



**SURVEILLANCE CAMERA
COMMISSIONER**

Annual Report
2016/17



Surveillance Camera Commissioner Annual Report 2016/17

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

January 2018



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Foreword

Dear Home Secretary

I am delighted to present my fourth Annual Report covering the period 1st April 2016 to 31st March 2017.

There are four key issues I will raise from the outset.

- The landscape of overt surveillance camera systems in public spaces has changed significantly since the introduction of the Protection of Freedoms Act 2012 and the Secretary of State's Surveillance Camera Code of Practice 2013. An evolution and proliferation of new technologies and new capabilities create a dynamic challenge for regulators, policy makers and lawmakers
- The risk potential for intrusion on citizens has significantly increased both by lawful operators of surveillance camera systems and those individual or State actors who seek to 'hack' in to systems. Cyber security has moved to the top of the security agenda.
- The scale of organisations operating surveillance camera systems in the public domain go well beyond the limited range of 'relevant authorities' provided within the Protection of Freedoms Act 2012 (and Statutory Instruments No. 2013/196 and No. 2013/2318). The 'whole system' approach to the regulation of surveillance camera systems is increasingly limited. This is because the organisations that must pay due regard to the Secretary of State's Surveillance Camera Code of Practice are restricted by section 33 (5) of the Protection of Freedoms Act 2012. This means that my ability to regulate an improvement in the operation of surveillance camera systems in the public space is hampered.
- The credibility of the Secretary of State's Code depends upon relevant and up to date primary and secondary legislation to underpin its provisions and scope. It also requires a clear regulatory mandate as provided at section 34(2) of the Protection of Freedoms Act 2012 not being confused with or by other regulatory interests.

The key development arising from my regulatory function during the reporting year is the National Surveillance Camera Strategy for England and Wales which was published in March 2017. This is a three-year strategy and is led by industry and subject matter leaders, drawn from across the private and public sectors. The Strategy provides a framework that challenges and seeks to raise standards – and create new ones where they are required – for the whole spectrum of the surveillance camera community; from manufacturers, installers, integrators and end users to understand and strive to improve standards. It also allows interested members of the public to understand how and why this equipment is used on their behalf, whether it is being used lawfully and with the consent and understanding of the public.

The strategy places the citizen at the centre of its approach – the importance of informed consent is essential to maintain the legitimacy of video surveillance in public spaces. A series of public awareness events, workshops and public debate is planned. My aim is to ensure that the fast-paced advance in technology is matched by an increasing awareness by the public of its capabilities – from drones to body worn video cameras, from artificial intelligence, such as automatic facial recognition to ever growing databases that can be data-mined and cross referenced.

Leading the strategy enables me to advise Government more effectively concerning the impact and effectiveness of the Secretary of State's Code. Importantly it provides a governance approach that is fully transparent. My Advisory Council will scrutinise its development, its successes or otherwise, and influence the direction of each of the 11 strands within the strategy. The development of each strand will be publicised each year in my Annual Report which is open to political and public scrutiny. I believe that these measures are firmly in step with the Protection of Freedoms Act 2012, which paved the way for the Secretary of State's Code.

We will see greater collaboration and liaison between local authorities and police forces. The aim is to standardise processes and allow an opportunity for the measurement and value of video surveillance technology to be quantified. This will enable more effective funding decisions by prospective purchasers of large systems.

We will also see a clearer path towards compliance and better recognition of standards and certification – including standards of cyber resilience in surveillance camera software and hardware, not just for those operating surveillance cameras but for consultants and installers too. This work will help to drive up standards and compliance by relevant authorities with their responsibilities pursuant of section 33 Protection of Freedoms Act 2012 to have regard to the Secretary of State's Code, and other organisations who voluntarily choose to adhere to its provisions. The delivery of a new standards framework for this sector is planned for Autumn 2018.

Surveillance camera technology costs approximately £2.2 billion a year in the UK. The strategy will produce a 'Buyers Toolkit' that will seek to ensure that every pound spent is spent wisely, in line with the regulatory landscape and in a way that matches public expectations of what surveillance cameras are there to do.

Much of this work is undertaken by specialists who have volunteered their services and expertise. Their names are recorded throughout the body of this report. I will however state unequivocally my thanks to them for the huge effort throughout the year in developing the plans. They have shown patience as I endeavoured to link and co-ordinate the various elements of the plan. They have contributed their vast experience willingly and without charge. However, there is only so much of their time they can volunteer and I will be writing to you in the reporting year to recommend that this advance in work and volume is recognised and that resources be aligned to properly reflect the size and scope of the challenges ahead.

The body of this report also focuses on recommendations I have touched on in previous years. I will re-iterate some of those issues here as I believe it is central to my role to do so.

- Automatic Number Plate Recognition (ANPR) remains one of the largest non military databases in the UK. It has a national infrastructure of approximately 9,000 cameras that captures between 25 to 40 million pieces of data (citizens' number plates) per day and up to 20 billion 'read' records are held. I firmly believe that this system needs legislative oversight and that the Government should place this system on a statutory footing.
- The scope of the 'relevant authorities' provided by the Protection of Freedoms Act 2012 is not wide enough and needs to incorporate other organisations that the public would struggle to understand why they are not included within the Secretary of State's Code – these are in the transport and education sectors, and the NHS to mention a few.
- The future capabilities of surveillance camera systems is a key theme within this report. The advent of integrated surveillance technologies (cameras, sensors, analytics, biometrics, smart systems) means that the ability of the State and indeed the commercial sector to physically and intrusively track the citizen in public spaces is well and truly upon us. These evolving capabilities present new regulatory challenges and may in the future, point to the requirement for consideration to be given for an overarching style of regulation of open source surveillance – not merely that provided by video camera surveillance.
- Integrated surveillance camera systems can provide new ways of protecting citizens in a world where concerns about terrorist atrocities are sadly becoming more prevalent. Greater debate around the capabilities and integration of those systems and their operation by both the public and private sectors needs to be held. The public need to have confidence that operators of these systems can be trusted to use them lawfully, proportionately, ethically and only where their use is legitimately needed.

Finally I must offer my gratitude to my small team who have accepted many challenges and sought to drive up standards in areas of increasing technological complexity. They continue to take on new and unfamiliar work with willingness and determination. My continued thanks go to each member of my team.

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

Contents

Foreword	4
Introduction	8
Chapter 1 – National Surveillance Camera Strategy for England and Wales	12
Chapter 2 – Review of the Impact and Operation of the Surveillance Camera Code of Practice	23
Chapter 3 – Relevant Authorities	26
Chapter 4 – Voluntary Adopters	45
Chapter 5 – Communications	52
Annex A – High-Level Business Plan 2016/17	55
Annex B – National Surveillance Camera Strategy for England and Wales – Deliverables 2017/18	62
Annex C – Letter from Brandon Lewis MP to Philip Sunne MP	67

Introduction

This report covers the exercise of my statutory functions during the period 1st April 2016 to 31 March 2017. I am pleased to report that a good deal of success and progress has been made against the key objectives set for the preceding year in my 2016/17 Business Plan (Annex A).

In preparing this report, I have in mind the terrible terrorist related events which have taken place in Westminster, Manchester, at London Bridge, and indeed beyond. These events serve to underline the importance of '*vigilance*' in society in keeping our communities safe. Public space surveillance camera systems have an essential role to play in keeping people safe, whilst at the same time people need to be confident that their right to privacy from the State remains intact – this is a core value around which my strategy is framed.

I am on record as having said that I am not against surveillance, but I am against bad surveillance. In the context of surveillance camera systems, good surveillance is best delivered by equipment that:

- conforms to industry standards;
- is situated in locations where it is justifiably most needed and will most benefit the public interest;
- is lawfully and transparently operated by competent authorities and individuals trained to accredited standards, with the privacy of the individual citizen at the heart of system and procedural decision making.

The litmus test for good surveillance is of course a high degree of public confidence in the lawful and ethical use of surveillance camera systems in accordance with the Surveillance Camera Code of Practice (SC Code).¹ Bad surveillance is conducted when these standards are absent, where the public lacks confidence in its presence and operation, and are confused about where accountability for its use and regulatory accountability lies.

The privacy of individual citizens is a fundamental consideration of lawful governance of a surveillance camera system. Effective vigilance/surveillance goes beyond the lawful management of personal data and in that regard the 'whole system' approach provided by the SC Code remains, and has to be seen to remain as the overriding leadership standard for system operators to aspire towards. My relationship with other regulators is key in that regard and alluded to at paragraph 5.2 of the SC Code.

In my last Annual Report I made recommendations to Ministers regarding the statutorily mandated list of relevant authorities under the Protection of Freedoms Act 2012 (PoFA) being increasingly inadequate. As surveillance camera technology advances so does the potential to intrude further in to the privacy of individuals. As threats to our society evolve,

¹ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

so does the need to guide the standards of decision making that addresses the delicate balance of security versus liberty in advancing the effectiveness of public space surveillance camera systems to make people safe. Paragraph 2.2 of the SC Code provides that increasingly intrusive technologies when used as part of a surveillance camera system *must* be regulated by the SC Code, and paragraph 3.2.3 (*footnote 4*) further provides that I will be a source of advice on the validation of such systems. However the scope of organisations to which the SC Code applies remains woefully inadequate in my view.

I have previously recommended a number of additions to the list of relevant authorities that are mandated to have regard to the SC Code. It seems senseless that those organisations operating surveillance camera systems which have a very significant potential to keep people safe, are;

- statutorily required to manage personal data securely; but
- are not mandated to manage personal safety and security or to enhance public confidence in their use, by adherence to the principles that the SC Code provides.

Organisations such as Transport for London, the Highways Agency, rail franchises, airports and seaports, CCTV systems operated in crowded places and those cameras that cover the critical national infrastructure should in my view be an absolute minimum in terms of inclusion. It is a nonsense that the smallest of parish councils in England and Wales must have regard to the SC Code in the operation of their surveillance camera systems yet the operators of such huge and intrusive systems that invade upon the every day life of citizens, do not. I continue to lobby Government for a more common sense position.

The significant highlights of the year are reflected below:

- The publication of the *National Surveillance Camera Strategy for England and Wales* comprising 11 objectives and related delivery plans. Each objective is led by an industry or relevant specialist. All documents are published on my GOV.UK website².
- Local authority town centre CCTV schemes are demonstrating 93% compliance with the section 33 of the PoFA requirement to have regard to the SC Code. This has been achieved through the completion of the self assessment tool (SAT)³ provided by my team and/or completion of third party independent certification⁴.
- The first workshop, supported by the Welsh Government and comprising local authorities and police forces aimed at raising standards and promoting the concept of a single responsible officer or single point of contact to oversee all aspects of overt surveillance activity within those organisations.

² <https://www.gov.uk/government/organisations/surveillance-camera-commissioner>

³ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

⁴ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme>

- The successful completion and piloting of the ‘*Passport to Compliance*’ document⁵ that seeks to enable the end user/purchaser of surveillance camera systems to fulfil their legal and regulatory obligations.
- Continued enthusiasm for acquiring independent third party certification by non-relevant authorities who voluntarily choose to adopt the provisions of the SC Code in relation to the surveillance camera systems they operate. Marks and Spencer⁶ became the first UK-wide retailer to achieve the status. Barnsley Hospital NHS Foundation Trust⁷ became the first from the health sector and Nuneaton Ropewalk Shopping Centre became the first shopping centre.
- Groundbreaking work with disparate organisations aimed at further promoting the SC Code – organisations such as the Association of Town and City Management in relation to its Purple Flag scheme, Best Bar None, the British Parking Association and the International Parking Community committing to voluntarily adopt the SC Code. Through engagement with my Standards Board and British Standards Institute, a British Standard for the use of Body Worn Video⁸ – a technology being used increasingly more – is being developed.
- A revised Memorandum of Understanding⁹ with the Information Commissioner, Elizabeth Denham, underpinned by a regular programme of liaison between our offices.

I am delighted that the Home Secretary has extended my Commission by a further three years thus giving me the opportunity to further develop this exciting and important work. Recently, the International Fire and Security Exhibition Conference International (IFSEC), in association with the British Security Industry Association (BSIA) revealed their top 50 global influencers in the field of security¹⁰. Within the category of security management, education and thought leadership (UK and International), I was ranked fifth in the international list. Though personally gratifying I consider such recognition to be an acknowledgement of the leadership influence which the role of the Surveillance Camera Commissioner delivers to the surveillance industry, in pursuit of the public interest. Such recognition also serves to illustrate the traction which my strategy is beginning to have in challenging, raising and creating standards. I have a small team that has a big ambition to achieve the many challenges touched upon by the PoFA legislation and the SC Code. The size and scale of this work is significant and could not be achieved without the continued and magnificent support of expert volunteers from right across the surveillance camera

⁵ <https://www.gov.uk/government/publications/passport-to-compliance>

⁶ <https://www.gov.uk/government/news/marks-and-spencer-first-retailer-to-gain-sccs-cctv-certification>

⁷ <https://www.gov.uk/government/case-studies/barnsley-hospital-nhs-foundation-trust-get-certified>

⁸ <https://shop.bsigroup.com/ProductDetail/?pid=000000000030345718>

⁹ <https://www.gov.uk/government/publications/memorandum-of-understanding-surveillance-camera-commissioner-and-information-commissioner>

¹⁰ <https://www.ifsecglobal.com/top-50-influencers-security-fire-2017/>

stakeholder community who give so freely and generously their time, wisdom and expertise.

Finally, this report highlights my extensive engagement with both 'relevant authorities' and voluntary adopters. In essence the SC Code directs that my function extends essentially to all operators of surveillance camera systems in public spaces – my emerging engagement with retailers, universities, transport networks and other large organisations highlight this.

The Government identified that it supports an incremental approach to regulation of public space surveillance camera systems, owing to the recognised growth of challenges borne out of evolving and increasingly intrusive technologies, the proliferation of cameras in society, and the need to protect and regulate the balance of citizens rights with the need for public safety.

That growth places a significant burden on my role and that of my team. Our successful introduction of the National Surveillance Camera Strategy places my engagement with other parties including regulators, industry, the security sector, business, critical national infrastructure, the security services, the transport networks and others, on a strategic footing. This work has attracted much international attention and has had a good deal of success in driving up standards of operating surveillance camera systems. However resources and assets to support this work remain locked in the initial allocation whilst the work has indeed incrementally advanced at a pace. I plan to submit a bid to the Secretary of State requesting that this advance in work and volume is recognised and that resources be aligned to properly reflect the size and scope of the challenges ahead.

Chapter 1 - National Surveillance Camera Strategy for England and Wales

In January 2016 my Advisory Council agreed that producing a national surveillance camera strategy for England and Wales was necessary if I was to be truly effective in my role of raising standards in the use of surveillance camera systems in public spaces.

Since the inception of CCTV (now more accurately referred to as video surveillance camera systems) there has been much good work from inside the industry to seek to raise standards. However much of this work had been disparate and uncoordinated.

There is a Home Office manual aimed at providing guidance to prospective purchasers (commonly known as the 'Operational Requirement'¹¹). However this document doesn't reflect a process nor does it provide advice and guidance to the purchaser against key processes, for example conducting privacy impact assessments, consulting with members of the public, complying with required standards and so on. Given that the total annual spend on such equipment in 2015 was in the region of £2.2 billion¹² this is not acceptable.

The Strategy addresses this issue and introduces a 'Passport to Compliance' which puts the responsibility for system development in the hands of the organisations that operate them. It guides organisations through the stages that they need to go through when planning, installing and eventually operating surveillance camera systems. The Passport to Compliance is a key tool that will be used to align standards and guidance for industry. I am already reviewing the Passport to Compliance's framework so as to ensure that the issue of cyber security in particular, is comprehensively and meaningfully addressed. I must offer my thanks to Professor Geoff Berry (University of Derby), Steve Wilson (Independent Security Consultant) and Alex Carmichael, Chief Executive, Security Systems and Alarm Inspection Board (SSAIB) for driving this work forward during the reporting year.

My Advisory Council agreed to support work to draw together a comprehensive National Surveillance Camera Strategy that seeks to develop;

- a holistic approach to raising standards; and
- compliance with legal and all regulatory obligations in line with the 12 guiding principles of the SC Code.

Partnership working is the foundation of the delivery of my Strategy and leadership is provided from a wide spectrum of stakeholders. The surveillance camera sector includes CCTV, body worn video, automatic number plate recognition, vehicle borne cameras and unmanned aerial vehicles (drones). In 2013 research estimated the number of CCTV

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/378443/28_09_CCTV_OR_Manual2835.pdf

¹² [Study on the development of statistical data on the European security technological and industrial base Final Report – Ecorys, June 2015](#)

cameras in the UK at up to 6 million¹³ yet these only cover part of surveillance camera coverage and capability. I believe the figure may now be much higher than this estimate given the proliferation of cameras being adopted by such a wide range of organisations and the increasingly intrusive nature of new and emerging technologies. I am concerned at the incrementally intrusive development of surveillance cameras in the everyday lives of citizens. The constraints of my regulatory mandate outside of those organisations that are 'relevant authorities' as described in the Protection of Freedoms Act 2012 (PoFA) significantly undermine my ability to bring the necessary influence and leadership where it is sometimes most needed.

The Strategy is ambitious with long-term objectives that extend beyond 2020. Delivery plans have been developed for each objective for the first three-year period (2017-20) and progress will be made in the full knowledge that technological change is moving rapidly, so the world is changing around us. My aim is to develop a stronger evidence base before 2020 to inform further strategic planning and to maintain momentum in that regard. The Strategy is a 'living document'. As such it will be kept under review and amended as legislation, technology and best and good practice evolves and emerges, and as practical experience is gained as the Strategy is implemented.

Accordingly the vision of my Strategy is:

The public are assured that any use of surveillance camera systems in a public place helps to protect and keep them safe, whilst respecting the individual's right to privacy. That assurance is based upon deployment which is proportionate to a legitimate purpose, and transparency which demonstrates compliance with best and good practice and relevant legal obligations.

The vision will be achieved by:

Providing direction and leadership in the surveillance camera community. Enabling system operators to understand and use best and good practice, and then demonstrate to the public, compliance with the principles of the SC Code and any associated guidance or legislation.

Governance

The enabling legislation for the SC Code is the Protection of Freedoms Act 2012 (PoFA). The clear philosophy regarding public space surveillance in that Act is one of transparency, accountability, integrity and legality of use. It is appropriate therefore that the impact of the National Surveillance Strategy, its successes and failures, should be visible to the public.

Accordingly my Advisory Council receives quarterly updates and provides scrutiny to each strand and its development. My Annual Report will provide a complete analysis and publication of progress of the Strategy for public scrutiny.

¹³ <https://www.bsia.co.uk/Portals/4/Publications/195-cctv-stats-preview-copy.pdf>

The Strategy comprises 11 objectives; commentary is provided on each objective explaining what I hope to achieve and how this will be brought about. The reader can acquire a more detailed analysis by accessing the relevant objective and detailed delivery plans¹⁴ and the deliverables due for 2017/18 are listed at Annex B.

I am extremely grateful to Alastair Thomas (Alasthom Limited) who managed the development of the Strategy.

Standards and Certification

I am again grateful to Alex Carmichael (Chief Executive, Security Systems and Alarms Inspection Board (SSAIB)) for his continued support and guidance in chairing my Standards Board. His objective is to build on the success of the third party certification scheme for end users and operators (referred to earlier) – but by extending its focus onto manufacturers, installers and consultants. The Standards Board is fully cognisant of challenges that arise from determining standards for cyber security, so that appropriate leadership guidance regarding cyber resilience and disciplines will continue to be provided.

A key deliverable is to set a single benchmark for installers and consultants so that prospective purchasers can make appropriate decisions with confidence. Currently (March 2017) a variety of standards and codes exist for this group in the video surveillance market. This strand will harmonise those standards into a single identifiable approach in the form of an independent certification scheme thereby raising standards and awareness.

Importantly this strand will seek to motivate manufacturers for commercial gain, to build equipment to recognised British Standards thereby ensuring that high quality equipment is delivered. Much frustration still exists amongst the public and purchasing community that equipment fails too easily or quickly degrades thereby rendering the equipment obsolete and also more vulnerable to cyber attack.

Horizon Scanning

Technology continues to advance rapidly and a persistent challenge for regulators and policy makers is to ensure that their approach remains up to date and relevant. Given that a key element of my role is to advise the Secretary of State and industry in general as to the operation of the SC Code I felt it important to establish a mechanism to enable me to understand how surveillance camera technology is likely to develop in the future. This mechanism allows me to better consider the potential impact on society, the risks to civil liberties and the challenges for regulators and policy makers so that I may better advise the Government accordingly.

Already the challenge of integrated surveillance and big data networks is challenging the established view of the role of surveillance cameras. How they integrate with sensor

¹⁴ <https://www.gov.uk/government/publications/national-surveillance-camera-strategy-for-england-and-wales>

technology, how they combine with video analytics and data mining capabilities are key challenges. I expect these challenges to be a constant theme over the next few years. The potential of new technology is undoubtedly exciting, its uses across society almost unquantifiable and yet the potential for encroachment on civil liberties if not properly managed is significant. Regulators and policy makers in this space need to be alert. I am grateful for the leadership of Home Office Centre for Applied Science and Technology (CAST) who volunteered to lead this work.

Cyber threats continue to attract national and international attention. The risk to the video surveillance camera community is no exception. The cyber attack in Washington DC in January 2017 (between 12 January and 15 January) where 123 cameras out of 187 cameras were infected with ransomware, just days before the inauguration of the US President clearly demonstrates that surveillance cameras are not immune¹⁵ from this phenomenon.

I am delighted to report that Mike Gillespie, an industry specialist and President of the Centre for Strategic Cyberspace and Security Science's (CSCSS), Cybersecurity, Cybercrime, and Cyber Intelligence (C3I) Initiative, is working in support of my strategy. Mike is leading a cross cutting approach to cyber security across all elements of my strategy. In particular his current work is engaged with developing standards for manufacturers, developing a buyers guide for surveillance camera systems, training and horizon scanning.

Civil Engagement

Professor William Webster, Director at the Centre for Research into Information, Surveillance and Privacy (CRISP) and Professor of Public Policy and Management at the University of Stirling, leads the civil engagement strand of the strategy.

In the context of civil engagement I sometimes hear people in public office say 'we must have a debate about this' in respect of a topical issue, and then everything goes quiet. Where public space surveillance camera systems are concerned, new and advancing technology, new uses and greater reach into privacy are too important not to give the public a voice and to listen to what they have to say.

Civil engagement around the governance and deployment of video surveillance cameras is especially important because public awareness is critical in ensuring public support for public space systems. This is essential for their legitimate use and to make sure that they are used in the public interest. Accordingly a programme of national events is planned over the coming years to discuss these issues, gauge public views, opinions and concerns and ensure that the public voice is heard and appropriately influences the future development of policy and my regulatory approach.

¹⁵ https://www.washingtonpost.com/local/public-safety/hackers-hit-dc-police-closed-circuit-camera-network-city-officials-disclose/2017/01/27/d285a4a4-e4f5-11e6-ba11-63c4b4fb5a63_story.html?utm_term=.bc4feade4796

Police

Under section 33(5) of the PoFA the Chief Officers of Police, (together with Police and Crime Commissioners, local authorities and a number of other organisations in England and Wales), are designated as a 'relevant authority'. As such these organisations are required to have regard to the SC Code when operating the overt surveillance camera systems under their control in public spaces.

It is particularly important that the police not merely demonstrate the due regard which they must have to the SC Code internally but, given the politically sensitive nature that is public space surveillance, that they demonstrate this commitment publicly.

The police utilise a wide range of surveillance camera capabilities. These range from standard CCTV which is used to protect their estates and infrastructure, (reception desks, custody suites and so on) and also includes body worn video, unmanned aerial vehicles (drone technology), helicopter and road vehicle borne cameras and automatic number plate recognition. Some forces are also using video analytics from automatic facial recognition to other algorithms capable of predicting behaviour.

I am delighted that the police have not only vocally supported the strategy but have supported the provision of a single voice, representing the National Police Chiefs' Council, (NPCC) across the various application of this technology.

I am grateful to Assistant Chief Constable Mark Bates (NPCC lead for CCTV) who has led on the police engagement with the strategy. He has worked to ensure that each force has a single point of contact to provide relevant data around the usage and compliance of each police force to the SC Code. As a minimum this will involve the completion of the self-assessment tool by each force and, where each force determines it, third party certification.

Importantly the police are endeavouring to establish data processing capture that for the first time provides a detailed empirical insight into the value of surveillance cameras. I see this as imperative given that the use of such equipment often revolves around partnership arrangements between local authorities, the police and, in some cases, businesses. As the impact of austerity continues it is essential that those charged with purchasing such technology are confident that it provides value for money.

Local Authorities

I continue to receive outstanding support from local authorities in helping me to achieve my statutory obligations.

This year Alan Gardner (London Borough of Enfield) has stepped down as national local authority lead. His assistance over the past three years has been considerable. He has been instrumental in driving the agenda of standard raising across local authorities and for promoting the imperative of local authorities establishing a single point of contact. He will be very much missed from this national work.

However I have gained 'two for the price of one' to continue Alan's work - Tony Gleason (Bournemouth Borough Council) and Neil Harvey (Nottingham City Council). They have picked up the baton relating to developing the local authority strand of the strategy with enthusiasm. They intend to reinvigorate the Public Space CCTV Managers Association (PCMA) and use it as a force for change within the strategy.

There are many challenges to overcome within the strategy in so far as the use of surveillance camera systems by local authorities are concerned. I aim for a better understanding of how local authorities use surveillance cameras across all their organisations beyond CCTV and CCTV operations rooms. Many local authorities utilise surveillance camera equipment such as body worn video which are deployed in public spaces for example by civil enforcement officers. I am even aware of such capabilities being deployed in a public library. The adherence to the SC Code and data protection regulations is not always so clear. This is not acceptable and I will be focusing on this issue over the period of the strategy.

Voluntary Adopters

Operators of surveillance camera systems that are not defined as relevant authorities are encouraged to adopt the SC Code and its guiding principles voluntarily and make a public commitment to doing so. Such system operators are not, however, bound by any duty to have regard to the SC Code (paragraph 1.17 SC Code).

The case for a wider inclusion of organisations to be bound by a legal duty to have regard to the SC Code is overwhelming in my view. I am disappointed in those organisations that choose not to voluntarily adopt the simple guidance offered by the SC Code, which after all has benefits to engendering public confidence and indeed is a cost neutral commitment. Whilst not agreeing with the sentiment, I do understand the argument I have heard offered that *"if it is not a legal requirement we are not doing it"*. Such views are in my view both naive and short sighted and I will continue my energies to encourage voluntary adoption whilst lobbying Government for relevant changes to the legislation.

I have always believed that for the SC Code to deliver the significant improvement to standards of public space surveillance camera operation that parliament had intended, it is important to focus on the broader community of surveillance camera operators and not just the relevant authorities contained with PoFA.

Throughout the first three years of my Commission I have focussed on organisations that have made an approach to me with regards to voluntarily adopting the SC Code.

I am delighted that the Association of University Chief Security Officers (AUCSO) has publicly supported the SC Code. An increasing number have completed the self assessment tools and qualified for independent third party certification. A growing number of other organisations have followed this approach. For example Marks and Spencer's have adopted the provisions of the SC Code across its estate, Transport for London has similarly voluntarily adopted the SC Code throughout their public transport network and Barnsley Hospital NHS Foundation Trust is the first in the health sector to be awarded my

third party certification mark. To maintain this momentum I have asked Philip Jones from REVO (Retail Evolution, previously the British Council of Shopping Centres) and Security Manager at Westfield Europe Ltd, to promote the SC Code much further than relevant authorities. There is a strong programme of work being undertaken which is aimed at bringing retail centres into the fold of voluntary adopters.

Further work is required in terms of casting that net further and wider although I must at the same time keep an eye on available resources, which are finite, and ensure that progress is stable and measured. I am confident that Philip Jones will raise the profile of the SC Code and reflect the value of high quality video surveillance which complies with the regulatory landscape.

Critical National Infrastructure

I am delighted that the Centre for the Protection of National Infrastructure (CPNI) is actively leading the critical national infrastructure work strand. The CPNI have endorsed the strategy and have committed to promulgating it across the critical national infrastructure.

Many of these infrastructures, through necessity, are secretive around their protective measures. The approach of the CPNI however recognises that, although secrecy may be an absolute requirement, that does not mean standards for the use of public space surveillance cameras should not be demonstrably high.

I look forward over the coming years to engaging with the CPNI and seeing more and more organisations acquiring independent third party certification.

Installers, designers and manufacturers

This strand of the strategy is led by Simon Adcock, Managing Director at Atec Security, and Vice Chairman of the British Security Industry Association (BSIA) for CCTV. Simon brings a wealth of industry experience into the strategy and will enable the collaboration across the various disciplines which has been sorely needed.

A key element of his approach is the development of a 'Buyers Toolkit' which will seek to help those considering the purchase of surveillance camera systems to make decisions based upon the SC Code as well as good and best practice. Given that the surveillance camera industry is worth £2.2 billion per annum, (including purchasing and maintenance), the value of this initiative is self explanatory. My ambition is that, through the synergies within the Strategy, this 'toolkit' will inform the work on industry standards, and this will include cyber security standards. My ambition is that this work will influence all sectors of the security camera industry as ultimately the buyers' pound (as well as the manufacturer's investment) will be focusing on the delivery of infrastructure that;

- is equipped to consistent standards;
- has quality hardware and software that is cyber secure;

- follows recognised processes and acquires appropriate certification.

The work to develop the toolkit was first aired at an excellent and well attended charity event to which I was invited as guest speaker and which was organised by Norbain (manufacturer) and sought to raise funds for MacMillan cancer nurses. The event certainly helped to raise the profile of both the toolkit and the strategy amongst manufacturers, in addition of course, to its primary and commendable purpose of raising precious funds for such a worthy cause.

Training

It is surely a necessity, if standards are to be raised, that training needs to be harnessed across the relevant surveillance camera sectors and be visible and available. I am delighted to have the support of Gordon Tyerman Chair of the CCTV National Standards Forum who leads this work in the strategy. He has broad and significant experience in this field and is supported by a team of like minded and interested professionals who report through to me on developments.

It is important that as the Strategy continues to be embeded across the various sectors that training reflects any new direction.

Given the wide technological implications within the industry, having a solid knowledge base on how to design, install and operate surveillance equipment is essential to having effective systems. The legal constraints on how and when surveillance systems are used present significant challenges to operators and end users, who need to be up to date on the regulations and restrictions in place.

Setting high standards of training is essential if the public are to have faith in how surveillance systems are operated in an open and transparent manner. This is a key part of the Strategy.

Installers need to be aware of the new 'Buyers' Toolkit' and the 'Passport to Compliance'. These processes lend themselves to new training opportunities. Work undertaken by the standards strand will be closely tracked by training within the Strategy. I will use this coordination as an opportunity to gain synergy that has hitherto been absent.

Regulation

The regulation of the operation of overt surveillance camera systems in public spaces in England and Wales by relevant authorities is my clear regulatory leadership function as provided at Chapter 1 PoFA. It is inescapable however that the responsibilities of other regulators are engaged in such matters. The SC Code (paragraph 5.2) recognises the wider interests at play and provides that I should work closely with fellow regulators to determine how the relationships between us operate, and significantly to determine gateways through which issues flow between the public and Commissioners. Inevitably my work in that regard has not been without its challenges however there has been a good deal of progress made.

In the development of the Strategy I have consulted with my fellow regulators, kept them abreast of developments where relevant to their statutory functions and engaged them in coordination of appropriate responses where they are needed.

Her Majesty's Inspectorate of Constabulary (HMIC) recognises the important role that the police play in the use of surveillance cameras in society. I have engaged with Sir Tom Winsor, the Chief Inspector of Constabulary, and his team with a view to ensuring that the requirements of the SC Code are reflected in their engagement and inspections of police forces. Whether and how this is done is clearly a matter for HMIC but I am reassured that measures are under active consideration.

For my part I am undertaking a programme of work that seeks to understand the nature and extent of the use of overt surveillance camera systems by police forces in England and Wales (and indeed by all the relevant authorities as described by PoFA) and the degree to which regard is given to the SC Code in connection with their use. I anticipate that the information derived from this undertaking will be helpful to HMIC when considering its future inspection focus and methodology.

I am most grateful to the Chief Surveillance Commissioner, the Right Honourable Lord Igor Judge and also to the Office of Surveillance Commissioners (OSC) for the support and contribution that he and his team have provided to the development of the Strategy. The OSC recognised in particular that whereas the SC Code relates only to overt surveillance camera systems, and covert use is accommodated by the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA), our respective interests are engaged when an overt system is used for a covert purpose. The OSC have of course ceased to exist and have been replaced by the Investigatory Powers Commissioner's Office (IPCO) as a consequence of the Investigatory Powers Act 2016. I look forward to continuing an equally productive relationship with the Investigatory Powers Commissioner, Sir Adrian Fuller, and wish him well in his new regulatory role.

The Information Commissioner and I have revised our Memorandum of Understanding. The impact of the new General Data Protection Regulations (GDPR) together with new data protection legislation which comes into effect in May 2018 will be significant. This change will impact upon operators of surveillance camera systems and will have an impact on the SC Code. This in turn may require some finessing of the independent third party certification process which I facilitate. I am alert to the potential to explore with the Information Commissioner, opportunities to harmonise GDPR into those certification process in so far as they relate to the management of data within the new regulations. I see this as a fantastic opportunity to drive performance and standards across the whole community of users.

I engage regularly with the Biometrics Commissioner particularly in relation to the issue of automatic facial recognition technology. At the time of writing I await publication of the Home Office Biometric Strategy which will, I hope, provide much needed clarity over respective roles and responsibilities in this area. In turn I also engage in regular dialogue with the Forensic Science Regulator who clearly has equities in the development of new digital forensic technologies and how they might be utilised. The importance of ensuring

synergy and dialogue between all regulators is significant to the public interest. This strategy provides a platform to support that endeavour.

Under the umbrella of my strategy I will continue to work with other regulators where our interests overlap. This is particularly important as the development of technologies, including biometric and forensic technologies continue to advance. The SC Code is clear that such technologies must be regulated by the SC Code and that I will be a source of advice on validation of such systems (*paragraphs 2.3 & 3.2.3 (footnote 4)*).

The strategy aims to support and coordinate regulatory interests specifically in relation to the use of public space surveillance cameras and technology.

Online Hub

I have included a final objective within my Strategy which is to develop an 'online hub' that will harness all relevant legal and regulatory advice and provisions. Additionally this hub will signpost relevant standards and provide support, advice and guidance to prospective purchasers. My aspiration is that this platform will provide a one stop shop across industry to end users and in itself become a vehicle for driving up standards.

To bring the strategy to launch and commencement of delivery has taken a huge effort from my small team and the highly skilled volunteers mentioned above. Again I thank each one of them for their hard work and good counsel. I am delighted to have received public support from a range of organisations and representatives of security industry¹⁶.

"I support this initiative and look forward to hearing about progress driving up standards of use of surveillance cameras across England and Wales." – **Brandon Lewis, Minister of State for Policing and Fire Services**

"I would be delighted to endorse and give my support to the National Surveillance Camera Strategy for England and Wales. This will reassure the public and communities in Wales that the Strategy will keep them safe, while protecting their right to privacy." – **Carl Sargeant, Cabinet Secretary for Communities and Children, Welsh Government**

"TfL strongly supports the role of the strategy in helping to mitigate the effect of new surveillance camera technologies on individuals and communities, so that their privacy is protected." – **Mike Brown, Commissioner of Transport (Transport for London)**

"The objectives of the strategy to streamline processes around the development of standards and operating practices are welcome, as is the aim of creating an overarching policy that underpins what key partners for councils such as police, manufacturers, installers and training providers will do going forward. The LGA is willing therefore to support the strategy as you requested." – **Mark Lloyd, Chief Executive Local Government Association**

¹⁶ These are listed at Annex A of the National Surveillance Camera Strategy for England and Wales

“I have reviewed the draft strategy with interest, and am happy to endorse the proposal on behalf of the National Police Chiefs’ Council (NPCC). I look forward to working with you to ensure the successful implementation of the strategy, with support from the National Crime Operations Co-ordination Committees.” – **Chief Constable Michael Barton NPCC National Crime Operations Co-ordination Committee Lead**

“This strategy is long overdue and thankfully encompasses an holistic approach across the public surveillance sector, ensuring that standards are raised and there is compliance with the 12 principles in the code. This will reassure the public that CCTV is used to keep them safe whilst respecting their privacy. The Association of University Chief Security Officers endorse this strategy.” – **Mark Sutton, Chair Association of University Chief Security Officers**

“In its role as the UK National Standards Body, BSI is, therefore, pleased to provide support to the National Surveillance Camera Strategy for England and Wales.” – **Howard Kerr, Chief Executive British Standards Institution**

“I am delighted to endorse the strategy and will continue to support your work on standards and best practice in this vital part of the UK economy” – **James Kelly, Chief Executive British Security Industry Association**

Chapter 2 – 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’)¹⁷.

In last year’s Annual Report I referred to ‘the review’ and the 9 recommendations I made.¹⁸ Running concurrently to the review was the proposal to introduce the aforementioned National Surveillance Camera Strategy for England and Wales.

The Minister expressed both satisfaction and confidence in the progress which my office was making in furthering the aims of the Protection of Freedoms Act 2012 (PoFA) and the Surveillance Camera Code of Practice (SC Code). He specifically stated that he was content with that progress and anticipated that the Strategy would address the issues highlighted within the review¹⁹. For that reason the Government was content not to recommend changes to the SC Code, and to consider those issues when the legislation is due for a formal post legislative review later in 2017. For ease of reference I repeat those recommendations below and briefly comment as to progress.

Recommendations

1. The Code to specify that local authorities appoint a Senior Responsible Officer/Single Point of Contact, to oversee surveillance capabilities across the entirety of the authority. This is consistent with the requirements of the current Codes of Practice for directed surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) and Regulation of Investigatory Powers (Scotland) Act 2000 (RIP(S)A).

Update: This is a specific deliverable in the local authority work strand of the Strategy and will be developed by the leads for that strand and through workshops led by me and my team. I anticipate all local authorities within England and Wales will nominate a single point of contact in the reporting year. This will enable greater harmonisation and compliance with regulation. The commitment by over 90% of local authorities to demonstrate compliance to the SC Code by completing my self assessment tool for their main town centre scheme gives much cause for optimism.

¹⁷ <https://www.gov.uk/government/publications/review-of-the-surveillance-camera-code-of-practice>

¹⁸ <https://www.gov.uk/government/publications/surveillance-camera-commissioner-annual-report-2015-to-2016>

¹⁹ <https://www.gov.uk/government/publications/government-response-to-the-review-of-the-surveillance-camera-code-of-practice>

2. The 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 the 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 SC Code and PoFA to ensure relevant authorities are transparent in showing full compliance when operating public space CCTV systems.

Update: These targets will be addressed by the police and local authority work strands within my Strategy.

3. The impact of Recommendation 2 to be monitored for compliance. Should compliance be unsatisfactory then the Government to consider giving the Surveillance Camera Commissioner limited enforcement sanction powers to issue 90-day transparency notices to the relevant authorities that 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, the rectification of any deficiencies found and the results published.

Update: This is subject to ongoing review of performance by the relevant authorities. This performance will be reported upon in subsequent Annual Reports.

4. Police to publicise governance arrangements for ANPR infrastructure including details as to who 'owns' the system and how policy is formulated around its usage to ensure widespread communication of its value across England and Wales by police forces.

Update: The police under the leadership of Deputy Chief Constable Paul Kennedy (now retired), have amended the ANPR section of the National Police Chiefs' Council (NPCC) website²⁰ and driven through significant changes. There is greater transparency and the establishment of a Privacy Advisory Group which I have formally been asked to Chair.

5. Government should identify measures to encourage use of a 'Passport to Compliance' (operational requirement & system certification) across the 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.

Update: The Passport to Compliance is in development and will be published in the summer of 2017. I will work with Government to identify ways to encourage its use.

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

²⁰ <http://www.npcc.police.uk/FreedomofInformation/ANPR.aspx>

authority using overt surveillance in public space that has obligations under human rights legislation and/or capabilities under RIPA.

Update: I will provide a more comprehensive update within the 'relevant authorities' chapter. Suffice to say I believe the current schedule of relevant authorities needs expanding and I struggle to understand the status quo beyond Home Office officials saying that *they* are not minded to enact any changes that require legislative amendments. I will continue to press the Government to expand the list of relevant authorities to include NHS, and education and transport sectors at the very least.

7. The Government should consider ways to incentivise such organisations with a significant 'surveillance camera footprint' to voluntarily adopt the SC Code.

Update: Implicitly this recommendation has not been accepted. There is nothing within the Strategy that will deliver against this recommendation.

8. Government to consider ways in which local authorities are incentivised once they certify their town centre/principal schemes against the SC Code.

Update: Implicitly this recommendation has not been accepted. There is nothing within the Strategy that will deliver against this recommendation.

9. Regulators should strive to produce a single 'Code of Practice' relating to surveillance camera systems.

Update: I have previously highlighted my concerns as to the potential for regulatory confusion, duplication of effort and the potential bureaucratic burdens placed on surveillance camera system operators caused by the existence of two separate codes which relate to surveillance camera systems. The Information Commissioners Office (ICO) has for a number of years, produced '*In the Picture*' A data protection code for surveillance cameras and personal information'.²¹ The SC Code in its current format is such that the majority of the principles contained within its contents touch on matters of relevance to the ICO. There has been a good deal of positive progress made between my offices and those of the ICO and I acknowledge the commitment of the Information Commissioner and her team in that regard. Both Commissioners remain sensitive to the potential for the public interest to be not best served by an absence of coordination between us where a more collegiate approach may be appropriate. This will be a particularly important consideration with the advent of new data protection legislation.

I remain of the view that it is in the public interest for there to be clarity and consistency in regulatory leadership messages to the surveillance camera stakeholder community. In that regard my view is that I should provide the necessary coordination and delivery of regulatory messages to those operating overt surveillance camera systems in public places in England and Wales and to the public in such matters.

²¹ <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

Chapter 3 – Relevant Authorities

Section 33(5) of PoFA sets out a list of relevant authorities that must pay due regard to the SC Code when using any form of surveillance camera to monitor public space.

The ambition of my Strategy is to ensure that all relevant authorities can demonstrate compliance with their statutory obligations and to combine this approach with a broadening awareness and compliance across all other users of public space surveillance cameras. The aim is to achieve a greater degree of coordination between manufactures, industry, installers and integrators and end users thereby achieving an uplift in the calibre of surveillance and in turn public confidence in their usage.

Local Authorities

Throughout the reporting year I have continued to visit control rooms operated by local authorities. I have witnessed first hand the very real determination of key professionals within those environments seeking to deliver high quality public service and adherence to the regulatory landscape. The continuing theme emerging across most local authorities is the impact of austerity budgets on their ability to raise standards – the purchase of new equipment, training development and recruitment of quality staff and so on. Recognition must be given to the fact that the provision of public space video surveillance is a non statutory obligation for local authorities and the imperative on those supporters of such surveillance is to provide evidence as to its value and thereby justify its cost. We are not there yet and some leadership is required on providing such evidence. I will reference this issue later in this report in the section relating to police and annual data returns.

Raising Standards

I have, in previous Annual Reports, referred to the complexity of the local authority landscape. Within England and Wales there are 375 principal local authorities (local authorities that are relevant authorities under section 33(5) of PoFA). In addition there are approximately 10,000 local town, parish and district councils that are also classed as relevant authorities under PoFA – anecdotal evidence suggests that at least 600 of these utilise forms of public space video surveillance equipment in partnership with others (police, business).

I continue to receive support from the Local Government Association, the Society of Local Authority Chief Executives and the National Association of Local Councils who provide advice around communication pathways into the relevant organisations.

Self Assessment and Third Party Certification

Self assessment tools (SATs) and an independent third party certification scheme are the two primary approaches I encourage to raise standards across organisations. The process is simply:

- the completion and publication of the SAT to demonstrate regard to the provisions of the SC Code and;
- attainment of my third party 'certification mark' for those organisations wishing to further visibly demonstrate compliance with the provisions of PoFA.

The process for the attainment of step 1 and step 2 of independent certification²² was outlined in last years Annual Report.

Last year I reported that 85% of local authorities had completed the SAT and 40 local authorities had achieved independent third party certification against the SC Code. This was a striking achievement given that prior to engagement with local authority Chief Executives only 2% of such authorities had attained any form of quality assurance in the operation of the CCTV provision against the SC Code – normally British Standard 7958 (the standard for monitoring operations rooms).

This year I can report that 93% of local authorities have completed the SAT²³ which represents significant progress and commitment by local authority Chief Executives. My team is working to understand the issues which have so far prevented the remaining 7% of local authorities from complying with the legislative responsibilities placed upon them by section 33 PoFA. I am confident my team will navigate those complexities and provide support to the remaining areas to demonstrate compliance. The aim is for 100% compliance within the current reporting year.

In addition to the uplift in the number of SATs completed I am pleased to report that 60 organisations have achieved my third party certification mark. Given that this is not a compulsory undertaking for organisations and, as previously mentioned, austerity continues to be an issue at local level I think this progress is laudable.

It is important that I acknowledge the three certification bodies IQ Verify, the National Security Inspectorate (NSI) and Security Systems and Alarms Inspection Board (SSAIB) that have developed the certification process and applied the integrity of their organisations to this process. As part of our efforts to drive up standards we piloted a national workshop in Wales engaging the police and local authorities throughout Wales. The response was comprehensive and culminated with some organisations attaining certification and others completing the self assessment tool. The message regarding single point of contact officers was also delivered. I intend, as part of the Strategy to

²² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504246/Cert_Policy_Document_-_FINAL_2_.pdf

²³ <https://www.gov.uk/government/publications/local-authorities-who-have-completed-the-scc-self-assessment-tool>

replicate this approach across England thereby harmonising the relevant authorities' approach to the management of public space surveillance.

I look forward to enjoying continued success throughout the remainder of my term as Commissioner.

Senior Responsible Officer/Single Point of Contact

I have alluded to the concept of a Senior Responsible Officer (SRO) within each relevant authority earlier in this report as being a recommended inclusion in the SC Code. Such an arrangement exists within the Home Office RIPA Code of Practice for Covert Surveillance and Property Interference. The addition of an SRO provision makes it clear as to where responsibility lies within an organisation for demonstrating the integrity of processes for having regard for the SC Code, in support of the Chief Executive.

The concept of a Single Point of Contact (SPoC) is a separate consideration and is simply the formal designation within a local authority of an individual at a more tactical level who is a recognised expert source of advice, and a co-ordinator of all surveillance activity and capability within the organisation. In a number of local authorities this role is undertaken by the CCTV manager. My Strategy incorporates a dedicated piece of work whereby my office will continue to work with all local authorities with the aim of identifying a SPoC for all surveillance camera systems within their organisations. The delivery of public space surveillance across the many departments within local authorities may sometimes allow for a fractured approach and lack of awareness of legal and regulatory obligations in certain quarters. This is not acceptable. A series of national workshops are planned for 2017/18 between my office and all local authorities to raise awareness and drive up those standards.

As mentioned earlier in this chapter, working with local authorities has delivered a position whereby 93% of local authorities can demonstrate regard to the SC Code in respect of the surveillance camera systems they operate. Whilst this is laudable it simply does not address the burgeoning use of such equipment across the local authorities – I have previously spoken about use amongst civil enforcement officers, libraries, sports and recreation centres and bin lorries and so on. I remain unsighted regarding the nature of any due regard demonstrated to the SC Code across this growing usage and seek to address this unknown in the coming year

I see this as essential to delivering a position where local authorities can demonstrate compliance with respect to the surveillance camera systems they operate. I am grateful for the advice offered from colleagues within the Office of Surveillance Commissioners who operate an inspection approach to assessing standards of legislative compliance (RIPA) amongst local authorities when use of the local authority's overt surveillance camera systems is made for covert purposes. The surveillance camera landscape does require a degree of access to specialist knowledge and advice amongst practitioners. Absence of that knowledge is more likely to lead to a breach of current laws and present a reputational risk to relevant authorities and thereby cause damage to public trust.

This recommendation was 'Recommendation 1' within the aforementioned Review of the SC Code. I have published case studies on my web site and sought to raise the issue in blogs and on social media.

The Question of Value for Money – Is CCTV Worth the Cost?

A perennial question raised across local authorities in England and Wales relates to this question. Given austerity and competing demands and the apparent absence of nationally agreed key performance indicators to justify the existence of surveillance *camera* systems, why should they invest in such equipment? I will leave aside the issue for private businesses *et al* as the burgeoning use tends to provide its own answer – access control, loss prevention and security principles are some examples.

The decision by Westminster City Council to remove its video surveillance systems on the grounds of cost thrust this issue in to the foreground during the year²⁴. Westminster City Council's Cabinet agreed to decommission the authority's current CCTV network of 75 cameras from 1 September 2016. The Cabinet also agreed to continue constructive talks with the Mayor of London's Office for Policing and Crime (MOPAC) which is a relevant authority under the provisions of PoFA, and the Metropolitan Police to try to work towards a pan London alternative solution.

It has been reported to me that the council has set aside £1.7 million to upgrade the entire CCTV system, which is ageing. There have been discussions with the police, business partners, MOPAC, the Greater London Authority and the Government for many years about the issue of ongoing CCTV running costs, of up to £1 million per year. However I am yet to be aware of any meaningful progress being achieved.

Arguments advanced by Westminster City Council for the removal of CCTV are that other cameras are operational in central London that are not being affected by the council's decision, for example cameras operated by Transport for London and thousands operated by private businesses. The CCTV systems operating in Westminster's housing estates will also be unaffected. In addition, there are many other crime prevention initiatives that are run successfully, often in partnership, with the police, council and businesses that do not involve fixed CCTV cameras and the council will continue to build on those processes. These arguments do not talk to the merits of a coordinated, well planned system that supports emergency responders through a coordinated command platform. Nor do they reference the innumerable crimes solved and investigations (serious crime and counter terrorism incidents) that are shortened because of the product from such cameras.

These circumstances point to deeper issues. Historically councils nationally have installed video surveillance systems. There is strong anecdotal evidence that suggests many have been installed with inadequate analysis and assessment as to their intended use and why they are needed. Prior to commissioning a system a comprehensive operational requirement should be completed for all major systems which reflects accurately;

²⁴ <https://www.westminster.gov.uk/westminster-city-council-cabinet-decision-cctv>

- the intended purpose of the system;
- any privacy issues; and
- a description of what success looks like.

My Strategy introduces a 'Passport to Compliance' and subsequently will deliver a 'Buyers' Toolkit' which will support this process. Industry specialists advise me that the annual spend on video surveillance systems, maintenance and upkeep is approximately £2.2 billion; an effectively completed operational requirement would, in my view, support council leaders in describing the success of its systems to partners in a bid to share costs or support the decommissioning of such systems if they were not seen to deliver against the original objectives.

The absence of key performance indicators (KPIs) exacerbates the issue. Historically CCTV has grown incrementally across local authority areas. Whilst initially funding emerged from the Home Office in the 1990's there was no coordinated central drive to assess the performance of the equipment. There is some excellent practice at local level and some highly skilled local operation room managers endeavour to keep local leaders abreast of performance levels by the use of locally prepared KPIs. However, there is no symmetry across local authorities that would enable a holistic view as to the value of the systems to be taken.

I will refer later to the importance for police organisations to capture relevant data relating to the use of CCTV footage in the management of incidents. I have heard it argued that CCTV provides more evidence for prosecutions than either DNA evidence or fingerprint evidence combined yet no coordinated approach exists to corroborate this nor indeed are there any consistent measures or meaningful empirical evidence to support the assertion. No meaningful progress has yet been made in achieving this objective despite considerable police and local authority effort to do so. My strategy will develop a service level agreement (SLA) standard across local authorities and will focus on its relationship with police (both relevant authorities under PoFA). Within this SLA will be a schedule of agreed KPIs against which performance of equipment and its use can be assessed against outcomes.

Surveillance Cameras in Taxis

Licensing schemes (run by local authorities) that stipulate that video surveillance in taxis are a requirement are within scope of the SC Code.

I continue to find local authorities issuing blanket licensing requirements whether it be for taxis or licensed premises selling alcohol, wines and spirits. I referred last year to this issue and I will again quote the Department of Communities and Local Government that during consultation of the Bill announced "*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 the end of blanket policies.*"

I referenced in last year's Annual Report the action taken by the ICO in relation to Southampton Council in 2009 whose licensing committee adopted a policy of requiring all licensed vehicles to install CCTV equipment with continuous audio recording, following a number of violent and sexual assaults. Southampton Council appealed against the ICO enforcement action which the council lost and the ICO enforcement action was upheld on the grounds that continuous audio recording was disproportionate in this case. As a result of this judgement Southampton Council amended their requirements around audio recording and adopted a more targeted scheme in line with the requirements set out in the ICO's enforcement notice. The Council's policy sets out circumstances when audio recording should be activated based on times of day, types of customer (for example, children or vulnerable adults) and the use of panic buttons.

Last year, following engagement with the National Taxi Association, it was reported to me that a blanket licensing requirement regarding CCTV cameras in taxis had been put in place by Warrington Council. I have no powers of enforcement in such matters but the ICO does; my office referred this to the ICO in May 2016. There has been some frustration levelled at me on social media, predominantly by taxi drivers, in relation to this case. I have advised the ICO of those concerns. I am pleased to note that the Local Government Association (LGA) are getting to grips with the complexities of the issue and are to host a conference entitled "*The Use of CCTV in Taxis and Private Hire Vehicles*" later this year.

My office continue to ensure the LGA and councils are aware that paragraph 1.15 of the SC Code refers to the responsibilities of a local authority when exercising its licensing conditions. It talks about the requirement for a 'strong justification' if CCTV is to be part of licensing conditions and the requirement for regular review. The SC Code specifically says a blanket approach "*is likely to give rise to concerns about the proportionality of such an approach*".

Police and Police and Crime Commissioners

The provisions of section 33(5) of PoFA provide that Police and Crime Commissioners, in addition and separately to Chief Officers of police forces, have the status of relevant authority, meaning that they must pay due regard to the SC Code.

Historically police forces operated a limited range of their own overt surveillance camera systems; they were the key beneficiaries of products provided by other organisations. Such provision tended to be their use of CCTV to protect their estates and increasingly use for custody suites and reception areas.

During my period as Commissioner this has changed markedly. Police use of ANPR is expanding and operating under a national umbrella; body worn video cameras have moved from pilot status to fully operational use across many police forces in England and Wales. The use of drones is now becoming more frequent and is no longer seen as the exception and cameras are deployed in helicopters and on dashboards of police vehicles too. The police own and operate most, if not all of this equipment. They are not exempt from demonstrating due regard to the SC Code and my office has been active in our engagement with the police to ensure the public have visibility of that compliance.

The extent to which Police and Crime Commissioners provide funding and support to local authorities is something which I am seeking to understand, with the assistance of the Association of Police and Crime Commissioners.

In support of my Strategy, Assistant Chief Constable Bates (National Police Chiefs Council lead for CCTV) brokered an agreement with NPCC to represent his NPCC colleagues in speaking for all aspects of surveillance cameras being operated by police forces as a member of my Advisory Council. This approach has enabled the police to engage with one voice and respond in a clear and coherent fashion as issues arise.

CCTV

Police forces typically do not own and operate CCTV systems other than those on their estate although they are probably the main recipient of footage collected by cameras. As NPCC lead for CCTV ACC Mark Bates has been making excellent progress via his national user group and issued a report²⁵ on what they have been doing. Work is being completed by forces to ensure that the CCTV they operate is compliant the SC Code. We are also beginning to see some forces operating CCTV alongside local authorities with funding coming from Police and Crime Commissioners. This partnership working is to be applauded.

Body Worn Video (BWV)

Chief Constable Andy Marsh, the NPCC lead for BWV, has committed to supporting all police chiefs to demonstrate compliance to the SC Code by completing the self-assessment tool. We continue to encourage all forces to publish details of that tool for public visibility on their respective websites. I expect to declare in next years Annual Report a high take up and compliance in this regard.

I am also delighted to report this year that two of the country's largest forces – the Metropolitan Police and Greater Manchester Police – successfully acquired my independent third party certification mark for their use of BWV. Together, the two forces account for the usage of in excess 25,000 cameras. I can not overstate the importance of this achievement. This equipment supports the operational service delivery of the police and also helps to engender the confidence of communities in the policing they receive. The technology is often deployed in highly sensitive and often volatile situations. The police operate to stated policies governing use, recording and processing of material. Demonstrating this level of compliance can only engender greater public trust in its use. I encourage other forces to follow this lead and look towards further examples of independent certification for this particular invasive and sensitive aspect of policing.

²⁵ <http://nationalpolicecctv.uk/police-cctv-working-group-report/>

Automatic Number Plate Recognition

I have stated frequently that law enforcement ANPR in the UK must surely be one of the largest data gatherers of its citizens in the world. There is no need to rehearse the process or operation of ANPR; both have been covered previously at great length. Further information can be found in the National ANPR strategy²⁶.

The nature of its capabilities to intrude on privacy by building patterns of travel and the provision of imagery should not be underestimated – mining of meta-data and overlaying against other databases can be at least the equal of that of communication intercept in terms of its ability to intrude. Such data mining has the potential to inform the researcher as to location, routes, lifestyle and frequency of contacts. The daily capture of between 25 to 40 million reads of vehicle registration numbers per year by 9,000 cameras and the storage of 20 billion read records is formidable. The length of time for data storage, of a maximum of two years with safeguards, is more than anywhere else in Europe.

The uses of ANPR are also growing beyond law enforcement – to manage traffic flows, for road enforcement and so on. The following references within the SC Code have particular resonance:

Principle 8: *surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system (a role Parliament has specifically asked me to fulfil and its purpose and work with organisations to meet and maintain those standards).*

Principle 12: any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

As I begin to understand more about the complexities and capabilities of the national ANPR system I become ever more convinced of the importance for increasing transparency of use to be delivered by operators of the system by providing more information to the public. I am yet to be convinced that an assertion that nationally, ANPR meets performance standards set and detailed in the National ANPR Standards for Policing (NASP), holds water.

Part 1 of those performance standards deals with data standards – setting a high standard for accuracy and data in terms of time, location and mandates evaluation with a requirement that if errors are not corrected within 30 days of identification of performance below standards, the use of those components must cease.

Part 2 deals with infrastructure standards – it sets the requirements for the capture of vehicle registration marks and then accuracy in reading that registration for different types of system. Performance against standards must be tested on installation and thereafter

²⁶

<http://www.npcc.police.uk/documents/Automatic%20Number%20Plate%20Recognition%20ANPR%20Strategy%202016%20to%202020.pdf>

subject to regular reviews with at least an annual compliance test. Is non-compliance with the standard by police forces and/or police ANPR systems permissible?

The standard provides that all police forces must comply with the standard to be allowed to connect to the National ANPR Infrastructure. I understand NADC accepts all data fed into their system. There is no process to assess whether forces have correctly set up their cameras. Such cameras are expected to be excluded from supplying data under NASP but who polices this?

So the NASP standard is more a site acceptance test, and does not constitute a product standard. I understand that representatives from UK camera suppliers and manufacturers have made considerable effort to devise tests to prove a camera is capable of meeting NASP standards and have shelved this as 'too difficult' to achieve.

So therefore the importance of compliance with those standards and in particular the need for regular performance monitoring/evaluation and annual testing is imperative but the questions lurk – is this enough and how is it policed?

The police must robustly rebut the contention from industry about a lack of 'rigour'. They must provide evidence that policing of the system is robust. What performance monitoring is carried out during the day and at night as required under the standard? How do forces check for poor performing ANPR systems?

Herein lies another issue – Mr. Paul Kennedy (retired NPCC lead for ANPR) has supported my office by requesting that all police forces complete the self-assessment tool. A key component of that approach is an annual review to be conducted of their provision, which, for the purposes of ANPR, will incorporate *'regular performance monitoring/evaluation and annual testing'*.

A key concern for me is whether the police understand the volume of misreads or missed reads on the database – these are not quantified. To my knowledge there are no meaningful statistics which appropriately illustrate this point and therefore there is not a sufficiently detailed understanding as to how big a problem misreads are, or the broader accuracy picture?

So, in my opinion – in the interests of transparency – this is a key and pressing piece of work for the police to undertake.

The totality of the cost of the ANPR system, cameras, officers to deploy, buildings to house back office, cost of NADC development, electricity, storage of data, installation, performance measurement of approximately 9,000 cameras must be significant and the public interest in these matters is compelling.

Quality of Number Plates, Quality of Camera (Type Approval), Quality of Installation

ANPR depends on the quality of number plates it captures. The whole infrastructure, I would argue, is predicated against the fact that number plates do what it says on the plate

– allows you to read the number. If they are frustrated by their design or people easily circumvent capture by screwing a deceptive screw between a 1 and a 1 making an H – then who should be concerned?

Arguments have been advanced that the number of people manufacturing number plates should be limited. I think that there is an argument to say that the production of number plates is so integral to the system that even stricter controls need to be applied – akin to the production of driving licenses and passports – thereby providing the authorities with powers of examination and seizure.

It's widely accepted that unreliable number plates can defeat the system. I understand there are approximately 40,000 (20,000 'active') number plate suppliers in the UK. This, in an unregulated environment, which seems to me tailor made to defeat the system.

But the first imperative is to understand the position and the impact of manipulation of number plates. This is where an open and transparent review needs to be conducted, without which, change cannot be effectively promoted?

Intrinsically I am not naturally attracted to more and more regulation. However my concern around ANPR (its size and scale, the potential for impact on the citizen) is that there should be greater control to prevent inaccurate data reads. I don't think the police can do this – I do think placing ANPR on a statutory footing can easily bring about this type of regulation. I will support efforts by the police in that regard.

In the interim I have begun working with individuals from the number plate industry, Home Office and NPCC leads to explore the impact of 'missed or mis-reads' as a result of this issue. At the time of writing the Home Office policy lead on ANPR has committed to conduct a review and research from a major metropolitan police force to determine if this figure can be quantified. The general view at this stage is it is too early to tell. I will publish information on my website during the coming year on how this issue develops.

Running parallel to this issue I am exploring the possibility of certification against the British Standard for the make and manufacture of number plates to become compulsory. Whilst that would not prevent a subsequent switch from lawful to unlawful plates – it would make policing and enforcement of deliberate misuse of unlawful plates easier to manage.

I understand that there are issues with inaccurate location of ANPR cameras or ANPR cameras failing to report their correct location – I think this might have a negative impact on future prosecutions.

The challenge facing the police service is to ensure a feedback process is developed to help eradicate these errors. They potentially damage the integrity of the system.

The correct installation of ANPR cameras is essential for their good management and good governance. Part of my role, within guiding principle 8, is to signpost good practice and standards. To date we have had significant impact on British Standard 7958 (this is to do with CCTV control rooms), worked alongside police on body worn video, introduced

certification and self assessment – I am happy to engage on this as a piece of work – an installation standard. Perhaps a requirement in any future legislation?

Within the National Surveillance Camera Strategy we are addressing issues of certified installation – should this also apply to ANPR?

I am sympathetic to the argument that agreeing a ‘type approval’ for ANPR is a good way forward. If ANPR cameras are developed without built in security: it is entirely possible that a cyber attack could be targeted against the camera – changing, altering, adding or amending data. I don’t need to underline that any attack on such equipment, database or server damages the evidential integrity of the equipment. Type approval could protect from that eventuality. With type approval suppliers of ANPR would need to demonstrate continuous improvement to match changing needs.

There are numerous arguments for type approval but instinctively I think unless and until the issue of number plate legitimacy is addressed this is a secondary issue. Again, this is something that could easily be regulated for within legislation. The question is ‘is ANPR important enough for this type of consideration – 20 billion vehicle registration mark reads held?’ Yes, I think so.

Why is Data Accuracy a Concern?

Data accuracy is a concern because accuracy and security of data are essential. Accurate data collection and management avoids the introduction of evidential doubt which is essential to a system so closely connected to the civil judicial system.

PoFA was introduced to provide reassurance to the public that the operation of public space surveillance camera systems are used in accordance with the SC Code. Accurate data supports that approach – it engenders confidence in the integrity of the system. Ensuring accurate data collection minimises the potential for:

- false arrest/prosecution;
- criminals and terrorists to move around the highway infrastructure freely; and
- the loss of revenue to occur.

So, the challenges for the police continue. I am pleased to report that in these areas, as in others, I am met by a willingness to co-operate, to be transparent and to ensure that these systems are as good as they possibly can be.

I must recognise the work and support offered by Mr. Paul Kennedy (former NPCC ANPR lead) who retired earlier this year. He was insistent that there would be greater transparency²⁷ and he ensured the ANPR website²⁷ reflected that view. He recognised there was more work to do – particularly in the legal framework space and he shared my views that ANPR should be looked at through the prism of an Act of Parliament to provide

²⁷ <http://www.npcc.police.uk/FreedomofInformation/ANPR.aspx>

democratic oversight. He convened a National ANPR Advisory Board made up of interested parties including civil libertarians, academics, government and police officers which I now chair. This group acts as a check and balance for the use of ANPR by the police but will expand to consider it's use more generally.

Self Assessment Tool for ANPR

Throughout the reporting year 2016/17, 13 police forces have completed the self assessment tool. I anticipate that within 2017/18 that figure will be substantially higher. I will be writing to Chief Constables and Police and Crime Commissioners requesting an update on progress with this regard which is in line with my Strategy.

Automatic Facial Recognition

Arguably the most fascinating area of the use of video surveillance camera systems is in the realm of automatic facial recognition (AFR).

When I commenced my Commission in March 2014 its use was limited, and whilst there were aspirations for its extended use (from controlled environments such as at our national borders) the technology was not able to deliver against its promises. The position has since changed.

I reported in my Annual Report last year on the use of AFR by Leicestershire Constabulary at the *Download* concert. Its use was criticised by several media outlets and civil liberty groups predominantly for the apparent lack of transparency of its use with the general public. It also received criticism from the musicians performing at the concert.

The Metropolitan Police used facial recognition systems at the Notting Hill Carnival in August 2016. The police used a data base of photographs arising from its own Electronic Wanted and Missing System (EWMS). The database was populated with images of persons previously banned from the carnival or where there were grounds to believe people may commit an offence. The database took into account both the geography of the event and crime priorities the police set.

The Metropolitan Police engaged with my office prior to the use of AFR and recognised the importance of transparency and indeed the requirement, as a relevant authority, to comply with the SC Code. They recognised that AFR is specifically referred to within the SC Code as being part of a surveillance camera system. The Metropolitan Police ensured there was significant and meaningful public engagement concerning its use and this appeared to significantly assuage most people's fears that it's use of modern technology, such as AFR, was not inappropriate.

Home Office Policy on the Review of the Use and Retention of Custody Images

This review²⁸ was published in February 2017 and related to the use of custody images stored by the police – approximately 19 million images. It directly relates to the use of automatic facial recognition systems because the police will seek to utilise this database to build the systems for cross checking live feeds from surveillance cameras against this database.

There is a clear need to strike a balance between protecting an individual's privacy and giving the police the tools they need to keep the public safe. The review set out that people not convicted of an offence have the right to request that a custody image is deleted from all police databases. There is a general presumption that it must be removed, unless there is an exceptional reason for it to be retained, such as the person posing an ongoing risk to the public

The legitimacy of the database was the point in question. My former colleague Alastair McGregor QC (former Biometric Commissioner) expressed his concerns to the House of Commons Science and Technology Committee (reported in Sixth Report of session 2014/2015)²⁹ 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. The High Court ruling (R (RMC and FJ) v MPS, in 2012 when the Metropolitan Police were ordered to delete the details of two individuals who had not been charged or convicted of any offence also gave rise to this review.

The review sought to set in place rules for police forces in England and Wales to manage their custody image databases. The parallel was drawn to the oversight of storage of DNA and fingerprints which of course have stringent oversight as to their storage and use.

Upon the release of the Review the Home Secretary said “*..the principal recommendation is to allow ‘unconvicted persons’ to apply for deletion of their custody image, with a presumption that this will be deleted unless retention is necessary for a policing purpose and there is an exceptional reason to retain it*”.

Effectively, this review appears to leave oversight and management of this process solely to the police, although I understand that the College of Policing has published National Retention Assessment Criteria³⁰ which should assist in ensuring consistency across forces.

Whilst the system may appear to be more proportionate than the previous process, I feel that given the burgeoning use of AFR, the public interest will benefit from a greater degree

²⁸ <https://www.gov.uk/government/publications/custody-images-review-of-their-use-and-retention>

²⁹ <https://publications.parliament.uk/pa/cm201415/cmselect/cmsctech/734/734.pdf>

³⁰ <https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information/>

of independent scrutiny and transparency, particularly as arrests begin to emerge from its use.

Unmanned Aerial Vehicles (UAVs/Drones)

My office is continuing to work with Assistant Chief Constable Steve Barry (NPCC lead for this technology). To support the police to demonstrate compliance to the SC Code we have produced a self assessment tool for BWV and ANPR. This is now being widely used and I look forward to reporting on its uptake within the annual reporting process of the Strategy.

Similarly I have developed a similar tool for the use of police unmanned aerial vehicles (drones) so that all video surveillance platforms are demonstrating compliance from the same position. This has been issued to all forces operating drones.

Annual Data Requirement (ADR)

The ADR is a list of all requests for data made to all police forces in England and Wales under the Home Secretary's statutory powers.

In 2016 ACC Mark Bates submitted a request for the Home Office to include a proposal to introduce a return that would collect force's data on use of ANPR, BWV and CCTV to show how they assisted in tackling crime. This would establish relevant statistics showing where digital evidence had been part of an investigation. This was a proposal that I fully supported as it would provide the police, local authorities and others with crucial evidence that could demonstrate the worth of surveillance cameras. Currently no such data is retrievable; given the investment in video camera technology this is clearly not acceptable.

The proposal was not supported by Home Office officials and was ultimately rejected as the objectives and methodology to achieve them required further consideration. I believe that the police will be make a more compelling and detailed case for this to be included in the ADR in 2017 and again it will have my backing.

The Future of Surveillance Camera Systems Operated by Local Authorities, Policing and Beyond

The surveillance space is evolving fast. With smart cities there will be more integrated surveillance which in turn will connect with other networks and capabilities. I have spoken at various forums throughout the year about how it is feasible that a system at an airport could detect, through sensors, the traces of explosives; that information is electronically communicated to video surveillance networks that can identify individuals via automatic facial recognition algorithms and in turn immediately check watch lists for suspected persons thereby enabling police deployment in real time. The important thing now is to raise awareness and debate about surveillance camera systems and how they are operated on behalf of the public.

It is impossible to address this issue fully without referencing the impact of austerity on the use of surveillance cameras.

As mentioned previously use of this technology is not a statutory responsibility for local authorities. There has been a continual reduction of dedicated managers operating in town centre CCTV operation rooms. This inevitably raises concerns about the quality of supervision and lack of specialism in terms of legal and regulatory awareness.

Many local authorities adopt differing approaches to austerity – I have mentioned earlier in this report that Westminster City Council's response was to cease its operation of CCTV. Other local authorities have ceased live time monitoring and others look towards building strategic partnerships with business and/or police to develop a shared system with shared costs. Of note however is that use of surveillance camera technology is burgeoning in the private sector and critical national infrastructure estates where its value for estate protection, access control, anti-theft measures is well recognised.

The introduction of the 'Passport to Compliance' within the strategy, will help to address some of these issues. A detailed assessment of the operational requirement prior to purchase will support local authority leaders and large businesses in developing their strategic partnerships. The question is, what exactly do they want their systems to do and how should they go about it?

As technology continues to advance the question increasingly appears to centre upon *how* surveillance camera technology will be utilised over the next few years and not *if* it will be utilised. As local authorities increasingly move from the legacy systems inherited from the 1990s with their analogue technology to more sophisticated systems its potential usage grows exponentially. The private sector has been alive to the emerging commercial benefits of video analytics for some time.

I have already initiated a work strand within my strategy that aims to assess the future direction of video surveillance and provide guidance around its usage and continued compliance with legal and regulatory issues. I have had conversations engaged with civil liberty groups, information specialists, members of the public together surveillance professionals, manufacturers and standards experts. The key themes which emerged from my discussions are;

- **Impact of integration between surveillance camera systems and other technology – e.g. sensor equipment**

Whilst I have always argued that we should not be Luddites about new technology I also ought to record that just because it provides opportunities to do new things it doesn't mean we should necessarily do it. The intrusive capabilities of public space surveillance is evolving rapidly – the introduction of automatic facial recognition and other video analytics present exciting opportunities. They also present opportunities for crass application as well³¹. It's important that the SC Code remains up to date and relevant to keep track of

³¹ <http://www.itv.com/news/2017-06-23/how-chinas-facial-recognition-technology-is-changing-daily-life/>

these applications. The public need to be given an effective voice in the face of this tsunami of innovation to ensure that 'we don't do it just because we can'.

Domestic surveillance systems can be linked to household appliances providing a smart home environment – it is not so smart however if your cyber protection is vulnerable thereby weakening the security of the home when part of the intention of the surveillance camera system deployed was to strengthen security:

- **increasing invasiveness of surveillance camera systems when overlaid with other databases**

Historically surveillance cameras were a one dimensional approach for capturing video footage. It is now possible to connect such footage with ANPR databases, automatic facial recognition (AFR) databases, mobile phone cell site masts, open source material and other forms of electronic footprints. Much is made of commercial possibilities with AFR being utilised to inform commercial operations as to advertising opportunities, age and gender profiles, repeat customers and so on. All of which present laudable opportunities.

However, this technology still represents a form of surveillance. The public will be more amenable to surveillance when there is justification, legitimacy and proportionality to its intent. Currently there are gaps and overlaps in regulatory oversight of some of these issues; which regulator is responsible for oversight of use of AFR? What are the guidelines for producing databases against which AFR can be utilised? What are the increasingly complex issues emerging from technology? I don't have the answer to all these questions but it is clear that just because we can do something doesn't necessarily mean we should. Paragraph 2.3 of the SC Code provides the following guidance:

That is not to say that all surveillance camera systems use technology which has a high potential to intrude on the right to respect for private and family life. Yet this code must regulate that potential, now and in the future. In considering the potential to interfere with the right to privacy, it is important to take account of the fact that expectations of privacy are both varying and subjective. In general terms, one of the variables is situational, and in a public place there is a zone of interaction with others which may fall within the scope of private life. An individual can expect to be the subject of surveillance in a public place as CCTV, for example, is a familiar feature in places that the public frequent. An individual can, however, rightly expect surveillance in public places to be both necessary and proportionate, with appropriate safeguards in place.

I do recognise that my role provides a degree of oversight to the issue of AFR and its application is particularly referred to in principles 3, 8 and 12 in the SC Code. The Information Commissioner and Biometrics Commissioner also have an interest and I await the Home Office biometrics strategy which I hope will provide some clarity.

- **Absence of strategic direction and guidance for public authorities in designing and integrating such systems**

With a burgeoning surveillance camera industry and ever increasing ingenuity as to the use of surveillance based technology there is a clear emerging gap in terms of strategic planning and governance of ever more intrusive capabilities.

The UK comprises 418 local authorities that, in the main, host not merely Town Centre CCTV operation room schemes but also a plethora of other surveillance techniques within housing, leisure, planning, refuse collection and so on. These systems comprise not only CCTV but also body worn video cameras, drones (increasingly) and ANPR. Increasingly these systems will be supported or connected to other forms of technology. Policing comprises 43 Home Office police forces across England and Wales all of whom are increasing their use of such technology. This volume of diversity is dwarfed however by the remaining 90% of cameras that are owned and operated by businesses, quasi government organisations, public sector organisations, voluntary sector and private households across society.

The inevitable question I am posed by stakeholders is whether these systems should be joined up to provide a more holistic and smart approach to surveillance? Given the security threats globally and with reference to ongoing terrorism threats – at the time of writing (March 2017) the security threat to the UK remains at ‘Severe’ – shouldn't we seek to harness the £2.2 billion annual spend on this technology in a more coordinated way? A more compelling question from my perspective is whether the regulatory framework to govern the responsible operation of surveillance camera systems in public spaces should be coordinated by a single regulator.

In August 2015 I wrote to the Minister Department for Communities and Local Government raising the prospect of a more coordinated approach to harness the disparate infrastructure of local authorities with a view to considering developing a more holistic, strategic approach to the issue. Criminals and terrorists do not recognise boundaries – perhaps our networks needs to recognise that? I received a supportive response to continuing engagement with local authorities but no practical contribution which I could meaningfully call upon to help me to progress this issue.

An ingredient of my statutory responsibilities is to provide advice and guidance around the operation of the SC Code to Government, industry, end users and the public. I firmly see the role to provide advice around driving standards up by means of issuing guidance in so doing. A message I receive loud and clear from all sectors is that utilising economies of scale, strategic leadership in harnessing these assets, ensuring effective regulation is in place to keep pace of new and emerging technology is the way forward. I will continue to work with, and lobby government to ensure that effective and meaningful regulatory leadership is provided in this area.

Question of Trust

The problem with some of the issues highlighted above is the question of public trust in such integrated and co-ordinated surveillance infrastructures.

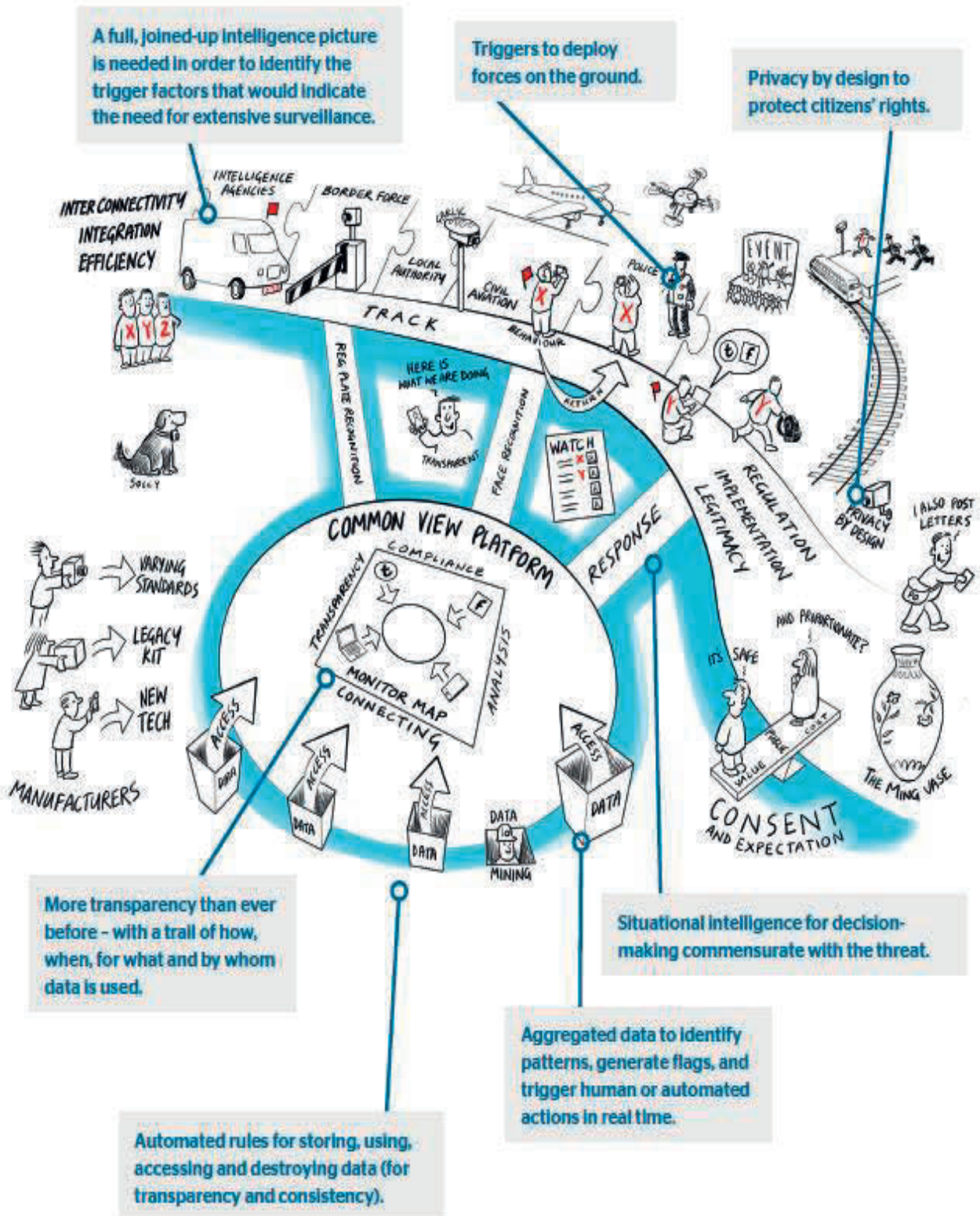
Why should the public trust the State and support such an infrastructure – or indeed what measures would need to be found to ensure that public trust is not misplaced? Clearly effective oversight and regulation would need to be enhanced. Perhaps the future points to a new role of Surveillance Commissioner (rather than one that focuses solely on surveillance cameras) that recognises the increasing impact of integrated technology, interconnectivity between surveillance cameras and the host of emerging technology and data sets?

What does the future hold? The challenge for local authorities, the police, the intelligence agencies, transport authorities, businesses and others is how to harness these huge volumes of surveillance data to meet the citizens needs and expectations. We must ask the question – how do public bodies maximise the increasing opportunities that are presented by advancing technology, big data and the ability to integrate to keep people safe and make them feel secure whilst taking public trust and confidence in their operation with them? What may have taken months or years to determine previously by analysing images and data can now feasibly be conducted at the press of a button.

I am grateful to the Home Office Centre for Applied Science and Technology (CAST) who continue to support this work by leading the horizon scanning strand of the strategy. I am also very grateful for the contributions of Peter Wolstenholme from Chubb and Stuart Vice and Richard Holbert from Atos who generously provided their support to run a multi-disciplinary workshop to explore these issues.

The diagram below (developed by Atos) illustrates what a integrated surveillance proposition might look like.

CREATING A PROPORTIONATE SURVEILLANCE INFRASTRUCTURE



Chapter 4 – Voluntary Adopters

I have touched upon the work being delivered as part of my strategy to address the issue of “voluntary adopters” earlier in this report.

My approach to driving up standards in the surveillance camera sector has been to focus on the full spectrum of organisations which operate surveillance camera systems in the public domain, not just those relevant authorities that have a statutory responsibility to pay due regard to the SC Code.

Indeed PoFA and the SC Code place a burden of responsibility on the role of the Surveillance Camera Commissioner as having to encourage voluntary compliance amongst those sectors. This is important. I have determined a ‘whole system’ approach to driving up those standards. This includes harnessing the influence of manufacturers, with inspectorate and certification bodies, and consultants and installers. If a single narrative can be described to demonstrate how standards can be improved it will create certainty amongst the various components and enables the environment where those standards can indeed be driven up.

It was with this in mind that I established a voluntary adopter strand to the Strategy. Before I focus on that element I must highlight those areas, which in advance of the introduction of the strategy, have moved forward to voluntary compliance – in many circumstances individuals within those organisations have shown considerable leadership.

Universities and Education

I refer again to Recommendation 6 of the Review;

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 Act and/or capabilities under RIPA

Many education establishments fall within this criteria. However, currently PoFA excludes them from having a statutory responsibility to pay due regard to the SC Code. I think this is a missed opportunity given the growth in use of surveillance in those establishments. Much media reporting of cameras in classrooms and in toilets/changing rooms has acquired newspaper column inches this year (2016/17). The familiar debate around providing security for students against a developing security paranoia continues. Demonstrably following the SC Code would allay many of those fears – perhaps the most important issue being to place the burden of responsibility on them for ensuring any

surveillance is for a *'legitimate aim and pressing need'* (guiding principle 1). It would be a good starting point.

Universities are increasingly using public space surveillance. My office continues to work with Association of University Chief Security Officers (AUCSO). I have again presented at their annual conference. I am delighted that AUCSO have endorsed the Strategy and I am optimistic that universities will follow the lead by voluntarily adopting the SC Code.

At the time of writing I await the results of an initiative to encourage all universities to complete the self-assessment tool which is the first step in voluntarily adopting the SC Code. I am again indebted to the energy and leadership demonstrated by Mark Sutton (Chair of AUCSO and Head of Security Aston University) in working with my office to raise standards in this sector. We have also worked with Universities UK (facilitated by AUCSO) who have provided their members with information on the SC Code.

Association of Town and City Management – Purple Flag

Throughout the year I have been keen to identify levers to influence organisations to adopt the SC Code and raise standards.

I am delighted to report that I have made significant inroads with several such organisations – the Association of Town and City Management being one of them via their Purple Flag scheme.

Purple Flag is an accreditation process – successful accreditation leads to 'Purple Flag' status for town and cities that meet or surpass the standards of excellence in managing the evening and night-time economy.

As a first step in bringing all those key and significant areas into the scope of the SC Code Purple Flag have agreed to include references to the SC Code and the self assessment tool in the criteria they use to assess towns and cities. Any organisation wishing to demonstrate its commitment would surely be keen to demonstrate that it runs a video surveillance system that is legitimate, transparent and actually supports law enforcement with high quality and well managed product. I must thank Sarah Walker (Purple Flag Programme Manager) for her continued support in this.

Interestingly, and in line with my 'whole system' approach Purple Flag are engaging with universities to develop a scheme specifically for them. Given the work highlighted above with universities I believe this will lend itself to developing critical impetus across all university campuses to adopt the SC Code. This initiative is new and I will report on its development in next years report.

National Health Service

Throughout the year I have also turned my focus towards the National Health Service. I gave a speech to the National Association of Healthcare Security³².

I highlighted to the delegates that there was a wide increase in the use of video technology, AFR, BWV, ANPR and UAV's.

Whilst many of the applications provide opportunities for organisational efficiency they have a profound risk to privacy invasion. I referred to some statistics in that speech;

- the total number of attendees at accident and emergency departments was 22.9 million in 2015/2016 (22% higher than a decade earlier)
- there were 15.9 million total hospital admissions in 2014 and 20125 (31% more than a decade earlier)

Given the size and scale of the NHS and Recommendation 6 (referred to above) of the Review – I felt it appropriate to challenge the NHS regarding their status as potential voluntary adopters and the government regarding their inclusion within the scope of the SC Code.

To make progress I worked with the Chair of the NHS Protect Security Group to seek to weave in voluntary adoption of the SC Code. The annual security standards review group, for a second year voted down the proposal to require all Trusts to at least complete the self assessment tool. This approach was voted down on the grounds that it was not mandatory. The group were very clear – make the guidance mandatory and they will comply.

Section 33(5k) of PoFA provides the power to create a statutory instrument to include a new authority as being a 'relevant authority'. I had this firmly in mind when I presented Recommendation 6 of the Review.

I personally raised this issue with the then Minister for Policing and the Fire Service (Rt. Hon. Brandon Lewis MP). I was delighted a supporting letter was forwarded from the Minister to his counterpart in Department of Health (Annex C). This letter was written in January 2017 and no response has yet been received nor has any meaningful progress been made at an official level.

With a small staff and finite resources this feels a little like 'an uphill struggle'. Nonetheless we have remained tenacious and forged links with Public Health England who have contacted the Department of Health). We are currently in discussions to determine how we can promote further compliance and support the NHS in achieving that goal.

³² <https://www.gov.uk/government/speeches/speech-to-the-national-association-of-healthcare-security>

I am however delighted that there has been some immediate impact to the speeches and media publicity; Barnsley Hospital NHS Foundation Trust became the first Trust to seek and be awarded my third party certification mark³³. I congratulate the leadership shown by Mike Lees (Head of Business Security) and I am determined to promote further voluntary adoption across the NHS.

I can also report that Great North Air Ambulance has achieved my third party certification mark in regard to their use of BWV. This is an ambulance service covering Cumbria, the North East and North Yorkshire. It is entirely funded by the public and needs to raise £4.9 million a year. Given these external pressures I think it is truly laudable that they recognise the requirements to operate legitimate surveillance and be transparent in its use.

Transport for London (TfL)

TfL is amongst the most significant operators of surveillance camera equipment in the UK due to the huge volumes of people who use their services on a daily basis. Indeed my engagement with TfL indicates that it has approximately 20,000 cameras in various forms from ANPR to CCTV. TfL is not a relevant authority under PoFA and therefore has no obligation to demonstrate regard to the SC Code.

TfL has, via agreement with the Mayor of London, agreed to the sharing of recorded surveillance camera product with the Metropolitan Police from its ANPR camera network. This represents 1,000s of strategically placed cameras.

TfL is not a relevant authority, but in my view should be, a point which I have previously made at Recommendation 6 of my Review (above). In 2015/2016 TfL had a budget of £11.5 billion – 23% coming from government funding (40% from passenger fares).

The governance and structure of TfL is complex and I will not seek to rehearse it in too much depth here. TfL is controlled by a Board whose members are appointed by the Mayor of London. The Commissioner of Transport for London reports to the Board and leads a management team with individual functional responsibilities.

Over the preceding two years we have worked closely with TfL in particular James Alexander (Head of Privacy and Data Protection) and Lee McGirr (Privacy Adviser). They were one of the first organisations nationally to declare themselves as voluntarily adopting the SC Code.

The complexity of this process has reflected the complexity of the organisation. The body is organised into three main directorates and corporate services, each with responsibility for different modes of transport ranging from London Underground, London Rail, Docklands Rail, Dial-a- Ride, London Buses, London River Services and others.

³³ <https://www.gov.uk/government/case-studies/barnsley-hospital-nhs-foundation-trust-get-certified>

I have personally briefed those officers with responsibility for privacy, data management and video surveillance across all sectors of TfL.

I reported last year that TfL completed the self-assessment tool for Dial-a-Ride and Victoria Coach Station. I am delighted to report that they have also begun to have preliminary conversations concerning third party certification against the SC Code. I will seek to leverage this progress and aim to support TfL acquiring broader demonstration of compliance with the principles within the SC Code. TfL also publicly supported the Strategy.

Best Bar None (BBN)

My office has also engaged with Best Bar None (BBN).

BBN is a National Award Scheme supported by the Home Office and the drinks industry which is aimed at primarily promoting the responsible management and operation of alcohol licensed premises. It has been adopted by 75 towns and cities across the UK.

BBN have included information on the SC Code within its assessment criteria. Currently this is categorised as 'desirable' to have but not 'essential'.

I see this as an important step in the right direction. As I continue to engage and influence the whole range of sectors and influence the standards approach of installers and consultants – the increasing awareness of the SC Code is invaluable in driving up standards.

International Parking Community (IPC)

IPC is the newest accredited trade association in the private parking sector.

The IPC operates a code of practice that encourages good practice and facilitates the fair release of data where there is a right to recover parking charges. The fair release of data is instrumental in protecting the rights of land owners and now has statutory recognition since the introduction of PoFA.

I am pleased to say that the IPC has now incorporated the SC Code into its accredited operator scheme. This means that any parking company registered on the scheme using ANPR will need to demonstrate compliance to the SC Code. I must thank Will Hurley (Chief Executive) and John Davies (Director) for their assistance in achieving this.

The reader will see the broad approach my office is adopting. By using the leverage of other organisations internal administration it is subtly raising the standards of practice of

video surveillance. I look forward to working closely with IPC over the coming years to explore how this initiative is received and is being monitored.

The British Parking Association (BPA)

The BPA is the largest professional parking association comprising around 700 organisations. Its membership comprises technology developers, equipment manufacturers, training providers, local authorities and so on.

I am also pleased to recognise that the BPA have reviewed their code to include a clause stating that when operators are using cameras to manage parking they will adopt the SC Code.

This initiative is new. At this early stage I am delighted that two parking organisations have completed the self assessment tool. They are CP Plus Ltd. and Gemini parking Solutions Ltd – both members of the BPA. This would not have been possible without the considerable assistance from Kelvin Reynolds (Director of Policy and Public Affairs) and Steve Clark (Head of Operational Services).

Retail

Philip Jones, Security Manager at Westfield Europe Ltd. leads on the ‘voluntary adopters’ strand of the strategy. My approach is very broad in this area and to secure momentum in the retail sector is hugely important. The footfall of people falling under the plethora of surveillance in Britain’s shopping centres, high streets and other crowded places is in the millions.

Last year I reported that Marks and Spencer had voluntarily adopted the SC Code by completing their self assessment tool across its stores, Head Office buildings and distribution centres. I am delighted to report that this year that they have attained my third party certification mark to demonstrate compliance with the SC Code. I must recognise the hard work and innovation of ‘Four Security Consultants’ – Stephen Halpin (Security Consultant) and Brendan McGarrity (Director) – in this regard together with the leadership shown by Clint Reid (Head of Corporate Security at Marks and Spencer). I must also refer to the skill and determination of Stephen Grieve, auditor for the Security and Systems Inspection Board (SSAIB), who devised a process to effectively apply the certification approach against the largest organisation to date; in terms of estate and geographic scale.

Philip Jones is bringing all his experience and knowledge of the retail security network to the fore. He has raised the profile of the SC Code and engaged with Retail Evolution (REVO – previously the British Council of Shopping Centres). REVO have voluntarily adopted the SC Code.

Intu and Hammerson Shopping Centres have also agreed to adopt the SC Code and are currently developing plans to complete the self assessment tool that is required to demonstrate that process. Additionally work is also underway with the British Retail Consortium and Association of Town and City Management to agreement to adopt the SC Code. Following Marks and Spencer in acquiring certification is Nuneaton Ropewalk shopping Centre SARL, which has achieved 'step 1' certification this year.

Whilst recognising that the scope of the work is huge, the scale and potential can be seen above. I am determined to ensure that my focus is not merely applied to relevant authorities. If traction amongst manufacturers and installers and consultants is to be acquired and standards driven up it is important that a single narrative exists – a whole system approach – this has not hitherto been the case.

Chapter 5 – Communications

I continue 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. In the last year I have also used these channels to report on the development of the Strategy as well as consult on it. I am supported in this by a communications manager who manages all my communications channels and identifies opportunities to promote the relevant messages.

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

Over the year 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 continued to flourish – with over 25,000 page views between 1 April 2016 and 31 March 2017 compared with 19,000 in the previous year.

The website 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 and case studies³⁴ 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 Twitter³⁵. I see it as an effective way to reach those with an interest in my role and what I am doing. I have over 800 followers (which is only a modest increase from last year) and have tweeted regularly throughout the reporting year. Whilst the number of followers I have is arguably not great

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

³⁵ @surcamcom

in volume I have worked with partners to ensure that I reach a much larger audience through retweets by organisations such as the BSIA and ICO meaning I can potentially reach tens of thousands of their followers.

I have continued to blog regularly too which again is accessed via my website³⁶ and have used the blog for strategy strand leads to post their own blogs. This has allowed me to talk about what I'm doing 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.

Webinars

During the reporting year I took the decision to decommission my own Webinar platform. Whilst I still view webinars as an effective way to run seminars where people are not required to leave their office/home to attend we encountered some technical difficulties which made continuing with them untenable. I will however be working with partners over the coming year to deliver webinars jointly using their systems.

Conferences, Events, Meetings and Speeches

As in 2014/15 I decided not to host an annual conference myself but rather spoke at a number of events hosted by others. Over the past year my team and I have been to 41 events and have spoken at 32. 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.

One of the highlights was an event, jointly hosted by the Welsh Government, in Cardiff aimed at local authorities and police forces. I used this as a consultation event as part of the consultation on the national strategy but also to provide the audience with information about my third party certification scheme. Following on from the success of this event I will be holding a series of regional events in 2017/18.

I must also refer to my Head of Communications, Mick Kelly, who will be leaving the team within the coming year. Mick has been instrumental in developing a strong communications platform including our website, social media platform, case studies, media engagement and much more. As a small team I do require some multitasking from its members and Mick has exceeded expectations. On a policy perspective he was a key driver in developing the National Surveillance Camera Strategy, engaging with Marks and Spencer to enable them to achieve independent third party certification and being innovative in creating new regulatory opportunities. He must take a great deal of credit for

³⁶ <https://videosurveillance.blog.gov.uk/>

our many successes in driving up standards and paving the way for successful delivery of the aforementioned strategy. I wish him the best with his new challenges and future career.

High Level Business Plan 2016/17

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	Develop a virtual team of sector experts to lead each strand of work (by April 2016)	Surveillance Camera Commissioner provides demonstrable leadership across the whole of the surveillance camera community	Ongoing
	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: <ul style="list-style-type: none"> - Local authorities - Law Enforcement - Installers and Manufacturers - Voluntary Adopters - Training - Standards - Regulation - Civil Engagement Each strand will develop delivery plans covering the next 3 years	Develop and agree strategy vision and mission and agree governance (by April 2016)		
		Develop strategy for consultation with stakeholders and the wider public (by October 2016)	A greater awareness of the SC Code and compliance by system operators	Complete – National Surveillance Camera Strategy for England and Wales launched in March 2017
		Develop delivery plans for each objective to be published (by March 2017) so that progress towards the delivery can be tracked	Raise standards of use of surveillance camera systems in public space.	
		Finalise a communications strategy by April 2016	To ensure that the Commissioner has a mechanism for delivery of the strategy	
	Develop Communications Strategy 2016/17 to support the delivery of		Increased media exposure relating to the SC code	Complete – communications strategy

Commissioner's Function	Objective	Detail	Outcome	Progress
	the National Surveillance Camera Strategy for England and Wales	<p>Utilise GOV.UK website to publicise the Commissioner's strategy (by regular updates on progress through blogs, news items and webinars)</p> <p>Review and redesign stakeholder strategy by October 2016</p> <p>Provide quantitative assessment of Communications Strategy by March 2017</p>	<p>Raise awareness of Commissioner's public messages and profile</p> <p>Improve stakeholder engagement with new sectors</p> <p>Improve awareness of communications areas that need development</p>	in place, website and social media used to raise awareness of Commissioner's role and interests.
	Develop a consultation approach to facilitate a dialogue across England and Wales that helps inform the strategy. The consultation will run for 6 weeks	<p>Develop an easy to complete online survey tool on GOV.UK that will enable everyone to contribute to the strategy (by October 2016).</p> <p>Identify speaking events that promote the strategy and consultation (by October 2016)</p> <p>Organise and facilitate a number of regional workshops in order to take feedback on the strategy (by October 2016)</p>	Promote awareness, dialogue and engagement with the strategy	Complete – survey and events used as the primary methods of consulting on the draft National Surveillance Camera Strategy for England and Wales

Commissioner's Function	Objective	Detail	Outcome	Progress
	<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>Ongoing – have achieved 93% completion of self assessment tool. Work is ongoing to bring the remaining 7% on board.</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 demonstrate compliance with the SC Code</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>	<p>Complete – ANPR self assessment tool developed and published on the SC site.</p> <p>Complete – BWV self assessment tool developed and published on the SC site</p> <p>Incomplete – self assessment tool for UAVs still to be developed.</p>

Commissioner's Function	Objective	Detail	Outcome	Progress
	By working with the Certification Bodies, promote third party certification to police 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	Ongoing – four forces have achieved the certification mark.
Reviewing the operation of the SC Code	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.	Ongoing – we have collated evidence of the NHS not adopting the SC Code as they are not relevant authority. I have written to Home Office Ministers (November 2016). They have asked officials to assist, there has been no progress to date.
		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	Not met
	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	This has been included in the delivery plan for the local authority strand of the strategy. We will be running a series of regional workshops in

Commissioner's Function	Objective	Detail	Outcome	Progress
			consistent standards of use via the Senior Responsible Officer and Single Point of Contact	2017/18.
Providing Advice about the SC Code	<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 Commissioner and team reply to any enquiries offering reactive advice on how to apply the SC Code to their respective issue</p>		Ongoing	Ongoing
	<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 (ACTM) by running a workshop at their national conference in the summer of 2016.</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>	<p>Complete – all departments written to.</p> <p>Ongoing – ACTM have included references to compliance with the SC Code in their assessment criteria (issued in January 2017) data will be available in the next reporting year.</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>		Ongoing – we are meeting to TfL regularly.

Commissioner's Function	Objective	Detail	Outcome	Progress
		<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>Ongoing – Home Office officials are speaking to the Department of Health about how best to do this. My office is also working with Public Health England and the ICO.</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>Ongoing – we continue to work with AUCSO and more Universities are complying with the SC Code and demonstrating this by achieving my certification mark. I did not speak at their conference as it was not in the UK.</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>Complete – both the International Parking Community and the British Parking Association are encouraging compliance with the SC Code amongst their membership.</p>

Commissioner's Function	Objective	Detail	Outcome	Progress
	<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>	<p>Complete – new Memorandum of Understanding with the ICO has been signed and published.</p>

National Surveillance Camera Strategy for England and Wales – Deliverables 2017/18

Deliverable	Work Strand	How this relates to the objectives in the strategy	Completion Date
Establish Horizon Scanning sub group under Surveillance Camera Commissioner's (SCC) Advisory Council	Horizon Scanning	Early warning mechanism in place	30/04/2017
Infographics to advise CNI managers on SC Code, to include: - Benefits of the SC Code - How to comply with the SC Code Infographics to advise CNI managers on SC Code, to include:	Critical National Infrastructure	This will provide definitive information to specialist CN sector thereby enabling greater compliance with the SC Code and other associated guidance and legislation.	30/04/2017
Secure commitment of REVO (Security & Safety Shopping Committee), British Retail Consortium (BRC) and Association of Town and City Management (ATCM) to raise awareness and encourage adoption of the SC Code.	Voluntary Adopters	These major property owners / managers and associations will lead the way and encourage others to adopt the SC Code. This will present a launch point for adoption by others in the retail industry and, at the same time, present a potential commercial imperative; namely a unique selling point and a reduction in costs (for example, insurance premiums).	31/05/2017
Development of training material specific to the CNI for delivery on existing courses and bespoke briefings.	Critical National Infrastructure	This will provide definitive information to specialist CN sector thereby enabling greater compliance with the SC Code and other associated guidance and legislation.	31/05/2017

Deliverable	Work Strand	How this relates to the objectives in the strategy	Completion Date
Run a series of Horizon Scanning workshops to bring in the thoughts of others within the video surveillance camera community	Horizon Scanning	This will bring in expert knowledge from all aspects of the video surveillance camera community, including from other work streams within this strategy.	30/06/2017
Develop an engagement plan aimed at building awareness amongst members of the public of the capability and capacity of surveillance camera systems and associated technology (such as automatic facial recognition).	Civil Engagement	The engagement plan will provide a framework to facilitate the sharing of information with the public regarding the operation of surveillance camera systems. These will be activities organised by the Commissioner rather than systems owners/operators.	30/06/2017
Awareness Campaign for Buyers' Toolkit	Installers	Ensuring buyers are aware of and using the toolkit, and that service providers are aware that buyers will be more educated in future, thus encouraging industry to demonstrate how they support end users to comply with the principles of the SC Code.	30/06/2017
Gap analysis of training available for video surveillance camera systems, across a wide range of professionals including designers, installers, operators, law enforcement and so on.	Training	By identifying gaps it will mean we can begin to develop training provision where there is none. So, sufficient training is available for anyone	30/06/2017
Memorandum of Understanding (MOU) between Information Commissioner's Office and Surveillance Camera Commissioner (SCC) is renewed.	Regulation	Closer co-ordination between these regulators will help identify and deliver synergies, and reduce the potential for any regulatory confusion for the system operators, the public and wider stakeholder community.	30/06/2017
First situation report to Advisory Council	Horizon Scanning	Advice for the SCC on developments for the	30/06/2017

Deliverable	Work Strand	How this relates to the objectives in the strategy	Completion Date
Buyers' Toolkit comprising practical resources for any organisation considering purchase of a video surveillance camera system.	Installers	Educated buyers act as an incentive for suppliers to demonstrate their understanding and application of legal responsibilities and good practice.	31/10/2017
Training resources to support core components of Buyers' Toolkit.	Installers	Complements the buyers toolkit, helping a business to specify requirements to their suppliers	31/10/2017
Surveillance Camera Commissioner (SCC) advice for buyers and suppliers on mitigation of cyber security threats to video surveillance systems.	Standards	By enabling suppliers to demonstrate their understanding and expertise in mitigating a significant and high profile threat to the integrity of video surveillance systems.	01/12/2017
A question time event with an expert panel on surveillance camera issues. The panel may include the Commissioner, a senior police officer, a representative of a civil liberties group, an academic, camera operators and so on. People will be able to attend in person but it will also be recorded and then distributed as a video/podcast.	Civil Engagement	The question time event will be an opportunity for members of the public to hear about the issues surrounding surveillance camera use and ask questions about their use.	28/02/2018
Scoping of an annual Surveillance Camera Day to raise awareness of surveillance cameras.	Civil Engagement	Through this event organisations will be encouraged to make information about their use of surveillance cameras available to the public on a particular day. It will encourage conversations to take place about the use of surveillance cameras.	31/03/2018
Demonstrable awareness of SC Code and duty to have regard to it in any operation of video surveillance cameras and in the processing of	Police	Self assessment across all use of video surveillance cameras and data, along with PIA, will enable the police to identify any	31/03/2018

Deliverable	Work Strand	How this relates to the objectives in the strategy	Completion Date
data from a force's own video surveillance cameras or supplied by a third party		operational areas where action may be necessary to demonstrate proportionality and effectiveness.	
Completion of the self assessment tool on all surveillance camera systems operated by Local Authorities.	Local Authorities	This will provide evidence of to the public of compliance with the SC Code and any associated guidance and legislation.	31/03/2018
Encourage Third Party Certification of the main surveillance camera system (as a minimum standard).	Local Authorities	This will provide visual evidence (through the use on the certification mark) of compliance with the SC Code and any associated guidance and legislation.	31/03/2018
Demonstrable awareness of SC Code and associated guidance and legislation through encouragement to complete the self assessment tool and analysis of shopping centres and/or major retailers (and banks) which have done so.	Voluntary Adopters	Having encouraged adoption of the SC Code via property management companies, shopping centre owners and retailers, completion of the self-assessment tool will evidence the drive to adoption and will lead to certification. Thus, other similar commercial bodies will be encouraged to follow suit.	31/03/2018
Demonstrable awareness of the SC Code across the Critical National Infrastructure (CNI) to include: <ul style="list-style-type: none"> - Bespoke briefs - Awareness briefs at conferences - Encouragement to complete self assessment tool (SAT) and privacy impact assessments (PIA). - Encouragement to undertake and publish confirmation of third party certification (TPC). 	Critical National Infrastructure	CNI operators are aware of the SC Code and can demonstrate compliance with and other associated guidance and legislation	31/03/2018

Deliverable	Work Strand	How this relates to the objectives in the strategy	Completion Date
<p>Embed information about SC Code and associated guidance and legislation in any training which is made available about video surveillance camera systems.</p>	<p>Training</p>	<p>Will mean that surveillance cameras are more likely to be used within the legal parameters - therefore proportionately, effectively and transparently.</p>	<p>31/03/2018</p>
<p>Development of an easily navigated web-based tool that enables people to quickly understand what their training requirements and where to find that training.</p>	<p>Training</p>	<p>This will support the operation of surveillance cameras and ensure they are operated correctly and legally.</p>	<p>31/03/2018</p>

Annex C

Letter from Brandon Lewis MP to Philip Dunne MP



Home Office

Rt Hon Brandon Lewis MP
Minister of State for Policing and Fire
Services

2 Marsham Street
London SW1P 4DF

www.gov.uk/home-office

Philip Dunne MP
Minister of State for Health
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

12 January 2017

Dear Philip,

I attach a copy of a letter from the Surveillance Camera Commissioner Tony Porter. Mr Porter, who is independent of Government, was appointed as Surveillance Camera Commissioner under section 34 of the Protection of Freedoms Act 2012. His role is to provide advice and support on the appropriate, proportionate and transparent use of overt surveillance camera systems.

The Commissioner raises concerns about the use of surveillance camera systems across the NHS. The Commissioner has asked NHS Protect to encourage NHS Trusts to adopt the Code of Practice on a voluntary basis. However, this approach has been declined on two occasions on the basis that it is not possible to enforce compliance with a non-mandatory code. The Commissioner considers that the introduction on a widespread basis of body-worn video in hospitals raises significant privacy issues and increases the need for the NHS to adopt the standard set in the code.

I would be grateful if you could give careful consideration to the points raised by the Commissioner and encourage NHS Protect and NHS Trusts to revisit the potential benefits of adopting the standards set in the code.

My officials would be happy to engage with your officials to discuss this issue in more detail.

Rt Hon Brandon Lewis MP



**SURVEILLANCE CAMERA
COMMISSIONER**

