

Memorandum of Understanding Between The Forensic Science Regulator and The Surveillance Camera Commissioner

Any undertaking which is made under the terms of this MoU and which involves the sharing, storage, management or use of personal information, either by the regulators or those acting on their behalf, will be conducted in a manner which ensures that the statutory responsibilities which arise from GDPR and Data Protection Act are effectively discharged by all parties.

Introduction and Purpose

1. The Forensic Science Regulator (FSR) and the Surveillance Camera Commissioner (SCC) (collectively referred to as *the Regulators* for the purpose of this document) have separate and distinct regulatory responsibilities. Both are regulators who are independent of Government and are committed to ensuring that there is effective cooperation in the conduct of their respective duties where it is in the public interest for them to do so. In particular the Regulators are committed to ensuring that regulatory activity is undertaken in a way which enables individuals, organisations and other stakeholders to be clear about how the responsibilities of each regulator are discharged individually, and collectively and to better understand their own particular responsibilities and obligations in that regard.
2. This Memorandum of Understanding (MoU) is a statement of intent that does not give rise to legally binding obligations on the part of either Regulator. It has at its heart, the protection of the fundamental rights and freedoms of citizens in respect of their privacy, the protection of their personal information and also the public interest which arises when balancing those considerations against a legitimate duty to protect communities where it is necessary to do so.
3. In that regard the purpose of this MoU is to establish and clearly set out a framework for co-operation between the Surveillance Camera Commissioner and the Forensic Science Regulator in connection with the sharing of relevant information and the delivery of their functions where it is considered by the Regulators to be in the public interest for them to do so. The primary focus of this MoU relates to those issues regarding:
 - Standards relevant to overt surveillance conducted by means of surveillance camera systems and
 - Standards relevant to digital forensics.

Review Process

4. The Regulators will ensure that arrangements are in place which keep the effectiveness of this MoU under continual review and will personally review the efficacy of its provisions after an initial period of six months from the date of this document having been signed as agreed by them, and thereafter on an annual basis.

Functions and powers of the Forensic Science Regulator

5. The FSR ensures that the provision of forensic science services across the criminal justice system is subject to an appropriate regime of scientific quality standards. The FSR is a public appointee and operates independently of the Home Office, on behalf of the criminal justice system as a whole. This independence enables the FSR to make unbiased recommendations and decisions.
6. Responsibilities of the FSR include:
 - identifying the requirement for new or improved quality standards
 - leading on the development of new standards
 - where necessary, providing advice and guidance so that providers of forensic science services can demonstrate compliance with common standards
7. The priorities and aims of the FSR are to see that:
 - forensic science services are delivered to appropriate standards (usually an international standard) tailored to meet the needs of the criminal justice system and subject to independent and effective assessments of quality
 - high quality advice and guidance is provided to forensic science providers, ministers and others on the forensic science requirements of the criminal justice system
 - there are effective means to investigate quality failures and to address any issues
 - there is effective collaboration with the authorities in Scotland and Northern Ireland to achieve UK-wide quality standards
 - the UK is a strong voice on projects to develop European or international standards for forensic science

Functions of the Surveillance Camera Commissioner

8. The Surveillance Camera Commissioner is appointed by the Secretary of State for the Home Department under Section 34(1) of the Protection of Freedoms Act 2012 (PoFA).
9. PoFA applies to the use of overt surveillance camera systems (as defined by the act) by relevant authorities in England and Wales. Relevant authorities include Chief Officers of police, Police and Crime Commissioners and Local Authorities. Under the provisions of PoFA those organisations must have regard to the Secretary of State's Surveillance Camera Code of Practice (the Code). The Code also requires the Surveillance Camera Commissioner to encourage voluntary adoption amongst all organisations and operators using surveillance camera systems.
10. The functions of the Surveillance Camera Commissioner include:-
 - Encouraging compliance with the Code;
 - Reviewing the operation of the Code;
 - Providing advice about the Code (including changes to it or breaches of it) and publish an annual report.

11. The Surveillance Camera Commissioner will provide information and advice in respect of any matter contained within the Code. This includes approved operational and technical standards for various aspects of surveillance camera systems, approved occupational and competency standards for persons using these systems or processing images and information obtained by these systems. He is expected to provide advice about the relevant operational, technical, quality management and occupational competency standards which are available for a system operator. In reviewing the operation of the Code the Surveillance Camera Commissioner considers the impact of this system of regulation against published success criteria and the opportunities to improve compliance in line with better regulation principles.
12. The Surveillance Camera Commissioner has produced a National Surveillance Camera Strategy (England and Wales). Implementation and oversight of this Strategy enables the Surveillance Camera Commissioner to more effectively discharge his statutory function in advising the Secretary of State as to the operation of the Code.

Cooperation between the Forensic Science Regulator and the Surveillance Camera Commissioner

Standards

13. Subject to any legal restrictions on the disclosure of information (whether imposed by statute or otherwise) and at their discretion, the Regulators agree that they will alert each other as to any relevant breaches or shortfalls in standards where there is relevance to the others regulatory functions, and which are discovered whilst undertaking their duties in relation to individual cases.

Information Sharing

14. Subject to any legal restrictions on the disclosure of information (whether imposed by statute or otherwise) and at their discretion, both parties agree that they will alert the other party as to any information or intention relating to their own particular function where they consider that there is relevance to the functions of the other party, and to consult further in relation to any action which either party considers appropriate to undertake.

Confidentiality

15. Where either regulator wishes to disclose information to the other where it is necessary for the discharge of their functions, (and subject to any disclosure restrictions applicable to the regulators), any information which is disclosed between them will be managed in confidence and in accordance with their statutory obligations relating to data protection and the Government Protective Marking Scheme (GPMS).

Media and Public Messaging

16. Where either party considers it appropriate to publish information or provide a communication to the media, or support a request from the media for publicity which has relevance to both regulatory interests then on a case by case basis the Regulators will consult prior to any communication being made or where this is not practicable, as soon as is practicable thereafter. Where such communications have relevance to a surveillance camera system as described at section 29(6) Protection

of Freedoms Act 2012 then the SCC will generally take the lead in delivering those communications on a case by case basis and subject to the notification and consent of the FSR.

Joint Working

17. Both regulators commit to working jointly where appropriate opportunities for doing so are identified, which fall within their respective regulatory remit and where they consider that it would be in the public interest for them to do so.

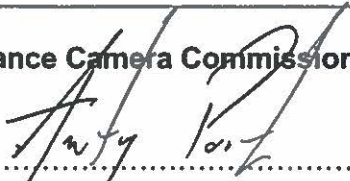
Designated Point of Contact

18. Each Commissioner will identify a Designated Point of Contact (DPC) within their respective organisation who will be the primary point of contact with responsibility for communication between the two Regulators and for ensuring the effective liaison between both parties within the terms of this MoU.

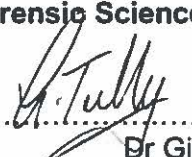
Designated Points of Contact

Surveillance Camera Commissioner	Forensic Science Regulator
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Surveillance Camera Commissioner


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Tony Porter
Surveillance Camera Commissioner

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Dr Gillian Tully
Information Commissioner