



**SURVEILLANCE CAMERA  
COMMISSIONER**

**Annual Report**  
2015/16



# Surveillance Camera Commissioner Annual Report 2015/16

Presented to Parliament pursuant to Section 35(1)(b) of  
the Protection of Freedoms Act 2012.

November 2016

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# Foreword

Dear Home Secretary

I am delighted to present my third Annual Report covering the period April 2015 to March 2016.

My team and I have enjoyed another very busy year. I have continued to speak at industry and community events, comment in national and local press and on social media on emerging topics striving to fulfil the objectives set within the Protection of Freedoms Act 2012 (PoFA). I continue to see the impact of austerity bite at local authority level – impacting on the provision of surveillance cameras in principal local authorities and Town and District councils as some authorities switch systems off or reduce monitoring. Despite these challenges this report identifies key areas where I have been able to drive up standards and compliance with legal requirements and demonstrate that success.

The report also highlights the competing impact between advancing technology (its implications for society in terms of public space surveillance) and the aforementioned austerity measures at local authority level. The latter presents threats to local town centre systems with some funding streams being withdrawn. Poor systems with ageing technology are not suited to maximise advancing technology in the form of video analytics automatic facial recognition or systems with predictive capability. The advent of 5G and smarter cities will soon become a reality. The 'internet of things' will impact upon public surveillance as data is collected, pushed around the networks and cross referenced with other databases. This is a strategic issue for organisations utilising such technology, regulators and the citizens it impacts upon. Its value as an intelligence and protective tool is clear, its ability to impact on the privacy of the citizen is equally clear.

These issues also present opportunities for communities. I am seeing and actively encouraging collaboration in providing public space CCTV between local authorities, police and businesses where costs are being spread across organisations. This lends itself to raising standards, economies of scale and more effective and efficient use of surveillance cameras. Those in the vanguard of such arrangements – Rugby First, Cumbria and Bristol are already benefiting from this approach. It is no coincidence that these organisations are amongst the first to acquire third party certification (launched in November 2015) or successful completion of the self-assessment tool (SAT).

A key ambition of mine is to raise standards across the complex surveillance camera landscape of manufacturers, installers, designers and end users. I am pleased to say that efforts are beginning to bear fruit. I have developed more effective ways of measuring adherence with the Surveillance Camera Code of Practice (SC Code) – something that has hitherto eluded civil liberty groups, operators and end users from either exploring such issues or demonstrating compliance. We have designed tools for the 'installer community' to utilise and are continuing to look to engage with manufacturers, raising the profile of the SC Code.

The SAT, created to demonstrate observance to the SC Code, is increasingly being utilised to good effect by public and private sector. This report highlights detailed engagement with local authority chief executives that demonstrates determined efforts to encourage take up. Similarly police forces are working with us across the spectrum of new technologies – Unmanned Aerial Vehicles (UAV's), Body Worn Video (BWV) and Automatic Number Plate Recognition (ANPR).

Bespoke self-assessment tools are being developed for these technologies in conjunction with chief police officer leads for these areas. I am confident that this will serve to enhance public confidence in the use of these emerging surveillance camera devices by providing a transparent window for communities to observe compliance against the SC Code. I look forward to reporting more fully on those initiatives next year.

To further raise standards I have also introduced a third party certification scheme, operated by United Kingdom Accreditation Service (UKAS) accredited certification bodies (National Security Inspectorate (NSI), IQ Verify and Security Systems and Alarms Inspectorate Board (SSAIB)). My aim is to encourage take up of these schemes to enable outward demonstration of compliant schemes to the public thereby increasing confidence that surveillance camera systems are properly operated in line with the SC Code. The scheme links into the self assessment process and has been constructed to provide a rigorous and independent approach to demonstrating compliance but also for completion to be considerably less expensive than other forms of accreditation that are available but little used. The integrity of the scheme has been protected by approving only UKAS accredited certification bodies to manage applications. I have registered the logo as a trademark to protect against unauthorised use and to maintain confidence and integrity of the scheme.

A link to compliant local authorities is embedded within this report. I have communicated rigorously with local authorities this year advising them that I would take this action. I encourage local citizens, opinion formers and any other interested group to engage bilaterally with their local authority if that authority is not demonstrating compliance. Public space surveillance should not only be legitimate and proportionate but its use transparent to the public.

This Annual Report highlights areas of success, areas of progress and areas where more work needs to be done in terms of compliance to the SC Code. PoFA sought to ensure that public space surveillance is seen by the public to support communities and not spy on them. As such relevant authorities under the Act must have a statutory duty to 'have regard to' the SC Code. My role encourages all other organisations operating public space surveillance cameras to voluntarily adopt the SC Code.

A large segment of my work during this reporting year focused on the 'Review of the Impact and Operation of the Code'. This work fulfils a commitment made by Ministers during the progress of the Bill prior to its enactment in Parliament. Within that review I made 9 recommendations, which if Government implemented, would further assist the fair and transparent management of surveillance camera systems. These recommendations were sympathetic to Government philosophy underpinning the Act, namely light touch and incremental progress. However, if enacted, they would empower the citizen to know and understand the nature of surveillance conducted on its behalf and hold relevant authorities to account. It would also expand the number of public authorities that, for the time being, sit outside the current list of relevant authorities.

I am working with Ministers to advance these recommendations. I believe Government engagement on each of these recommendations will serve to underline continuing support for the role of Surveillance Camera Commissioner, the SC Code and the sentiment of 'surveillance by consent' which trailed the advent of the legislation.

Much of the work highlighted in this Report would not have been possible without the willing support of many within the industry and beyond. I am pleased to report that fellow privacy commissioners – the Chief Surveillance Commissioner, Information Commissioner and Her Majesty’s Chief Inspector of Constabulary – all continue to provide excellent support, the detail of which is highlighted in the body of the report.

I continue to receive much valued and willing support from my Advisory Council who provide guidance, support and challenge in equal measure. The review of the SC Code required much involvement from civil liberty groups, industry specialists (manufacturers, designers and integrators) and professional bodies (British Standards Institute (BSI), British Security Industry Association (BSIA), SSAIB, NSI). My thanks to the organisations involved for volunteering the service of their individuals. My special thanks to those individuals who provided support and guidance to my team and I over some of the more complex technical issues. I am of course indebted to the work provided by my support team who willingly engage, explore and provide support and advice in accordance with my directions.

As I move into the third year of my Commission I am pleased to announce that all of the above partners are actively supporting the development of a National Surveillance Camera Strategy for England and Wales to be ready for consultation during Autumn 2016. This approach will help harmonise regulation and guidance for the vastly complex surveillance camera landscape, it will co-ordinate issues around developing technology, training and awareness of civil liberty issues. It will focus upon making sure that surveillance camera systems in public places do help keep the public safe whilst observing their right to privacy and will drive up standards amongst the industry.

A handwritten signature in black ink, appearing to read 'Tony Porter'. The signature is stylized and cursive, with the first name 'Tony' and the last name 'Porter' clearly distinguishable.

Tony Porter  
Surveillance Camera Commissioner

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# Introduction

This report covers the exercise of my statutory functions during the period 1 April 2015 to 31 March 2016. I am delighted to report that my team met virtually all of the objectives that were set in our business plan for the year (Annex A – my business plan for 2016/17 is at Annex B).

Some of the highlights of the year are reflected below:

- The launch of a third party certification scheme<sup>1</sup> in November 2015 enabling any organisation to outwardly demonstrate compliance with the SC Code. Approximately 40 organisations have been awarded my certification mark since launch.
- Completion of the review into the impact and operation of the SC Code<sup>2</sup> submitted to Home Office Ministers in February 2016 outlining 9 recommendations which Ministers have considered and I am now working with Home Office officials to look at which might be implemented<sup>3</sup>.
- Liaison with all principal local authority chief executives to encourage completion of the self-assessment tool – at the time of publication 85% of local authorities have completed it.
- Development on updating the Home Office Centre for Applied Science Operational Requirement<sup>4</sup> into a 'Passport for Compliance' for organisations to follow when thinking about the installation of CCTV – due for publication in 2016/17.
- Beginning work on a National Surveillance Camera Strategy for England and Wales<sup>5</sup> aimed at providing direction and leadership in the surveillance camera community to enable system operators to understand best and good practice and then demonstrate compliance with the principles of the SC Code and any associated guidance.
- Launch of the Surveillance Camera Commissioner Blog in February 2016<sup>6</sup>.
- Progressed work with the NPCC lead on ANPR to promote transparency of its use across all forces to provide greater clarity on governance arrangements and consideration of the legislative framework to support ANPR.

Throughout the reporting period my Standards Group continued to meet once a quarter to advise me and my Advisory Council on a range of matters from simplifying the standards framework, identifying drivers for greater adherence to standards and energising new work that supports those objectives from within the group itself. As the National Surveillance Camera

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<sup>1</sup> <https://www.gov.uk/GovernmentGovernment/publications/surveillance-camera-code-of-practice-third-party-certification-scheme>

<sup>2</sup> <https://www.gov.uk/GovernmentGovernment/publications/review-of-the-surveillance-camera-code-of-practice>

<sup>3</sup> <https://www.gov.uk/GovernmentGovernment/publications/GovernmentGovernment-response-to-the-review-of-the-surveillance-camera-code-of-practice>

<sup>4</sup> [https://www.gov.uk/GovernmentGovernment/uploads/system/uploads/attachment\\_data/file/378443/28\\_09\\_CCTV\\_OR\\_Manual2835.pdf](https://www.gov.uk/GovernmentGovernment/uploads/system/uploads/attachment_data/file/378443/28_09_CCTV_OR_Manual2835.pdf)

<sup>5</sup> <https://www.gov.uk/GovernmentGovernment/publications/national-surveillance-camera-strategy-outline-document>

<sup>6</sup> <https://videosurveillance.blog.gov.uk/>

Strategy for England and Wales develops I believe the function of this group will shift to support the strand leads and identify priority areas for development of standards.

The issue of raising standards will run like golden thread throughout each strand of the National Surveillance Camera Strategy as it does throughout this report. I look forward to reporting next year on the progress of the strategy.

Further to the above I have continued to work with the British Standards Institution (BSI) to develop the work commenced in 2014. A research project following on from earlier national workshops points to the desirability of developing a single online hub that gathers all CCTV issues together under one central point.

# Chapter 1 – Review of the impact and operation of the surveillance camera code of practice

During the passage of the Protection of Freedoms Bill Government Ministers committed to a 'Review of the Impact and Operation of the Code' during 2015 (referred to as 'The Review')

I conducted a comprehensive review throughout April to October 2015 and reported to Government in February 2016. For ease of reference I have published the recommendations here as I will refer to these issues throughout the body of the report. I do not refer to extent and scope of the review as it is incorporated within that document.

I must however reiterate my gratitude to everybody across the industry and spectrum of interested parties who participated in conferences, seminars, private round tables and surveys. These views were invaluable in allowing me to shape a report that I believe accurately and fairly reflected the 'impact and operation of the SC Code.

## Recommendations

1. The Code to specify that local authorities appoint a Senior Responsible Officer/Single Point of Contact, at a senior level, to oversee surveillance capabilities across the entirety of the authority. This is in line with the requirements of the current Codes of Practice for directed surveillance under RIPA and RIP(S)A.
2. Government to require all relevant authorities to publish their surveillance camera coverage in terms of its systems, numbers, completed privacy impact assessments, self assessments, industry certification and outcomes of annual reviews (highlighting efficiency and effectiveness of the system). This promotes the Government's transparency agenda to the public and encourages take up of Surveillance Camera Commissioner toolkits and other compliance measures developed to raise standards. This shall be mandated by an additional section to the Code and Protection of Freedoms Act (PoFA 2012) to ensure relevant authorities are transparent in showing full compliance when operating public space CCTV systems.
3. Impact of Recommendation 2 to be monitored for compliance. Should compliance be unsatisfactory then Government to consider giving the Surveillance Camera Commissioner limited enforcement sanction powers to issue 90-day transparency notices to relevant authorities who fail to demonstrate that they operate systems to the required standards, or publish the required information for the public. Failure to do so will incur sanction penalty of independent inspection of the system by accredited inspectorates at the authority's cost and any rectification defects found and results published.

4. Police to publicise governance arrangements for ANPR infrastructure including who 'owns' the system, how policy is formulated around its usage and ensure widespread communication of its value across England and Wales by police forces.
5. Government should identify measures to encourage use of a 'Passport to Compliance' (Operational Requirement & system certification) across relevant authorities. Its transparent use will save taxpayers money and raise standards. This will be achieved by mandating in the SC Code (or PoFA 2012) full compliance to recommendation 2 and the public (and civil liberty groups) will self-police and identify non-compliance that can be reported to the Surveillance Camera Commissioner.
6. The scope of relevant authorities within PoFA is expanded to cover all public bodies in receipt of public monies or publicly funded in any way. The Act should apply to any authority using overt surveillance in public space that has obligations under the Human Rights legislation and/or capabilities under RIPA.
7. The Government should consider ways to incentivise such organisations with a significant 'surveillance camera footprint' to voluntarily adopt the SC Code.
8. Government to consider ways in which local authorities are incentivised once they certify their town centre/principal schemes against the SC Code.
9. Regulators should strive to produce one Code of Practice relating to surveillance camera systems.

I'm in discussions with Home Office Ministers and officials about how best to progress the recommendations in the Review. Some of which will become part of the National Surveillance Camera Strategy for England and Wales.

# Chapter 2 – Relevant authorities

Section 33(5) of PoFA sets out a list of relevant authorities<sup>7</sup> who must have regard to the SC Code when using any form of surveillance camera to monitor public space. The majority of cameras operated by relevant authorities are done so by local authorities (CCTV) and police forces (Body Worn Video (BWV), Automatic Number Plate Recognition (ANPR) and Unmanned Aerial Vehicles (UAVs)). As in my previous Annual Reports I continue to focus resource on these two sectors to raise awareness of the statutory obligations they must adhere to and help them understand how to meet them.

## Local authorities

Throughout the reporting year my team and I have visited local authority operated CCTV schemes and I have given numerous speeches nationally to a variety of seminars, workshops and national meetings attended by local authority personnel.

## Raising Standards

The complexity of the local authority landscape can not be overstated. Within England and Wales there exist 375 principal local authorities that are relevant authorities under Section 33(5) and use CCTV to monitor public space. Further to this there exists upwards of 10,000 local town, parish and district councils which are also classed as relevant authorities under PoFA. Anecdotal evidence suggests that at least 600 of these utilise forms of surveillance camera equipment in partnership with others (police, business), on their own. My challenge for 2016/17 is effectively communicating and working with this group to determine which individual organisations are operating public space surveillance cameras.

In 2015/16 I wrote to all principal local authorities in England and Wales – this communication has revealed that some no longer run town centre public space CCTV schemes but have handed over the running of schemes to parish and town councils. Elsewhere, some councils work in partnership and have one control room, pooling resources. The complexity goes even further in that some town and parish councils run their own systems in addition to the ones run by the principal local authority in the same locations.

I am grateful to the support of Society of Local authorities Chief Executives who has supported my team in navigating the communication pathways towards local authorities. Equally we have received helpful support from the National Association of Local Councils who has provided guidance and advice around their constitution. The Local Government Association have also provided support advising on a Councillors' guide to the SC Code<sup>8</sup> that my team produced

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<sup>7</sup> <http://www.legislation.gov.uk/ukpga/2012/9/section/33/enacted>

<sup>8</sup> <https://www.gov.uk/Government/Government/publications/surveillance-camera-code-of-practice-guidance-for-councillors>

## Self Assessment Tool and Third Party Certification

My primary focus this year has been to evidence take up of the SC Code amongst these local authorities. The benchmark I have set is two-fold:

- completion and publication of the self assessment tool and
- attainment of third party certification for those organisations wishing to further visibly demonstrate compliance.

Adherence to any form of accredited standard is not wide spread. As I stated last year the British Standard for managing a CCTV Operation Room is BS7958. The Security Systems and Alarms Inspectorate Board (SSAIB) and National Security Inspectorate (NSI) who provide assessment services to these standards advise that approximately 20 local authorities are accredited to this standard – this equates to less than 2 per cent of all principal local authorities.

Many local authority public space CCTV managers have advanced the issue of cost to comply with standards as being prohibitive. The approach I have adopted enables local authorities and town and district councils to demonstrate compliance to the SC Code at minimal additional cost and without the necessity of employing expensive consultants. In this time of austerity and shrinking local authority budgets I feel this is essential and is in line with the Government's approach to minimising bureaucracy and reducing red-tape. Equally it is essential that surveillance being conducted on behalf of the State complies and is seen to comply with relevant regulation.

Accordingly, working together with two Certification bodies (SSAIB and NSI) we developed a certification process that was launched in November 2015 at the Global MSC Security Event in Bristol. I have been delighted to recently welcome IQ Verify as a third certification body working towards raising standards. I have published on my website the 'Third Party Certification Scheme'<sup>9</sup> this outlines a two stage process.

Firstly, any organisation that completes the SAT and submits the outcome to any of the three UKAS accredited organisations (together with required documentation) is eligible for consideration of certification for a 12 month period. The second stage requires a full audit within 12 months – here the organisation will undergo an 'on site' assessment by a certification body auditor. If successful, in that audit process, the organisation will receive a certificate of compliance and be able to use my certification mark for 5 years subject to annual review.

Effectively there is now an approach that ranges from zero additional cost (except personnel management time) in completion of the SAT to a rigorous 5 year certification process. Each step has been designed through the prism of minimal cost impact yet maintaining integrity of the certification process.

For this initiative to be a success we must see local authorities engage in the process. To that end I have engaged in written communication with every local authority across England and Wales (see Annex C). The aim of that communication was to encourage all local authorities to,

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<sup>9</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme>

at the very minimum, complete the SAT and publish it on their website. This enables local scrutiny and encourages greater professionalism and compliance amongst those arms of the State who engage in this type of mass surveillance.

All local authorities are encouraged to adopt stage 1 certification of their scheme. As this dovetails with the SAT process and the costs are minimal I feel this is an excellent foundation against which to seek to drive up visible 'due regard' to standards and the SC Code.

I have been clear that my intention is to publish a list of organisations who, we have established and can confirm, are visibly 'paying due regard' to the SC Code. This will provide greater transparency and afford local communities the opportunity to ask searching questions if their local authorities are not represented in this list<sup>10</sup>. Although, completing the SAT itself is not always a sign of full compliance but an assessment of level of compliance which helps organisations to develop actions plans to make improvements to meet the principles in the SC Code.

In summary the results are encouraging. Whereas previously the only adherence to a recognised British Standard was around 2% of local authorities (approximately 20) I can confirm that (as of the time of writing this report) we can identify 85% of local authorities operating public space CCTV who have completed the self assessment tool. In addition we have reported approximately 40 have achieved certification against the SC Code. This represents an outstanding response from local authority chief executives and CCTV managers given the challenges set by Government inherent within this legislation – namely paying 'due regard' to the SC Code. This clearly illustrates that powers of sanction are not needed at this stage in order for relevant authorities to meet the principles within the SC Code.

Critics may observe that this process is merely a 'self assessment' and its value is therefore questionable. The value and essence of this approach is that system controllers are held publicly accountable for the rationale underpinning their CCTV system, its efficiency and effectiveness, and are now subject to further light being cast upon the practice by this report and subsequent local scrutiny.

Throughout year three of my Commission I aim for 100 per cent SAT completion rate by local authorities who engage in public space CCTV surveillance.

To support this approach I feel it essential that specific requirements are highlighted within the SC Code. These requirements were highlighted under recommendation 2 of the Review, namely:

*Government to require all relevant authorities to publish their surveillance camera coverage in terms of its systems, numbers, completed privacy impact assessments, self assessments, industry certification and outcomes of annual reviews (highlighting efficiency and effectiveness of the system). This promotes the Government's transparency agenda to the public and encourages take up of Surveillance Camera Commissioner toolkits and other compliance measures developed to raise standards.*

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<sup>10</sup> <https://www.gov.uk/government/publications/local-authorities-who-have-completed-the-scc-self-assessment-tool>

A simple reference in an expanded SC Code would highlight this expectation and ensure local authorities visibly showed a 'duty to have regard to the SC Code'.

## Single Responsible Officer

As previously mentioned the structure and organisation of local authorities are not homogenous and nor is their approach to managing public space surveillance cameras.

In last years report I referred to having commissioned a pilot within a local authority to identify the types of surveillance systems that are being used, including public space CCTV, BWV and ANPR)

That pilot confirmed what appeared to be the emerging position – the development of surveillance technology has brought about an increase in its use in various aspects of local authorities such as education, leisure centres, environment and housing. At the same time I receive reports that the knowledge and understanding of the relevant regulatory landscape from the Data Protection Act, European Human Rights Act and Protection of Freedoms Act is not as well understood in these parts of the organisation as it is within the public space CCTV operations rooms within local authorities.

I continue to see dislocation at local authority level with regards to the management of public space surveillance in these burgeoning areas of use. It is not enough to evidence compliant CCTV operation rooms within the general use of public space surveillance when it appears that there is a lack of compliance in other areas. I raised this matter in a blog post via the Society of Local Authority Chief Executives<sup>11</sup> and will be providing support going forward to generate more holistic and compliant approach across the range of areas where surveillance is engaged.

Accordingly Recommendation 1 of the Review calls for the SC Code to be amended to incorporate a role for a senior responsible officer at local authority level to harness good practice and enable local authorities to take a holistic view of this form of surveillance as opposed to a piecemeal approach. I have published case studies on my website and have raised the profile of this issue in blogs and on social media. This is an area that I will continue to focus upon and highlight it within the forthcoming National Surveillance Camera Strategy for England and Wales.

## Do Local authority CCTV schemes offer value for money?

Since the widespread use of CCTV by local authorities in the 1990's there has been much commentary and too little research on the value that public space surveillance cameras provides to the members of the public – at significant public expense.

My visits and discussions with police, civil liberty groups and public surveillance professionals still strongly points to the value that surveillance provides. From supporting police investigation in the London riots of 2011, underpinning the developing 'super recogniser' system being trail-blazed by the Metropolitan Police to the burgeoning number of cases where CCTV evidence is being used to support counter terrorism investigations –the Paris Charlie Hebdo attacks and

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<sup>11</sup> <http://www.solace.org.uk/knowledge/articles/2015-12-04-live-long-and-prosper---do-you-know-where-all-your/>

Brussels airport attacks to highlight just two where the use of CCTV was invaluable to law enforcement and security professionals. Indeed in my previous report I identified research conducted by Synectics<sup>12</sup>, which points to significant ongoing public support for public space video surveillance.

This question is hampered by the lack of hard empirical evidence supporting the existence of surveillance in our towns and cities. However the Metropolitan Police/London Borough wide awards to local CCTV management schemes, first held in 2015, surely demonstrates the value of the service at local level. Some Boroughs are returning, per annum, 16,000 incidents where police are co-engaged, over 500 arrests per month where CCTV has been utilised and a range of incidents ranging from the removal of drug street markets, capture of armed robbers, location of vulnerable missing people from home and prevention of suicide. This is in addition to supporting the safety of our local night-time economy, free flow of traffic movement and supporting the police in its resource deployment.

In February 2016 Big Brother Watch released a follow up report (Are They Still Watching?)<sup>13</sup> to a previous report in 2012. The focus of this report was upon a comparison in costs at local authority level to the tax payer on maintaining its CCTV systems. Amongst its key findings were:

- Local authorities control at least 45,284 CCTV cameras, a 12.5% decrease from 2012.
- At least £277,079,999.60 has been spent on the installation, maintenance and monitoring of these cameras, a decrease of 46.4% from 2012
- £38,235,429.13 was spent on the installation of CCTV, a decrease of 57.3% from 2012.
- £139,550,589.09 was spent on the maintenance of cameras, a decrease of 42% from 2012.
- £99,293,981.38 was spent on the wages and salary costs of CCTV operators, a decrease of 47% from 2012

Until those organisations seeking to rely upon the use of public surveillance are able to properly quantify its value they will find it increasingly difficult to justify its expenditure. Interesting developments in this 'quantification' are underway and being led by Assistant Chief Constable Mark Bates (the National Police Chief Council (NPCC) lead). I refer in more detail in the section relating to law enforcement – at this stage suffice to say that development of Key Performance Indicators is a major initiative within the National Surveillance Camera Strategy for England and Wales that is being developed.

The interplay between police and local authorities is a consistent theme – particularly as it relates to which organisation pays for the service and who receives the most benefit from it. This argument is being played out across the country resulting in some cases in a stand off over funding between police and Local authorities and in some cases threats to completely withdraw the service. For example, in May 2014 Anglesey made a decision to switch off their CCTV due

<sup>12</sup> [http://www.synecticsuk.com/images/pdfs/press/CI55\\_Synectics%20survey\\_spring2014.pdf](http://www.synecticsuk.com/images/pdfs/press/CI55_Synectics%20survey_spring2014.pdf)

<sup>13</sup> <https://www.bigbrotherwatch.org.uk/wp-content/uploads/2016/02/Are-They-Still-Watching.pdf>

to financial constraints. However five towns on the Island came together to bid for funding from Anglesey Charitable Trust which enabled them to switch the system back on in July 2014. They have even gone one step further to upgrade the system while ensuring that they comply with the SC Code.

This report certainly reflects the impact of austerity on local authorities but also the shift in funding from the Home Office in the 1990's to local authorities themselves. Public space surveillance is not a statutory responsibility. Therefore, when councils are being required to find budget savings of £2.6 billion in year (2015/16)<sup>14</sup> – CCTV is one of many areas where local authorities are looking to identify savings. Equally, in the 1990's when the funding was largely released, it was the local authorities that bid for and won the monies not the police. Any posturing between the respective agencies needs to be viewed through that prism.

## Austerity

A continuing theme arising from local authorities is the question of collaboration – is it appropriate for regions, agencies and businesses to collaborate to deliver the service of public space video surveillance?

There exists increasing appetite for collaboration amongst local authorities. In an age where every pound of public money must be seen to deliver – I strongly support this approach. The impact of austerity has been to reduce the level of skilled personnel operating public space CCTV operation rooms; indeed in one region in England, out of 12 Local authority public space CCTV rooms only one had a dedicated manager. All smaller councils within this group of 12 have had new managers within the last 18 - 24 months – none of whom having had any prior CCTV management experience.

I am seeing a reduction in hours where CCTV is monitored (an issue criticised by the public in the aforementioned Synectics review of 2014) and ageing equipment whose value is becoming more and more questionable. I understand that much of the local authority CCTV system is still analogue and the necessity for updating with digital HD equipment is pressing – if the advantages offered by modern technology are to be realised.

I have engaged and visited Cumbria Police and Crime Commissioner (PCC) who, in conjunction with local councils, have re-engineered their systems across the County. This process relied upon shared funding between the local town councils, police and PCC with a control room located at the police headquarters<sup>15</sup>. The outcome is a well coordinated system that has achieved the certification against the SC Code.

Further tensions between police, PCCs and local authorities emerged in Carmarthen where the former PCC withheld funding of £44,000 citing that 'there is no case to support active monitoring of public CCTV'.<sup>16</sup> Although cameras in Ammandford, Burry Port, Carmarthen and Llanelli will be retained the recorded footage captured by 87 cameras will no longer be monitored live.

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<sup>14</sup> [http://www.local.gov.uk/media-releases/-/journal\\_content/56/10180/6841467/NEWS](http://www.local.gov.uk/media-releases/-/journal_content/56/10180/6841467/NEWS)

<sup>15</sup> <https://www.gov.uk/Government/Government/case-studies/joint-working-cumbria-police-and-crime-commissioner-police-and-councils-combine-cctv>

<sup>16</sup> <http://www.bbc.co.uk/news/uk-wales-mid-wales-30513912>

There is a real danger that without strategic governance systems will age and become decrepit, operators will become deskilled and the public will be deceived into believing that surveillance is contributing to their safety when in fact it is not. If the service is to be removed then the public should be fully informed and the authorities explain their decision. If the facility is to remain then the authorities need to justify its continued presence and its utility if its operating practices are to be changed. The SC Code promotes 'Surveillance by Consent' and this issue goes to the heart of that approach.

I have delivered talks nationally to local authority leads, PCCs and the broader industry. As a result I continue to engage at a strategic level with PCCs and Local authorities. I have also sought to harness the influence of Department for Communities and Local Government in providing me with support in strategic leadership across this issue. In August 2015 I wrote to the Minister Marcus Jones MP (Annex D) and, amongst other issues, stated;

*“Local authority CCTV systems have been the bedrock of crime prevention and detection and reducing the fear of crime over the last 20 or so years. During the current period of austerity, as this is not a statutory service, it is and has been the subject of severe cuts. This is despite some Local authorities being very innovative in how they fund their systems. There are a number of examples of strategic partnerships between the police, local authorities and business in the deployment and use of CCTV that lends to an economy of scale and greater efficiency and effectiveness. These examples of best practice could be helped with some strategic leadership from the department.”*

The Minister fully supported engagement with local authorities and the Local Government Association but expressed a view that engagement was best conducted at the local level.

## Operational Requirement

A significant and developing piece of work is the refresh of the operational requirement guidance (last revised in 2009) designed by the Home Office's Centre for Applied Science and Technology and first utilised by local authorities in the 1990's when bidding for Home Office funding. The focus of the document remains the same: to provide clear guidance to non-technical users wishing to buy a surveillance camera system that is fit for purpose. It takes them through an end-to-end process from when they think they may need surveillance cameras to solve a problem, to procurement of the system, installation and finally ongoing maintenance.

This work is undergoing end user testing and will be subject to pilot. My aspiration is to develop this work into a vehicle to support the front end of the industry (manufacturers, designers, installers and integrators). In light of the report published by Big Brother Watch (Are They Still Watching?), if from a cost point alone, this is imperative. Despite the reduction in spending highlighted in the report I am certain that new and advancing technologies will see further investment by Local authorities to deliver new and exciting capabilities; from smart cities to smarter surveillance.

Throughout the reporting year my Standards Group has refreshed the previous document produced by The Home Office Centre for Science and Applied Technology<sup>17</sup> hitherto known as the 'Operation Requirement ' but in future will be recognised as 'The Passport to Compliance'

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<sup>17</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/378443/28\\_09\\_CCTV\\_OR\\_Manual2835.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/378443/28_09_CCTV_OR_Manual2835.pdf)

I set the following key questions to my Standards Group:

- How can we make the document more user friendly?
- How can those commissioning new surveillance systems more effectively hold suppliers to account (thereby protecting the taxpayers' investment?)
- Can we develop this approach into a key plank of a National Surveillance Camera Strategy so that manufacturers, suppliers, integrators and developers are clear what the minimum standards are?

I'm delighted to recognise the work voluntarily given by my Standards Group under the chairmanship of Alex Carmichael (CEO, SSAIB). The work of the operational requirement has been refreshed and I have been able to secure the services of two specialists in the field of public space surveillance, from within my annual budget, to develop this work. Placed alongside the startling costs identified by Big Brother Watch in their report ('Are They Still Watching?'), I think this represents excellent value for money.

The approach adopted within the 'Passport to Compliance' has been embedded within the emerging National Surveillance Camera Strategy for England and Wales. I am determined that this approach will inform the whole industry from manufacturing to training. It will support public and private sector managers often overwhelmed by the complexity of procuring new technology and hold those delivering this service to greater accountability.

If surveillance is to be seen as 'consensual' and 'supporting the public as opposed to spying on them' – I view this work as essential. Accordingly it features as recommendation 5 in my review of the impact and operation of the SC Code and look forward to working closely with Home Office officials to support its delivery.

At the time of writing this report the first draft of this new approach is being circulated to Standard Group members and will in due course be formally presented to my Advisory Council. Again I look forward to working with Home Office officials to determine the most effective way to embed this recommendation across relevant authorities.

## **Body Worn Video (BWV) – Parking Enforcement Officers**

As referred to under the section entitled 'Single Responsible Officer' I feel it would be helpful to highlight circumstances where challenges to the SC Code – caused by increased usage of surveillance cameras – is taking place.

In my report last year I outlined how BWV was a tool being used by many police forces. Over the reporting year its use in local authorities has become more widespread. It's typically used by employees who are in roles that could put them at risk of verbal or physical abuse for example parking enforcement officers. Correspondence received from one council stated:

*"We are increasingly using camera based solutions. We are currently in the process of installing CCTV in a town centre and more pressingly, giving our parking enforcement officers body wearable cameras. I have conducted a PIA for the latter project and am filling in your self-assessment tool but I was wondering in light of high profile privacy*

*breaches such as Southampton City Council that you might be able to provide me with some advice as to how best to implement these schemes”*

In this instance the Parking Enforcement Officer (PEO) Team had purchased BWV cameras without broader consultation with the councils’ privacy and data section. No Privacy Impact Assessments had been completed in advance of its purchase nor had the self-assessment tool been completed to determine whether policies, practices and procedures complied with the SC Code.

BWV cameras have both audio and video functions but are incapable of being turned off independently from each other. No consultation had been planned at the point of purchase nor had training for the PEO been developed.

I am delighted to say that following engagement with my team the council stepped in and immediately halted the deployment of this scheme until the necessary requirements (privacy impact assessment, training, SAT and consultation) had been completed.

I remain concerned that this is the tip of the iceberg. My engagement with the relevant council emanated from monitoring of media releases and engaging with the council. My small team is likely to miss more opportunities such as this than hit. Hence the imperative that the SC Code is expanded to ensure relevant authorities nominate a designated lead to ensure skills and knowledge is promulgated across the organisation.

## **Boston Council, Lincolnshire; Bin Lorries**

To provide balance to reporting I am delighted to say that there are strong examples of best practice which I am keen to promote on my website. One such example being the introduction by Boston Borough Council of CCTV on its bin lorries<sup>18</sup>. The council identified a pressing need to reduce the risk of fraudulent claims for damages or injury, fraudulent insurance claims in respect of accidents and incidents, as well as to improve safety, efficiency, performance and customer service by utilising CCTV on their bin lorries.

Boston Council carried out a media campaign with press articles in local papers, information on their website and fitting vehicles with signage identifying who is operating the cameras and where to go for more information. The council not only read the SC Code, they also completed the self assessment tool. They then published this tool on their website ensuring visibility and transparency throughout. This is best practice and features on my website<sup>19</sup> to encourage other users to demonstrate such transparency.

## **Surveillance Cameras in Taxis**

Throughout the reporting year the issue of surveillance cameras in taxis has been regularly profiled in the media and via enquiries to my office. The key issue has been where local authorities stipulate that surveillance in taxis is a requirement if the operator is to receive a license to taxi. Licensing schemes that are run by local authorities are within the scope of the

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<sup>18</sup> <https://www.gov.uk/Government/case-studies/surveillance-cameras-on-bin-lorries-boston-borough-council-follows-the-code>

<sup>19</sup> <http://www.boston.gov.uk/CHttpHandler.ashx?id=18104&p=0>

SC Code. All of local authorities functions relating to surveillance cameras fall under the SC Code.

There are parallels with the issuing of alcohol licenses for pubs and clubs. Does the establishment need a CCTV requirement as part of its licensing conditions? Some authorities had previously made blanket policies requiring CCTV as part of their licensing conditions. When the SC Code was launched in June 2013, the Department for Communities and Local Government announced that “Councils imposing the use of surveillance cameras in pubs will now be subject to a new stricter code of practice that will strike a proper balance between privacy and security. It should mean an end to blanket policies”.

Blanket policies are in existence. In 2009 in Southampton the Council’s licensing committee adopted a policy requiring all licensed vehicles to install CCTV equipment following a number of serious violent and sexual offences taking place in or around taxis. The ICO stepped in and took enforcement action against the proportionality of such direction.

Ultimately the question came down to whether the Council's policy was in contravention of Article 8 of the European Convention on Human Rights and whether the policy was justified as a proportionate means of achieving a legitimate aim. The tribunal unanimously ruled in favour of the ICO stating that the council’s policy of “continuous blanket audio-recording of everything said in taxis, is disproportionate...” and ruled that the policy is not justified under Article 8(2) and accordingly that it contravenes the first data protection principle.

The issue here seems to be whether or not this was the best way of achieving the objective of public safety. The tribunal said that:

*“there is scope for a more targeted scheme involving audio-recording based on times of day, types of customer (for example, children or vulnerable adults carried under contract between a taxi firm and the council), the use of panic buttons or a combination thereof, which strikes a better balance between the competing considerations and does not contravene the Data Protection and Human Rights Acts”.*

So where does the SC Code come in? In section 1.15, the SC Code talks about the responsibilities of a local authority when exercising its licensing conditions. If surveillance camera systems are to be mandated as part of the conditions of the license, then it will require a strong justification and must be kept under regular review. The SC Code also talks about a blanket approach ‘is likely to give rise to concerns about the proportionality of such an approach’.

One local authority had a serious issue where taxis were involved in cases of child sex abuse. Having discussed with the authority, I believe that they had a strong justification to implement a blanket policy for CCTV in taxis. But this wasn’t the only measure they were taking. Every driver also had to undergo additional more rigorous checks to ensure they were fit and proper to escort minors and vulnerable adults. They also accepted that taxis were also used for family use. So, the CCTV had to be switched on manually via switch in bonnet or boot when the vehicle was being used as a taxi. Audio recording was activated when necessary by either the driver or the passenger. Licenses were also going to be reviewed regularly. The recording was only accessed if a complaint was made or an issue needed investigation and could only be accessed by the local authority. In this case, there was a compelling justification, it was being reviewed regularly and there was a proportionate response to the audio recording.

In turn I can draw unfavourable comparisons with another local authority. This authority also wants to introduce a blanket policy for CCTV in taxis. This is an area I have been actively engaged in throughout the reporting year. I delivered a presentation at the National Taxi Association conference and referred this specific issue to the ICO in relation to potential data protection breaches. The system would be on whenever the vehicle was used and would therefore record private journeys. There has been no consideration regarding alternative measures to resolve issues around public safety.

There is stark difference between the two authorities – I will support those who conform to the requirements in the SC Code and challenge those who don't. I will continue to work with both.

There are also other issues that need consideration. Taxis are used to transport some of the most vulnerable in our society. They are used to take children to school and escort vulnerable adults. Generally the only parties present are the driver and the passenger. What happens if something goes wrong? So, for example, if the problem is robbery because of cash in the taxis, how about moving to cashless systems and taking card or phone payments only? If the issue is with rogue taxi drivers who undertake criminal acts, would more robust background checks help? CCTV may be part of the solution. It could be a combination of different solutions. My point is that you need to understand the problem in order to have a solution. Blanket policies are most certainly not the answer.

What happened to CCTV in taxis in Southampton? After the action taken by the ICO, the plans were abandoned. Southampton introduced further training for taxi drivers, including child exploitation awareness. That appears to have mitigated the issue for now.

And that is one of the key things to helping establishing a pressing need. The question must be asked – what is the problem and what can I do to help solve the problem. Does the solution go too far – does it unfairly invade someone's privacy?

The issue here is who is the data controller? The data controller must protect the recording and ensure that it is only accessed if there is a need e.g. a complaint is made and the data is only accessed by an authorised person. Why is this important? Because any breaches of the role as data controller could lead to an individual or organisation being fined by the Information Commissioner.

## Police

### Police and Police and Crime Commissioners

Police and Police and Crime Commissioners are the other groups of relevant authorities whose use of surveillance camera systems is significant. Unlike local authorities they do not typically operate public space CCTV although they are frequently the end user of CCTV footage during criminal investigations. The police's stock of surveillance cameras lies principally in Body Worn Video (BWV) and Automatic Number Plate Recognition (ANPR) cameras. This stock however is growing. Throughout 2015 we have seen the majority; if not all 43 forces invest in BWV surveillance. The Metropolitan Police alone has purchased approximately 20,000 devices to enable the roll out across its various components.

### Body Worn Video

My team continues to engage with police forces across England and Wales to ensure they follow and adhere to the SC Code.

In conjunction with Chief Constable Andy Marsh (NPCC lead on BWV) I have amended my self-assessment tool to be BWV specific. This will provide a user-friendly opportunity to enable forces to demonstrate to their communities that this equipment is being used in accordance with statutory direction.

Several forces are engaging with the three certification bodies to explore achieving certification. This is an approach I actively encourage. It enables the police to outwardly demonstrate to their communities that their internal practices and procedures comply with the SC Code. I anticipate throughout 2016 and beyond this figure rising significantly.

Whilst it is easy to focus on the practical challenges in managing such new technology; deployment, retention times, activation policies and so on, it is important to focus on the complex behavioural issues that arise from such equipment. After all, the SC Code refers to surveillance by consent and informed consent must be grounded in understanding the impact of its usage.

I am grateful to Renate Samson (Big Brother Watch) for bringing to my attention research conducted by Dr Barak Ariel, of the University of Cambridge's Institute of Criminology into the use of BWV<sup>20</sup>.

The study looked at the use of BWV in eight forces across the UK and the US over a total of 2.2 million officer hours. It found the rates of assaults were 15% higher against officers using the technology during a shift compared to officers who weren't using a camera – theories cited for this are advanced as:

- officers using BWV may now have independent evidence to substantiate an assault charge
- officers may be less assertive owing to the presence of a BWV leaving them open to assault

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<sup>20</sup> <http://www.cam.ac.uk/research/news/first-scientific-report-shows-police-body-worn-cameras-can-prevent-unacceptable-use-of-force>

- whether officers activating a device provoked an assault

As the Big Brother Watch stated “if Body Worn Cameras are going to be seen as a benefit to people in positions of authority in all areas of society, these complex behavioural issues cannot be overlooked.”<sup>21</sup>

Research conducted by the Metropolitan police (see Annex E) showed a decrease in allegations against officers. In addition the cost benefits to society appear to go beyond merely money savings through curtailed judicial process to alleviating the distress of victims and preventing the necessity of giving evidence in traumatic cases.

It is early days in the usage of this comparatively new technology. I will be monitoring these issues over the coming year and providing advice and guidance where appropriate.

## Automatic Number Plate Recognition

In last year’s report I highlighted ANPR cameras role in policing and explained how I had engaged with their senior police leaders and its National User Group; encouraged the police to publicise the efficiency and effectiveness of these systems and listened to views expressed by civil liberties groups as to the legality of the camera network. I also pressed the police to enumerate the exact numbers of ANPR cameras operating in England and Wales.

In November 2015 I delivered a speech to the Police ANPR National User Group conference<sup>22</sup>. I took the opportunity to deliver three challenges:

1. Given we have legislation progressing through parliament relating to other forms of surveillance – are you happy that you, the police, have done everything in your power to establish a governance structure that reflects the current public mood? Where do I go to understand the layers of responsibility?
2. Given that the Surveillance Camera Code of Practice refers to ‘as much transparency in the use of a surveillance camera system as possible’ – are you, the police, happy that your consultation and engagement with the public is thorough, robust, informed and informative?
3. Given the size of the ANPR operation are you, the police, happy that it should continue to operate outside of any legislative framework?

Since November I have been engaged with Acting Deputy Chief Constable Paul Kennedy and Home Office ANPR policy team looking at these issues.

Much work is underway to improve visibility of governance. A new ANPR strategy has been published that specifically focuses on roles and responsibilities within the ANPR framework – this will be subject to ongoing review. The constitution of the National User Group has been refreshed and published on the relevant website<sup>23</sup>.

During the reporting year I was made aware of a new police and Home Office initiative called ‘Law Enforcement Data System’ (LEDS).LEDS seeks to develop a single platform to host the Police National Computer (PNC), the Police National Data Base (PND) and ANPR. PNC and

<sup>21</sup> <https://www.bigbrotherwatch.org.uk/2016/05/are-body-worn-cameras-really-useful/>

<sup>22</sup> <https://www.gov.uk/Government/Government/speeches/surveillance-camera-commissioners-speech-to-the-anpr-national-user-group-2015>

<sup>23</sup> <http://www.npcc.police.uk/documents/NPCC%20NUG%20Terms%20of%20Reference%20April%2016.pdf>

PND are now hosted on legacy platforms that will soon be unsupported. ANPR is added so that the platform will be able to run seamless checks in any incident.<sup>24</sup>

The plan is to create a services channel whereby access can be provided to the data and intelligence. This will be on a permission basis whereby the sets and sub sets of data can be interrogated.

Proportionality will be a design feature of the system with permission-based access, with a full audit trail and a description of purpose of access. There is much work to do in terms of exact detail. My office will maintain contact to provide advice against some key issues such as visibility and transparency of system.

Significant developments are being made on transparency issues. The police and Home Office policy officials recognise that utilising my self-assessment tool (bespoke to ANPR) will go a long way towards holding forces accountable to their communities for its use of ANPR. I will aim for 100% compliance across the 43 police forces in England and Wales. This will enable the public to understand and see the relevant detail. It will hold Chief Constables and Police and Crime Commissioners to account.

Journalists, interested parties and civil liberty groups consistently complain that, for a national system, it is increasingly difficult to obtain relevant information on efficiency, effectiveness, numbers of cameras in operation etc. The advent of LEDS will increase that clamour – how are these systems working on our behalf? The ANPR SAT will answer some of these questions. I am also pleased that more information is being published on the NPCC website<sup>25</sup> in relation to ANPR. I will continue to encourage a more robust and fuller form of transparency.

I am delighted that Mr Kennedy has picked up on the need to establish a privacy group to support the ANPR policy makers. The inaugural meeting took place in (April 2016). The group comprises civil liberty group representatives, regulators, and interested parties. The group provides a transparent and useful oversight group for the police – a sense check –as to the potential impact of the ANPR system and its development.

Finally, the issue of ANPR operating without a legislative framework remains significant. In my previous report I highlighted that I have raised this with Home Office officials who in turn, I am advised, raised the issue with Home Office lawyers. The legal opinion is that ANPR is lawful and is supported by provision within the Data Protection Act and SC Code. I have not been privy to that legal advice but I remain of the opinion that we have a burgeoning surveillance capability on the cusp of being integrated into a new platform called 'LEDS'. We have a system that grows exponentially in its functionality – from tracking vehicles believed to be involved in Irish related terrorism in the 1980's and 1990's to tracking MOT, insurance and vehicle theft. Its use as an intelligence tool is self evident in that there are now approximately 8,500 cameras in use capable of capturing 35 million and 40 million 'reads' a day and storing upwards of 30 billion 'reads' a year.

So, whilst governance and transparency remain key issues, we are still left with a system that is not subject to any parliamentary oversight yet is one of the largest intelligence gathering tools in the world. A legislative framework would provide democratic oversight and strengthen the voice of the citizen.

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<sup>24</sup> The remit of the programme has been re-scoped and ANPR has been removed for now.

<sup>25</sup> <http://www.npcc.police.uk/FreedomofInformation/ANPR.aspx>

Also, media reporting suggests that there is an increase in private sector use of ANPR. In 2016/17 I will begin working with these users via organisations such as the British Parking Association, the Independent Parking Committee and British Retail Consortium to encourage them to meet the principles in the PoFA.

## Unmanned Aerial Vehicles (UAV's) – Drones

Drones are increasingly being utilised across police forces of England and Wales.

Undoubtedly law enforcement maximising this technology presents excellent opportunities to deliver more efficient and effective policing, from crowd control, searches for missing persons, planning of operations and incident specific policing surveillance.

Throughout the reporting year my office have been engaged with a cross Government working group, involving Department of Transport and Ministry of Defence which has been examining all aspects of the use of UAV's focusing on how to utilise their commercial capability.

I am pleased to see that at policy level there is recognition that the increasing integration of drones into our airspace combined with the increasing variety of applications from law enforcement, leisure, photography, logistics and surveillance of infrastructure creates a need to focus on the challenges this creates. The threat to individuals' privacy and civil liberties creates a need to ensure measures exist to protect them.

The sorts of risks I have identified range from:

- lack of transparency of data being processed from equipment mounted on drones because of the difficulty in recognising deployment of such devices
- difficulties in knowing which data processing equipment is mounted on the drone
- what purposes data is being processed and for whom?
- absence of recognisable geographic boundaries to surveillance

All these threats apply to any use of surveillance mounted drone. However, when used in relation to law enforcement, the privacy and civil liberty risks are more focused.

I have focused on this emerging technology and particularly its use within police forces. I was pleased to receive an invitation from the Dorset Police and Crime Commissioner who are working in strategic partnership with Devon and Cornwall Police in the use of drone technology.

The project commenced in November 2015 as part of a six-month trial period and involved the operation of two drones that are equipped with high definition cameras which can capture both video and still images. The key objectives of the project are:

- enhanced opportunities for evidence capture
- enhanced opportunities for aerial mapping
- provide situational awareness during incidents
- estate management

The partnership expressed a determination at the outset that it intended to maximise the use and value of this technology whilst at the same time comply with the various demands presented within the regulatory landscape from data protection to compliance with the SC Code.

Dorset and Devon and Cornwall Police have successfully completed the self-assessment tool and stage one certification and have been awarded my certification mark<sup>26</sup>. The process highlights the importance of transparency. I am pleased that both forces are using social media and their respective websites to inform the public regarding the use of drone technology.

The certification process has thrown up three further opportunities for improvement namely:

- The 'Drones Deployment Process', once formally adopted as a force policy, should be published as a demonstration of its commitment to transparency over the use of drone technology
- The 'Privacy Impact Assessment' should be published to demonstrate that both the necessity and extent of any interference with ECHR Article 8 rights has been considered
- An audit of the forces data retention policy should be conducted to ensure no data is held for longer than 31 days unless required for evidential purposes. This should include the number and nature of any complaints from the use of drone surveillance technology.

My office are continuing to work with Assistant Chief Constable Steve Barry (the NPCC lead for this technology) to further develop the self assessment tool to ensure it is UAV specific. My ambition is that this tool will be the platform for transparency, consultation and efficiency. It will enable local citizens to enquire of and understand the use of this technology on its behalf. It is a simple device to enable the police to be clear to their community that such equipment is being used to support them and not spy on them.

## Automatic Facial Recognition

The use of Automatic Facial Recognition (AFR) falls within the scope of the SC Code. Upon my appointment as Commissioner in March 2014 its use across organisations was considered some distance away – the technology was not sufficiently sophisticated and it was not effective in open, non-sterile environments (such as border points or regulated access control points for organisations).

Technology moves forward rapidly and during 2015 the police trialled the system at the Download Festival in June 2015. Leicestershire Police utilised a system that compares facial images, captured by CCTV/IPTV recordings with facial images stored in Leicestershire Constabulary's local custody database – which also comprised images of persons of concern gathered from across Europe.

This technology presents many opportunities and challenges. The intent behind its use was to ensure that travelling criminals who are known to target these types of events are identified and managed appropriately. This objective is clearly laudable and used appropriately will reassure the public that there is a legitimate aim and pressing need for its use.

However the challenges are still considerable. Public engagement was criticised as being 'too little too late'. The technology still excites public and media interest and it is a justifiable burden

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<sup>26</sup> <https://www.gov.uk/government/case-studies/surveillance-cameras-on-drones>

on the organisation seeking to use it to explain its use, how it will be used and how the data will be managed. I do not see these issues as blockers to its effective use -organisations need to gain confidence in explaining the rationale for its use. After all, if they are unable to do that perhaps it shouldn't be being used in the first place. I am already planning to engage with forces contemplating its use in the forthcoming year and will report back accordingly.

Another challenge is the legitimacy of the database against which AFR is being compared. My colleague Alastair MacGregor QC (former Biometrics Commissioner) expressed his concerns to the House of Commons Science and Technology Committee (reported in the Sixth Report of session 2014-15<sup>27</sup>) about the implications of the system for privacy and civil liberties given that the police had established a searchable database without notifying either himself or the Home Office. Mr MacGregor also referred to the High Court ruling in 2012 when the Metropolitan Police were ordered to delete the photographs of two individuals from its database.

At the time of writing I still await the Home Office review into the storage of such data. I expect this to clarify these issues. In the meantime I maintain contact with the new Biometric Commissioner, Mr Paul Wiles, and of course the Information Commissioners Office to keep track of its implications and future usage.

## Co-operation with Privacy Commissioners/Regulators

I reported in previous annual reports that a road map exists<sup>28</sup> between fellow regulators that highlight their specific responsibilities in the public surveillance area. This helps to present a clear and co-ordinated approach to the issue of surveillance and greater understanding by the public.

As I have developed in the role as Surveillance Camera Commissioner I have sought to leverage the support of my colleagues, the Chief Surveillance Commissioner, Information Commissioner and Her Majesty's Inspector of Constabulary.

I am aware that on occasions the Office Surveillance Commissioners (OSC) will incorporate the SC Code within their inspection regime with regards to local authorities engaging in public space surveillance. Whilst OSC are specifically interested in the covert use of surveillance by local authorities under the Regulation of Investigatory Powers Act (RIPA) it has been immensely helpful that they may make reference to the SC Code where they consider it relevant to establishing a wider sense of a responsible approach to surveillance by the relevant authority.

Similarly, whilst I have worked closely with police forces on ANPR, BWV and UAV's it is helpful to engage with Her Majesty's Inspectorate of Constabulary (HMIC) who of course have a detailed inspection regime themselves. I have discussed the possibility of HMIC incorporating the SC Code and the statutory requirements to meet the SC Code for issues such as ANPR, BWV and UAV's. Sir Tom Winsor expressed a willingness to incorporate such an inspection within the PEEL (Police, Effectiveness, Efficiency and Legitimacy) programme review for 2017. My office will further negotiate the inclusion of BWV and UAV's in subsequent reviews. This activity embeds the importance of police statutory responsibility in paying due regard to the SC Code and, more importantly, demonstrates transparently how they will do it.

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<sup>27</sup> <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmsctech/734/734.pdf>

<sup>28</sup> <https://www.gov.uk/GovernmentGovernment/publications/surveillance-road-map>

Throughout the year my office has engaged regularly with the Information Commissioner's Office. Where our respective interests overlap we enjoy a relationship that easily and readily identifies relevant responsibility and enables harmonious working relationships.

## Scope of Relevant Authorities

Section 33(5) of the Protection Freedoms Act outlines a list of relevant authorities who must have regard to the SC Code when using any form of surveillance camera to monitor public space. The majority of cameras operated by relevant authorities are done so by local authorities and police forces.

Throughout the consultation process within the Protection of Freedoms Bill ministers committed to taking an iterative process in considering any required expansion to the list of relevant authorities<sup>29</sup>. Section 33(5) of PoFA gives the Home Secretary the discretion to amend the list of relevant authorities, subject to statutory consultation and the agreement of Parliament.

BSIA research<sup>30</sup> estimate that this only accounts for around five per cent of cameras that are in use. As reported last year stakeholders across the board still believe that the list is too narrow and should be added to.

It is also made more complex when you consider organisations who people might think are part of a relevant authority such as an arms length housing body but which are separate. So, there may be instances where there are two social housing estates next to each other in the same local authority and both with CCTV – one is under the jurisdiction of the council (who must pay due regard to the SC Code) the other under a residential social landlord (who has no such obligation). Elsewhere, there are organisations like Transport for London, who have voluntarily adopted the SC Code, have tens of thousands of cameras but fall outside the relevant authority list.

Therefore, it is my view that there needs to be serious consideration by Government around redefining what organisations fall into the relevant authority group. I have had representations from various stakeholder groups that as a minimum this should be any organisation that provides a public service and receives funding from central or local Government and operates surveillance camera systems that monitor public space.

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<sup>29</sup> [https://www.gov.uk/Government/uploads/system/uploads/attachment\\_data/file/157905/consultation-document.pdf](https://www.gov.uk/Government/uploads/system/uploads/attachment_data/file/157905/consultation-document.pdf)

<sup>30</sup> [The Picture Is Not Clear' July 2013 – British Security Industry Association.](#)

# Chapter 3 – Voluntary Adopters

I refer earlier that PoFA creates a list of relevant authorities (s33 (5)) who must pay due regard to the SC Code – other operators of surveillance camera systems are encouraged to voluntarily adopt it.

From the outset I have been determined to engage with the wider sector of surveillance camera users to drive up standards across the whole area. It's widely accepted that the majority of surveillance cameras are owned and operated by non-relevant authorities. The Government have taken an incremental light touch approach to regulation of surveillance camera systems but charged me with encouraging take-up of the SC Code amongst non-relevant authorities and asking them to make a public commitment to doing so – however they are not bound by the duty to have regard to the SC Code.

## Universities

Education establishments fall outside the 'relevant authority' definition above. However recommendation 6 of my Review proposes:

*The scope of Relevant Authorities within PoFA is expanded to cover all public bodies in receipt of public monies or publicly funded in anyway. The Act should apply to any authority using overt surveillance in public space that has obligations under the Human Rights legislation and/or capabilities under RIPA*

Universities and many other educational establishments from academies and colleges utilise public space surveillance. From estate managed CCTV, body worn video on security personnel, automatic number plate recognition to the use of drones and so on. The privacy risks to young and vulnerable students are obvious.

There are over two million students in higher education in England and Wales and Universities employ around 400,000 people<sup>31</sup>.

The Association of University Chief Security Officers (AUCSO) is the primary association for Security Professionals working in Universities, Colleges and Institutions of Higher and Further Education in the UK and Europe. Last year I reported that their Executive Committee had committed to encouraging adoption of the SC Code by all member organisations and I have been working closely with them to help them do this. In addition to University specific webinars I have addressed the AUCSO national conference last year and again during 2016 – here I must thank AUCSO'S Chair, Mark Sutton, who has been instrumental in helping me and my team drive this forwards.

This year I can report that two Universities (Aston and Salford) have now achieved full certification under the Surveillance Camera Third Party Certification Scheme. A number of other

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<sup>31</sup> <https://www.hesa.ac.uk/>

Universities are now completing the self-assessment tool – a gateway to step one certification – I am hopeful more will follow.

## Banks

I was delighted to be invited to address the physical security committee of the British Banking Association (in November 2015) to raise awareness of the SC Code. This followed up work the previous year where I published a banking sector specific webinar seeking to encourage voluntary adoption. Given that all banks operate video surveillance across tens of thousands of branches, ATM's and corporate estate, much of it within public space, it strikes me as sensible that they would be keen to demonstrate to the public that they are operating within the principles of the SC Code. I look forward next year to reporting some successes within this sector.

## Transport for London (TfL)

Senior management within TfL were quick to demonstrate support for the SC Code and stated their intention to voluntarily adopt it by stating this on their website in 2014<sup>32</sup>.

My office published the relevant policy highlighting the parameters for successfully complying with the SC Code<sup>33</sup> and engaged with the senior executives and privacy and data managers at TfL – much of this has been made possible by Lee McGirr and James Alexander in TfL's Privacy and Data Protection team.

TfL presents an excellent case study in how this agenda is driven forward. It comprises several different business areas from London Underground, Dial-a-Ride and so on. Each area operates video surveillance, under differing management structures, having acquired legacy systems that are sometimes dissimilar in technology, functionality and capacity. TfL hosts approximately 21,000 cameras and is therefore one of the biggest users of video surveillance across the country. It also has a data sharing agreement with the Metropolitan Police enabling the latter to utilise its ANPR cameras for law enforcement purposes. So TfL is not a 'Relevant Authority' for the purposes of the Act but is a key stakeholder in the video surveillance industry – my review into the SC Code looks to consider organisations such as TfL becoming relevant authorities.

Without the strong leadership and support offered from within TfL it would have been difficult to navigate the labyrinthine structures to enable growing compliance with the SC Code.

I produced a bespoke webinar for TfL aimed at covering all business areas across the organisation. My office liaised with data and privacy leaders from pilot sites within TfL to complete the SAT so that good practice can start to be promulgated across all surveillance camera systems operated by TfL.

I realise with an organisation of this size and complexity an incremental approach is required in order to achieve adherence across the breadth of it and therefore TfL are doing this pragmatically. So far, TfL have completed SATs for two CCTV schemes and will be carrying

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<sup>32</sup> <https://tfl.gov.uk/corporate/privacy-and-cookies/cctv>

<sup>33</sup> <https://www.gov.uk/government/publications/complying-with-surveillance-camera-code-of-practice-self-assessment-and-third-party-certification>

out more in the near future. Longer term they are looking towards applying for third party certification for their schemes.

## Retail

The use of CCTV in retail is widespread with organisations using the technology to deter theft and protect stock and staff.

I reported last year that the British Retail Consortium (BRC) invited me to speak at one of their meetings of security managers where I spoke to around a dozen managers.

I am also delighted to report engagement with some of the UK's largest retailers. Marks and Spencer have voluntarily adopted the SC Code across all its stores, Head Office buildings and distribution centres. My office has worked closely with FOUR Security Consultants who provide Marks and Spencer with consultation services on their design and deployment of CCTV. My thanks go to Stephen Halpin (Security Consultant) and Brendan McGarrity (Director) in particular who have been crucial in driving this forward as well as Clint Reid at Marks and Spencer (Head of Corporate Security). My aspiration is that Marks and Spencer will show leadership to this sector and seek certification against the SC Code.

This year I have met with representatives from the Federation of Small Businesses and the Institute of Directors. For the FSB I produced a webinar for their members that looks at the value of the SC Code and how they might implement it within their businesses.

It is important to recognise that for small businesses the SC Code is purely voluntary and might not be high on their list of priorities as it may be for a large organisation. During 2015 I engaged with Cityco, a collaboration of 1,000 businesses, in Greater Manchester asking them to complete the SAT. I was unsuccessful in trying to develop momentum amongst that community to voluntarily demonstrate compliance to the SC Code. Whilst I sought to highlight the very real business and law enforcement benefits from having video surveillance that is fit for purpose it is clear that an alternative approach is required to encourage this sector and raise standards. This approach will be developed in my National Surveillance Camera Strategy for England and Wales and will explore potential drivers such as insurance benefits. I will be looking at ways to help smaller organisations voluntarily adopt the SC Code.

## Government Departments

I reported last year that it looks somewhat incongruous if Government departments do not voluntarily adopt the SC Code when there is a Government appointed Commissioner encouraging other sectors to do so.

I was delighted to receive support from The Rt. Hon Mike Penning (the then Minister for Policing, Fire and Criminal Justice and Victims ) who, in November 2015, circulated a letter to all Cabinet colleagues encouraging their Departments to engage with my office to voluntarily adopt the SC Code.

The Home Office continues to work towards compliance having engaged in a workshop aimed at raising the standards and awareness. They have completed the self-assessment tool for their

main headquarters in Westminster and implemented some of the learning towards achieving compliance with the SC Code.

The broader engagement with Government Departments has proven more complex. Determining the correct person with oversight and responsibility for each Department's CCTV/Video Surveillance provision has proven difficult partly because of restructuring and realignment of responsibilities within those Departments I am grateful for the tenacity of my office and Home Office officials in establishing the best way to navigate through the various structures. Engagement is now underway and I believe that during the course of 2016/17 I will achieve progress against voluntary adoption of the SC Code by all Government Departments. As I mention above Government Departments are large complex organisations often with a multitude of buildings that use CCTV in public spaces. Achieving voluntary adoption across these estates represents a significant challenge.

# Chapter 4 – Communications

I have been determined throughout my period in office to maximise the communication channels open to me to raise awareness of the SC Code, encourage organisations to adopt the 12 guiding principles and drive up standards across the industry. I am supported in this by a communications manager who manages all my communications channels and identifies opportunities to promote the relevant messages.

A continuous challenge in this area is the diversity and size of the audience that I am required to communicate with. Every member of the public, local authorities, town and district councils, private enterprises, CCTV industry, academia and civil liberty groups as well as other interested parties have an interest in surveillance cameras or should be made aware of my role and the SC Code.

I have spoken at and attended a range of industry conferences, special interest group events and broadcast and written media opportunities to deliver these messages. This has enabled me to ensure a broad and varied reach across all sectors targeted. It has also enabled me to deliver the required messages and key information at no added cost to the taxpayer.

## Website

My website is hosted on GOV.UK. The site has flourished over the past two years – with around 19,000 page views between 1 April 2015 and 31 March 2016.

The site is somewhere that is visited to seek out information. Over the past year it has been populated with details of my Advisory Council and Standards Group, speeches I have given and houses key documents such as the SC Code, the self assessment tool and policy criteria for third party certification.

New for this year I have published a number of case studies<sup>34</sup> on the site covering specific areas such as carrying out regular reviews, completing the self-assessment tool and how to conduct a privacy impact assessment as well as a guide for councillors. These are ‘real-world’ studies with input from people who have actually completed these tasks. From communication to my office there is evidence that these case studies are impacting on utilisation of public space surveillance.

I am grateful to the Home Office Web Team and Government Digital Service for their continued service and professionalism and support to my office.

## Social Media

I continue to be a keen user of social media and in particular Twitter<sup>35</sup>. I see it as an effective way to reach those with an interest in my role and what I am doing. I have around 700 followers and have tweeted regularly throughout the reporting year. This may appear a modest amount in comparison to other organisations but I have worked with partners to ensure that I reach a

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<sup>34</sup> <https://www.gov.uk/Government/collections/surveillance-camera-code-of-practice-case-studies>

<sup>35</sup> @surcamcom

much larger audience through retweets by organisations such as the BSIA and ICO meaning we can potentially reach tens of thousands of their followers.

I continue to use Twitter to follow organisations and key commentators in the sector using it as a platform to celebrate and challenge what they are saying. Twitter has allowed me to raise issues and push out interesting news stories that have been picked up by our daily sweep of national and regional press. I will continue to exploit Twitter as a channel to promote my role, the SC Code and surveillance by consent.

This year I have also launched a blog<sup>36</sup> which again is accessed via my website. This will allow me to talk about what I am doing, the issues that I see coming up and what I'm doing to address them. I post a new blog roughly every two weeks and I've found it a very useful tool to start discussions and whilst comments so far have been modest nonetheless it has enabled people to have an input into what I am doing. I've been able to use the blog to allow the strand leads on the National Surveillance Camera Strategy for England and Wales post on what they are doing with regard to the strategy – sharing issues and putting a face to who is involved in this important piece of work. I again I am grateful to the Home Office Web Team and Government Digital Service for helping my team organise this.

## Webinars

I have continued to use webinars as a relatively inexpensive way to encourage take up of the SC Code as people are not required to leave their desk or home to join they do so from a laptop, tablet or other device. For those who can't attend, recordings are made available to them through my website and social media channels. This year I have also used prerecorded webinars for the British Banking Association, when I launched the third party certification scheme, the Federation of Small Businesses and TfL, recordings can be found on my YouTube channel<sup>37</sup>.

It was slightly frustrating that we had to re-procure this service via Crown Commercial Service, which took almost four months for a product costing under £700.

## Conferences, Events, Meetings and Speeches

Like 2014/15 I decided not to host a conference myself but rather spoke at a number of events hosted by others. Over the past year my team and I have been to 81 events and have spoken at 22. They have been split over a diverse and vast audience such as Police and Crime Commissioners, Universities, CCTV installers and manufactures as well as academics. This has undoubtedly raised the profile of my role and the SC Code across many sectors and organisations. Many of my speeches to these organisations are available on my website.

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<sup>37</sup> [https://www.youtube.com/channel/UC\\_MvH8-BF5q89zdDUqi4zJQ](https://www.youtube.com/channel/UC_MvH8-BF5q89zdDUqi4zJQ)

# Chapter 5 – National Surveillance Camera Strategy for England and Wales

Throughout my term in office, it has become increasingly clear to me that widespread compliance with relevant standards and legal requirements will always be hindered when there is potential for confusion within the regulatory landscape or a lack of consistency in the information and guidance which is available. Over the years from professional groups forming (National CCTV User Group, Public Sector CCTV Management Groups, National CCTV Standards Forum etc.) developing and disseminating good practice and enjoying industry engagement. Excellent British Standards have emerged and well thought through and bespoke codes of practice. What has been lacking is a clear coherent plan to agree and promote relevant standards and then to coordinate effort to communicate them to organisations using surveillance camera systems. The introduction of the SC Code and its 12 guiding principles provides an opportunity to create synergies between partners who can influence and drive better understanding and compliance within a single strategy.

There is still much to do and questions which remain to be addressed: What standards do installers work to? Are any of the British Standards mandatory? How can society understand the value of surveillance if there is no measurement? Why do the Information Commissioner and Surveillance Camera Commissioner have different codes of practice?

The impact of austerity on local authority public space CCTV control rooms, advancing technology, drive for collaboration and even the move towards smarter cities are also drivers for a more coordinated and holistic strategy.

In January 2016, I presented a discussion paper<sup>38</sup> to my Advisory Council. This sought to define the vision and mission any such strategy would strive to achieve. The document proposed a number of work strands to be led by experts with the capability to develop action plans for implementation of such a strategy. These individuals are ideally placed to engage with relevant stakeholders to support their particular strand. This approach received unanimous support from this group and if successful may lever in significant resource and expertise to drive improvement at minimal additional cost to the taxpayer. Much of the work is driven by industry, interested parties and professional bodies.

In March 2016 the National Surveillance Camera Strategy group convened for the first time. This group is supported by my office and the part time appointment of a National Surveillance Camera Strategy Development Manager (funded from within the resources made available to my office by the Home Secretary).

I aim to publish the strategy document towards the end of 2016 after careful consideration of responses to a consultation exercise. It will include high-level objectives for each of the various work strands. Each strand will have a detailed delivery plan that will be led by a strand leader. These plans will be accessible from my website once the consultation process has concluded. The strategy will have robust governance processes to drive, monitor and account for progress,

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<sup>38</sup> <https://www.gov.uk/government/publications/national-surveillance-camera-strategy-outline-document>

and to ensure that there is wide civic engagement and awareness of the issues associated with using surveillance cameras in public places.

## High Level Business Plan 2015/16

Commissioner's Function	Objective	Detail	Outcome	Progress
Encourage compliance with the SC Code	Provide dedicated support on request to any authority wishing to achieve compliance with the SC Code - e.g. running workshops or seminars to help achieve compliance with the SC Code			Ongoing
	Develop Communications Strategy 2015/16	Finalise Strategy by April 2015	Increased media exposure relating to the SC Code	Completed. Communications strategy developed targeting key audiences and using digital channels. Blog now in place.
		Utilise GOV.UK website to publicise Commissioners role and remit	Raise awareness of Commissioners public messages and profile	
		Review and redesign stakeholder strategy by September 2015	Improve stakeholder engagement	
		Investigate the idea of a regular blog to raise profile of the SC Code by November 2015	Improve awareness of communications areas that need development	
	Provide quantitative assessment of Communications Strategy by March 2016			
Comprehensive review of local authorities completing the self assessment toolkit and publicising its completion		Request local authorities to complete the toolkit by end of June 2015	Increased compliance of the SC Code	In progress. Contacted all local authority Chief Executives. 85% of local authorities have completed the SAT.
		Assess initial responses July 2015	Measurable adoption of SC Code	

Commissioner's Function	Objective	Detail	Outcome	Progress
		Develop mechanisms for follow up by November 2015	Increased engagement with local authorities not demonstrably following code	Maintaining contact and offering support
	Develop a suite of standards addressing users technical requirements for Body Worn Video (BWV) for the police	Conduct workshops with the SCC, Police, CAST and ICO to develop standards - May 2015	Definitive schedule of technical requirements supporting purchase and use of BWV	Ongoing
		CAST to build on the ideas during the workshop with a view to developing a suite of standards – January 2016		
	Produce guidance for users of BWV (non law-enforcement agencies)	Through consultation with key stakeholders -produce guidance for publication on GOV.UK web-site – January 2016	Raise standards and compliance across all sectors using BWV	Not met
	Develop a certification process to demonstrate compliance with the SC Code	Develop Certification processes with UKAS accredited bodies to demonstrate compliance to the SC Code – May 2015	Develop a standard or 'kite mark' that is recognisable as demonstrating best practice in the field of public space surveillance.	Completed. Now have a third party certification scheme in place. Launched in November 2015 – approximately 40 organisations are certified against the SC Code. On going work with certification bodies to promote the scheme.
		Pilot certification process with relevant authorities and non relevant authorities to test validity of process – July 2015	Raise standards of compliance with SC Code	

Commissioner's Function	Objective	Detail	Outcome	Progress
<p><b>Reviewing the operation of the SC Code</b></p>	<p>Thematic review of a metropolitan Local authority to determine compliance to SC Code across all departments</p>	<p>Develop marketing strategy to promulgate adoption of the certification process – September 2015 Evaluate take-up and certification process – March 2016</p>		
	<p>Map various departments within a local authority to determine compliance outside generic public CCTV space – September 2015</p>	<p>Enable a holistic view of compliance and non compliance against the SC Code. Develop a strategy to raise awareness of legal requirements in sectors outside of traditional public space CCTV management within local authorities Encourage compliance across all departments within local authorities</p>	<p>Completed</p>	
<p>Understand how technological developments impact on the SC Code</p>	<p>Form a horizon scanning team of sector specialists by May 2015</p>	<p>The SCC review of the SC Code will be informed by the latest technological developments</p>	<p>Completed. Horizon scanning now part of the National Surveillance Camera Strategy for England and Wales</p>	

Commissioner's Function	Objective	Detail	Outcome	Progress
	Produce a comprehensive review of the SC Code as required within the Protection of Freedoms Act	<p>Develop and implement a comprehensive consultation and engagement process to receive feedback from key stakeholders, manufacturers, installers, designers and end users relating to the introduction of the SC Code (complete by October 2015)</p> <p>Review all sector engagement and identify relevant issues for consideration</p> <p>Review to be complete by Autumn 2015</p>	Produce a comprehensive review of the current operation of the SC Code of Practice making any recommendations to Government	Completed. Review submitted to Home Office Ministers in February 2016. Working with Home Office officials on the 9 recommendations included in the review.
<b>Providing Advice about the SC Code</b>	The Commissioner and team attend meetings that they are invited to in order to provide advice to any authority about compliance with the SC Code.			Ongoing
	The Commissioner and team reply to correspondence ensuring that they offer reactive advice to anyone seeking it.			Ongoing
	To inform local authority senior leaders of the responsibilities to ensure that the SC Code is shown due regard	Issue guidance to Local authority council leaders around compliance to the SC Code by October 2015	Raised awareness of statutory obligations to SC Code	Completed. Guidance for councillors published on website in February 2016 and circulated via Local Government Association
Focus on non relevant authorities to encourage	Define process for voluntary adoption by September 2015	Increased voluntary adoption	Ongoing. Working with a number of sectors to	

Commissioner's Function	Objective	Detail	Outcome	Progress
	voluntary adoption of the SC Code	Engage in six webinars to promulgate SC Code by March 2016		encourage voluntary adoption. Also a strand in the National Surveillance Camera Strategy for England and Wales
	Develop standards framework as stipulated in the SC Code	Publish standards framework on GOV.UK by April 2015	A simplified framework for manufacturers, designers, installers and end users	Completed. Standards published on website
	Harness recommendations of national BSI workshops relating to standards and regulation	Standards Group to deliver recommendations arising from workshops by March 2016	Provision of further advice on SC Code	Completed. Further research conducted and fed in to review of the SC Code and the National Surveillance Camera Strategy for England and Wales
	Develop ANPR & BWV self assessment toolkit	To be completed by March 2016	Provide greater regulatory compliance across the law enforcement sector	Ongoing. Working with NPCC leads to develop self assessment tools
	Develop bespoke guidance series relating to case studies	SCC Team to provide six case studies by March 2016	Increase awareness and understanding of how the SC Code is being used	Completed. 10 case studies published on website

## High Level Business Plan 2016/17

Commissioner's Function	Objective	Detail	Outcome
<b>Encourage compliance with the SC Code</b>	<p>Provide dedicated support on request to any authority wishing to achieve compliance with the SC Code - e.g. running workshops or seminars to help achieve compliance with the SC Code</p> <p>Develop and implement a National Surveillance Camera Strategy for England and Wales that promulgates the SC Code to all parts of the Surveillance Camera Sector. The Strategy will have several strands of work to drive up standards across the sector. Strands include:</p> <ul style="list-style-type: none"> <li>- Local authorities</li> <li>- Law Enforcement</li> <li>- Installers and Manufacturers</li> <li>- Voluntary Adopters</li> <li>- Training</li> <li>- Standards</li> <li>- Regulation</li> <li>- Civil Engagement</li> </ul> <p>Each strand will develop delivery plans covering the next 3 years</p>	<p>Develop a virtual team of sector experts to lead each strand of work (by April 2016)</p> <p>Develop and agree strategy vision and mission and agree governance (by April 2016)</p> <p>Develop strategy for consultation with stakeholders and the wider public (by October 2016)</p> <p>Develop delivery plans for each objective to be published (by March 2017) so that progress towards the delivery can be tracked</p>	<p>Surveillance Camera Commissioner provides demonstrable leadership across the whole of the surveillance camera community</p> <p>A greater awareness of the SC Code and compliance by system operators</p> <p>Raise standards of use of surveillance camera systems in public space.</p> <p>To ensure that the Commissioner has a mechanism for delivery of the strategy</p>
	<p>Develop Communications Strategy 2016/17 to support the delivery of the National Surveillance Camera Strategy for England and Wales</p>	<p>Finalise communications strategy by April 2016</p> <p>Utilise GOV.UK website to publicise the Commissioner's strategy (by regular updates on progress through</p>	<p>Increased media exposure relating to the SC code</p> <p>Raise awareness of Commissioner's public messages and profile</p>

Commissioner's Function	Objective	Detail	Outcome
	Develop a consultation approach to facilitate a dialogue across England and Wales that helps inform the strategy. The consultation will run for 6 weeks	blogs, news items and webinars)	
		Review and redesign stakeholder strategy by October 2016	Improve stakeholder engagement with new sectors
		Provide quantitative assessment of Communications Strategy by March 2017	Improve awareness of communications areas that need development
		Develop an easy to complete online survey tool on GOV.UK that will enable everyone to contribute to the strategy (by October 2016). Identify speaking events that promote the strategy and consultation (by October 2016)	Promote awareness, dialogue and engagement with the strategy
		Organise and facilitate a number of regional workshops in order to take feedback on the strategy (by October 2016)	

Commissioner's Function	Objective	Detail	Outcome
	<p>Identify the local authorities that are yet to complete the self assessment toolkit for their public space surveillance system and develop a system to meet the Commissioner's target of 100% complete the tool</p>	<p>Identify local authorities that are yet to complete the toolkit by end of July 2016. Establish contact with those non-responders.</p> <p>Continue dialogue with non-responders with a view to achieving a 100% response rate by March 2017</p>	<p>Increased compliance of the SC Code</p> <p>Measurable adoption of the SC Code</p> <p>Increased engagement with local authorities not demonstrably following SC code</p>
	<p>Working with the National Police Chief's Council (NPCC) leads for each type of surveillance device used by policing, develop tailored self-assessment tools to enable the police to show compliance with the SC Code.</p>	<p>Develop an ANPR self-assessment tool, publish on the website (by July 2016), and disseminate via the NPCC lead so that all forces can demonstrate compliance with the SC Code.</p> <p>Develop a Body Worn video self-assessment tool, (publish on the website by July 2016) and disseminate via NPCC lead so that all forces can demonstrate compliance with the SC Code</p> <p>Develop a UAV's self-assessment tool, (publish on the website by December 2016) and disseminate via NPCC lead so that all forces who use UAV's for surveillance can</p>	<p>Tailored tool allows for visible demonstration of compliance against the SC Code.</p> <p>Re-assures community that the police are using overt surveillance devices proportionately, transparently and effectively.</p>

Commissioner's Function	Objective	Detail	Outcome
		demonstrate compliance with the SC Code	
	By working with the Certification Bodies, promote third party certification to forces once they have completed the self assessment tool	Once the self assessment tool has been completed, forces are eligible to go for desktop certification followed by full certification. By March 2017	Third party certification would give the public independent reassurance that the police are using surveillance devices in line with the SC Code
<b>Reviewing the operation of the SC Code</b>	Following the review of the SC Code that was submitted to Home Office ministers to continue the dialogue on the issues that informed the review.	If the Home Office decide not to implement the recommendations from the review, particularly those that need some form of legislative change, the Commissioner will continue to develop an evidence base of the impact that the absence of any changes are having. By March 2017	Any further evidence collected by the Commissioner will ensure the Home Office consider the proposed changes in the future.
		Identify a local authority that has a transparent approach to publishing information in relation to it's use of surveillance cameras and undertake a case study to highlight best practice	Highlight of best practice that might encourage other local authorities to become more transparent
		Develop an approach which outlines the systems in addition to the main public space CCTV system and highlight how they could benefit from a Senior Responsible Owner/Single Point of Contact By March 2017	Increased compliance across the various surveillance camera schemes that a local authority has.  Better governance and more consistent standards of use via

Commissioner's Function	Objective	Detail	Outcome
<p><b>Providing Advice about the SC Code</b></p>	<p>The Commissioner and team attend meetings that they are invited to in order to provide advice to any authority about compliance with the SC Code.</p>		<p>the Senior Responsible Officer and Single Point of Contact</p>
	<p>The Commissioner and team reply to any enquiries offering reactive advice on how to apply the SC Code to their respective issue</p> <p>Continue to focus on non-relevant authorities to encourage voluntary adoption of the SC Code</p>	<p>Promote the SC Code to all government departments. Write to other government departments by August 2016.</p> <p>Promote SC Code via the Purple Flag Scheme and through their work with Association of Town Centre Managers by running a workshop at their national conference in the summer of 2016.</p> <p>Work with TFL to become fully compliant with the SC Code following their voluntary adoption. Meet them at least twice to year to track progress against completion of the self assessment tool – March 2017</p>	<p>Increased voluntary adoption of the SC Code as part of the Commissioner's role to promote voluntary take up of the SC Code.</p>

Commissioner's Function	Objective	Detail	Outcome
		<p>Continue to promote the SC Code to the NHS – both their general estate and use within Trusts and treatment sites. By November 2016</p> <p>Continue to promote the code to universities via the Association of University Chief Security Officers. Commissioner to speak at annual conference in April 2016 and maintain engagement thereafter</p> <p>Promote the SC Code to Parking regulators so that ANPR data is accessed in compliance with the SC Code by August 2016.</p>	
	<p>The EU is introducing new data protection directives which are likely to have an impact on the role of the ICO.</p>	<p>Review the Memorandum of Understanding with the ICO to ensure that it is still current given the changes to the ICO landscape with the new data protection directives by March 2017</p>	<p>The public facing Memorandum of Understanding is up to date</p> <p>The advice given by the Commissioner in relation to the role of the ICO is up to date</p>

**Correspondence with Local Authority Chief Executives**



2 Marsham Street  
London SW19 4DF

[www.gov.uk/  
surveillance-camera-commissioner](http://www.gov.uk/surveillance-camera-commissioner)

March 2016

Dear Chief Executive

**PROTECTION OF FREEDOMS ACT 2012 – TRANSPARENCY OF LOCAL  
AUTHORITY SURVEILLANCE CAMERA SYSTEMS**

I wrote to you at the end of 2015 asking that your Local Authority complete the self assessment tool available on my website to help assess how closely your authority is complying with the Surveillance Camera Code of Practice – a copy of that letter is attached as an Annex to this letter.

I asked for responses by 31 December 2015. I have not had a response from your authority. I'm sorry if you have responded and we have not received it or you did not receive the letter.

I am keen that we get responses to this request and am willing to offer advice and support where I can in order for you to return the completed self assessment tool showing how you are complying with the Protections of Freedoms Act.

Please can you respond by **31 May 2016** – sending the completed tool to my office email: [scc@sccommissioner.gsi.gov.uk](mailto:scc@sccommissioner.gsi.gov.uk). As I said in my previous letter the best person to do this in your organisation is likely to be your public space CCTV Manager or the person who manages your main CCTV scheme.

I will be publishing a list of Local Authorities who have completed the self assessment tool in my Annual Report for 2015/16 which will be laid in Parliament later in the year.

Please don't hesitate to contact my office if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Porter'.

Tony Porter  
Surveillance Camera Commissioner



2 Marsham Street  
London SW19 4DF

[www.gov.uk/  
surveillance-camera-commissioner](http://www.gov.uk/surveillance-camera-commissioner)

November 2015

Dear Chief Executive

## **PROTECTION OF FREEDOMS ACT 2012 – TRANSPARENCY OF LOCAL AUTHORITY SURVEILLANCE CAMERA SYSTEMS**

I am writing to you in my capacity as Surveillance Camera Commissioner. This letter follows a communication I sent to all 433 Local Authorities in May via the Department of Communities and Local Government's newsletter.

The role of the Surveillance Camera Commissioner was created under the Protection of Freedoms Act 2012. As Commissioner I am required to ensure that surveillance camera systems, such as CCTV and ANPR, are used in accordance with the Surveillance Camera Code of Practice.

The Act places Local Authorities on a list of 'relevant authorities' (s.33 (5)) who must pay due regard to the code when using surveillance camera systems. As Chief Executive you are ultimately responsible in ensuring that your systems adhere to the twelve guiding principles in the code of practice.

I am acutely aware of the pressure Local Authorities are under in light of the latest round of austerity measures and am working hard to simplify guidance and provide support to you in these difficult times.

To help Local Authorities understand how closely their public space CCTV systems are meeting the twelve guiding principles I have developed an easy to use self-assessment tool. This will enable CCTV Operators/Managers understand where they are meeting the principles of the code and where they may need to take action to comply. There is strong evidence that cost savings and efficiencies are a realistic outcome if the Code is followed correctly.

Please share this with your public space CCTV Manager and ask them to complete it – you can find it on my website:

<https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

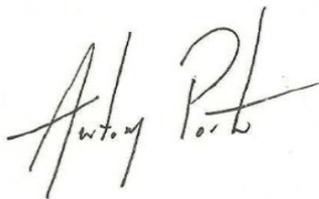
In the interests of transparency I will be including completion rates amongst Local Authorities as well as how well they are complying with the code in my 2015/16 Annual Report to the Home Secretary. To achieve this I would be grateful if your CCTV manager

contacts my office by emailing [scc@sccommissioner.gsi.gov.uk](mailto:scc@sccommissioner.gsi.gov.uk) by 31 December 2015 once the tool has been completed.

Finally, I have recently launched a third party certification scheme. It is a simple accessible and affordable scheme which enables organisations to clearly demonstrate that they comply with the Surveillance Camera Code of Practice and for relevant authorities it's essential that they can evidence they have shown due regard to the Code – certification enables them to do this. Completion of the self assessment tool is step one in this very simple process.

Please don't hesitate to contact my office if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Porter'. The signature is stylized and written in a cursive-like font.

Tony Porter  
Surveillance Camera Commissioner

**Letter to Marcus Jones MP and Response**

2 Marsham Street  
London SW19 4DF

[www.gov.uk/  
surveillance-camera-commissioner](http://www.gov.uk/surveillance-camera-commissioner)

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Marcus Jones MP  
Parliamentary Under Secretary of State  
Minister for Local Government  
Department for Communities and Local Government  
2 Marsham Street,  
London  
SW1P 4DF

25 August 2015

Dear Marcus Jones MP

**Local Authorities and the Surveillance Camera Code of Practice**

I am writing this letter to introduce myself as the Surveillance Camera Commissioner for England and Wales. The role was created under the Protection of Freedoms Act 2012 and it requires me to encourage compliance with the Surveillance Camera Code of Practice that was issued by the Home Office in June 2013. As Local Authorities are deemed as relevant authorities, your department has a vested interest.

This autumn, the Home Secretary will be publishing my annual report. Before it is released, I wanted to bring to your attention a number of matters that are of mutual interest and hopefully issues that we can work together on.

The first matter I want to raise is regarding blanket policies in relation to the exercise of licensing functions. Your department highlighted that following the launch of the code in June 2013 that decisions taken on CCTV as part of the licensing conditions for establishments serving alcohol should be taken on an individual basis once a pressing need has been established. My limited experience is that blanket policies are still in place. Furthermore, I fear that the blanket approach has extended if you look at some of the recent press around the licensing of taxis.

This takes me to the next point. LA's are such disparate bodies, where ownership of surveillance policy is not centralised (e.g. public space, licensing, estates, traffic enforcement) and all are owned separately. This means there is no consistency or sharing of best practice or knowledge of the requirements under the code. I have been working with a metropolitan local authority to scope all the different uses of surveillance devices. It is fair to say that there is little strategic governance or oversight of this issue.

This is where I believe we have a shared interest in developing the awareness of the code amongst local authorities and I look to your support. Engaging with Local Authorities is something that I have struggled with. Whilst it has been relatively easy engaging with public space CCTV managers via the Public CCTV Managers Association (PCMA), the disparate nature of LA's make

it difficult even for the Local Government Association to have an easy route in. I would welcome your thoughts.

Finally, I want to raise a thought. LA CCTV systems have been the bedrock of crime prevention and detection and reducing the fear of crime over the last 20 or so years. During the current period of austerity, as this is not a statutory service, it is and has been the subject of severe cuts. This is despite some LA's being very innovative in how they fund their systems. There are a number of examples of strategic partnerships between police, LA's and business in the deployment and use of CCTV which lends to an economy of scale and greater efficiency and effectiveness. These examples of best practice could be helped with some strategic leadership from the department. In my previous life, I was the recipient of the benefits of surveillance camera systems as a police officer and in an era where CCTV footage is used in nearly every major investigation, I am concerned about the impact of austerity cuts. I would welcome an opportunity for a full discussion on the points above.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink that reads "Tony Porter". The signature is written in a cursive style with a large, stylized "P" at the end.

Tony Porter  
Surveillance Camera Commissioner

E [tony.porter@sccommissioner.gsi.gov.uk](mailto:tony.porter@sccommissioner.gsi.gov.uk)



Department for  
Communities and  
Local Government

Tony Porter  
Surveillance Camera Commissioner  
2 Marsham Street  
London  
SW1P 4DF

**Marcus Jones MP**  
*Minister for Local Government*

**Department for Communities and Local  
Government**

4th Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 444 3460  
Fax: 020 7828 4903  
E-Mail: [marcus.jones@communities.gsi.gov.uk](mailto:marcus.jones@communities.gsi.gov.uk)

[www.gov.uk/dclg](http://www.gov.uk/dclg)

Our Ref: 1360095

Dear Tony,

Thank you for your letter of 25 August about local authorities and the Surveillance Camera Code of Practice, and for your kind offer of a meeting to discuss this issue. I apologise for the delay in responding.

I am, of course, wholly supportive of the Code and of reasonable, proportionate use of CCTV by local authorities. It is important to strike the right balance between necessary surveillance and unnecessary snooping.

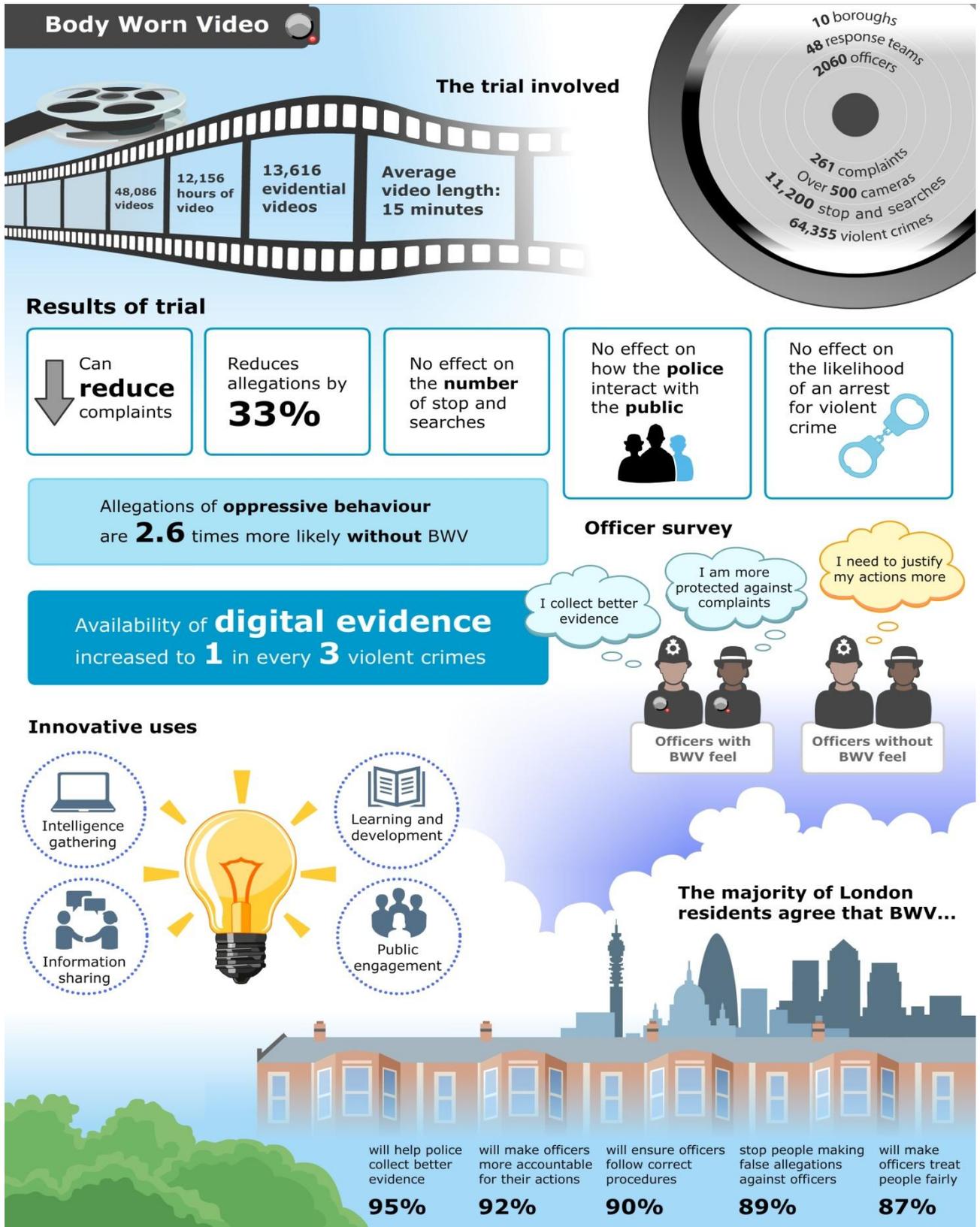
I note your comments about the difficulty you are having engaging with local authorities to develop their awareness of the Code. This is a shame, as local authorities, by virtue of the amount of CCTV at their disposal, have an important part to play in ensuring surveillance use is proportionate. In this instance, and noting your comment about even the Local Government Association having no 'easy route in', I would urge you to continue to work with the Local Government Association. This is the organisation best well placed to facilitate your engagement with local authorities.

Turning to your point about local authority funding, I can understand your concerns about competing calls on local authority budgets, and I am very pleased to note your examples of innovative ways in which local authorities can make effective use of CCTV. Of course, local authorities should carefully consider decisions about resources and the use of taxpayers' money in the provision of all their services, including CCTV, and I would hope and expect local authorities to be innovative and imaginative in ensuring for the provision of effective CCTV where needed.

Finally, I would suggest that you continue to reach out to local authorities, including through the Local Government Association, rather than through or with my Department. I am sure that local authorities understand the value of proportionate use of CCTV and would value your advice and so, at this time, I do not think a meeting is required.

**MARCUS JONES MP**

Metropolitan Police Body Worn Video Research





# SURVEILLANCE CAMERA COMMISSIONER



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