



OFFICE OF THE BIOMETRICS
AND SURVEILLANCE
CAMERA COMMISSIONER

Professor Fraser Sampson
Biometrics and Surveillance Camera Commissioner

16 August 2021

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

Ambassador Pierre-Richard Prosper
Partner, Arent Fox LLP

Dear Ambassador Prosper

Hikvision Notes & Queries - August 2021

Further to Justin's letter of 10 August 2021 which restates a number of the points from his original letter to Valued Partners that I queried, we need to clarify/note the following please:

Justin's latest letter states that "we do not oversee and control our devices once they are passed to installers... Operational matters are not within our remit". This conveys the impression that Hikvision simply manufacture and supply cameras, however, there is documentary evidence that suggests otherwise. For example, the public procurement by Zhongzhao International Tendering Co Ltd. (ref. TC179H2TH) shared with our office refers to the award of a contract for the PiShan County Social Prevention and Control System. This contract is to work in close partnership with the government to "Design, Build, Finance, Operate & Transfer the system. It refers to a "co-operation system" the contractual life cycle of which is 21 years, of which the construction period is 1 year. 'Co-operation' connotes actively and willingly working with others to achieve an outcome and the winning bidder and delivery partner for this high value (335.99m youan) 'social prevention and control programme' is Hangzhou Hikvision System Technology Co. Ltd.

The tender award announcement goes on to describe the "risk distribution structure" under the terms of which the 'commercial risks' - such as design, ...operation and maintenance - are borne by the winning bidder while "legal and policy risks" are for the government; force majeure risks are shared. Again, this is very clearly a joint enterprise arrangement under which operational matters are expressly within the company's contractual remit, intended to last for two decades. It would help me considerably if Justin could confirm the role and contribution of Hikvision in this project and also the following Prevention and Control projects referred to in Hikvision's Annual Report to Shareholders 2020¹:

¹ p288 (<https://www.hikvision.com/content/dam/hikvision/en/brochures/hikvision-financial-report/Hikvision-2020-Annual-Report.PDF>· PDF file accessed 12 August 2021)

Urumqi High-Tech Zone (New Urban Area) Safe City and Surveillance System
for Social Comprehensive Management
MoYu Security Protection & Prevention Control System
PiShan Security Protection & Prevention Control System
LuoP Security Protection & Prevention Control System
YuTian Safe City PPP Project Agreement

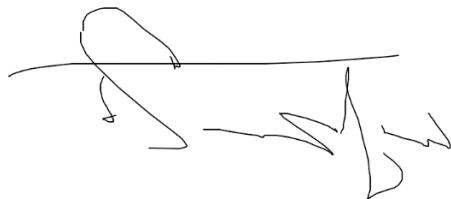
Justin goes on to reiterate that “*Hikvision respects human rights and takes our responsibility to protect people seriously. Hikvision fully embraces and has implemented the foundational and operational principles laid out in the U.N. Guiding Principles of Business and Human Rights.*”

This is helpful as the Guiding Principles are of central relevance to the matters arising in the course of our correspondence. For example, they require States to take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State (Principle 4) and that businesses should “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, *even if they have not contributed to those impacts*”(Principle 13 emphasis added). The principles also require businesses to consider additional standards in some circumstances such as in the respect for the human rights of “individuals belonging to specific groups or populations that require particular attention”, such as indigenous peoples; women; national or ethnic, religious and linguistic minorities and children (Principle 12).

Perhaps most importantly here, the principles require that, in all instances, businesses should *provide information that is sufficient to evaluate the adequacy of an enterprise’s response* to the particular human rights impact involved (Principle 21 emphasis added) which could scarcely be more germane. My requests for such information are entirely consistent with this ‘foundational principle’ and I am encouraged to see Hikvision’s commitment to providing it.

Finally, Justin refers to a ‘collaboration’ with my predecessor which, he says, was “in large part about fostering trust in the surveillance industry”. While I am unaware of the extent of any such collaboration I believe that fostering trust is critical to the effective operation of surveillance camera systems as envisaged by my statutory functions and it is to that end that I am trying to obtain clarity, specificity and transparency in what Justin acknowledges are serious matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fraser Sampson', written over a horizontal line.

Fraser Sampson
Biometrics and Surveillance Camera Commissioner