SURVEILLANCE CAMERA COMMISSIONER

Annual Report
2014/15

Surveillance Camera Commissioner Annual Report 2014/15

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

November 2015

Foreword

Dear Home Secretary

This report, following my first full year in office, addresses many of the challenges I have encountered whilst working with the public, industry and end users in my role as Surveillance Camera Commissioner. The well rehearsed arguments concerning the privacy versus security debate – should we live with public space surveillance or can we live without it? – are also addressed in this report.

The opportunity this year to work closely with Local Authorities has thrown up a few surprises. One being that a significant proportion of public space CCTV, utilised by Local Authorities, does not fall within the purview of dedicated CCTV managers. It operates within numerous Departments that, in my opinion, do not enjoy the same public scrutiny. In some of these instances regulatory compliance is questionable and I will call for greater governance of these areas to ensure compliance.

Advancing technology challenges both the regulatory framework and ability for legislators to keep pace with the issues. From Body Worn Video, Unmanned Aerial Vehicles utilising sophisticated camera technology to algorithms capable of predicting behaviour from video imagery – we are in the foothills of truly understanding the impact of such technology and how it might impact on our citizens. What is an undeniable fact is that the uses of this technology will continue to increase and multiply. To that end I am delighted to have engaged with Home Office Centre for Applied Science and Technology to establish a horizon scanning team to act as a reference point for me to understand current and potential future use and impact.

Public space surveillance emerged from a largely unregulated backdrop in the 1990s having attracted significant Home Office Crime Reduction funding. In the United Kingdom its use is ubiquitous and we are often described as the most surveilled society in the world with recent estimates (British Security Industry Association) suggesting a range from 4 to 6 million cameras are in use in the United Kingdom[1].

Accordingly much of this past year has been focused on what standards for CCTV are used by the industry, which are valuable to the public to ensure their interests are protected and what more might need to be done to further protect those interests. This debate runs hand in glove with my statutory functions as a regulator and the framework of the Surveillance Camera Code of Practice which I have been appointed to promote.

Government Ministers have committed me to providing them with a review of the Surveillance Camera Code of Practice during 2015 which I aim to complete by autumn 2015. Much of this report will signpost those emerging issues which will be more comprehensively addressed in that review.

Before signing off I must recognise the support and willing co-operation that I have received from various stakeholders throughout the year. In particular members of my Advisory Council and Standards Group who have voluntarily contributed their time in attending meetings and accepting extraneous pieces of work to help develop thinking and action around this agenda. Industry representatives who have invited me into their organisations to discuss the fine grain detail of their work and how it impacts on regulation. Leaders of organisations (Association of University Chief Security Officers, NHS Protect, British Banking Association, Residential Social

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[1] The Picture Is Not Clear' July 2013 – British Security Industry Association.

Landlords and many others) who have worked with my team to voluntarily adopt the Surveillance Camera Code of Practice and leaders and senior executives of Local Authorities and Chief Constables who have endeavoured to work with my office to raise standards and ensure compliance.

Despite the successes of the year there is much to do. The scale and scope of the agenda is laid out within this report as is my business plan for next year which aims to show how I will tackle those challenges.

Tony Porter
Surveillance Camera Commissioner

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Introduction

This report covers the exercise of my statutory functions during the period 1 April 2014 to 31 March 2015. I am delighted to report that my team met virtually all of the objectives that were set in our business plan for the year (Annex A).

Some of the highlights of the year are reflected below:

- The launch of our easy to use self assessment tool on my website[2] in November 2014 – enabling any organisation to assess how closely they are complying with the Surveillance Camera Code of Practice (Protection of Freedoms Act Code (PoFA Code)).

- Our first webinar and the procurement of a system to deliver more in 2015/16.

- Three national workshops ran jointly with the British Standards Institute looking at how to simplify the CCTV standards framework. They resulted in some concrete recommendations for me to take forward.

- The work led by Alex Carmichael (Chief Executive of the Security Systems and Alarms Inspectorate Board) and the Standards Group in developing an operational requirement for CCTV.

- Development of my website from a shell site to one that is full of relevant information about my role and what I am doing.

- Numerous speaking engagements to raise the profile of my role and the PoFA Code.

I mentioned my Advisory Council and Standards Group in my foreword. Another group I have enjoyed an excellent working relationship with are my fellow privacy commissioners and regulators and in particular the Information Commissioner (ICO) and Office for Surveillance Commissioners (OSC). I have worked with the former on issues ranging from domestic use of CCTV to police use of Automatic Number Plate Recognition (ANPR) cameras. The continuing advice, guidance and support around the Data Protection Act and regulation has been invaluable. We have both been challenged on several occasions that the overlap in our functions over regulates the sector and the ICO have updated their own code to align and complement the PoFA Code but there is still more to do. We will, jointly, be looking at that over the coming year. The latter (OSC) has been engaging Local Authorities, when they conduct visits to check on Regulation of Investigatory Powers Act compliance, if they have completed my self assessment tool to check they are compliant with the PoFA Code. This is crucial in promoting surveillance by consent with regard to raising the profile of public space surveillance and the importance of compliance.

Throughout the course of the year I have sought to provide leadership across the spectrum of the industry from end users, designers, installers and manufacturers. This has manifested itself in speaking at numerous events and meetings, increasing media bids for interviews and responding to ever increasing items of correspondence from members of the public and organisations. This demonstrates a greater knowledge of my role and the PoFA Code which I expect to increase throughout my time in office.

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[2] www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool

I have successfully enlisted the help of other organisations, many of whom sit on my Advisory Council, to promulgate messages about the PoFA Code. As knowledge of the role and remit does increase – its scope and scale should not be underestimated. The Government approach to public space surveillance has been to develop regulation in a light touch way and incrementally.

In my first year much has been achieved and my team and wider resource in the Advisory Council and Standards Group has 'punched above its weight' but there is still much work to do. I sense an ongoing desire from many involved in work related to surveillance cameras to make a real difference and improve regulatory compliance.

The total spend incurred by me and the team amounted to just over £270,000 out of a budget of £308,000. This has included remuneration for me and the four staff that support me as well as all expenses including travel, subsistence, catering and the costs of publicity materials. There is little more to report on the breakdown.

Given this is my first year, I am happy with the work that has been done to promote the code. At this point, I want to offer my thanks to the support team. They have taken on unfamiliar tasks and meetings and managed the enormous amount of work that happens in the background enabling me to fulfil my role. They have been exceptional. Over the next year, this will become a greater challenge. As I bring more organisations on board as voluntary adopters, the team will become increasingly stretched and if the government want me to continue operating with the same intensity and pace, they will need to consider strengthening the resources I have at my disposal. Of course, this must be set against the backdrop of the challenging financial settlement between now and 2020.

Over the year ahead, some of the costs will also change. I plan to commission research into the effectiveness of CCTV and offer to support the CCTV National Standards Forum (CNSF) - (by hosting some of their meetings) so that they develop as a group of potential supporters of the standards work as well as potential voluntary adopters.

In Chapter three of this report you will read about the work of my Standards Group. My Advisory Council do not have the honour of a Chapter dedicated to them. However, they have been a great help during the past year, made up of members that are representative of all stakeholder groups from installers to Civil Liberties Groups. They have continually acted as an extension of my support team and as a critical friend – I am extremely grateful to their support since I started in this role.

Whilst this report looks back at what I have done and learnt over the past year I have also identified a number of challenges to overcome.

Chapter 1 – Relevant Authorities

Section 33(5) of the Protection Freedoms Act sets out a list of relevant authorities who must have regard to the PoFA Code as guidance when using any form of surveillance camera to monitor public space. The majority of cameras operated by relevant authorities are done so by Local Authorities (generally CCTV) and Police Forces (in general Body Worn Video (BWV) and ANPR). On this basis I focused resource in these two sectors to raise awareness of the statutory obligations they must adhere to and help them understand how to meet them.

Local Authorities

We have visited ten Local Authority CCTV control rooms, held group meetings and seminars, spoken at 19 public conferences which have been attended by Local Authority CCTV managers and dealt with specific incidents reported by members of the public relating to compliance with the PoFA Code as well as numerous queries from Local Authorities themselves.

I have also recruited a group of Local Authority CCTV Managers who have volunteered their time to discuss matters arising in Local Authorities. I have regularly used the group to test products and ideas. They have provided me with candid advice and challenged on what works well and what may need to change. I am grateful for the dedication of this group and their commitment not only to comply with the PoFA Code, but to encourage others to do the same, while providing valuable support to my role. I would like to thank Steve Wilson (an independent CCTV consultant), in particular, for convening and steering the group.

The discussions I have had with Local Authorities over the past year have been extremely valuable in enabling my office to get a good understanding of how the PoFA Code has been received and implemented by Local Authorities. It has also drawn out a number of challenges these organisations face in relation to surveillance cameras and meeting their statutory requirement under the Act.

Austerity

From the visits I've been on and the people I've spoken to it is my opinion that austerity measures put in place to reduce the deficit is the key challenge facing Local Authorities – according to the Local Government Association in the 2015/2016 financial year alone Local Authorities will have to find £2.6 billion in savings.

The provision of CCTV is not a statutory function albeit, within the provisions of the Crime and Disorder Act 1998, it is seen by some local partnerships as an aid to support the crime reduction effort.

Consequently I have seen a number of trends emerging throughout the reporting year. There are an increasing number of Local Authorities, such as Blackpool and Derby, moving away from monitoring their Town Centre systems 24 hours a day, seven days a week. This is often met with incredulity from business and citizen groups who feel that CCTV provides reassurance. In equal measure it is questioned by Civil Liberty Groups who query the value of CCTV if it is not monitored. A survey conducted by Synectics in 2013 pointed to overwhelming support in the use of public space surveillance (86%). So whilst the support for CCTV from within communities is clearly there the way CCTV is utilised and monitored is changing as cuts to budgets affect Local Authorities. It could be argued that this support could wane if these cuts have a noticeable impact upon what people expect from the CCTV systems established to protect them such as 24 hour monitoring.

I am also seeing unitary and two tier Local Authorities divest responsibility for public space CCTV to Town Councils who in turn are creating new and innovative partnerships to pay for and support the infrastructure of a public space CCTV operation. I visited Rugby First, a control room in Rugby that combines funding from local business together with that from a Local Authority. The level of professionalism was high as was adherence to the various regulatory requirements. Rugby First combine within its control room a variety of other services – street warden patrols, town centre safety and other security initiatives.

There are other Local Authorities with similar local relationships that strive and aspire to maintain high professional standards while conducting public space surveillance. My team is in the process of developing case studies for publication on my website relating to these areas of good practice we have seen across England and Wales which may encourage others to look at similar approaches.

Cost cutting is causing some Local Authorities to replace professional CCTV managers, familiar with the PoFA Code and provisions of the Data Protection Act, with generalists (performing other non CCTV related functions) who do not have the same knowledge base. This has been presented to me by several managers as a real threat to proper adherence to the regulatory framework and a dilution of skills and knowledge base in the sector. I continue to work with Local Authorities, promoting my self assessment tool and developing a third party certification scheme to raise and maintain standards which will mean the public can be confident that these systems are effective, efficient and well run.

Technology

This area also falls into the austerity agenda however is of such strategic importance I will deal with it separately. Technology is advancing rapidly which is challenging the nature and status of many Local Authority CCTV control rooms.

In the early 1990s when public funding was channelled into public space surveillance, all equipment was analogue and a manual uplift of the imagery from hard drives on to a disc was required. This source of funding has now expired and Local Authorities are left with the challenge of replacing ageing and outdated kit with new HD camera networks, internet provision, and advanced algorithms whose capability is beginning to stretch from merely image capture to predictive behaviour and ability to cross check other reference databases.

Whilst the complexities arising from this for society are significant the opportunities are equally as apparent. In relation to public space surveillance the emerging vision points to inter-connected systems, capable of interoperability, judicious use of algorithms to provide public re-assurance. From the early signs of collaboration such as models utilised by cities such as Glasgow, Bristol and Manchester the cost reduction benefits are obvious. Moving from a plethora of control rooms in each Local Authority to shared systems, using high-end technology, with a streamlined process of channelling video imagery digitally to law enforcement may bring with it a significant operational efficiency and cost saving dividend. From a regulatory perspective this provides a harmonised approach utilising an economy of scale to deliver high standards, high level of skills and training amongst operators and managers, and greater reassurance to the public that this surveillance is managed professionally.

The complex network of Local Authorities, their relationship with partners and third parties, and mixed funding streams make achieving this vision more complex. It calls for strategic leadership from the Department for Communities and Local Government (DCLG) and Welsh Government to explore the opportunities and cost saving opportunities through closer collaboration and work with stakeholders to define a vision going forward. I will speak to officials from DCLG and the Welsh Government in 2015/16 to discuss how this can be done.

Understanding the Surveillance landscape within Local Authorities

Understanding the surveillance landscape has become an important factor in raising standards and encouraging compliance with the PoFA Code. The obvious starting point for me is to map out the purposes and use of surveillance systems within a Local Authority.

As a result I have commissioned a pilot within a Local Authority to identify the types of surveillance systems that are being used, including public space CCTV, Body Worn Video and ANPR. The development of surveillance technology has brought about an increase in its use in various departments within Local Authorities such as education, leisure centres, environment and many others. Organisational structure and outsourcing often places these areas outside the radar or knowledge of the public space CCTV managers and hence good practice is not being promulgated across the organisations. More worryingly there appears to be a lack of awareness of those using surveillance cameras outside the responsibility of public space, town centre systems of what those obligations are.

In the coming year I will treat this as a priority and will engage with all Local Authority Chief Executives in England and Wales to ensure they are aware of their requirements to 'have regard to the code' across all surveillance camera systems that they are responsible for (see Annex B for more details) and promote self assessment across all functions.

Standards

Feedback from the sector indicates that adherence to any form of accredited standard is not wide spread. The British Standard for managing and operating a CCTV control room is BS7958. The Security Systems and Alarms Inspectorate Board (SSAIB) and National Security Inspectorate (NSI) – who provide assessment services to these standards advise that a maximum of two percent of Local Authorities are accredited to this standard. I deal more fully with this issue on the Chapter relating to standards however it clearly suggests a worrying lack of compliance to recognised standards. Many managers have advanced the issue of cost to comply with standards as being prohibitive (approximately £1,400 for the whole suite). Given the issue in hand being 'surveillance of the public in public space' I do not find this acceptable as an excuse to avoid adherence to standards.

I am engaged on a piece of work with my Standards Group to explore the feasibility of streamlining these requirements into a consolidated document. My ambition is to create a process that is simple, easy to understand, transparent and is mandatory for any public authority operating in public space. I intend to roll this out across England and Wales to ensure that everywhere surveillance systems are used by Local Authorities they are brought into compliance with the PoFA Code.

An inconsistency flagged to me by Local Authorities is licensing of CCTV operatives. Currently employees of a Local Authority do not require a Security Industry Authority (SIA) license whereas a contractor working in the same control room does. This seems odd as both are carrying out identical roles but working to different standards. I am working with the SIA and other stakeholders to resolve this anomaly – I must say that on most of my visits to Local Authority control rooms in house staff have undertaken the SIA licensing process as experienced managers want some form of assurance that there is no reason for the individual not to be involved in state surveillance.

There is a further related issue – the level of vetting required for control room operators to access police Airwave or the ANPR system. It is currently, rightly, the decision of the Chief Constable on whether or not to give access to the Local Authority control room. This is

important and my concern is the lack of consistency and the absence of a recommended standard. This is something I have raised with the National Police Chief's Council (NPCC) via the ANPR and CCTV policing leads.

Parking

In June 2014 the Government announced that they would be placing a ban on the use of CCTV in issuing on street parking fines by Local Authorities in England – this was by amendment to the De-regulation Bill. This was due to the perceived over zealous use of static and mobile CCTV to issue parking fines.

I am determined to provide advice and leadership in this area. I worked with bodies such as the Local Government Association and British Parking Association to help them understand the impact of the legislation. I spoke at two events setting out that following the PoFA Code would ensure that cameras were always used proportionately, transparently and effectively as well as only ever being used where there was a legitimate aim and pressing need.

I was also interviewed by the British Parking Association's trade magazine – Parking News where I provided advice for Local Authorities on following the guiding principles in the PoFA Code to demonstrate that CCTV has only been deployed where it's the only viable way to enforce traffic regulations. This stems from the first principle around a pressing need – if a camera is installed to raise revenue that is not a valid pressing need.

The legislation came into force earlier this year and allows use of CCTV for on street parking in certain situations such as outside schools. I will continue to work with Government, Local Authorities and other interested parties to help them comply with this legislation. I will champion the PoFA Code which, if followed, will ensure the use of CCTV for traffic management and enforcement maintains the safe and efficient running of the road network.

Police

Police forces are the other groups of relevant authority whose use of surveillance camera systems is significant. Unlike Local Authorities they do not typically operate public space CCTV although they are frequently the end user of CCTV footage during criminal investigations. The Police's stock of surveillance cameras lies principally in Body Worn Video (BWV) and Automatic Number Plate Recognition (ANPR) cameras.

I have worked closely with police forces to encourage them to comply with the PoFA Code – for example I was invited to City of London police to discuss upgrades to the surveillance camera network which monitors the square mile. They contacted me at an early stage of the upgrade, which is still ongoing, to meet them, manufacturers and an installation specialist as they were keen to ensure the upgraded system is compliant with the PoFA Code. This is a great example of a relevant authority proactively seeking advice on their system and something that I advocate. I am continuing to advise them as they roll out their upgraded system.

I have visited a number of other forces and had meetings with the chief police leads for CCTV, ANPR and BWV. Assistant Chief Constable Mark Bates, lead on CCTV sits on my Advisory Council and I have met with Chief Constable Andy Marsh and Assistant Chief Constable Paul Kennedy who are the leads for BWV and ANPR respectively. Elsewhere, my team and I have been actively involved in the National User Groups covering CCTV, ANPR and BWV as well as running workshops specifically on the use of ANPR.

Body Worn Video

I have focused on the use of BWV by police authorities for my visits, this is primarily because this is a significant development in operational policing and there are many lessons to be learnt. I should clarify that it is not just lessons for policing – the proliferation of BWV use across different sectors is happening at pace ranging from door supervisors, civil enforcement officers, and supermarket delivery drivers. The forces that I have visited are well above the curve in terms of their proportionate, transparent and effective use of BWV. Some of the stories and complaints I have received demonstrate that wider users could benefit from sharing the lessons learnt in policing.

Police forces who have been trialling the deployment of BWV have reported early success – particularly in the use of BWV in domestic violence cases where the recorded footage has contributed great evidential value in subsequent prosecutions. There is more research required to evidence the value to the resolution of complaints – this is perhaps a matter for the college of policing to consider. I also think there is more required to ensure that the footage collected can be played in the courts as I have heard anecdotally that there are instances where this has not been possible.

What are the main issues to date? The single biggest issue that I believe faced by policing in the use of BWV is the capture of audio. Guidance about principle two of the PoFA Code refers to the capture of audio and states that it is "likely to require a strong justification of necessity to establish its proportionality."[3] (Para. 3.2.2). Given the uses and deployment being proposed for BWV, I cannot foresee a scenario where audio would not be necessary and proportionate due to the evidential value of the footage captured.

There are some very good examples of the use of BWV in the training videos used by various forces where the capture of audio is essential to the evidence collection process. That said I still believe that wider users of BWV need to establish their own strong justification for the capture of audio.

There are a host of other issues relating to BWV such as transparency, security of data, effective use including how to ensure that the evidence can be played in court. These are issues that I will continue to work with the national policing lead in the future.

My office is also working with the national police lead and team to identify minimum standards for BWV use by the police, covering the devices and back office functions.

Police Audits of BWV

Police use of BWV proliferated during 2014/15 – the drive to digitise evidence collection in order to streamline the judicial process combined with innovation funding from the Home Office has enabled most forces to at least trial the equipment. Many forces use it to gather evidence but as a surveillance camera it falls within the sphere of the PoFA Code.

I have worked specifically with three forces – West Midlands, Hampshire and Metropolitan Police – carrying out audits of their BWV systems and assessment of their processes from back office to front line use. My team also took West Midlands and Hampshire through our self assessment tool to gauge compliance against the PoFA Code. In most areas the forces are compliant with the PoFA Code but these forces are pioneering in their use of BWV and I am sure compliance will vary from force to force. As its use increases I will be speaking to other

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[3] https://www.gov.uk/government/publications/surveillance-camera-code-of-practice

forces in 2015/16 as well a*s* Her Majesty's Inspectorate of Constabulary regarding any oversight they can apply in this area.

Automatic Number Plate Recognition (ANPR)

Throughout the reporting year I have explored ANPRs role in policing; engaged with their senior police leaders and its National User Group; encouraged the police to publicise the efficiency and effectiveness of these systems; listened to views expressed by Civil Liberties Groups as to the legality of the camera network and pressed the police to enumerate the exact numbers of ANPR cameras operating in England and Wales. ACPO has now been disestablished following the Parker review and replaced by the NPCC hosted by the Metropolitan Police Service. It is the NPCC that now oversees the development of ANPR strategy.

Use by Police

The development of the National ANPR Strategy in England and Wales has led to a network of approximately 8,300 cameras connected into to a centralised police database. These cameras create a daily feed, on average, of 30 million reads into the National ANPR Data Centre (NADC). Each force retains a back office function and retains, in each instance, the obligation of Data Controller relating to that system.

NPCC now leads and coordinates the direction and development of the police service in the United Kingdom and is responsible for the development and implementation of the National ANPR strategy. Indeed much of the work and thinking underpinning the ANPR strategy which was developed from the IPCC/ACPO report which set out the 14 golden rules for ANPR influenced the development of the PoFA Code.

How ANPR works

As a vehicle passes an ANPR camera, its registration number is read and instantly checked against database records of vehicles of interest. Police officers can intercept and stop a vehicle, check it for evidence and, where necessary, make arrests. A record for all vehicles passing by a camera is stored, including those for vehicles that are not known to be of interest at the time of the read that may in appropriate circumstances be accessed for investigative purposes. The use of ANPR in this way has proved to be important in the detection of many offences, including locating stolen vehicles, tackling uninsured vehicle use, solving cases of terrorism and major and organised crime. It also allows officers' attention to be drawn to offending vehicles whilst allowing law abiding drivers to go about their business unhindered.

These reads are initially processed locally at each police force's back office facility, and then they are transferred to the central NADC which stores all number plate reads collected by local forces making them available for researching nationally – it is capable of storing up to 35 million reads per day. By 2015 it was estimated that the NADC was receiving around 30 million number plate 'reads' each day and that the database holds details of 22 billion vehicle reads. As an aid to criminal investigation, it is the ability to research ANPR data that is most significant. In July 2009, the National Police Improvement Agency and ACPO issued advice to police forces entitled Practice Advice on the Management and Use of Automatic Number Plate Recognition which detailed the extensive data mining potential of the new database. It is now possible for UK police forces to interrogate in excess of 11 billion records per year lodged on the system. The main ways that the data can be exploited through data mining are outlined as:

- vehicle tracking: real time and retrospective;

- vehicle matching: identifying all vehicles that have taken a particular route during a particular time frame;
- geographical matching: identifying all vehicles present in a particular place at a particular time; incident analysis: can be used to refute or verify alibi statements, to locate offenders, to identify potential witnesses to specific incidents by identifying vehicles in the location at the time of an incident;
- network analysis: by identifying the drivers of vehicles and their network of associates, ANPR can be used to indicate vehicles that may be travelling in convoy;
- subject profile analysis; by creating an in depth profile of the suspects by integrating information from a variety of data sources such as crime reports, incidents reports, witness testimony, CCTV, other surveillance, communications analysis, financial analysis, as well as existing intelligence, to define a pattern of behaviour for a subject of interest.

In 2015 the Home Office has committed approximately £5 million to support the development of the National ANPR Service which includes cloud based storage.

Retention and access to stored data

At present around 8,300 ANPR cameras nationally, submit between 25 and 35 million ANPR 'read' records to the National ANPR Data Centre (NADC) daily. ANPR data from each police force is stored together with similar data from other forces for a period of two years.

There are clear rules to control access to ANPR data to ensure that access is for legitimate investigation purposes. Members of staff only have access to ANPR data if it is relevant to their role and the majority of those who have permission may only do so for a maximum period of 90 days from the date it was collected. Some staff are authorised to access data for up to two years subject to authorisation of a senior officer.

Camera locations

In addition to being mounted within police vehicles, ANPR cameras within police forces are used at fixed locations where they will help to detect, deter and disrupt criminality. In line with national policy, forces do not disclose details of fixed locations of cameras as this information is likely to be of benefit to offenders and if known could reduce the value of ANPR to policing.

National guidelines state that, if a police force proposes to install additional ANPR cameras, an assessment must be conducted that demonstrates a clear need, taking account of the following factors:

- national security and counter terrorism;
- serious, organised and major crime;
- local crime;
- community confidence and reassurance, and crime prevention and reduction.

In assessing whether new cameras are to be deployed, a Privacy Impact Assessment will be undertaken. Law enforcement agencies will consult with persons and organisations with a reasonable interest in the proposal unless that would be contrary to the purpose of the development, namely to detect, deter and disrupt criminality.

Legitimacy of ANPR system use by police

Arguments advanced by Civil Liberty Groups say the creation of a national database of all citizens' vehicle movements would seem to warrant a specific statutory basis and clear mechanisms for accountability and governance, not least to ensure that privacy, data protection, and human rights concerns are properly addressed. There is no statutory authority for the creation of the national ANPR database, its creation was never agreed by parliament, and no report on its operation has even been laid before parliament.

In a complaint to the ICO regarding use of ANPR in Royston, Hertfordshire in 2013 (a matter resulting in the issuing of an enforcement notice to Hertfordshire Police) those Civil Liberties Groups claimed it was extraordinary that such an extensive surveillance network could be constructed "without the result of any parliamentary debate, Act of Parliament or even a Statutory Instrument", and more extraordinary given that the strategy was implemented and run by ACPO, a private limited company, which is not accountable to parliament.

These issues fall into sharper focus given the desire within some quarters in the police to extend retention periods from the currently agreed two year period to a maximum of seven years. I have referred these concerns over the legality of ANPR to the Home Office.

Compliance with Guiding Principles within the Surveillance Code of Practice

ANPR is seen as an important tool in the fight against crime, counter terrorism and traffic management. DVLA have used ANPR to support vehicle excise compliance for a number of years. However, since the issuing of paper tax discs ceased in October 2014 it is planned to establish proportionate access to law enforcement ANPR on the NADC to support compliance with vehicle excise requirements where other methods have failed or are inappropriate.

Guiding principle one of the PoFA Code refers to a surveillance camera system being operated in response to a 'legitimate aim and pressing need'. The issue relating to expansion of use of ANPR, the concern expressed by Civil Liberty Groups and the recognition that data is being retained against the movement of citizens is one that is a matter for the data controllers to consider and as discussed above Government may wish to consider the statutory framework on which ANPR is based.

Guiding principle three of the PoFA Code refers to 'as much transparency in the use of a surveillance camera system as possible'. I have openly called for greater transparency from the police relating to the numbers of ANPR cameras deployed and any evidence relating to their efficiency and effectiveness to also be published. It is not acceptable to have to rely on submitting Freedom of Information requests. Police forces should be willing to publish this information on websites and engage in debates around its usage. I fully support the resistance to publicising the locations of ANPR cameras as this will undermine some of the strategic objectives ANPR is there to achieve – this approach was supported in the decision of the first tier tribunal[4]. Pleasingly there is emerging evidence that this approach is taking hold.

Signage

As ANPR is a local tool, it is right that citizens should be made aware of when they are in an area captured by a police owned ANPR camera as set out in the PoFA Code principle three and Data Protection Act. It should inform them of the force and the contact details should they wish to make a Subject Access Request or any other inquiry. This is an ideal scenario. My

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4 http://www.informationtribunal.gov.uk/DBFiles/Decision/i776/20120618%20Decision%20EA20100174.pdf

understanding is that Government policy is to de-clutter roads meaning less, rather than more signage and there is reluctance from other agencies to share signage space. This leads to the police having to overcome numerous obstacles to erect signage. Added to this is the complexity that the signage may be very quickly inappropriately located with the increasing use of mobile cameras. The current position is that forces should still attempt to erect signage for fixed cameras whilst doing more to publicise the use of remote deployment, via mobile signage, as well as the outcomes achieved (the number of stops/arrests/car insurance crimes/gang crime related outcomes).

Workshops with Police Forces

The incident in Royston, outlined above, led to my team working with the ICO and the Home Office to run a series of workshops with police forces focused on how to conduct a comprehensive Privacy Impact Assessment (PIA) and in particular, how to establish a 'pressing social need' for the use of ANPR or other surveillance camera systems. According to Article 29 Data Protection Working Party[5], 'The very essence of a pressing social need will mean that it is fluid and will have some element of subjectivity to it" and so we believe it should be subject to regular review as required in the PoFA Code.

The first workshop was run at the national police data practitioners' conference in 2014 and then in Cambridge, Dfyed Powys, Sussex and Bristol. These have been very well received by those who have attended and we are open to delivering workshops as requested elsewhere.

Continued working with relevant authorities

I set out what I see as some of the challenges facing relevant authorities at Chapter five. However, I have been extremely encouraged by the willingness of these organisations to welcome me and my team in to speak to them. Whilst there may still be more to do I will continue to work closely with them to help them meet these challenges and comply with the PoFA Code. This work is set out in my business plan for 2015/16 at Annex B.

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5 Para 3.18 of "Opinion 01/2014 on the application of necessity and proportionality concepts and data protection within the law enforcement sector"

Chapter 2 – Voluntary Adopters

I set out in Chapter one that the Protection of Freedoms Act creates a list of relevant authorities (s33(5)) who must pay due regard to the PoFA Code – other operators of surveillance camera systems are encouraged to voluntarily adopt the PoFA Code. I have not limited myself to concentrating solely on relevant authorities and have actively worked with organisations outside of that narrow definition. It's widely accepted that the majority of surveillance cameras are owned and operated by non-relevant authorities. The Government have taken an incremental light touch approach to regulation of surveillance camera systems but charged me with encouraging take-up of the PoFA Code amongst non-relevant authorities and asking them to make a public commitment to doing so – however they are not bound by the duty to have regard to the PoFA Code.

Over the past year my team and I have met and worked with a number of sectors outside the scope of relevant authorities to raise awareness of the PoFA Code and encourage voluntary adoption.

Government Departments

As owners of the legislation the Home Office led the way by being the first government department to voluntarily adopt the PoFA Code when it was launched in 2013.

Two years on there is still some work to be done in order for the Home Office to demonstrate it is fully compliant with the PoFA Code. The Home Office has a large estate where it uses surveillance camera systems that monitor public space as well as in some of its operational arms such as immigration enforcement and removals and work is required to demonstrate all parts of the department (and its agencies) to become PoFA Code compliant.

However, work is underway and I have started discussions with the estates team to ensure compliance with the PoFA Code. My team has run a workshop with Home Office personnel including security and estates colleagues and they have helped to pilot the self assessment tool. The process helped identify that the main headquarters building in Westminster required signage to be compliant. This has now been done and signage around the building is now in place. I will continue to encourage and advise the Home Office, as my functions require, as they move towards full adoption.

It looks some what incongruous if government departments do not voluntarily adopt the PoFA Code when there is a government appointed Commissioner encouraging other sectors to do so. In 2015/16 I will endeavour to work with other government departments who are users of surveillance camera systems to raise awareness of the PoFA Code and encourage compliance.

Universities

There are over two million students in higher education in England and Wales and Universities employ around 350,000 people[6]. Many of them have extensive surveillance camera systems and other security measures to protect their communities and the people that work within them.

The Association of University Chief Security Officers (AUCSO) is the primary association for Security Professionals working in Universities, Colleges and Institutions of Higher and Further

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6 https://www.hesa.ac.uk/

Education in the UK and Europe. Their Executive Committee has committed to encouraging adoption of the PoFA Code by all member organisations and I have been working closely with them to help them do this.

My team organised a well attended webinar[7] to raise awareness of the PoFA Code and encourage voluntary adoption amongst Universities and Colleges – about 90 people joined. We have been to regional meetings to speak about the benefits of adopting the PoFA Code and I spoke at their annual conference too.

AUCSO have been keen to engage and it has been extremely welcome. They clearly see how complying with the PoFA Code can help them protect their students and staff whilst ensuring their privacy remains in tact. I will continue to work with AUCSO and its members to maintain the momentum we have built around adopting the POFA Code.

We have also been specifically working with Aston University who have used our self assessment tool to see how closely they meet the twelve guiding principles in the PoFA Code. We have used their experience of completing the tool as a case study and I'd like to thank Mark Sutton (Head of Security and Emergency Planning) and Chris Franks (Control Room Operator) at the University for their help and leadership with this.

Health and Care

I have long believed that the Health and Care sector would benefit greatly from the adoption of the PoFA Code given the many sensitivities and potential for privacy intrusion.

This view has been reinforced hearing the stories about surveillance camera usage in the NHS community. The anecdotal examples I have heard range from poor technical standards through to poorly sighted control rooms meaning that footage can be inappropriately viewed. With some trusts now piloting use of body worn video cameras for frontline emergency staff and in secure units, it is right that surveillance in the health and care sector is put under the spotlight.

NHS Protect (who lead on work to safeguard NHS staff and resources from crime) have been proactive supporters of the PoFA Code. Following a regional meeting of London and South East security managers we are working towards NHS Protect adopting the PoFA Code. We are now in the process of agreeing a Memorandum of Understanding and supporting those organisations toward compliance. As their remit only covers England and Wales for economic crime, we will be speaking to NHS colleagues in Wales to agree a similar MOU.

Whilst this is encouraging this is only the beginning and there is more to be done. NHS Trusts are independent entities and are so only advised by NHS Protect. So, there will not be any hard levers where there is no target for the proportionate, transparent and effective use of surveillance systems. But I will be helping NHS Protect create opportunities to promote the PoFA Code to NHS Trusts. I expect to report back next year on what progress we have made, via NHS Protect in raising awareness of the PoFA Code and encouraging voluntary adoption of it.

From April 2014, there was much media coverage of abuse of vulnerable adults within care homes following a Panorama documentary[8] and was followed by a campaign calling for the use of overt and covert surveillance as routine within care homes. Although this was not completely relevant from the PoFA legislation covering public space, it was clear to me that I should engage in this area of surveillance camera use and provide support, advice and direction.

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7 https://www.youtube.com/watch?v=zRRfl1k3PKM
8 BBC Panorama: Behind Closed Doors – Elderly Care Exposed

My team attended a workshop hosted by the Care Quality Commission (CQC) alongside campaigners for surveillance in care homes, family members of victims and wider stakeholders. In a very emotive day, it was clear that the CQC would have to provide some guidance. They have since published two pieces of guidance: "Using Surveillance" (December 2014) and "Thinking about using a hidden camera or other equipment to monitor someone's care?" (February 2015).

I am pleased that the two are very different. The first guidance "Using Surveillance" is about identifying why you might need a surveillance system and wider, including privacy considerations (e.g. if needed because of a high population of dementia patients used to monitor entry/exit points where the risk to the care home is greatest). The second one is about addressing concern regarding care and the use of covert surveillance which is outside my scope.

Health and Care are areas I will continue to work actively in 2015/16 to both raise awareness of the PoFA Code and encourage voluntary adoption.

Retail

The use of CCTV in retail is widespread with organisations using the technology to deter theft and protect stock and staff. It can be argued that the retail is a sector which would be greatly benefited by adoption of the PoFA Code because it is a huge and multifaceted industry with many diverse stakeholders.

The British Retail Consortium (BRC) invited me to speak at one of their meetings of security managers where I spoke to around a dozen managers. Whilst the primary focus of the meeting was the prevention and detection of crime, the contribution that CCTV can make creates an overlap with the PoFA Code. One area of mutual interest is promoting standards and the BRC helpfully publicised the standards workshops we ran with the British Standards Institution.

Subsequently, a team member attended the Retail Crime Conference and this highlighted the role of CCTV in the fight against crime. I am keen to engage more with the sector to further promote the principles of the PoFA Code and standards.

I have also visited individual retailers and one worth mentioning here is my visit to Harrods – the large department store in London. We were invited to visit the CCTV control room at Harrods headquarters to gain an insight into the use of cameras in such a complex environment. I am pleased to report the Harrods are working in line with the PoFA Code and are happy to voluntarily adopt it – my team is working with them on a process to help them do this.

Residential Social Landlords

Another ripe area for engagement has been Residential Social Landlords (RSLs) – CCTV is used in social housing for various reasons such as to protect communities and property and deter or prevent crime. It troubles me greatly that the Local Authority housing stock is subject to the PoFA Code, but a neighbouring one, with Local Authority funded tenants, is not and the public can not see any difference between them. The landscape of what is and is not controlled by Local Authorities has changed greatly and the legislation does not reflect that. This is something I will be looking at during my review of the code. That said, I have met with two London based groups of RSLs. The meetings were very encouraging with recognition that adoption of the PoFA Code could make a real difference to the use of surveillance camera systems by RSLs. This is an area of work I will be pursuing next year.

Banks

To further the reach of the PoFA Code my office have engaged with the British Banking Association whose representatives enjoy a large footprint on the high streets of England and Wales. A webinar is planned and a process of voluntary adoption is scheduled to follow. I anticipate the adoption by such an influential sector will drive forward further take up and understanding on the PoFA Code.

Chapter 3 – Raising Standards

Standards Group

My Standards Group meets once a quarter. The Group was established to advise me and my Advisory Council on matters such as the simplification of the surveillance camera standards landscape. Beyond this smaller working groups have met to discuss issues such as a universal operational requirement, certification and organising stakeholder workshops. I will touch on all of these in this section on my report.

Complexity

I reported last year that the standards landscape for CCTV is extremely complex and difficult to navigate – particularly for a surveillance camera novice. This has been echoed throughout the year by numerous stakeholders and members of the Standards Group. I am pleased to say that with the help of the Group I am making some headway towards making the landscape easier to understand and in March this year published a list of relevant standards on my website fulfilling one of my statutory requirements in the PoFA Code – this is just the start and I am under no illusion that there are significant strides still to be made.

The CCTV industry emerged from a largely self regulated environment in the 1990's. Much work was undertaken to establish standards (predominantly BS7958, BS62676 series 1 to 4[9]) and much good will to demonstrate professionalism has been evident.

However, as I outlined in Chapter one there has been little take up of British Standards amongst the industry – I am working to understand the reasons for this and the workshops conducted by the British Standards Institution (BSI), which I discuss below in more depth, have gone some way to help identify why take up is low.

In 2015/16 I will work with manufactures and installers of CCTV to find a way that they can help to encourage compliance with the PoFA Code as well as make end users aware of relevant standards.

Standards Workshops

As part of my role to raise standards across the industry and simplify the standards framework it was essential that I spoke to people working in the industry. These are the people who work with standards and guidance around surveillance cameras and I felt would be best placed to tell me what worked well and what needed improving in this area.

BSI is a member of my Standards Group and, in its role as the National Standards Body, ran three national workshops in November 2014 to explore opinions and experiences of those using and referring to guidance (legislative and otherwise) and to standards, for the deployment of CCTV systems.

The workshops sought to provide some qualitative background to aid the creation and operation of a consistent and comprehensive national CCTV surveillance camera framework of guidance, standards and training. They were aimed at those using CCTV in public space in the first instance, but they also drew on the experience of private/end users where CCTV impacts on public areas.

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[9] These are the Standards most regularly used by Public space CCTV control rooms

A number of stakeholders took part: relevant trade associations, Local Authorities, sector skills council (security), enforcement agencies, users, manufacturers, installers and consumers. Over 100 people attended the workshops in London, Bristol and Manchester. They were a great success and I'm very grateful to Sara Walton (Security Market Development Manager) from BSI for her efforts in organising them and Julie Hunter (an independent consultant) who expertly facilitated all three events.

Unsurprisingly, they highlighted that there is a lack of awareness, confusion and understanding of the guidance that is available. There is no single place that someone who wants guidance on CCTV can go – it is held in numerous places, on various websites and poorly signposted.

The workshops resulted in nine recommendations a number of which we already had in hand. In discussion with my Standards Group we have decided to focus on three recommendations:

- To review, harmonise and simplify existing guidance
- To create an online central information hub
- To commission research to provide statistical evidence

I will be concentrating on these in 2015/16 working with BSI, the rest of the Standards Group and industry to turn these recommendations into real products to help end users find easy to use guidance and standards.

Self Assessment Tool

I have developed a self assessment tool to enable organisations to assess how well they comply with the PoFA Code – where they are doing well and where they may need to improve.

The Protection of Freedoms Act does not afford me any enforcement powers. This requires me to consider innovative ways to encourage compliance with the PoFA Code. When the PoFA Code was launched in August 2013 organisations began to ask how they could show compliance. This prompted me to work with the industry to develop an easy to use tool to help users of CCTV assess their level of compliance with the PoFA Code.

I worked with NSI and SSAIB to develop a tool that asked a set of questions against each of the 12 guiding principles that would not be overly burdensome to complete. The tool was tested thoroughly with end users to garner feedback and this was used to hone the tool into something that is easy to use. This enabled us to include a section at the end of each principle to develop an action plan in areas that need improvement to reach a level of acceptable compliance with the PoFA Code.

My team have created an interactive PDF document[10] which can be downloaded from my website, saved and completed. Once completed, I strongly encourage organisations to publish the document on their websites to show communities they are serious about being transparent about complying with the PoFA Code.

The tool was launched on my site in November 2014 and has been viewed over 4,000 times. I have received a lot of positive feedback on how the tool has enabled organisations to work towards full compliance with the PoFA Code as well as some comments on how to improve the tool which I am considering.

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[10] https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool

However, I'm not able to gain an understanding of where the tool has been downloaded and then completed. Therefore, I am writing to all Chief Executives of Local Authorities to remind them of their obligation to show regard to the PoFA Code as a relevant authority and encourage all to complete the self assessment tool and tell me when this has been done.

There have also been calls for self assessment tools for BWV and ANPR and I will be developing these over the course of the year.

Third Party Certification

Following on from the self assessment tool, I am keen to establish a system where CCTV operators who choose to, can progress to third party certification against the PoFA Code. If successful they would be able to display a mark on promotional materials and their website to say they are certified against the PoFA Code. They will also receive a certificate of compliance which they can display. This will enable people to identify organisations that are complying with the PoFA Code. By introducing a certification mechanism I hope to raise standards and increase the level of compliance

I have been working with two Certification Bodies – NSI and SSAIB – to develop the certification process; I'd like to thank both organisations for their continued support in this work. We identified a number of options and decided on a simple, affordable approach that will deliver fast results without compromising quality. The audit checklists have been developed and are currently being piloted in a number of areas to ensure that we have got the balance right. Once the pilot is complete, it is my intention to develop a marketing strategy with both organisations with a view to launching in the autumn.

We are currently running a pilot but my concern is that despite a call for volunteers to take part in it there has been little response. As I have stated above only a small percentage of Local Authorities are accredited to the BS7958 and some of them have now been assessed against the PoFA Code. Most of them have been found to be compliant with a small number of non conformance issues; however we have not tested the large percentage of organisations that have never been audited. I am unclear what the picture is across all Local Authorities and other sectors.

One issue that has been raised in relation to certification and standards is cost. Taking this into consideration I do not want to develop something that whilst effective will not be taken up because it is prohibitively expensive. Therefore, I'm working with the two certification bodies to develop a two stage approach. The first stage would be light touch where an organisation would self audit and send documentation away for checking. The second would be a full and comprehensive audit by a certified body. It is my intention to review the process and its impact after six months.

Privacy Impact Assessments

My team has been working with Local Authorities and other organisations including the ICO to develop a brief guide and template for organisations to use when carrying out a privacy impact assessment (PIA). This follows calls from stakeholders that a CCTV specific PIA would be very helpful.

This guidance will provide a background to the PoFA Code and an explanation on privacy. It gives the reader things to consider in terms of individual's privacy in line with the Human Rights Act and explains why it is vital to consider this when deciding on the type of surveillance system

to install. The template provides a step by step guide to completing a PIA and we have liaised with the ICO and made reference to the PIA Code of Practice on their website.

This will also be published on my website in 2015/16 and I hope will be of real help to anyone conducting a PIA and raise standards in this area. In the meantime we are working with the industry to develop an annex to the template that will enable organisations to group camera types and identify specific risks and document mitigating actions when conducting a PIA.

Operational Requirement

A significant and developing piece of work is the refresh of the operational requirement guidance (last revised in 2009) designed by the Home Office's Centre for Applied Science and Technology and first utilised by Local Authorities in the 1990's when bidding for Home Office funding. The focus of the document remains the same: to provide clear guidance to non-technical users wishing to buy a CCTV system that is fit for purpose.

I am keen to develop a process that is simple to follow, enables a check of compliance and subsequently may be utilised to act as a mandatory standard for Local Authorities to demonstrate they are achieving all their requirements to 'pay due regard 'to the code. I consider this important due to the visible lack of compliance to recognised standards by Local Authorities. I aim to develop this work so that it may also be utilised by the broader swathe of public authorities that currently sit outside of PoFA legislation.

Chapter 4 – Communications

Communicating with the industry, public and relevant authorities as well as voluntary adopters is crucial to encouraging compliance with the PoFA Code. Ensuring that we have good lines of communications in place is something I have dedicated a significant amount of time to. I am supported in this by a communications manager who manages all my communications channels.

One challenge in this area is the diversity and size of the audience that I am required to communicate with. Effectively every member of the public, public authorities, private enterprises, CCTV industry, academia and Civil Liberty Groups as well as other interested parties have an interest in surveillance cameras or should be made aware of my role and the PoFA Code. With the budget and resource I have, I have not been able to run any large awareness campaigns which I may have done had funds allowed but have effectively used a mix of communications channels to reach a wide audience as well target specific groups.

Website

I do not have my own independent website but space on GOV.UK. Whilst this may appear incongruous with the independent nature of my role it has worked effectively. My team has built excellent relationships with the web team at the Home Office which has enabled the site to flourish over the past year – with around 12,000 page views between 1 April 2014 and 31 March 2015.

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

In March 2015 I published a list of relevant standards on the site fulfilling one of my statutory requirements in the PoFA Code (Para. 4.8.4). The content on the site has built over the past year from a shell-site to website that has essential and relevant content. It will continue to expand over the coming year and the site will act as a repository for our key documents.

For 2015/16 I am intending to publish a number of case studies on the site covering specific areas such as carrying out regular reviews, completing the self assessment tool and how to conduct a privacy impact assessment. These will be 'real-world' studies with input from people who have actually completed these tasks. I hope that these will encourage others to undertake them too.

My team will continue to work with the Home Office Web Team and Government Digital Service so I can use the site innovatively as one of my key communication tools.

Social Media

I am a keen user of social media and in particular Twitter[11]. I see it as an effective way to reach those with an interest in my role and what I am doing. I have around 400 followers and have tweeted around 300 times in the past year. This may appear a modest amount in comparison to other organisations but I have worked with partners to ensure that I reach a much larger audience through retweets. For example, I used the platform to promote my self assessment tool by tweeting the link on my website. Organisations such as the British Security Industry

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[11] @surcamcom

Association (BSIA) and ICO worked with us retweeting the information meaning it potentially reached around 16,000 of their followers.

I have used Twitter to follow organisations and key commentators in the sector using it as a platform to celebrate and challenge what they are saying. Twitter has allowed me to raise issues and push out interesting news stories that have been picked up by our daily sweep of national and regional press. Often those which show best practice in the industry and others which completely go against the principles in the PoFA Code. This has enabled me to challenge organisations, inform the public and encourage and raise awareness of the PoFA Code. It encourages debate and that is something I am keen to do.

I will continue to exploit twitter as a channel to promote my role, the PoFA Code and surveillance by consent. I am keen to look at other social media platforms and am particularly attracted to a regular Blog. This will allow me to talk about what I am doing, the issues that I see coming up and what I'm doing to address them. I will be discussing the viability with the Home Office Web Team in 2015/16.

Webinars

A communications highlight of the past year was the webinar we hosted in November 2014. Here I must thank Taylor Wessing who allowed us to use their systems and jointly hosted the webinar with me and the Association of University Chief Security Officers whom the webinar was aimed at.

The purpose of the webinar was to raise awareness of the PoFA Code and encourage voluntary adoption amongst Universities and Colleges. We had around 90 attendees and a subsequent 97 views of the recording on my YouTube Channel.

Since the webinar in November 2014 my team has procured a webinar service as one was not available at the Home Office, this also has a benefit of being seen as independent from Government. This process from start to finish probably took around five months and whilst it was not time critical was possibly a little too bureaucratic and I would have hoped for it to have been more rapid.

Unlike workshops or conferences webinars are a relatively inexpensive way to encourage take up of the PoFA Code as people are not required to leave their desk or home to join they do so from a laptop, tablet or other device. For those who can't attend, recordings can be made available too which I will do on my website and social media channels.

I see webinars as a main plank of my communications strategy to target voluntary adoption of the PoFA Code and over the next year I plan to hold webinars with sectors such as Residential Social Landlords, Banking and Health. I aim to host six webinars over the course of the year.

Conferences, Events, Meetings and Speeches

In 2014/15 I decided not to host a conference of my own as my predecessor had the previous year. Instead I took the decision after consultation with my Advisory Council to attend and speak at events that were hosted by other organisations. The rationale was that I would reach a much wider audience and would speak to the people who would attend a conference I organised at these events.

Over the past year my team and I have been to 64 events and have spoken at 24. They have been split over a diverse and vast audience such as parking, retail, CCTV installers and

manufactures as well as academics in Europe. This has undoubtedly raised the profile of my role and the PoFA Code across many sectors and organisations.

Some of these opportunities have presented themselves but my team has excelled at spotting potential speaking opportunities and ensuring we get a place on the agenda. This has been done in a strategic way lining up events when we have announcements. For example, the launch of the self assessment tool was aligned with a speech I gave at the Global MSC Security conference in Bristol.

We have sought out opportunities to have exhibition stands at events to give out information on the PoFA Code and have done this at events like the CCTV User Group Conference and the Information Commissioner's annual conference.

Looking forward I expect to speak at less events in 2015/16. This is simply because of the amount of resource it consumes within my team. I will be more strategic about those events I do attend ensuring they complement work that is in our business plan rather than just events I to speak at with no discernible outcomes.

Media

An important part of my communications strategy has been to access traditional media outlets – print, radio and television. This gives me the potential to reach a large audience some of whom perhaps do not know of my role or the existence of the PoFA Code.

Working with my communications manager I have targeted a mix of industry and mainstream national media outlets. I have been interviewed by the Mail, Guardian, Independent, Telegraph and BBC and gained national coverage. The Home Office Press Office has been very helpful in managing arrangements and helping to brief journalists. Beyond this I have spoken to numerous trade publications raging from Local Government, parking and general security magazines.

I found that this mix has worked well allowing me to provide more overarching and strategic messages to the national media whilst getting into more detail with the trade publications.
As I have become better known as the Surveillance Camera Commissioner we have received more media bids.

I will continue to look for opportunities to raise the awareness of the PoFA Code and my role using traditional press and a mix of niche trade press and mainstream press channels, identifying where using press will amplify the messages we are promoting at the time.

Leaflets

Whilst the PoFA Code was well received, useable and not overly dense I am keen to present the information in other formats. This coupled with calls from some stakeholders to provide something more accessible led me to look at how else the information in the PoFA Code could be presented.

In the past year I have issued two supplementary leaflets to accompany it. The first is a simple flyer which sets out what the 12 guiding principles in the PoFA Code are, sets out more basic information about them and signposts where more information is available. The second is a pictorial pamphlet that provides an 'at a glance' view of what each principle covers.

My team worked with Design 102 – the Government Communications Service's design centre to discuss content and design for both leaflets. I was very pleased with the professionalism of Design 102 and the proofs they produced.

We give these leaflets out at conferences and exhibitions where we have stands they are available for download from my website too – this means they can be emailed out on request and I can post them on my social media channels.

The feedback I have had from stakeholders has been excellent and they are grateful that information on the principles in the PoFA Code has been presented in other ways.

Chapter 5 – Future Challenges

Over the course of the year I have identified numerous opportunities. By the same token challenges have also been brought to my attention many of which I have alluded to throughout this report.

Scope of Relevant Authorities

I set out in Chapter one that section 33(5) of the Protection Freedoms Act outlines a list of relevant authorities who must have regard to the PoFA Code when using any form of surveillance camera to monitor public space. The majority of cameras operated by relevant authorities are done so by Local Authorities and police forces.

According to BSIA estimates this only accounts for around five per cent of cameras that are in use. No matter which event I have spoken at or group I have met with this issue has inevitably been raised as it was during the consultation of the PoFA Code in 2013. Stakeholders across the board still believe that the list is too narrow and should be added to.

It is also made more complex when you consider organisations who people might think are part of a relevant authority such as an arms length housing body but which are separate. So, you could have instances where you have two social housing estates next to each other in the same Local Authority and both with CCTV. However, one is under the jurisdiction of the council (who must pay due regard to the PoFA Code) the other under a residential social landlord (who I must encourage to adopt the PoFA Code). Elsewhere, there are organisations like Transport for London, who have voluntarily adopted the PoFA Code, have thousands of cameras but fall outside the relevant authority list.

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

Engagement with Local Authorities

For the most part my engagement with Local Authorities has been through those directly responsible for town centre public space CCTV – CCTV managers. These are people who in the most part are extremely knowledgeable about legislation and regulation that applies to the technology they use.

In Chapter one I explained that Local Authorities can be large multi-faceted organisations with separate departments engaged in new and emerging public space surveillance that does not enjoy the same close management or regulatory adherence as their public space surveillance rooms.

I am finding a much more prolific use of surveillance camera devices such as BWV by different departments in the same Local Authority e.g. traffic enforcement, housing, environmental etc. to perform certain surveillance related functions.

In most cases these areas are outside of the radar or knowledge of the public space CCTV managers and hence good practice is not being promulgated across the organisations. More worryingly there appears to be a lack of awareness of what those obligations are. Police forces generally have a lead person on CCTV, ANPR or BWV – this approach of a single point of

contact could be a model that Local Authorities can mirror and some do. This means having someone who is responsible for the entirety of surveillance cameras used by any one authority.

I also believe that not all Chief Executives and Councillors are fully aware of the PoFA Code and related legislation and next year I will publish a guide for Council Leaders and endeavour to work with all Local Authority Chief Executives to ensure they are aware of their requirements to 'have regard to the code'.

Technology

It quickly became apparent to me during my first year that technology in this area provides us with numerous opportunities as it does challenges. There has been much interest in the use of BWV, Unmanned Aerial Vehicles and facial recognition technology. I am keen to explore the opportunities emerging technology can bring but this can not be at the expense of our civil liberties – there is a balance to be struck.

As technology advances my concern is around the public's knowledge of what the technology is and how it is used. I believe that the public must be made aware of how advancements in technology can alter the way they are monitored. There needs to be consultation and debate on matters that can severely impact on an individual's right to privacy. I am working with my Advisory Council to map out a strategy to deliver this engagement in conjunction with key stakeholders.

Another issue is that much of the stock of CCTV, particularly Local Authority CCTV, is not of a high enough specification to support emerging technology such as facial recognition and video analytics. So, whilst the technology is there a question remains whether it can be successfully used.

Over the reporting year the proliferation of BWV has been happening at great speed – I have already covered police use in Chapter one. This is an example on how advancement in technology can be used to aid evidence gathering whilst at the same time hold officers to account. I am satisfied that majority of forces are complying with the PoFA Code or moving towards compliance. I am concerned by use outside police forces – by door supervisors, parking enforcement officers, security officers and so on. I am not convinced that organisations outside of the police are using BWV with the same rigorous oversight. I will be issuing guidance on BWV in 2015/16 to help organisations understand how they can meet the 12 guiding principles in the PoFA Code.

In 2015/16 I will continue to monitor technological advancements and I have established a horizon scanning group overseen by Home Office Centre for Applied Science and Technology to advise my office on the direction and impact of emerging technologies. It is clear that public space video imagery will take its place amongst the 'Internet of Things' and be yet another stream of data that will take its place amongst the tsunami of data available for mining.

Powers of sanction and inspection

One criticism that has been levelled at the PoFA Code and my role is that it lacks teeth – I do not have any powers of sanction or inspection. This is a fair observation, if a relevant authority is not paying due regard to the PoFA Code I have no power to make them do so. Again this was something raised by some stakeholders during the Government's statutory consultation on the PoFA Code[12].

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[12] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/206693/surveillance-camera-code-of-practice-responses-revised-web.pdf

I fully understand the government is committed to light touch regulation and minimal red tape. As the country is still in recovery from the recent recession it is right that we minimise regulatory burdens. However, I do not think that light touch regulation should necessarily mean doing nothing if organisations do not comply with rules or regulations. Over the course of the year I have been proactive in responding to complaints from members of the public and in offering advice to organisations who have been willing to take the advice into consideration in order to comply with the PoFA Code.

From my conversations with a diverse group of stakeholders it is clear that they believe that I should have some form of sanction and inspection powers. These may range from enforcement notices, powers of inspection and powers to enforce transparency amongst relevant authorities regarding their camera systems. There is more work to be done here and this is an area I shall be focusing in on this as part of my review to Ministers in the autumn but I understand that this would require Government and Parliament to deliver any statutory changes.

Domestic CCTV

In my report last year I observed that use of CCTV on domestic dwellings was an area of growth. The amount of correspondence I receive on the use of domestic CCTV cameras and their impact on individuals' privacy is now in decline.

This may be due to the Ryneš[13] ruling in Europe which means domestic use now falls under the Data Protection Act. As a result the Information Commissioner has taken the lead on issues related to use of CCTV on individuals' homes. My office is working closely with the ICO and we have an agreement in place to share relevant queries with the ICO and vice versa. This is an area I anticipate will continue to cause concern for those affected by it and I will continue to offer guidance when ever necessary.

EU engagement – RESPECT, IRRISS, SURVEILLE

I was also invited to give a keynote address to the Joint Final Event "DEMOSEC: Democracy and Security" of the EU projects IRISS, RESPECT and SURVEILLE (these projects received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration). The event was intended to discuss and reveal the research outputs of the three different projects of all different surveillance methods to a range of stakeholders including decision makers, law enforcement officials, Local Authorities, technology companies, the media and the general public.

It is interesting to note that I am one of the only regulators across the EU that focused on surveillance camera systems. This is despite the fact that most EU countries have more stringent rules into the intrusion of an individual's right to privacy when it comes to surveillance. It might simply be that the use of public space surveillance across most of the EU is more limited (e.g. ANPR data is not retained once it is clear that the vehicle is of no operational or intelligence interest). What was clear was that surveillance is being used in a variety of methods by a range of different law enforcement agencies. I can only see this use growing over the coming years as technology evolves.

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[13] http://curia.europa.eu/juris/document/document.jsf?text=&docid=160561&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=17282

I look forward to seeing the final output of the research projects. My understanding is that they will deliver a joint policy proposal to the Commission in due course.

High Level Business Plan 2014/15

Commissioner's Function	Objective	Detail	Outcome	Progress
Encourage compliance with the Code	Develop a self-assessment toolkit that enables operators to identify their level of compliance with the PoFA Code	Develop self assessment toolkit by September 2014	Promote surveillance by consent by increasing likelihood of operators applying the principles of the PoFA Code including greater transparency over their use of cameras	Self assessment toolkit developed and launched by November 2014
		User testing of toolkit October 2014		
		Launch toolkit November 2014		
	Develop a comprehensive Communications Strategy	Use website (GOV.UK) to publicise current standards and signpost guidance (commencing October 2014)	Profile of PoFA Code is raised amongst public, operators, retailers, designers, suppliers and installers;	Completed. Website developed, standards publicised, spoken at 24 national conferences and developed a profile on Twitter
		Commissioner to attend national conferences and seminars (throughout year)		
		Develop and utilise social media platform (Twitter) to publicise PoFA Code		
	Develop digital webinar platform to highlight, inform and educate users to the requirements of the PoFA Code	Construct webinar to enable discrete engagement with relevant and non relevant authorities. (First webinar scheduled to be completed November 2014.)	Engagement with the broadest possible sectors to promote the PoFA Code and increase likelihood of its adoption	First webinar held in November 2014 and have since procured a webinar platform
	SCC Standards Group to develop a new standards framework to simplify the	Agree a framework identifying current CCTV regulatory landscape	A simple and streamlined approach to understanding CCTV standards	The Operational Requirement is being developed by a sub

Area	Action	Details	Objective	Progress
	current regulatory landscape and provide a one stop shop for any prospective operator (this will be an incremental piece of work through the Commissioner's tenure)	Develop, through cross sector consultation, an Operational Requirement that will guide prospective CCTV users on design, installation and use of any new or modified system (target date January 2015)		group of the Standards Group. It is still work in progress.
Reviewing the operation of the Code	Conduct visits and reviews of Local Authority experience of working with the PoFA Code (10 visits prior to March 2015)	Particular attention to be given to 'dual use' Operations rooms where multiple users have governance within the same operational platform	Provide reassurance to the public that the principles within the PoFA Code are being followed or enable initial assessment of whether Local Authorities have difficulties in working with the PoFA Code	Completed. 10 visits were carried out over the course of the year
	Conduct thematic review (ANPR/BWV) and assess experience of working to comply with the PoFA Code	Conduct three scheduled reviews of police forces prior to March 2015 — Identify variance in compliance and advise relevant authorities of lessons learnt	Generate greater understanding of challenges in compliance between practice and the PoFA Code	Visits completed and forces concerned given feedback on compliance issues
	Workshop with national policing CCTV lead exploring police owned CCTV infrastructure and its experience of working compliance with the PoFA Code	Workshop to be held prior to March 2015	To raise national profile of the PoFA Code amongst the law enforcement community	Instead of a workshop the NPCC lead for CCTV is looking to develop an Authorised Professional Practice on PoFA Code compliance
Providing advice about the Code	Produce a guidance series aimed at developing a fuller understanding of the PoFA Code	A sector specific guide on how to conduct a Privacy Impact Assessment will be published November 2014 — Further guidance notes e.g. 'interpretation of 'a duty to have	Understanding and awareness of the Code	We have advised relevant authorities (on an ad hoc basis) as necessary and will publish a revised PIA template during the

			reporting year
			regard' etc. will follow incrementally
Engaging with non relevant authorities to encourage voluntary adoption of the PoFA Code	Identify key CCTV sectors that are non relevant authorities (e.g. Government Departments, Schools, Hospitals, Transport sectors by September 2014), Schedule formal meetings followed by voluntary engagement in workshop/webinars commencing October 2014 (target three sector specific webinars by March 2015)	Advice about how to work with the PoFA Code reaches target sectors and leads to wider adoption.	I have targeted three sectors (universities, banks and health). Getting voluntary adoption is a lengthy process so I expect to report on voluntary adoption in my next report
Produce a guide on use of surveillance camera systems in domestic environments	Guide will focus on manufacturers, retailers, installers and end users. Guide will be published by March 2015	Promulgate principles of good practice inherent within the PoFA Code to domestic users.	Following the Rynes judgement, domestic use of CCTV falls within the remit of the Information Commissioner

High Level Business Plan 2015/16

Commissioner's Function	Objective	Detail	Outcome
Encourage compliance with the PoFA Code	Provide dedicated support on request to any authority wishing to achieve compliance with the PoFA Code - e.g. running workshops or seminars to help achieve compliance with the PoFA Code		
	Develop Communications Strategy 2015/16	Finalise Strategy by April 2015	Increased media exposure relating to the SCC code
		Utilise GOV.UK website to publicise Commissioners role and remit	Raise awareness of Commissioners public messages and profile
		Review and redesign stakeholder strategy by September 2015	Improve stakeholder engagement
		Investigate the idea of a regular blog to raise profile of Code by November 2015	Improve awareness of communications areas that need development
		Provide quantitative assessment of Communications Strategy by March 2016	
	Comprehensive review of Local Authorities completing the self assessment toolkit and publicising its completion	Request Local Authorities to complete the toolkit by end of June 2015	Increased compliance of the PoFA Code
		Assess initial responses July 2015	Measurable adoption of PoFA Code
		Develop mechanisms for follow up by November 2015	Increased engagement with Local Authorities not demonstrably following code
	Develop a suite of standards addressing users technical requirements for Body Worn	Conduct workshops with the SCC, Police, CAST and ICO to develop standards - May 2015	Definitive schedule of technical requirements supporting purchase and use of BWV

	Action	Timescale	Outcome
	Video (BWV) for the police	CAST to build on the ideas during the workshop with a view to developing a suite of standards – January 2016	
	Produce guidance for users of BWV (non law-enforcement agencies)	Through consultation with key stakeholders -produce guidance for publication on GOV.UK web-site – January 2016	Raise standards and compliance across all sectors using BWV
	Develop a certification process to demonstrate compliance with the PoFA Code	Develop Certification processes with UKAS accredited bodies to demonstrate compliance to the SCC – May 2015	Develop a standard or 'kite mark' that is recognisable as demonstrating best practice in the field of public space surveillance.
		Pilot certification process with Relevant Authorities and non Relevant Authorities to test validity of process – July 2015	Raise standards of compliance with PoFA Code
		Develop marketing strategy to promulgate adoption of the certification process – September 2015	
		Evaluate take-up and certification process – March 2016	
Reviewing the operation of the PoFA Code	Thematic review of a metropolitan Local Authority to determine compliance to PoFA Code across all departments	Map various departments within a Local Authority to determine generic compliance outside public CCTV space – September 2015	Enable a holistic view of compliance and non compliance against the PoFA code.
			Develop a strategy to raise awareness of legal requirements in sectors outside of traditional public space CCTV management within Local Authorities

	Objective	Milestone / Action	Outcome
			Encourage compliance across all departments within Local Authorities
	Understand how technological developments impact on the PoFA Code	Form a horizon scanning team of sector specialists by May 2015	The SCC review of the PoFA Code will be informed by the latest technological developments
	Produce a comprehensive review of the PoFA Code as required within the Protection of Freedoms Act	Develop and implement a comprehensive consultation and engagement process to receive feedback from key stakeholders, manufacturers, installers, designers and end users relating to the introduction of the PoFA Code (complete by October 2015)	Produce a comprehensive review of the current operation of the PoFA Code of Practice making any recommendations to government
		Review all sector engagement and identify relevant issues for consideration	
		Review to be complete by Autumn 2015	
Providing Advice about the PoFA Code	The Commissioner and team attend meetings that they are invited to in order to provide advice to any authority about compliance with the code.		
	The Commissioner and team reply to correspondence ensuring that they offer reactive advice to anyone seeking it.		
	To inform Local Authority senior leaders of the responsibilities to ensure that the PoFA Code is shown due regard	Issue guidance to Local Authority council leaders around compliance to the codes by October 2015	Raised awareness of statutory obligations to PoFA Code
	Focus on non relevant authorities to encourage voluntary adoption	Define process for voluntary adoption by September 2015	Increased voluntary adoption

of the PoFA Code	Engage in six webinars to promulgate code by March 2016	
Develop standards framework as stipulated in the Code of Practice	Publish standards framework on GOV.UK by April 2015	A simplified framework for manufacturers, designers, installers and end users
Harness recommendations of national BSI workshops relating to standards and regulation	Standards Group to deliver recommendations arising from workshops by March 2016	Provision of further advice on PoFA Code
Develop ANPR & BWV Self assessment toolkit	To be completed by March 2016	Provide greater regulatory compliance across the law enforcement sector
Develop bespoke guidance series relating to case studies	SCC Team to provide six case studies by March 2016	Increase awareness and understanding of how the PoFA Code is being used

SURVEILLANCE CAMERA COMMISSIONER