

## Surveillance Camera Commissioner Update for Advisory Council

### **Ministers response to Review**

As you know, I submitted my review of the Code in February. You will all be aware of the exchange of correspondence with the minister which we have had since. I am pleased that the last letter from the minister confirms that they will work with us to understand what can and cannot be delivered and how.

We have since met the policy team and discussed the review and the recommendations. There is further work to be done on the full set of recommendations but given the importance to the transparency agenda, it was important to pursue how to realise recommendation 2<sup>1</sup>. At the last meeting, I clarified that I would be content with a change to the wording within Principle 3 of the Code to cover recommendation 2. Policy colleagues from the Home Office have taken that approach away and I will keep you informed on progress.

The national strategy work may inform some of the other recommendations esp. relating to wider adoption of the Code. Further details follow below.

### **Surveillance Camera National Strategy**

Progress on developing a national strategy has gained momentum. Each of the work strand leads are now working towards their objectives (I have attached the high level vision and objectives for each strand at Annex A). We have also recruited Alastair Thomas – who some of you will be familiar – as the National Strategy Delivery Manager. This will give momentum to the strategy with specialist and dedicated resource.

This is a really exciting initiative. There are already things to report such as the work being led by Philip Jones who is working towards adoption of the Code by the British Council for Shopping Centres, and the ideas for civil engagement being proposed by Professor William Webster that are supporting the strategy and will help raise public levels of awareness around the surveillance or the proposed work with installers and manufacturers, led by Simon Adcock, ensuring that the use of surveillance cameras is fit for purpose. Whilst these are only highlights, I am delighted at the traction and support already gained.

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<sup>1</sup> **Recommendation 2:** Government to require all Relevant Authorities to publish their surveillance camera coverage in terms of its systems, numbers, completed privacy impact assessments, self assessments, industry certification and outcomes of annual reviews (highlighting efficiency and effectiveness of the system). This promotes the government’s transparency agenda to the public and encourages take up of Surveillance Camera Commissioner toolkits and other compliance measures developed to raise standards. This shall be mandated by an additional section to the Code and Protection of Freedoms Act (PoFA 2012) to ensure Relevant Authorities are transparent in showing full compliance when operating public space CCTV systems.

I am looking to publish the strategy late this year. Whilst it is a tight timeframe, I am reasonably confident that it can be done within this schedule.

## **RELEVANT AUTHORITIES**

### **Police**

Whilst policing use of surveillance camera systems is an integral part of the strategy, we have continued supporting the NPCC leads that are responsible for the various device uses. For example, ACC Bates, the lead for CCTV is encouraging forces to ensure that the CCTV that they use on their estate is compliant with the Code. He has also submitted to the Home Office a proposal to include the collection of surveillance camera evidence that it used in an investigation. We are supportive of the proposal and will continue to assist in any way possible.

On Body Worn Video, the Metropolitan and Greater Manchester Police Forces are looking to gain third party certification against the Code as their use increases. They are clear that certification will help re-assure communities that their use of the devices will be transparent, proportionate and effective. To support the compliance process for BWV, I will shortly be launching a self-assessment tool that is tailored specifically for users of this kit. Whilst not radically different, it reflects that BWV records audio, that is a mobile device so could be lost or stolen hence needing greater privacy safeguards, and that download and access protocols need to be matured quickly.

For police use of ANPR, I have also developed a tailored self-assessment tool. It promotes both compliance with the Code and the National Standards that cover policing. My aspiration is that 100% of forces across England and Wales will use this tool in order to demonstrate compliant use over the next 12 months further validated by third party certification.

I am also delighted to announce that Dorset and Devon and Cornwall are the first forces across England and Wales to be certified against the code for their use of UAV/drones. As UAV/drone use expands, it will be crucial to ensure that the use is compliant with the code. An issue already raised is if forces do not purchase their own kit but use a filming company to provide surveillance footage. Is this compliant with the regulatory framework? We are working through this issue as a number of people have already raised issues with the intrusion possibilities posed by use of drones. Another tailored self-assessment tool will be released once this is resolved.

### **Local Authorities**

The ongoing period we have of austerity is now clearly biting on local authorities. Whilst some have managed to develop their systems, others such as Westminster

have taken a guillotine. Whilst I have said publicly that I think such an approach is short sighted, I understand the challenges facing local authorities and have so been promoting other approaches such as being part of wider partnerships.

That said, I am delighted to announce that around 73% of local authorities currently using a public space CCTV system have completed the self-assessment tool showing compliance with the Code. I will continue to challenge those that are yet to complete the tool but will celebrate the progress that has been made.

Tony Porter

July 2017

## NATIONAL SURVEILLANCE CAMERA STRATEGY

### VISION

The public are reassured that surveillance camera systems in public places are there to protect and look after them – rather than look at them – and are operated in a way which is proportionate, effective in meeting a stated purpose and transparent.

### MISSION

The Surveillance Camera Commissioner will deliver this strategic vision by March 2020 through:

- Providing direction and leadership in the surveillance camera community with the aim of promoting best/good practice through compliance with the principles of the POFA Code and any associated guidance.
- Promoting best/good practice in all sectors of surveillance camera operation, whether the system operator is a relevant authority under a statutory duty to have regard to the POFA Code or is free to follow the Code on a voluntary basis

### OBJECTIVES

*Each is an attempt to summarise what needs to be put in place to achieve the vision and mission. Each objective will have an expert owner/strand lead responsible for creating leverage for the SCC, whose dedicated resources are only modest. Governance arrangements will need to be explored, as will resourcing (and potentially succession planning for strand leads). The strand lead is empowered to lead the production and implementation of a delivery plan. There will be overlaps, dependencies and cross-cutters which require additional consideration of ownership.*

- 1) Information is freely available about **training** requirements and provision for all those who operate, or support the operation of, surveillance camera systems or those who use the data for crime prevention/detection or public safety purposes, so that systems are used proportionately, effectively and transparently.
- 2) **Installers, manufacturers, designers and integrators** of surveillance camera system technology or services are able to demonstrate their understanding [knowledge and adherence] of good practice, which enables a system operator to comply with the POFA Code.
- 3) There is an early warning system to **horizon scan** technological developments with implications for the scope and capability of surveillance, so that the SCC can assess whether regulation is sufficient and advise Government accordingly.
- 4) The **police** pro-actively share information about their own operation of surveillance camera systems and use of data from their own and third party systems, so that the public are reassured about the proportionality and effectiveness of surveillance.
- 5) **Local authorities** pro-actively share information about the operation of a surveillance camera system in exercising any of its functions and any data

sharing arrangements with third parties, so that the public are reassured about the proportionality and effectiveness of surveillance

- 6) Information is freely available to the public [and stakeholders?] about rights and responsibilities in relation to the operation of surveillance camera systems, so that they can be engaged in meaningful **civil engagement**/consultation to shape both national development of regulation and local decisions about surveillance of the public.
- 7) There are levers and incentives in place to encourage the **voluntary adoption** of the POFA Code, so that the public can be reassured about the proportionality and effectiveness of surveillance in priority sectors.
- 8) A clear road map is available which provides a range of recognisable **standards** for the whole spectrum of the industry (manufacturers, installers, designers, integrators, end users/system operators) in delivering surveillance camera solutions so that best/good practice is widely understood.
- 9) There are systems and processes in place to develop further co-operation between **regulators** and inspectorates, so that public awareness of the POFA Code is raised and compliance can be encouraged in a coherent and efficient manner.
- 10) Surveillance camera systems associated with protection of **critical national infrastructure** are operated in compliance with the POFA, so that the public can be reassured of the proportionality and effectiveness of public surveillance as part of protecting the public
- 11) Information is freely available about a framework of operational, technical and competency **standards**, which enables a passport to compliance scheme of self assessment and third party certification of system operators.