



OFFICE OF THE BIOMETRICS
AND SURVEILLANCE
CAMERA COMMISSIONER

The use of overt surveillance camera systems in public places by local authorities in England and Wales: an assessment of compliance with section 33(1) of the Protection of Freedoms Act 2012 and the Surveillance Camera Code of Practice

May 2023

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Background

1. Following a similar survey conducted by a previous Surveillance Camera Commissioner in 2020, the Biometrics and Surveillance Camera Commissioner wrote to the Chief Executives of all local authorities in England and Wales in July 2022, asking for details of their use and governance of all overt surveillance camera systems deployed in public places.
2. The purpose of the survey was to gain a better understanding of the extent to which local authorities are complying with their statutory responsibilities arising from the Protection of Freedoms Act 2012 (PoFA) and the Surveillance Camera Code of Practice, in connection with their overt use of surveillance camera systems that fall within the definition of section 29(6) of PoFA.
3. Systems covered by the survey include CCTV, ANPR, body-worn video, unmanned aerial vehicles, helicopter-borne cameras and facial recognition technology, but the survey also extends to other systems.
4. The survey also sought to understand the nature of partnership relationships with third-party operators, manufacturers, suppliers and installers of surveillance camera systems, and uptake levels of the Commissioner's third-party certification scheme.
5. It is worth noting that the Commissioner has no powers to require the completion of the survey or to supply the information requested.
6. Initial analysis on a small number of questions relating to the use of cameras and equipment manufactured or supplied by surveillance companies outside the UK about which they had any security or ethical concerns, was published in May¹.

Summary of findings and observations

7. Of the 354 local authorities canvassed, 143 (40%) provided responses. This compares with a response rate of approximately 50% for the 2020 survey, which took place at a time when many local authorities were forced to divert resources due to the covid pandemic. It is not clear what the specific reasons for a lower response rate are for this survey, but we have speculated that this could be because of some reconfiguring of local authorities, staff movement, and changes to contact details. That there is no one clear route into local authorities undoubtedly hindered the requesting of the information.

¹ <https://www.gov.uk/government/publications/local-authority-survey-2022-initial-analysis>

8. It is clear that the deployment of cameras across many different parts of local authority business areas continues, and that a wide variety of systems are used. CCTV, which increasingly feels like an outdated term for surveillance camera systems, is the most widely used, and there are other systems also in use, including body worn cameras, and cameras mounted on unmanned aerial vehicles ('drones'). There were no reports of any local authorities using facial recognition technology.
9. There is a degree of confusion amongst those local authorities providing responses about whether the surveillance equipment they are using is associated with any security or ethical concerns. It is clear from the returns that there is little understanding of which suppliers this might apply to, to the extent that several respondents reported concerns, but stated they did not know who the manufacturer of their cameras is.
10. The returns relating to due diligence undertaken during the procurement process suggest that, while modern slavery and national security considerations do feature, there continues to be an emphasis on value for money, which may be to the detriment of security and ethical considerations.
11. The number of local authorities that reported they worked collaboratively with other organisations is surprisingly low. For instance, only 58 (40%) of respondents reported that they worked in collaboration with the police, which has fallen dramatically since the last survey, when 124 respondents reported such a relationship. There has also been a reduction in the numbers reporting that they work collaboratively with other local authorities (42, compared with 73 in 2020). Whilst the reduced number of returns received for this survey could account for some of that fall, further work would be needed to understand the full reasons.

Survey responses

Existing tools and guidance

Q: Prior to this survey, was your local authority aware of the following tools and guidance documents on the Biometrics and Surveillance Camera Commissioner's website?

93% of local authorities who responded to the survey stated that they were aware of the self-assessment tool and the data protection impact assessment for surveillance systems, and around three quarters of respondents were aware of the SPoC guidance and the Passport to Compliance. Awareness of the Service Level Agreement Framework and the Buyers Toolkit was reported by more than half of all respondents.

	Yes	Percentage (of the 143 respondents)
Self-Assessment Tool	134	93.7
Data Protection Impact Assessment for surveillance systems	134	93.7
Buyers Toolkit	77	53.8
Passport to Compliance	95	66.4
Guidance: Introducing a Single Point of Contact	98	68.5
Service Level Agreement Framework	85	59.4

Note: Many respondents reported being aware of more than one of the above, hence the total exceeding the number of respondents

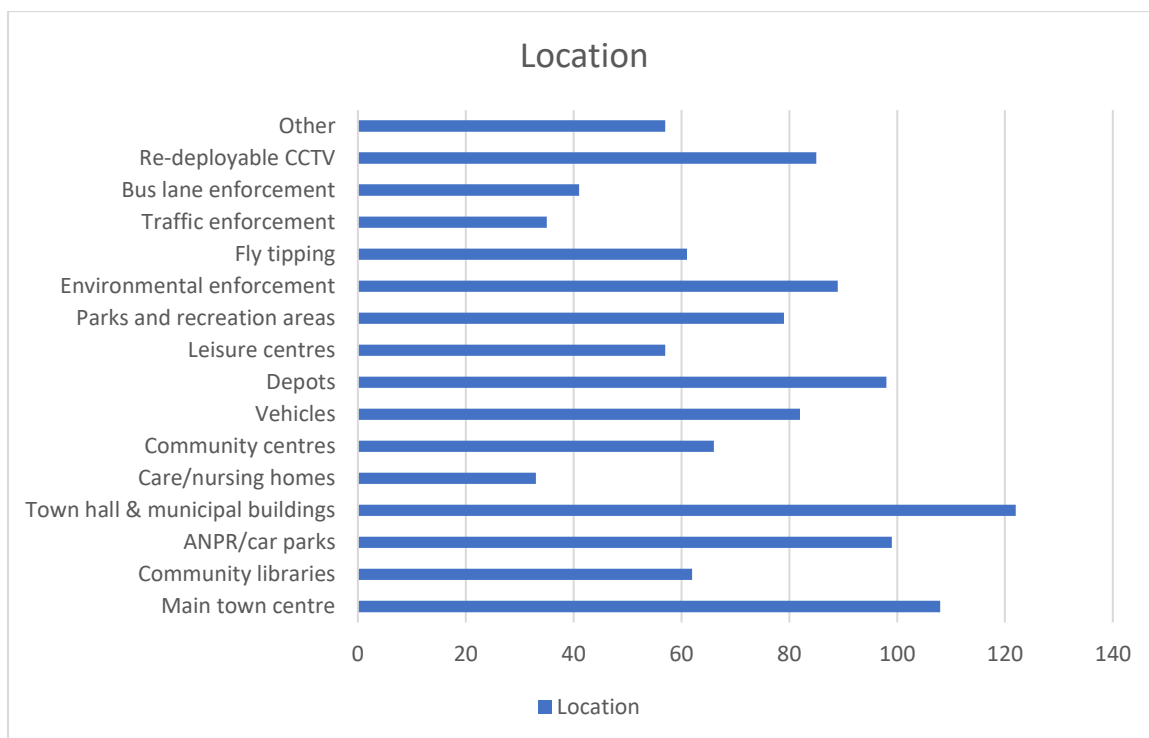
Q: Prior to this survey, was your local authority aware that the Surveillance Camera Code of Practice was updated by the Home Office in January 2022?

It is pleasing that 125 respondents were aware of the updates to the surveillance camera code of practice published by the Home Office earlier in 2022, but it is unfortunate that 16 local authorities were not aware. This could be because of changes in roles and responsibilities within those local authorities, or simply a lack of awareness. It is vital that updates to guidance are promulgated as widely as possible.

Public space surveillance systems

Q: Does your local authority operate any public space surveillance systems? (could include Town Centre CCTV, CCTV in public buildings, body worn video, automatic number plate recognition, unmanned aerial vehicles and so on)

98.6% (141) of respondents indicated that their local authority operates public space surveillance systems, and systems are in use in every area that was listed, as well as 'other' areas such as the use of body-worn video, ANPR air quality monitoring, and unmanned aerial vehicles ('drones'). Of the remaining three submitting responses, one said they did not use public space surveillance systems, and two did not answer the question.



Q: Where you are operating public space surveillance camera systems, can your local authority demonstrate that due regard has been given to the 12 guiding principles in the Surveillance Camera Code of Practice? Where the answer is no, please detail any non-compliance issues.

Location	Yes	No	Partial
Main town centre	105	36	2
Community libraries	49	93	1
Car Parks - CCTV	90	52	1
Car Parks - ANPR	29	113	1
Town hall & municipal buildings	99	41	3
Care and nursing homes	30	113	0
Housing	54	86	3
Community centres	36	107	0
Vehicles	63	78	2
Depots	76	65	2
Leisure centres	45	97	1
Parks and recreation	68	74	1
Environmental enforcement	73	68	2
Fly tipping	54	88	1
Traffic enforcement	27	115	1
Bus lane enforcement	29	113	1
Re-deployable CCTV	72	69	2
Other systems	38	104	1

Some local authorities indicated that, whilst they could not specifically demonstrate compliance with the 12 guiding principles, they had completed a public impact assessment for the system in question. Another stated that they were compliant, despite the fact that that specific piece of technology had never been deployed.

Q: Has your local authority completed the Biometrics and Surveillance Camera Commissioner’s Self-Assessment Tool (SAT) for any of the systems you operate? Please specify the date/s that SATS have been completed for each system, and whether SATs have been published on your website. Where SATs have not been completed, please explain how compliance with the Surveillance Camera Code of Practice is demonstrated.

Location	Yes	No
Main town centre	29	114
Community libraries	6	137
Car Parks – CCTV	21	122
Car Parks – ANPR	8	135
Town hall & municipal buildings	17	126
Care and nursing homes	0	143
Housing	8	134
Community centres	7	136
Vehicles	6	137
Depots	11	132
Leisure centres	9	134
Parks and recreation	17	126
Environmental enforcement	12	131
Fly tipping	6	137
Traffic enforcement	3	140
Bus lane enforcement	2	141
Re-deployable CCTV	21	122
Other systems	1	142

Some respondents indicate that, whilst they have not completed the SAT, they have published information on the public-facing website on how they meet the 12 principles. For the purposes of analysing returns, such indications have been recorded as no return.

Q: Has your local authority completed a Data Protection Impact Assessment (DPIA) or Human Rights Impact Assessment for any of the following systems? Please specify the dates that DPIAs have been completed and any reviews. If a DPIA has been completed, please confirm whether you are using the Biometrics and Surveillance Camera Commissioner’s surveillance camera specific DPIA or an alternative template.

This return shows the number of local authorities confirming they have completed or partly completed a DPIA using the BSCC's template

Location	Yes	No	Partly
Main town centre	68	75	0
Community libraries	25	117	1
Car Parks - CCTV	48	93	2
Car Parks - ANPR	15	128	0
Town hall & municipal buildings	52	90	1
Care and nursing homes	12	130	1
Housing	33	109	1
Community centres	16	126	1
Vehicles	28	114	1
Depots	41	100	2
Leisure centres	21	122	0
Parks and recreation	36	107	0
Environmental enforcement	36	106	1
Fly tipping	21	122	0
Traffic enforcement	15	128	0
Bus lane enforcement	16	127	0
Re-deployable CCTV	45	97	1
Other systems	16	124	3

Funding

Q: How is your main town centre CCTV system funded?

While 27 local authorities indicated that they do not have a main town centre CCTV system, 89 stated that the local authority is solely responsible for its funding, and one that it was fully funded by the police and/or the police and crime commissioner. Other returns indicated that their town centre system is jointly funded by the local authority and either the police/police and crime commissioner (11 local authorities), or with the police and business (3 local authorities).

When asked what type of system is used for their main town centre CCTV system, it is concerning that 40 respondents either provided no answer or stated unknown. Some local authorities also indicated that their system is comprised of equipment from more than one manufacturer. A total of 36 different manufacturers were mentioned, with companies mentioned five times or fewer with the exception of:

Manufacturer	Number of local authorities reporting use
Synectics	25
Hikvision	15
Veracity	12
icomply	9
Meyertech	6
Dahua	6

Q: Does your local authority require CCTV in taxis as part of licensing requirements? If so, are audio capabilities switched on?

81% of respondents stated that this was not a requirement for licensing purposes, and 15% provide no response. Of the 6 local authorities who confirmed this is a requirement (4% of respondents), 4 reported that audio is not switched on, one of whom stated that it is optional for the driver and passengers.

Third party certification

Q: Has your local authority obtained third party certification against the Surveillance Camera Code of Practice for any of the surveillance camera systems it operates? If yes, please specify whether Step 1 Desktop certification or Step 2 Full certification has been obtained.

Scheme	Type of surveillance system in use	Step 1 Desktop certification	Step 2 Full certification
Main town centre	54	13	27
Community libraries	13	2	6
Car parks (CCTV)	34	8	17
Car parks (ANPR)	6	1	3
Town Hall & Municipal Buildings	38	4	11
Care and/or nursing homes	7	1	3
Housing	23	3	7
Community centres	10	1	5
Vehicles	23	1	5
Depots	30	4	11
Leisure centres and/or swimming pools	17	2	6
Parks and recreation areas	30	4	14
Environmental enforcement cameras (including body worn video)	26	2	9
Fly tipping	14	1	2
Traffic enforcement cameras	8	0	4
Bus lane enforcement cameras	13	1	5
Re-deployable CCTV cameras	30	8	13

Q: If your local authority has not obtained third party certification against the Home Secretary’s Surveillance Camera Code of Practice for any of the surveillance camera systems it operates, what is your reason for not having sought certification?

Of the local authorities giving reasons for not having obtained third party certification, 53 stated that they needed to improve or review their systems and procedures before they could obtain certification, although it is not clear whether this is something that they intend to do and, if so, any timescales involved. 25 local authorities did not deem it necessary, 9 stated that it was too expensive to obtain, and 4 considered the process too complicated. A number were not aware of the scheme’s existence (22), and others stated they did not have sufficient knowledgeable resource to enable them to apply (6). 29 local authorities gave other reasons, including awaiting completion of a digital upgrade, conducting their own internal reviews, and competing priorities forcing certification lower down the list.

Collaborative working

Q: Is your local authority working in partnership with any of the following organisations in relation to the operation of any surveillance camera system? Please provide details in the text below to explain which scheme/s and the type of surveillance camera system the partnership exists for.

The largest category of established partnership organisation reported is a partnership with the police (41% of respondents reported an existing relationship), followed by partnerships with other local authorities (29%) or the private sector (12%). Only 1% of local authorities providing a response to the survey reported that they worked in partnership with the public and/or residents of their area.

Conversely, 52% stated that they did not work collaboratively with the police or residents/members of the public (88%). Further exploration is required to fully understand the basis of these statements, but on the face of it, there feels to be a lack of collaboration between some local authorities and their police forces.

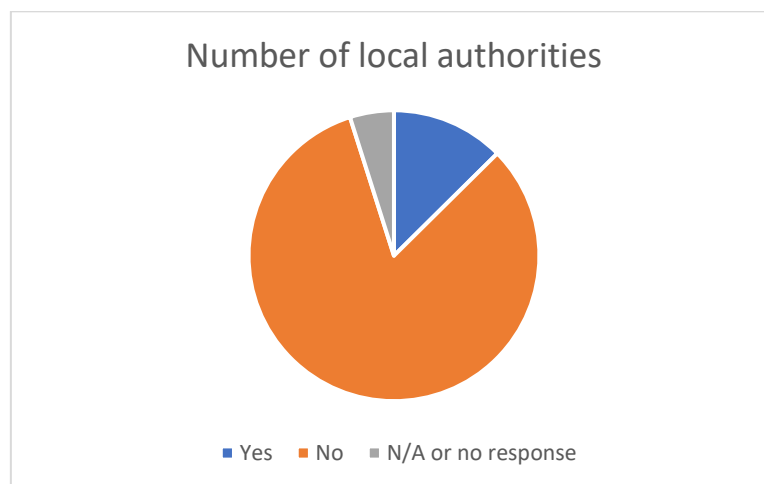
	Police	Other local authorities	Third party operating cameras on your behalf	Private sector organisations - e.g., retailers, shopping centres	Member of the public/residents
Yes	58 (41%)	42 (29%)	30 (21%)	17 (12%)	2 (1%)
No	74 (52%)	90 (63%)	103 (72%)	111 (78%)	126 (88%)
N/A	11 (8%)	11 (8%)	10 (7%)	15 (11%)	15 (11%)

Q: Where partnerships exist with third-party operators, what governance arrangements does your local authority have in place to ensure that the surveillance camera systems being operated on your behalf are compliant with the provisions of

Section 33 of the Protection of Freedoms Act and the principles of the Surveillance Camera Code?

75 responded either no, or that this question was not applicable to their local authority. Of the 67 that did supply a response, answers included reference to the council remaining the data controller, having a DPA, contracts, policy or service level agreements in place to cover the issue, being a member of the third-party certification scheme, and having SIA-accredited staff. Two local authorities specifically noted that they conduct an internal audit and checks, and one noted that it used an external auditor.

Q: Has your local authority used the Service Level Agreement framework on the Biometrics and Surveillance Commissioner’s website?



Security and ethical considerations

Q: Is your local authority using any cameras or equipment manufactured or supplied by surveillance companies outside the UK about which there have been any security or ethical concerns?

Location	Yes	No/no response/not applicable
Town centre	63 (44%)	80 (56%)
Community libraries	20 (14%)	123 (86%)
Car parks (CCTV)	14 (10%)	129 (90%)
Car parks (ANPR)	5 (4%)	138 (96%)
Town hall, municipal buildings	19 (13%)	124 (87%)
Care and nursing homes	6 (4%)	137 (96%)
Housing	10 (7%)	133 (90%)
Community centres	10 (7%)	133 (90%)
Vehicles	19 (13%)	130 (87%)
Depots	36 (25%)	107 (75%)
Leisure centres	24 (17%)	119 (83%)
Parks and recreation	31 (22%)	112 (78%)

Environmental enforcement	20 (14%)	123 (86%)
Fly tipping	20 (14%)	123 (86%)
Traffic enforcement	3 (2%)	141 (98%)
Bus lane enforcement	9 (6%)	134 (94%)
Re-deployable CCTV	29 (20%)	114 (80%)
Other	17 (12%)	126 (88%)

Manufacturers cited by different local authorities across these different areas include Hikvision (159 mentions), Dahua (28 mentions), with all other manufacturers being mentioned fewer than 10 times. A number of local authorities noted that yes, they do use such equipment of concern, however they were unable to name the manufacturer causing them such.

Q: What due diligence have you undertaken to assure yourselves that the companies with whom you are in surveillance partnership (including third-party operators, manufacturers, suppliers and installers) are in no way connected to activities that involve any element of modern slavery, forced labour or otherwise unethical conduct and/or pose a risk to national security?

31 local authorities responded with none, not applicable or similar. Of the 112 that provided a response to this question, all but 5 stated that this is considered or involved in their procurement and tendering processes.

Q: Do you as an organisation consider the cyber security of your equipment?

90% (130) of local authorities providing a return said that yes, they do consider the cyber security of their equipment, while 2% (3 respondents) said they did not. 10 local authorities providing a return on the survey did not answer this question, from which may be inferred that they either do not give it consideration, or they don't know whether they do. Of the 130 replying yes to this question, 76 mentioned in their replies that they had a specific person or team involved and responsible for this task. Of the mitigations reported, there were 8 mentions of encryption, 6 of penetration testing, 3 of using a VPN, and one mention of health checks.

Q: Do you have any supply chain requirements (or do you consider supply chain requirements) in your decisions on purchasing equipment or maintenance contracts?

It is somewhat concerning that 64 local authorities responded no to this question, which raises questions around the accountability of their spending. Of the 79 confirming the existence of supply chain requirements, examples of those requirements included ensuring value for money; the performance, price, warranty and ease of installation of equipment; considerations around the Modern Slavery Act and cyber security; environmental sustainability; and statements made in the procurement document. One local authority stated that it was waiting for guidance from the Home Office, BSCC and Local Government Association on the issue of ethical procurement of CCTV equipment

Good practice and further guidance

Q: Does your local authority demonstrate good practice with regards to compliance with the Surveillance Camera Code of Practice which you would wish to share to the benefit of other local authorities?

57 respondents shared examples of their good practice, which included being certified by BSCC and adherence to the 12 guiding principles. Others mentioned membership of CCTV user groups, which shares best practice amongst members, reviews and inspections to ensure continued and future compliance, and publishing compliance documents on public-facing websites. The Commissioner has previously stressed the importance of trust and confidence of the public when utilising surveillance technology, and the publication of compliance documents goes a good way in building this, and he encourages all local authorities to adopt this practice.

On the subject of additional guidance, and what local authorities would find helpful, 13 respondents said that clear or further guidance on an array of topics would be beneficial, and which included definitive advice on what cameras should not be used and more general advice on the use of different types of equipment, and on private hire or use of CCTV. Others asked for additional training to be made available or suggested that workshops could be run by the Commissioner and his office, and more generally the sharing of best practice. One local authority requested that a live phone line be set up by OBSCC to provide guidance. Whilst this is not possible with the limited staff available, it is useful to take the opportunity here to say that any queries should be emailed to enquiries@obscc.org.uk which we endeavour to respond to in 10 working days.