came into effect on 12 January 2022. The main changes are updated references to subsequent legislation, in particular the Data Protection Act 2018, and to address the issues in [the Court of Appeal judgment on the use of live facial recognition](#)¹. The text has been shortened to make it easier for users to follow and is intended to *enable* the legitimate and accountable use of surveillance capability by relevant authorities. **The updated Code does not place any additional burden on users.**

The revision of the Code provides a timely reminder of the responsibilities of relevant authorities when operating surveillance camera systems.

¹ R (on the application of Bridges) v Chief Constable of South Wales Police [2020] EWCA Civ 1058

I have a statutory function under the [provisions of PoFA](#) to encourage relevant authorities to comply with the Code which, if properly adopted, will ensure that any operation of surveillance camera systems by relevant authorities is proportionate, justified, transparent and for a legitimate purpose. The Code relates to overt surveillance camera systems such as Automatic Number Plate Recognition (ANPR), facial recognition technology, body worn video cameras, drone borne cameras, helicopter borne cameras and CCTV systems (both static and mobile). This is by no means a definitive list and surveillance cameras used in or on vehicles may also attract the provisions of the Code.

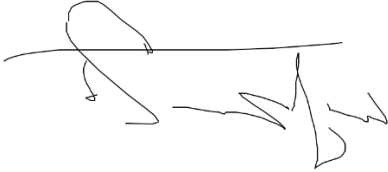
My office will be conducting a survey later this year to understand further police forces' compliance with PoFA and the Code. This will follow a similar format to the previous surveys carried out in 2017 and 2019. I will be seeking information on the numbers and types of surveillance camera systems in operation, whether compliance can be demonstrated across those systems, accountability, governance and partnership arrangements, the uptake levels in my third-party certification scheme, and the steps that are being taken to ensure those systems are being operated in a manner which is consistent with the need to respect the fundamental rights and freedoms of the citizens whom they serve.

You will know more acutely than most the level of public attention that can be generated by surveillance technology and there are significant ethical and human rights considerations that attach to the proper use of surveillance cameras in public spaces. Considerations such as individuals' right to respect for their private and home life, the requirements of the Public Sector Equality Duty and the need to balance competing rights and legitimate expectations are central to maintaining public support for the lawful and proportionate use of surveillance technology in delivering your respective functions. Having regard to the Code will minimise intrusiveness, ensure data protection, provide public reassurance, and reduce the potential for deployments to discriminate inappropriately against individuals or groups.

Crucially, some ethical and human rights considerations begin before deployment at the early stages of manufacturing, procurement, and contract management of surveillance camera systems. You may be aware I have significant concerns about the approach of some surveillance camera manufacturers, and I have raised these publicly on several occasions. I am therefore very pleased that the FCDO and Cabinet Office intend to issue new guidance to enable buyers to exercise their discretion more effectively and exclude suppliers linked with modern slavery and human rights violations from bidding for public-funded contracts. At a recent appearance before the House of Lords Justice and Home Affairs Committee on 'New Technologies and the application of the Law', the Policing Minister also referenced the Government's intention to address ethical procurement through the Public Procurement Bill. This will further strengthen the ability of public sector bodies to disqualify suppliers from bidding for contracts where they are associated with human rights abuses including forced labour and modern slavery. I have been discussing this with colleagues in the Local Government Association and we are revising our respective 'buyer's guidance' accordingly.

Please do share this update amongst your colleagues and as always, my office are available for support and guidance via enquiries@obscc.org.uk or for further reading you can [visit my website](#).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Fraser Sampson', written over a horizontal line.

Professor Fraser Sampson
Biometrics and Surveillance Camera Commissioner