



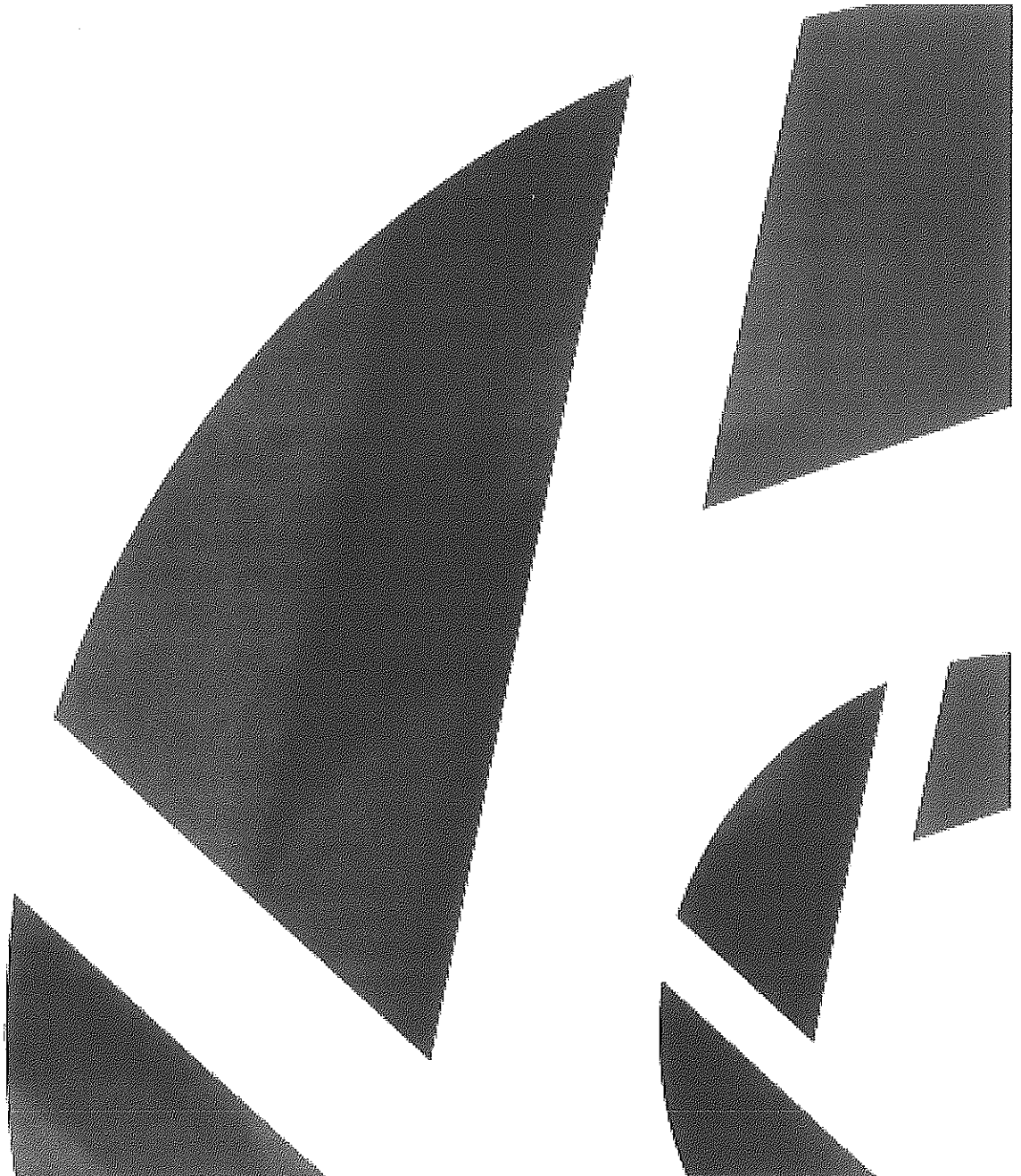
**SURVEILLANCE CAMERA  
COMMISSIONER**

ANNEX B



# **National Surveillance Camera Strategy**

DRAFT FOR ADVISORY COUNCIL – 19 SEPTEMBER 2016



## INTRODUCTION

1. The Surveillance Camera Commissioner is appointed by the Home Secretary as set out in the Protection of Freedoms Act 2012 (PoFA). It is the role of the Surveillance Camera Commissioner to ensure surveillance camera systems in public places in England and Wales protect communities rather than spy on them. The Commissioner's statutory functions are to encourage compliance with the Surveillance Camera Code of Practice<sup>1</sup> (PoFA Code), review its operation and impact and advise Ministers on any changes to the PoFA Code and related legislation.
2. The PoFA Code was issued by the Home Office in 2013 and sets out 12 guiding principles which, if followed, will ensure surveillance cameras are used effectively, efficiently and proportionately. These guiding principles draw together and reinforce good practice and statutory requirements, including those arising from the Data Protection Act 1998 and the Private Security Industry Act 2001.
3. This strategy aims to provide direction and leadership in the surveillance camera community to enable system operators to understand best/good practice and their legal obligations, including those for data protection, and then to apply that understanding to demonstrate compliance with the principles of the PoFA Code and any associated guidance. This applies whether the system operator is a relevant authority under a statutory duty to have regard to the PoFA Code or is free to adopt the PoFA Code on a voluntary basis.
4. Work on the strategy was agreed by the Surveillance Camera Commissioner's Advisory Council<sup>2</sup> in January 2016 following the submission of an outline vision paper<sup>3</sup> by the Commissioner. The Advisory Council approved this approach and agreed to support the Commissioner's work to develop a comprehensive national surveillance camera strategy that seeks to draw together a holistic approach to raising standards.
5. The Commissioner has been impressed with the support, encouragement and engagement across the range of stakeholders for a national strategy. It is clear there is energy for greater co-ordination in the world of surveillance cameras and we have a team of experts leading strands of work and working in partnership with other regulators and stakeholders to drive this work forward. This will provide a blueprint that will afford significant operational cost benefits, economies of scale, enhanced training opportunities and more focused direction for manufacturers and suppliers. The end result being a more transparent, efficient and effective approach to public space surveillance. The true beneficiary of such collaboration with other regulators and experts being the public – safe in the knowledge that surveillance cameras are there to support them not spy on them.

## WHY DO WE NEED A STRATEGY

6. Surveillance camera systems<sup>4</sup> are used in public places by numerous organisations all of whom have an interest in how policy and regulation in this area develops. These include local authorities, other major sectors such as transport providers, health care and education providers, retailers, law enforcement agencies, system installers, manufacturers, government, regulators, business and members of the public. Surveillance cameras in public

<sup>1</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

<sup>2</sup> <https://www.gov.uk/government/publications/surveillance-camera-advisory-council-terms-of-reference>

<sup>3</sup> <https://www.gov.uk/government/publications/national-surveillance-camera-strategy-outline-document>

<sup>4</sup> Surveillance camera systems are defined in POFA s.29(6). In general terms this means CCTV, IP enabled video surveillance systems, body worn cameras, automatic number plate recognition systems, UAV (drone) mounted surveillance systems, and the associated software which may be applied to analyse the data collected.

places are used for many reasons – to investigate and deter crime and anti-social behaviour, protect people and property and to keep traffic moving in our towns and cities. Surveillance cameras are also increasingly being used for access control, management of properties and buildings and may be linked through the internet to other databases and software.

7. In recognition of public concerns over the extent of surveillance camera systems and the potential for unjustified invasion of privacy or other misuse, Parliament approved measures for further regulation in the PoFA. That regulation is through a statutory Code of Practice and the Surveillance Camera Commissioner, who is appointed by the Home Secretary and independent from government. This applies in England and Wales. The aim of the PoFA Code is to promote surveillance by consent. System operators follow the 12 guiding principles in the PoFA Code to ensure that any surveillance of the public is necessary, proportionate, in pursuit of a legitimate purpose, effective in meeting that stated purpose and transparent.
8. The Government's intention is that regulation in this area is about improving the quality of decision-making over whether surveillance is necessary and how to undertake it effectively without excessive interference with privacy. This can help to ensure that data protection obligations are met in full, and promotes greater transparency about the use of surveillance camera systems.
9. Both the Government and the Surveillance Camera Commissioner remain of the view that whilst the number of surveillance cameras in operation may be indicative of the scale of surveillance, those estimates should always be treated with caution when commenting on the necessity of the surveillance undertaken. For example, these estimates take no consideration of the quality of images the cameras capture, how useful those images are or if the cameras are being used for a specified purpose in pursuit of a legitimate aim to meet a pressing need. There is a strong argument that it would be a mistake to develop policy and regulation on the basis that the number of cameras should be increased or reduced when the real consideration should be whether the cameras are necessary.
10. The surveillance camera industry expanded significantly in the 1990s ad hoc and largely unregulated. Through representations to the Commissioner's Standards Group and Advisory Council manufacturers, installers, consultants and end users have called for clearer guidance as to what standards and practices should be adopted. Currently there are numerous standards, codes of practice and guidance notes – see Annex A. The sheer number can create regulatory confusion in the surveillance camera sector which means rather than meeting a standard or complying with a code they may do nothing. The Commissioner's Standards Group have made some progress to simplify the standards framework. This strategy will help provide further clarity and direction.
11. PoFA sets out relevant authorities must have regard to the guidance in the PoFA Code. In general terms, relevant authorities are specified in legislation as the police, the National Crime Agency and local authorities<sup>5</sup>. The PoFA Code is clear that other organisations operating surveillance camera systems in public places are to be encouraged to adopt its guiding principles voluntarily and make a public commitment to doing so.<sup>6</sup>
12. The surveillance camera sector is massive and is an industry that will continue to grow – there was a £2,120m turnover in the UK in 2015 on video and CCTV surveillance<sup>7</sup>. The most recent estimates suggest that there are between 4m – 6m CCTV<sup>8</sup> cameras in the UK.

<sup>5</sup> Section 33 Protection of Freedoms Act 2012

<sup>6</sup> Para 1.17, Surveillance Camera Code of Practice June 2013

<sup>7</sup> [http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=iWb-Q0uwDNIMmb\\_JXciPsvrnDFQL7HIKrf\\_fjMgoZ5l](http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=iWb-Q0uwDNIMmb_JXciPsvrnDFQL7HIKrf_fjMgoZ5l). - (Table 6., pg. 117)

<sup>8</sup> <http://www.bsia.co.uk/Portals/4/Publications/195-cctv-stats-preview-copy.pdf>

Considering these figures do not include the following types of surveillance camera – Automatic Number Plate Recognition (ANPR), Body Worn Video and Unmanned Aerial Vehicles – that number is likely to be higher than when reported in 2013. These figures are indicative of the scale of surveillance, yet give no real indication whether surveillance is necessary nor of compliance with good practice or legislative requirements.

13. Considering the amount invested in the sector and the many groups involved – some already working together, there is a need for an overarching, coherent strategy that underpins the use of surveillance cameras bringing together all relevant groups. Such an approach will provide a better understanding of the links and opportunities for collaboration across organisations, leading to better economies of scale and will ensure funds (often taxpayers' (but not always)) are spent prudently. This economy of scale will not only protect the public purse but ensure systems are fit for purpose as the 'internet of things' develops and procurement is geared up to meet that challenge.
14. This is not the first attempt at a national strategy for surveillance cameras. The 2007 CCTV Strategy<sup>9</sup> attempted to do this with regard to CCTV. It was an ambitious, systematic and innovative approach but for a number of reasons much of it didn't move from recommendations into delivery. Subsequently to the publication of that strategy, the Government decided to appoint an interim CCTV Regulator<sup>10</sup> and then to further regulate CCTV as part of the Coalition Government agreement<sup>11</sup>. This led to implementation of the strategy being shelved and a policy shift towards creation of regulation under PoFA.

## PROGRESS TO DATE

15. Since the legislation was enacted in 2012 and the PoFA Code issued by the Home Office in 2013 some significant progress has been made by the Commissioner, his Advisory Council and Standards Group as well as by many others in the industry to raise standards and promote the PoFA Code:
  - **A self-assessment tool**<sup>12</sup> which is easy to use enabling any organisation carrying out surveillance in public places to identify where they are meeting the 12 guiding principles or where they are falling short. It allows them to develop an action plan to show due regard to the PoFA Code. At the date of publication X Local Authorities and X Police Forces have completed the tool. **[DN: FINAL FIGURES TO BE INSERTED BEFORE PUBLICATION]**
  - **A third party certification scheme**<sup>13</sup> where such organisations can apply to be assessed for compliance with the PoFA Code by an independent certification body and if successful use the Commissioner's certification mark for 12 months or five years – an outward sign of inward compliance with the PoFA Code. At the time of publication X organisations are certified against to PoFA Code. **[DN: FINAL FIGURES TO BE INSERTED BEFORE PUBLICATION]**
  - **A passport to compliance** – formerly an operational requirement document that puts responsibility for system development in the hands of those that operate them. Reducing technical jargon to enable procurement experts within organisations the ability to properly hold suppliers to account.

<sup>9</sup> <http://www.statewatch.org/news/2007/nov/uk-national-cctv-strategy.pdf>

<sup>10</sup> <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091215/wmstext/91215m0004.htm>

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/78977/coalition\\_programme\\_for\\_government.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_programme_for_government.pdf)

<sup>12</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

<sup>13</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme>

- **A list of recommended British, European and international standards** published on the Commissioner's website<sup>14</sup> for CCTV operators, installers, maintainers, manufacturers as well as CCTV monitoring companies.
- **Working with those outside the relevant authority definition to voluntarily adopt** and comply with the PoFA Code – for example, Universities, Banking, Transport and Retail.
- **Establishing new and positive relationships with the other regulators.** These relationships and the regulatory landscape are reflected in a 'surveillance roadmap'<sup>15</sup> prepared ed by the Information Commissioner's Office setting out the roles and responsibilities of the bodies involved in overseeing surveillance legislation in the UK,
- **A series of best practice case studies** which are available on the Commissioner's website<sup>16</sup>.

## CHALLENGE

16. The public have a right to expect surveillance camera systems as one measure to help keep them safe and secure. Yet this is only possible where systems are operated effectively, transparently and in compliance with any relevant legal obligations. Local authority CCTV systems can often play a proactive role in identifying where crimes may be taking place and directing a police response. However, local authority funding of CCTV has been in decline for some time. A recent report by Big Brother Watch<sup>17</sup> has shown a 46.6% decrease on funding spent on the installation, maintaining and monitoring of CCTV by local authorities since 2012 – from around £515m to approximately £277m. This downturn in spend is likely to indicate some councils switching off or reducing their CCTV provision. In 2015/16 alone towns such as Havant and Newbury have switched off schemes to save money and the Westminster Council have said unless their CCTV scheme is funded by someone else it will switch it off too. Anecdotal evidence also points towards CCTV Manager roles, that had previously been stand alone, removed and merged with other management roles thereby arguably diluting the expertise in this area within local authorities.
17. After an incident takes place it is crucial that law enforcement agencies can determine what footage exists, locate the owner of the footage, access it and then retrieve and analyse the footage – all this must be done within the boundaries of current legislation.
18. At the same time we are seeing a rise in cyber crime and a fall in traditional crime<sup>18</sup> so what role should surveillance cameras have in this changing dynamic, are they effective? Should we rely on privately owned systems or members of the public (many of whom carry mobile devices which can record footage) to record incidents in public places? Furthermore, with a terrorism threat that is currently severe, what role will surveillance cameras play in identifying and countering that threat and what role will local authority systems play?
19. Against this background it appears even more vital that local authorities (and others) can make informed decisions about use of surveillance cameras and explain their use to local communities. The guidance and tools now available via the Surveillance Camera

<sup>14</sup> <https://www.gov.uk/guidance/recommended-standards-for-the-cctv-industry>

<sup>15</sup> <https://www.gov.uk/government/publications/surveillance-road-map>

<sup>16</sup> <https://www.gov.uk/government/collections/surveillance-camera-code-of-practice-case-studies>

<sup>17</sup> <https://www.bigbrotherwatch.org.uk/wp-content/uploads/2016/02/Are-They-Still-Watching.pdf>

<sup>18</sup> <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmar2016>

Commissioner enable any organisation to visibly demonstrate it uses surveillance cameras proportionately, efficiently and effectively and comply with the PoFA Code.

20. We are seeing continual technological advancements that mean how surveillance cameras are used in the present and future is changing significantly – as is the data they capture. For example in 2016 the Metropolitan Police used automatic facial recognition at the Notting Hill Carnival using a database individuals who were forbidden from attending Carnival, as well as individuals wanted by police who it was believed may attend Carnival to commit offences<sup>19</sup>. Technology companies are fast improving automatic facial recognition software and other analytical capabilities such as sensors that can detect explosives. We are on the advent of superfast WiFi and 5G connectivity. Digital data from a wider range of sources can be analysed and compared alongside surveillance camera images and information. Smart cities<sup>20</sup> and the internet of things<sup>21</sup> are no longer science fiction but becoming a reality.
21. Whilst these technical advances present us with many exciting opportunities we must be mindful of how they will impact individuals' right to privacy. Equally, technology is being developed that means the data captured can be anonymised in such a way that it further protects an individual's privacy – software that turns people into avatars on monitors so all that is viewed on the screen is a computer generated image rather than images of people.
22. The available evidence does however indicate that the public remains supportive of the use of surveillance cameras. Research in 2014<sup>22</sup> showed 86% of people support the use of CCTV in public places. Although as the way devices are used changes such as increased use of automatic facial recognition will they become more intrusive and will this support remain the same? Informed consent and therefore understanding will become more of a priority as technological advances challenge our views on citizens right to privacy.
23. Government stated that implementation of further regulation under PoFA was to be incremental<sup>23</sup>. Now there is a full box of tools to support compliance with the PoFA Code, the ambition must be to encourage and enable ever greater compliance amongst relevant authorities (and others) evidenced through a passport to compliance – previously known as an operational requirement. This links into the dissemination and raising of standards of practice and legal compliance to other legislation such as the DPA which is central to this strategy.
24. The PoFA Code was created to bring coherence in what was already a complicated picture of legislation and regulation. This has undoubtedly helped but there still remain numerous codes of practice in circulation, an abundance of guidance and lots of organisations involved. There remains scope for regulatory confusion, which cannot be good for the system operator or for the public.
25. This strategy attempts to draw these many players together so that the expertise, energy and resources can be directed to greatest effect. It will do this by bringing together a group of experts and establishing a set of delivery plans (for 2017 – 2020) linked to each area of expertise. It will look at links across these areas in an attempt to help them work together as one coherent strategy. If this is achieved it will mean surveillance cameras are used where they are necessary, proportionate, effective and transparent.

<sup>19</sup> <http://news.met.police.uk/news/notting-hill-carnival-2016-181523>

<sup>20</sup> Cities where digital technology and infrastructure is embedded throughout to more effectively engage with it's citizens

<sup>21</sup> Network connectivity and computing extends to numerous devices such as sensors, cameras and so on (not necessarily computers) are connected to the internet, allowing these devices to generate, exchange and consume data with minimal human intervention.

<sup>22</sup> [http://www.synecticsuk.com/images/pdfs/press/CI55\\_Synectics%20survey\\_spring2014.pdf](http://www.synecticsuk.com/images/pdfs/press/CI55_Synectics%20survey_spring2014.pdf)

<sup>23</sup> <https://www.gov.uk/government/publications/circular-0112013>

26. The evidence base for the effectiveness of surveillance cameras, the outcomes it can deliver and the costs and benefits need further development. We must stimulate data gathering (performance indicators, feedback from the Criminal Justice System on prosecutions involving surveillance cameras and so on) and research to provide a richer picture so system operators can make informed decisions and the public who are under surveillance can engage in meaningful discussion about the pros and cons. PoFA empowers the public to challenge surveillance camera operators. We must ensure this can be done in an informed manner which can bust some of the myths which continue to appear in the media – this will be achieved if we have a sound evidence base to challenge these perceptions. This evidence will be crucial to making any case for the future shape of regulation.

## VISION

27. The strategy is ambitious with long term objectives and delivery plans which extend beyond 2020. In the first three year period (2017 – 2020) we will progress in the full knowledge that technological change is moving at an exponential rate so the world is changing around us. As set out at paragraph X an ambition is to develop a stronger evidence base before 2020 to inform further strategic planning to maintain momentum. The Commissioner's strategic vision is:

*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

28. The Surveillance Camera Commissioner will deliver this strategic vision by:

*Providing direction and leadership in the surveillance camera community to enable system operators to understand best/good practice and then demonstrate compliance with the principles of the PoFA Code and any associated guidance.*

## SCOPE

29. The strategy aims to reach any organisation or individual operating surveillance camera systems overtly in public places. That said, it will be necessary to prioritise available resources where the greatest benefits are anticipated over the three year period. Given the relatively small proportion of public space surveillance undertaken by relevant authorities, the strategy will include activity directed towards encouraging the wider awareness and adoption of the PoFA Code on a voluntary basis. The strategy will, however, focus on the use of surveillance cameras in public places by organisations rather than by domestic householders or members of the public. The delivery plans in each strand will set out how this will be achieved. When considering the industry as an enabler of compliance, the strategy will not prioritise single-handed designers and installers; this is because they are least likely to be installing or maintaining large scale surveillance systems in public places.

30. Public place has the meaning given by Section 16(b) of the Public Order Act 1986<sup>24</sup> and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied *permission*. In reality, there will be surveillance camera systems which cover both public and non-public places; for example, the shop floor and storerooms of retail premises.

<sup>24</sup> <http://www.legislation.gov.uk/ukpga/1986/64/enacted>

In practice, unless the organisation which undertakes surveillance installs two separate systems, then consideration of compliance within the public place will also lead to consideration of compliance in the non-public areas. This may technically go beyond the intention of PoFA, yet it would appear to bring additional benefits to the system operator.

31. Surveillance camera systems are defined by Section 29(6) of PoFA.<sup>25</sup>

## OBJECTIVES

32. In consultation through their networks the strategy group strand leads have identified high level 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 Commissioner. There are 11 objectives but only 10 strand leads. The eleventh (an online hub) is a longer term objective in terms of the implementation plan which is dependent on scoping content and agreeing ownership and resourcing of the hub. The objectives are:

1. A clear road map is available to enable certification against a range of recognisable **standards** for the whole spectrum of the industry (manufacturers, installers, designers, end users/system operators) in delivering surveillance camera solutions so that best/good practice and legal obligations are widely understood and compliance can be assessed and publicised.
2. There is an early warning system to **horizon scan** technological developments with implications for the scope and capability of surveillance, so that the Commissioner can assess whether regulation is sufficient and advise Government accordingly.
3. Information is freely available to the public and organisations 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.
4. The **police** pro-actively share relevant 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 cameras.
6. There are 'soft 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.
7. Surveillance camera systems associated with protection of **critical national infrastructure** are operated in compliance with the PoFA, so that the public can be

25 (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b); (d) any other systems associated with, or otherwise connected with (a), (b) or (c) It Excludes any camera system with relevant type approval of a prescribed device under Section 20 of the Road Traffic Offenders Act 1988 used exclusively for enforcement purposes, which captures and retains an image only when the relevant offence is detected and with no capability to be used for any surveillance purpose. For example, for the enforcement of speeding offences.



reassured of the proportionality and effectiveness of public surveillance as part of protecting the public

8. **Organisations involved in the manufacture, planning, design, installation, maintenance and monitoring of surveillance camera systems** are able to demonstrate their understanding and knowledge of and adherence to good practice, enabling system operators to comply with the PoFA Code.
9. 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.
10. 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.
11. Information about surveillance camera regulation and how to achieve compliance can be accessed through a single well-publicised digital portal, so that awareness, adoption and assessment against the PoFA Code is promoted amongst interested parties.

## IMPLEMENTATION, TIMELINE AND GOVERNANCE

33. Each of the eleven strategic objectives will have a supporting delivery plan setting out specific action and outputs which contribute towards achieving the strategic mission. These delivery plans are owned by Strand Leads, each of whom is a recognised expert within their field and able to extend influence and leverage on behalf of the Commissioner. The priorities for actions and outputs to support each objective have been devised by the Strand Leads who have taken account of the resources available to support delivery.
34. The exception is objective 11 which relates to the establishment of an information hub to provide a single and authoritative point of reference for information about surveillance camera system regulation. It might cover standards, good and best practice, legal obligations, training requirements and provision, and organisations which have completed self certification or received third party certification. The Commissioner has retained ownership of this objective and will develop plans for its scope, resourcing and implementation by 2020.
35. A table setting out the major milestones over the period from April 2017 to March 2020 is attached at Annex B. **[DN: TO BE INCLUDED]**

## GOVERNANCE

36. The Senior Responsible Officer for the Strategy is the Commissioner.
37. The Strategy is driven by a Strategy Working Group, which is made up of the Commissioner, 10 strand leads – see Annex C below, Home Office officials and a Strategy Manager. The group is chaired by the Commissioner and will meet at least twice a year to review progress against delivery plans and consider emerging issues, risks and opportunities for delivery of the vision and mission. Strategy Group meetings will be complemented by correspondence

between and meetings between leads and the Strategy Manager which enables ongoing scrutiny and challenge of the strategy.

38. Each Strand Lead is responsible for putting in place an effective governance arrangement to drive delivery of their strand, including reviewing progress and the availability of resources to meet requirements. These arrangements must be reported to the Strategy for assurance purposes.
39. The Strategy Working Group reports into the Commissioner's Advisory Council which will support the Commissioner with advice on strategy priorities taking account of emerging issues, risks and opportunities for this three year strategy period and successor activity.
40. The Commissioner's support team acts as secretariat for all of these governance levels.
41. The Commissioner is appointed by the Home Secretary and is accountable to Parliament through the submission of an Annual Report which is laid in both Houses. The Annual Report will include an update on progress against the strategy during the reporting period, and detail of activity planned for the remainder of the strategy.