

Surveillance Camera Commissioner

Annual Report
2013/14



**SURVEILLANCE CAMERA
COMMISSIONER**

Surveillance Camera Commissioner

Annual Report 2013/14

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

December 2014

© Surveillance Camera Commissioner copyright 2014. The text of this document (this excludes, where present, the Royal Arms and all departmental or agency logos) may be reproduced free of charge in any format or medium provided that it is reproduced accurately and not in a misleading context.

The material must be acknowledged as Surveillance Camera Commissioner copyright and the document title specified. Where third party material has been identified, permission from the respective copyright holder must be sought.

Any enquiries related to this publication should be sent to us at scc@sccommissioner.gsi.gov.uk.

This publication is available at <https://www.gov.uk/government/publications>

Print ISBN 9781474112093

Web ISBN 9781474112109

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

ID 10111401 11/14 45480 19585

Printed on paper containing 75% recycled fibre content minimum

Foreword

Dear Home Secretary

I am pleased to present to you the first annual report from the Surveillance Camera Commissioner. This report covers the period from the appointment of the first Surveillance Camera Commissioner (13 September 2012). I am grateful to my predecessor Andrew Rennison who undertook the functions of the Surveillance Camera Commissioner until his departure in February 2014. Much of his work is reflected in the body of the report and he has kindly attached an open letter which follows this foreword.

I intend to ensure that the Surveillance Camera Code of Practice (PoFA Code) is promoted to relevant authorities under S33 (5) of the Protection of Freedoms Act so that they fully understand and fulfill their duty to have regard to the PoFA Code. I also intend to explore other opportunities to promote the PoFA Code to non-relevant authorities thereby seeking voluntary adoption across a broad range of sectors. According to a survey conducted by the British Security Industry Association (BSIA) on the number of cameras in the UK (published July 2013) – just 1 in 70 of CCTV systems are state owned. This reinforces that a major part of my role is to reach out to others who use overt surveillance in public space – not solely relevant authorities. I will detail plans later in the report but I have already met with Universities and spoken to some residential social landlords and the British Retail Consortium and will continue to reach out to others to whom the PoFA Code is applicable.

The use of CCTV in domestic environments continues to cause concern amongst the public and is a high generator of complaints across various agencies. With a view to showing leadership in the sector I have said publicly that I intend to explore ways of working with manufacturers, retailers, installers, consumers and the Information Commissioners Office (ICO) to impart the principles of the PoFA Code.

That said, there remains much to do to achieve that goal. I have worked with some relevant authorities, particularly public space CCTV managers in local authorities that show enormous enterprise in adopting the principles within the PoFA Code. However it has been brought to our attention that the application of the PoFA Code is not consistent throughout all relevant authorities. We have been made aware of instances where some traffic enforcement officers, often utilising the same cameras as those used to deliver crime and disorder reduction strategies, do not deliver the same level of compliance to the PoFA Code. Accordingly where dual use CCTV Operation Rooms are in use I intend to raise the obligations within the PoFA Code to encourage compliance.

There remain a large number of surveillance camera system users who are not under a duty to have regard to the PoFA Code. By focusing on the larger scale operators, via seminar, webinar and personal

engagement, I intend to raise the profile of the PoFA Code. My aim is to secure voluntary adoption and achieve surveillance by consent across the broadest range of organisations.

Application of the PoFA Code not only delivers benefits to society in terms of privacy, security of public safety, transparency and reassurance but benefits to business through better performance and cost reduction.

This will be my mantra going forward.

A handwritten signature in black ink, appearing to read 'Tony Porter'. The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Tony Porter
Surveillance Camera Commissioner

Contents:

| | |
|-------------------------------------------------------|----|
| Open letter from first Commissioner | 4 |
| Introduction | 6 |
| Chapter 1 – The legislation and PoFA Code | 9 |
| Chapter 2 – The role of the Commissioner | 11 |
| Chapter 3 – External support and guidance | 14 |
| Chapter 4 – Communications | 16 |
| Chapter 5 – Future challenges | 18 |
| Annex A – Terms of reference for the Advisory Council | 19 |
| Annex B – Terms of reference for the Standards Group | 24 |
| Annex C – Business Plan | 27 |

Open letter from the first Commissioner to Lords Minister and Minister for Criminal Information

Dear Lord Taylor

Regulation of Surveillance Camera Systems

In early 2008 I took up the non-statutory post of the Forensic Science Regulator and set out to build a new quality standards framework for forensic science. In 2009 I was approached by staff from the National Policing Improvement Agency to see if the methods and style of working that I had adopted for forensic science could be adapted to meet the then government's desire to build a regulatory framework around the use of CCTV cameras. After some initial exploring we agreed that I would extend my work to include the role of Interim CCTV Regulator.

Following the last general election and the publication of the Coalition Agreement, which included the undertaking to further regulate CCTV, my work continued in support of Ministers and Home Office officials as the Protection of Freedoms Bill was conceived and worked its way through into legislation last year, at which point I was appointed as the Surveillance Camera Commissioner on top of my role as the Forensic Science Regulator. It was clear from the outset that my term as Commissioner would end on 10 February 2014, to coincide with the end of my second and final term as the Regulator.

During my time as the Interim CCTV Regulator and then short spell as Commissioner we have seen the regulation of CCTV move to the broader concept of surveillance camera systems, the Protection of Freedoms Act and publication of the Surveillance Camera Code of Practice, all of which combine to provide a good foundation for the regulation of surveillance camera systems with the overarching aim of achieving public confidence in the legitimate and proportionate use of such systems.

I have, since the publication of the PoFA Code, been able to establish an Advisory Council, as well as a group of experts to advise of the standards and guidance that are needed for the manufacture, design, installation, use and maintenance of surveillance camera systems. Between them, they have set work in motion that will further support the Commissioner and Government plans for the regulation of surveillance camera systems. It is still early days; I have always stated that the publication of the PoFA Code was the beginning rather than the end of a journey. There is still a good deal of work to be done, though I believe there are now solid foundations in place on which to build genuine public confidence and greater transparency in the use of surveillance systems.

I would like to thank you and your predecessor, James Brokenshire MP, for your unwavering support, direction, and advice as we built these foundations. I wish the new Commissioner, Tony Porter, every success for the future and can reassure him of the support he will receive from the many people who have stepped forward to help me.

Yours sincerely

Andrew Rennison
Surveillance Camera Commissioner
February 2014

Introduction

This is my first report in accordance with S35 (1) of the Protection of Freedoms Act 2012. This report covers the period from the initial appointment of the Surveillance Camera Commissioner on 13 September 2012 through to 31 March 2014. The Act requires that the report is ‘about the exercise by the Commissioner during that period of the functions of the Commissioner’. My functions are:

- a) encouraging compliance with the surveillance camera PoFA Code,
- b) reviewing the operation of the PoFA Code, and
- c) providing advice about the PoFA Code (including changes to it or breaches of it).

The full detail is within Part 2, Chapter 1 of the Protection of Freedoms Act 2012

Overview

The Coalition Agreement included an undertaking to ‘further regulate CCTV’ in recognition of the need for bespoke regulation. A consultation document published by the Home Office in March 2011 stated:

“We are determined to ensure that the significant increases in State surveillance which have occurred over the last decade should not go unchecked. Our Coalition Agreement sets out a package of measures which will roll back the over-intrusive powers of the State. We are committed to restoring and preserving our historic and valued traditions of freedom and fairness.”

As part of that package of work, the Protection of Freedoms Bill introduced provisions for a new regulatory framework to give effect to that commitment. The Interim CCTV Regulator role remained throughout whilst the Protection of Freedoms Act framework was developed. Mr Rennison was appointed as the first Surveillance Camera Commissioner in September 2012 following royal assent.

Since Mr Rennison started in the role as Interim CCTV Regulator, he performed an advisory role in the development of the PoFA Code engaging various interest groups and ensuring their views were represented. He then embarked on raising awareness of the PoFA Code to those who were to become relevant authorities. In parallel, he also engaged with civil liberties organisations.

During my short period in post since 10 March 2014, I have continued to be publicly challenged on two points. Firstly, the scope of the relevant authorities (many believe it should be broader) and secondly the

absence of enforcement powers. It is my job to show that encouraging, reviewing and advising on the PoFA Code to relevant authorities and beyond will make a real difference to those being surveilled, otherwise those concerns will continue. The Act does provide that it is the duty of the Commissioner to advise Ministers who will keep the PoFA Code under review (S34(2)(c)). I intend to closely assess the question of broadening the base of relevant authorities as the impact of our work programme becomes clearer throughout the year, and report to Ministers in 2015 on the position.

In addition, to provide governance and support, an Advisory Council has been established. This group is formed of key individuals who represent the various interest groups e.g. representatives from relevant authorities, civil liberty groups, and others with an interest in this arena. The Advisory Council has a strategic remit across the responsibilities defined in the Protection of Freedoms Act (more detail is provided in Chapter 3).

We already have a plethora of national and international standards competing for attention. However, there are several problems with them. They are complex, often overlap, and are considered too technical and dense. They are also expensive. Work has started on pulling together a coherent, accessible and affordable standards framework that will be specifically for surveillance camera systems rather than as part of a general security standard. This work is underway and is led by Alex Carmichael, Technical Director at the BSIA.

The Home Secretary provides resources necessary for the carrying out of the Commissioner's functions. These resources meet the costs of a support team which consists of a Head of Policy and Support, a Communications Manager, a Policy Officer and administrative support, remuneration for the Commissioner, and any other expenses such as travel and communications activities. Expenditure in 2013/14 was £211,074.50 – this reflects the fact that a full team was not established until January 2014. For 2014/15, the Home Secretary has provided annual resource of £307,375 to meet the support and remuneration costs associated with fulfilling my statutory duties.

Since the PoFA Code has been published, I have been able to build an awareness of the PoFA Code primarily amongst relevant authorities. This has involved speaking at a range of conferences and proactively reaching out to organisations to discuss emerging issues.

This proactive approach has been supported by a web presence on gov.uk . This website will be a key interface with the wider world and it is there that I will publish the guidance and other tools that enable authorities to show compliance with the PoFA Code. I am grateful to the web team at the Home Office for the support they have provided in establishing and developing the web presence.

I will also be publishing a self assessment tool. Completing this tool will help system operators document how their surveillance camera systems are compliant with the PoFA Code. I will encourage

authorities to publish the document and use it as a mechanism for promoting openness and transparency.

Looking to the future, I will be working with industry, inspectors and users to advocate progression from self-assessment to formal validation via a certification scheme. Whilst some way off, certification against the PoFA Code would appear to have merit in providing independent validation of compliance once the costs and benefits have been duly considered.

Finally, it is worth considering whether we truly know the effectiveness of surveillance camera systems. I have started a dialogue with academics in the area to see what research exists and what gaps, if any, need filling relating to the effectiveness of surveillance camera systems. We are looking to start with the contribution that CCTV systems make to the effective administration of justice.

Chapter 1 – the legislation and PoFA Code

Following the Coalition Agreement “to further regulate CCTV”, Andrew Rennison as the interim CCTV regulator, assisted in the development of an appropriate regulatory framework. He did this alongside his role as the Forensic Science Regulator (FSR) and at the time, there was a great deal of overlap and synergy. In a sense, both areas involve assisting statutory agencies in the successful detection and prevention of crime and anti-social behaviour. The FSR was working with the sector to promote new and improved science standards and providing advice and guidance to facilitate compliance with common standards. The National CCTV Strategy issued in 2008 had already identified the need for these functions to be in place for the effective use of CCTV for public protection. The scoping of the role highlighted that the facilitative and co-operative style of working adopted by the FSR could be adapted to fulfil the role of the Surveillance Camera Commissioner.

In regulating what is a complex landscape of surveillance camera use, the government has been clear that it wants to take an incremental approach to regulation, starting with getting the basics right and addressing public concerns over surveillance by the State, but without creating burdensome new bureaucracy. The Protection of Freedoms Act 2012 committed the Home Secretary to the publication of a Code of Practice and placed the Commissioner on a statutory footing. The Protection of Freedoms Act 2012 introduced the PoFA Code as well as the role of the Surveillance Camera Commissioner. The PoFA Code has been built upon 12 guiding principles, which provide a framework of good practice that includes existing legal obligations. Those existing obligations include the processing of personal data under the Data Protection Act 1998, a public authority’s duty to adhere to the Human Rights Act 1998 and safeguards under the Regulation of Investigatory Powers Act 2000 associated with the use of directed and covert surveillance by a public authority

Mr Rennison was a member of the Home Office led Surveillance Camera Systems Steering Group that co-ordinated the work and played an important role in the discussions that led to the PoFA Code being finalised. He had already started adopting the style of working from the FSR and applying it the Interim CCTV Regulator role. He was therefore able to contribute and reflect the wide range of views of the sector.

The PoFA Code sets out guidelines for CCTV, ANPR and other overt surveillance camera systems in public space to ensure their use is open, proportionate, and effective in meeting a stated purpose. The principle of surveillance by consent is at the heart of the PoFA Code - meaning the public can be confident that cameras are there to look after them, rather than to look at them. In addition to making clear the legal obligations in relation to the necessity and proportionality of surveillance camera systems,

the PoFA Code promotes greater transparency on the part of system operators. It also promotes the more effective use of surveillance cameras where they are necessary.

Chapter 2 – the role of the Commissioner

The Protection of Freedoms Act 2012 created both the role of the Surveillance Camera Commissioner and the PoFA Code.

The functions of the surveillance camera commissioner are to:

- encourage compliance with the Surveillance Camera Code of practice
- review the operation of the PoFA Code
- providing advice about this code (including changes or breaches to it)

This is a public appointment that requires a commitment of three days a week. As the new Commissioner, my role is about encouraging compliance in a largely self regulatory framework. It is important that I show strong leadership to the many parts of the sector so as to encourage compliance.

The initial budget was largely invested in providing a small support team. This ranges from a Head of Policy and Support who oversees the support the Commissioner requires in order to undertake his statutory functions, a Communications Manager who is responsible for developing and managing the communications infrastructure, a Policy Officer with responsibility for providing the detailed advice necessary to fully interpret the PoFA Code and some administrative support. My priorities within this resource envelope for 2014/2015 are documented in the high level business plan at Annex C.

A key work strand is the development of the self-assessment tool. Without a compliance framework or enforcement or inspection role my challenge is how to encourage relevant authorities show and then demonstrate their compliance with the 12 principles. This is something they must take responsibility for but I will provide a tool and guidance that will help them do it. I am grateful to the National Security Inspectorate (NSI) and the Security Systems and Alarms Inspection Board (SSAIB) who have come together to help me develop the tool. The tool covers a wide range of issues as necessary to cover the 12 principles. To ensure this document is fit for purpose it has been rigorously tested in its development. The document has been commented upon by operators and policy makers of relevant authorities. I want to ensure that the balance is right – not too detailed to make it bureaucratic but also enough content to give some granularity as to how the PoFA Code is ensuring that the surveillance is effective and proportionate. The tool will be launched in the autumn of 2014. Following the launch of the tool, we will start on the process of refinement and we will also consider whether specific surveillance camera systems such as Automatic Number Plate Recognition (ANPR) and Body Worn Video (BWV) merit having specific self-assessment tools.

I will encourage operators to publicise their use of the self assessment tool. I believe this will engender public support to the ongoing surveillance activities in line with the PoFA Code's concept of "surveillance by consent".

In addition, the team has worked alongside the Information Commissioner's Office (ICO) to devise a privacy impact assessment template that is specific to the PoFA Code. This will also be available in the autumn 2014.

It is clear that town centre public safety officials are well versed in the PoFA Code and its implementation. Earlier I referred to challenges emerging from dual use camera systems within Local Authorities – promoting the PoFA Code to all parts of Local Authorities will be a focus for the coming year. As a relevant authority, all their different uses of surveillance camera systems are subject to the PoFA Code and we will produce guidance to senior officers to maintain the accountability process.

The team has already done a great job at covering the vast range of meetings that I am invited to. In particular, they have attended national meetings of police national user groups covering ANPR, CCTV and BWV ensuring the PoFA Code is promoted and understood. BWV, in particular, as a relatively new and complex area has required a great deal of engagement. The team has contributed to the new guidance produced by the College of Policing. This will hopefully assist the forces using BWV to be PoFA Code compliant.

Advancement in technology will be a consistent challenge to me and my team as each new iteration requires detailed engagement, understanding and assessment against the PoFA Code. I am indebted to the team for their willingness to accompany me (and on their own) visiting local authorities and police forces, spending time in control rooms or observing the accreditation against the British Standard for control rooms.

The imperative to maintain technology and user awareness is key to the success of my role. A team member has recently qualified as a CCTV operator and will maintain continued practical engagement with this role. This experience will help my engagement with control rooms and I will be looking at other opportunities to ensure that the team has the practical knowledge and experience to support the authorities in showing due regard to the PoFA Code.

Here, I would also like to offer my thanks to the team at the Home Office Centre for Applied Science and Technology (CAST) who have given their time to briefing the team on the array of different technologies and issues with the surveillance camera arena and always being available to help.

Finally, I want to offer my thanks to the Information Commissioner's Office. Given the overlap in the role, albeit with different responsibilities, they have been excellent colleagues and very helpful in helping me settle into the role. They have also agreed a memorandum of understanding that clarifies the differing

roles and how we will work together to ensure that the regulation of surveillance camera systems will protect the public rather than spy on them.

Chapter 3 – external support and guidance

Andrew Rennison set up the Advisory Council (referred to as the Council) and the Standards Group. For both bodies, the terms of reference are attached as annexes.

The Council represents a broad range of senior stakeholders best positioned to provide advice and guidance from their organisational perspective

From the outset my predecessor and I have been keen to engage with the civil liberties communities and we enjoy representation from that community on the Council.

The Council has supported engagement with relevant authorities with reference to the thematic work undertaken; namely engagement with police on BWV/ANPR and engagement with Local Authorities relating to use of public space CCTV. Work is also underway to identify the 'low hanging fruit' that represent the large scale non-relevant authority CCTV users that use surveillance in public space or are outsourced extensions of relevant authorities. This will represent a key priority for the Council to determine the most effective way to engage and seek voluntary adoption of the PoFA Code.

The Council has also been influential in formulating the key messages to support the introduction of the PoFA Code and the role of the Commissioner. These messages have been promulgated at several national conferences throughout the year.

By the time this report is published the work plan will be developed in close liaison with the Council. I hope to utilise the skills and networks of the Council membership in taking forward the plan (see annex C).

The Standards Group arises from guiding principle 8 of the PoFA Code. This requires operators to consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards. Alex Carmichael, Director of Technical and Export Services at the BSIA, spoke at the official conference (see Chapter 4) last year and presented a landscape of the current suite of approved technical standards. The following graphic provides a vivid illustration of the standards terrain.

Chapter 4 – Communications

A primary focus of the role is to engage with representatives of relevant authorities and others interested in the PoFA Code to raise the levels of compliance with the PoFA Code. Andrew Rennison spoke at various conferences and events. These include IFSEC, Security 2013 in Bristol, Centre for the Protection of National Infrastructure, the Home Office Security and Policing Event, the CCTV User Group and the Public CCTV Managers Association.

In addition, Mr Rennison visited many control rooms and met with the Association of Chief Police Officers (ACPO) leads on CCTV and ANPR. Mr Rennison was very active and well known in the relevant authority community and did much to promote the PoFA Code.

He was also clear that a digital platform was the way to access a much wider audience and so set about developing a web presence. The Surveillance Camera Commissioner's site is on gov.uk. and will provide access to standards, guidance and emerging issues.

I am keen to exploit the opportunities presented by social media platforms. I will exploit Twitter - @surcamcom - as an opportunity to challenge relevant authorities, inform the public and encourage awareness of the PoFA Code.

The communications highlight from last year was the Surveillance Camera Commissioner's national conference held at the Royal Society on 23 October 2013. The one day conference focused on the regulatory landscape, impact of the PoFA Code for relevant authorities and development of standards.

Lord Taylor of Holbeach addressed the conference and gave a very strong message about the need to 'evangelise' the PoFA Code given the absence of any enforcement power. He emphasised that promoting the PoFA Code is the key to encouraging change within the surveillance camera sector.

Throughout the day the conference benefited from a distinguished range of speakers and specialists in the field. Alastair Thomas, the Home Office policy lead responsible for the drafting of the PoFA Code provided an outline of the 12 principles and their interpretation. Jonathan Bamford, Head of Strategic Liaison at the ICO emphasised the synergy between the PoFA Code within the Protection of Freedoms Act 2012 and that issued by the ICO .

Nick Pickles, Director of Big Brother Watch praised the PoFA Code of Practice as a good start and a step in the right direction. In the interests of transparency he suggested that Local Authorities be more open with the data they have and consider publishing themselves. Councillor Lisa Brett from the Local

Government Association also spoke. She gave an overview of the possible impact of the PoFA Code in different areas of local authorities, including libraries, other leisure services and licensing.

Bill Mandeville from the Home Office spoke about the challenges the police face in maximising the use of ANPR technology and recognised that ANPR falls under the scope of the PoFA Code.

The final speaker was Alex Carmichael, Technical Director of the BSIA who outlined the rationale and the challenges facing the Standards Group.

Following discussions with the Advisory Council, I will not be hosting a conference in 2014. The rationale for this decision is that I will instead look to run a series of sector specific and region based workshops and webinars to keep promoting the PoFA Code and thereby access sectors and regions that cannot spare a day and the expense to go to a conference. I will also be speaking at many events hosted by others across the country so I can reach a wider audience including both relevant authorities and those in sectors that might not immediately identify the relevance of the PoFA Code to their organisation.

Chapter 5 – future challenges

The use of surveillance camera systems within domestic environments continues to grow. The cost of domestic CCTV systems is minimal as electrical retailers now sell HD domestic CCTV systems for a little over £100. This upsurge in domestic use is directly responsible for an increase in complaints around their use. It is within my remit to refer to Government any emerging issue that may require further regulation. I intend to engage and issue guidance to manufacturers, retailers, installers and users to address core concerns. I cannot rule out making recommendations to Government if the growing uneasiness continues and guidance is seen as ineffective.

There are other challenges. The team has worked closely with the police to help develop guidance relating to BWV. It has come to my attention that body worn video is being used by a much wider group of stakeholders; including local authorities, residential social landlords and others such as door supervisors. I intend to assess the broader use and impact on society of these phenomena. It may be appropriate to issue guidance or even consider recommending broadening the regulatory base to include some of these organisations.

There are also growing public concerns relating to UAV's (unmanned aerial vehicles – also known as drones) and the widening use of automatic facial recognition (AFR). Both these technologies have been around for a number of years. Drones are now available in retailers and cost a few hundred pounds. AFR has been trialled by police forces as a way of identifying suspects. Use of both these technologies will present challenges for this office.

However, my single biggest challenge for now will be voluntary adoption. I will be speaking to universities, residential social landlords, retail centres and others about voluntarily adopting the PoFA Code. By utilising webinars and digital media I intend to ensure my small team gains maximum reach in encouraging compliance with the PoFA Code.

Annex A

Terms of Reference for the Surveillance Camera Advisory Council (as at April 2013 – this will be kept under review)

Remit

1. The Surveillance Camera Advisory Council (SCAC) will support the Surveillance Camera Commissioner (the Commissioner) by considering and offering advice on matters related to the Commissioner's functions to:

- i. Encourage compliance with the Surveillance Camera PoFA Code (the PoFA Code)
- ii. Review the operation of the PoFA Code
- iii. Provide advice about the PoFA Code (and breaches of it), and
- iv. Prepare reports about the functions of the Commissioner

The SCAC will also consider and advise on issues concerning surveillance camera systems which are referred to the Council by the Commissioner.

2. The responsibilities of the Council will include the following:

- i. Contributing to the encouragement of others to achieve compliance with the PoFA Code
- ii. Advising on prioritisation of activities by the Commissioner
- iii. Creating, tasking and overseeing the work of groups established to advise on or develop aspects of the Commissioner's functions
- iv. Assessing the recommendations of groups (or other sources) and advising the Commissioner on how to respond to them
- v. Assisting the Commissioner in responding to requests for advice from Home Office Ministers and others
- vi. Advising on, and monitoring the operation of, the process for reviewing the PoFA Code and recommending amendments, and
- vii. Monitoring international developments and fostering co-operative links with relevant international fora

3. The remit of the Council may from time to time be modified by the Commissioner following consultation with the Council.

Composition

4. The Council will be chaired by the Commissioner.
5. Membership of the Council will comprise of people in each of the following categories. Where stated, the relevant organisation will be invited to nominate a suitable person to the post.

| Area of expertise | Person description | Nominating authority | Places |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------|
| Accreditation and certification | A person experienced in accrediting to recognised international and domestic standards | UKAS | 1 |
| | A person with experience in certification against standards relevant to surveillance camera systems | Accredited certification bodies | 2 |
| Surveillance camera manufacture and installation | A senior manager experienced in the commissioning, design, maintenance and monitoring as well as manufacture and installation of surveillance cameras and surveillance camera systems. | British Security Industry Association | 1 |
| Surveillance camera management and use (public and private sectors) | A senior manager experienced in either the design, installation or use of surveillance camera systems. | CCTV User Group, the CCTV National Standards Forum and the Public CCTV Managers Association | 3 |
| Data Protection | A senior member of the Information Commissioner's Office | Information Commissioner | 1 |
| Human Rights | A senior member of the Equality and Human Rights Commission | Equality and Human Rights Commission ¹ | 1 |
| Civil Liberties | A representative from bodies that can express concerns around privacy and community concerns | Liberty ² Big Brother Watch | 2 |
| Police | The police leads on surveillance | ACPO | 2 |

¹ The Commission has informed us that they are unable to send a representative to the Council meetings but will support the work as and when they are able to.

² Liberty is also unable to send a representative to the meetings but will engage with the Commissioner on an ad hoc basis.

| | | | |
|---------------------|-------------------------------------------------------------------------------|---------------------------------|---|
| | camera systems and ANPR. | | |
| Local Authority | A senior manager experienced in the oversight of surveillance camera systems. | Local Government Association | 1 |
| Scotland | A government official involved in surveillance camera policy. | Scottish Government | 1 |
| Wales | A government official involved in surveillance camera policy. | Welsh Assembly ³ | |
| Covert surveillance | A senior representative from the Office of Surveillance Commissioners | Chief Surveillance Commissioner | 1 |

6. The organisations invited to nominate representatives to the Council may, from time to time, be amended by the Commissioner following consultation with the Council.
7. Each organisation shall submit its proposed nomination for approval by the Commissioner before appointment is confirmed.
8. Each organisation will be invited to appoint an additional person to deputise for their nominee in his or her absence.
9. The terms of reference and membership of the Council will be subject to a review every three years. With the consent of the Commissioner and the appointee the appointing body may renew the appointment for a subsequent three year term.
10. The Commissioner may, following consultation with the Council, add to the membership of the Council or invite other individuals to serve on the Council for limited periods of time where additional skills, knowledge or experience are required.
11. The Commissioner may appoint (a) one of the members of the Council or (b) a senior member of his or her staff to deputise for him or her as chair of the Council in his or her absence.

Operation

12. The Council shall meet at least three times per year and otherwise as required.
13. The Commissioner, following consultation with the Council, may establish such other procedures as s/he considers appropriate for the operation of the Council.

³ The Welsh Assembly is also unable to field a representative for the meetings but have agreed to be represented by the team within the Home Office supporting Wales.

14. In the interests of public accountability, the Council will carry out its work as openly as possible, within the terms of the PoFA Code of Practice on Access to Government Information, subject to any conditions set by Ministers or agreed by the Council. Council meetings will not be open to members of the public but minutes of the meetings may be published, subject to any redactions considered to be necessary. Reports produced by the Council will be published at the discretion of the Commissioner who will, where appropriate, seek Ministerial approval.
15. Membership of the Council is unremunerated, but members will be entitled to claim travel and subsistence allowances in reimbursement for expenses actually and necessarily incurred in the course of Council business. The relevant rates will be determined by the Home Secretary and notified to the Council from time to time.
16. Support for the Council will be provided by the Commissioner's office. No budget is delegated to the Council but such assistance as is reasonably required to enable the Council to undertake its duties will be provided, within available resources.

Committees and Working Groups

17. The Council may, with the approval of the Commissioner, institute such committees and working groups as it considers from time to time necessary for the efficient and effective conduct of its business. Such working groups and committees may be standing or ad-hoc. Each will be constituted with clear written terms of reference and will report to the Council.
18. The membership of working groups and committees shall not be limited to members of the Council.

Conduct

19. Members of the Council are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. Each member must at all times act in good faith and observe the highest standards of impartiality, integrity and objectivity in relation to the conduct of the Council's business.
20. Members of the Council will be required to sign a declaration of interests form in accordance with current departmental practice.
21. Any Council member has the right to bring to the attention of Chief Scientific Adviser to the Home Office any matter, which he or she believes raises important issues relating to his or her duties as a member. In such cases the member should, before approaching Chief Scientific Adviser, raise their concerns with the Commissioner to establish whether they might be resolved within the Council.

Confidentiality

22. In accepting appointment to the Council, members are required to accept that they will not disclose any information or documents presented to the Council without the approval of the Commissioner. This includes any documents marked with any GPMS security classification (including RESTRICTED) and the content of any discussions relating to such information. Members undertake

not to make copies of any such documents, and to follow the advice provided by the Commissioner and Secretariat about the handling of such documents.

Annex B

Terms of Reference for the Surveillance Camera Standards Group

Status

1. The Surveillance Camera Standards Group (hereafter referred to as the group) is a standing group established to advise the Surveillance Camera Commissioner (the Commissioner) and the Surveillance Camera Advisory Council (the Council) on matters within its remit.

Remit

2. The group will support the Commissioner and the Council by providing advice on all matters related to the preparation, implementation and monitoring of surveillance camera standards within the remit of the surveillance camera systems PoFA Codes of practice (the PoFA Codes). The group will:
 - i) Advise the Commissioner and Council on the standards to be applied to the manufacture, design, installation, testing, management and use of surveillance camera systems. The standards are to cover technical requirements as well as the competence of organisations and individuals.
 - ii) Undertake an analysis of current standards against a recommended set of standards with a gap analysis to inform the development of new standards.
 - iii) Work with the BSI on the development of British, European and international standards.
 - iv) Review the processes employed by the Commissioner to develop and implement standards.
 - v) Review the format for standards prepared by the Commissioner.
 - vi) Receive, in draft, standards developed elsewhere (including British, European or international standards) and advise the Commissioner on comments and feedback.
 - vii) Propose means of remedying any shortcomings in standards, distinguishing between measures which fall within the remit of the Commissioner and those which do not.
 - viii) Make such other recommendations as appear appropriate.
3. The group will, following a request from the Commissioner, develop standards, processes or policies for consideration by the Council and Commissioner.

Composition

4. The following organisations will each be invited to nominate a suitable person to membership of the group:

Surveillance Camera Commissioner

Home Office

Home Office Centre for Applied Science and Technology (CAST)

Police

British Standards Institution (BSI)

Security Industry Authority (SIA)

Skills for Security

British Security Industry Association (BSIA)

Representative user groups (Public CCTV Managers Association, CCTV User Group, CCTV National Standards Forum)

Local Government Association

Scottish Government (to facilitate cross-border collaboration)

5. The nominations can be reviewed on a regular basis to ensure representation from those best placed to advise (see also paragraph 7 below).
6. The chair, deputy chair and members of the group will be appointed by the Commissioner initially after consultation with the Home Office steering group overseeing the development of the PoFA Codes and thereafter by the Council once it is in existence.
7. The Commissioner may at the request of, or following consultation with, the chair of the group, add to the membership of the group or invite other individuals to serve on the group for limited periods of time where additional skills, knowledge or experience are required.

Operation

8. The group will operate in accordance with a plan presented by the chair and approved by the Commissioner, who will be advised by the Council once it is existence.
9. The group will conduct its business out of committee as far as possible, but will meet as and when required in order to discharge its remit.
10. In the interests of public accountability, the group will carry out its work as openly as possible, within the terms of the PoFA Code of Practice on Access to Government Information, subject to any necessary confidentiality requirements and any conditions set by Ministers or agreed by the Commissioner.
11. No budget is delegated to the group but such assistance as is reasonably required to enable the group to undertake its duties will be provided, within available resources.
12. Membership of the group is unremunerated. The Commissioner may approve repayment of travel and subsistence costs necessarily incurred on group business by any members who are unable to obtain reimbursement from their employers. Repayment will only be made where the Commissioner has specifically agreed, in writing and in advance of the expenditure, to entertain claims from a named individual under this provision.
13. Where the business of the group gives rise to the need for expenditure from the Commissioner's budget (including any claims under paragraph 12 above), the Commissioner's written approval must be obtained in advance of any commitment to the expenditure.
14. The chair of the group may establish such other procedures as s/he considers appropriate for the operation of the group, providing that these are not inconsistent with the above.

Working Groups

15. The group may, with the approval of the Commissioner, establish such working groups as it considers necessary for the efficient and effective conduct of its business. Such working groups will be constituted with clear written terms of reference and will report to the group.

Conduct

16. Members of the group are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. Each member must at all times act in good faith and observe the highest standards of impartiality, integrity and objectivity in relation to the conduct of the group's business.
17. Any group member has the right to bring to the attention of the Commissioner any matter, which he or she believes raises important issues relating to his or her duties as a member. In such cases the member should, before approaching the Commissioner, raise their concerns with the group chair to establish whether they might be resolved within the group.

Confidentiality

18. In accepting appointment to the group, members are required to accept that they will not disclose any information or documents presented to the group without the approval of the Commissioner. This includes any documents marked with any GPMS security classification (including RESTRICTED) and the content of any discussions relating to such information. Members undertake not to make copies of any such documents, and to follow the advice provided by the Commissioner about the handling of such documents.

Annex C

HIGH LEVEL BUSINESS PLAN 2014/15

| Commissioner's function | Objective | Detail | Outcome |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Encourage compliance with the PoFA Code</p> | <p>1. Develop a self-assessment tool (SAT) that enables operators to identify their level of compliance with the PoFA Code</p> | <p>a) Develop SAT by September 2014 b) user testing of SAT October 2014 c) launch SAT November 2014;</p> | <p>- Promote surveillance by consent by increasing likelihood of operators applying the principles of the PoFA Code including greater transparency over their use of cameras</p> |
| | <p>2) Develop a Comprehensive Communications Strategy</p> | <p>a) Use website (Gov.uk) to publicise current standards and signpost guidance (commencing October 2014) b) Commissioner to attend national conferences and seminars (throughout year) c) Develop and utilise social media platform (Twitter) to publicise PoFA Codes of Practice</p> | <p>- Profile of PoFA Code of Practice is raised amongst public, operators, retailers, designers, suppliers and installers;</p> |
| | <p>3) Develop digital webinar platform to highlight, inform and educate users to the requirements of the PoFA Code</p> | <p>a) Construct webinar to enable discrete engagement with relevant and non relevant authorities. (First webinar scheduled to be completed November 2014)</p> | <p>- Engagement with the broadest possible sectors to promote the PoFA Code and increase likelihood of its adoption</p> |
| | <p>4) SCC Standards Group to develop a new standards framework to simplify the current regulatory landscape and provide a one stop shop for any prospective operator (this will be an incremental</p> | <p>a) Agree a framework identifying current CCTV regulatory landscape (<i>complete</i>) b) Develop, through cross sector consultation, an Operational Requirement that will guide prospective CCTV users on design,</p> | <p>- A simple and streamlined approach to understanding CCTV standards</p> |

| | | | |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | piece of work through the Commissioners tenure) | installation and use of any new or modified system (target date January 2015) | |
| Reviewing the operation of the PoFA Code | 1) Conduct visits and reviews of Local Authority experience of working with the PoFA Code (10 visits prior to March 2015) | a) Particular attention to be given to 'dual use' Operations rooms where multiple users have governance within the same operational platform | <ul style="list-style-type: none"> - Provide reassurance to the public that the principles within the PoFA Code are being followed) or - Initial assessment of whether local authorities have difficulties in working with the PoFA Code |
| | 2) Conduct thematic review (ANPR/BWV) and assess experience of working to comply with PoFA Code of Practice | a) Conduct 3 scheduled reviews of police forces prior to March 2015 b) Identify variance in compliance and advise relevant authorities of lessons learnt | <ul style="list-style-type: none"> - Generate greater understanding of challenges in compliance between practice and the PoFA Code |
| | 3) Workshop with National Policing CCTV lead exploring police owned CCTV infrastructure and its experience of working compliance with the PoFA Code | a) Workshop to be held prior to March 2015 | <ul style="list-style-type: none"> - To raise national profile of the PoFA Code amongst the law enforcement community |
| Providing advice about the PoFA Code | 1) Produce a guidance series aimed at developing a fuller understanding of the PoFA Code | a) A sector specific guide on how to conduct a Privacy Impact Assessment will be published November 2014; b) Further guidance notes e.g. 'interpretation of 'a duty to have regard' etc will follow incrementally | <ul style="list-style-type: none"> - Understanding and awareness of the PoFA Code |
| | 2. Engaging with non relevant authorities to encourage voluntary adoption of the PoFA Code | a) Identify key CCTV sectors that are non relevant authorities (e.g. Government Departments, Schools, Hospitals, Transport sectors by | <ul style="list-style-type: none"> - Advice about how to work with the PoFA Code reaches target sectors and leads to wider adoption. |

| | | | |
|------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| | | <p>September 2014), Schedule formal meetings followed by voluntary engagement in workshop/webinars commencing October 2014 (target 3 sector specific webinars by March 2015)</p> <p>b)</p> | |
| <p>3. Produce a guide on use of surveillance camera systems in domestic environments</p> | | <p>a) Guide will focus on manufacturers, retailers, installers and end users. Guide will be published by March 2015</p> | <p>- Promulgate principles of good practice inherent within the PoFA Code to domestic users.</p> |



ISBN 978-1-4741-1209-3



9 781474 112093