



**SURVEILLANCE CAMERA  
COMMISSIONER**

# **A National Surveillance Camera Strategy for England and Wales**

**March 2017**



## FOREWORD

Tony Porter

**Surveillance Camera  
Commissioner**



I am delighted to present the National Surveillance Camera Strategy for England and Wales.

The role of Surveillance Camera Commissioner was introduced to encourage, review and advise organisations using surveillance cameras in public places to follow the Surveillance Camera Code of Practice.

Video surveillance in public places has been part and parcel of life across England and Wales – indeed across the whole of the United Kingdom – for the past 40 years. Its use and presence has become ubiquitous. Indeed no one really knows exactly how many cameras exist nor has much work been undertaken to properly measure their effectiveness.

From the explosion in the use of surveillance cameras in the 1990's to the current trends for use of body worn cameras, drone technology and artificial intelligence supporting such cameras this issue still commands significant media focus and attention. The core issue remains – how does society effectively balance the need for security against the rights to privacy?

Much good work has been undertaken to raise standards during these past 40 years. However, throughout my first 3 years as Commissioner, it became clear to me that much more could be done through simply co-ordinating effort.

Manufacturers and installers need to have clear focus on requirements and best practice for the market in England and Wales. Those operating and using surveillance cameras need to have confidence that the systems they purchase actually meet their requirements. The public need to understand the capability of these cameras and understand their developing technological sophistication – how can society provide informed consent to the use of public space surveillance if they don't understand what it is capable of doing

You will see that these issues are comprehensively addressed within this strategy and the accompanying delivery plans. Running through the strategy

is the determination to raise standards and define best and good practice. The outcome will be that public space video surveillance will be used transparently, efficiently and effectively. It will also be used lawfully which in turn will help maintain confidence in its continuing use in helping keeping individuals and communities safe whilst not intruding on their human right to privacy.

As transparency runs like a golden thread throughout this strategy I will ensure that its development and progress will be open to public scrutiny. My Advisory Council will provide ongoing oversight regarding its performance. Each year I will report to the Home Secretary within my Annual Report – this report will be laid before Parliament for wider scrutiny.

Before signing off I must thank the many individuals and organisations that have provided their support voluntarily to develop this initiative into a strategy and deliverables. This includes my Advisory Council, individuals leading the work strands, organisations who have provided support and challenge during consultation and finally the tireless efforts of my Office who have accepted the challenge of delivering this piece of work and have done so superbly.

Testimony to that work is the broad swathe of organisations who have supported this strategy (Annex A in the Strategy) from England and Wales Governments, independent regulators, industry specialists and many, many more.

I look forward to providing detailed updates as to the development of the National Surveillance Camera Strategy (England and Wales).

A handwritten signature in black ink, appearing to read 'Anthony Park'. The signature is stylized with a large, sweeping 'A' and 'P'.

## EXECUTIVE SUMMARY

1. The Government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is: in pursuit of a legitimate aim; necessary to meet a pressing need; proportionate; effective, and compliant with any relevant legal obligations.
2. The Surveillance Camera Commissioner is appointed by the Home Secretary as set out in the Protection of Freedoms Act 2012 (PoFA). It is the Commissioner's role to ensure surveillance camera systems in public places keep people safe and protect and support them. The Commissioner's remit applies to England and Wales, as does the Government's Surveillance Camera Code of Practice (SC Code).
3. The surveillance camera sector includes CCTV, body worn video, automatic number plate recognition, vehicle borne cameras and unmanned aerial vehicles. Indicative estimates are available of the number of CCTV cameras yet these only cover part of surveillance camera coverage and capability.
4. Work on a strategy was agreed by the Commissioner's Advisory Council in January 2016. The Advisory Council agreed to support work to draw together a comprehensive national surveillance camera strategy that seeks to develop a holistic approach to raising standards and compliance with legal obligations in line with the 12 guiding principles of the SC Code. Partnership working is at the heart of the strategy.
5. A draft strategy document was published in October 2016 and was followed by an intensive 6 week period of consultation. Where appropriate the views received during the consultation period have been fed back into the strategy, accompanying delivery plans and to Government. A response to that consultation has been published alongside this revised strategy.
6. It is an ambitious strategy with long-term objectives which extend beyond 2020. Delivery plans have been developed for each objective for the first three-year period (2017 – 2020) and we will progress in the full knowledge that technological change is moving rapidly, so the world is changing around us. We want to develop a stronger evidence base before 2020 to inform further strategic planning to maintain momentum. The strategy is a 'living document' and as such will be kept under review and amended as legislation, technology and best and good practice change as well as when practical experience is gained as the strategy is implemented.
7. The Commissioner's strategic vision is:

*The public are assured that any use of surveillance camera systems in a public place helps to protect and keep them safe, whilst respecting the individual's right to privacy. That assurance is based upon deployment which is proportionate to a legitimate*

*purpose, and transparency which demonstrates compliance with best and good practice and relevant legal obligations.*

8. The Commissioner will deliver this strategic vision by:

*Providing direction and leadership in the surveillance camera community. Enabling system operators to understand and use best and good practice, and then demonstrate to the public compliance with the principles of the SC Code and any associated guidance or legislation.*

9. Therefore, the strategy links in with relevant legislation such as the Protection of Freedoms Act 2012, Data Protection Act 1998, Private Security Industry Act 2001, Human Rights Act 1998, Crime and Disorder Act 1998 and other associated guidance. It will also encourage the industries that supply and service surveillance camera systems to follow and demonstrate good and best practices.

10. The strategy will reach out to all system operators and those with responsibility for processing the personal data cameras capture with regard to their obligations as data controllers. This will include relevant authorities under a statutory duty to have regard to the SC Code, and those who are free to adopt the SC Code on a voluntary basis.

11. The strategy has been divided into the following work strands each led by sector expert who have developed plans for each strand to deliver the strategic vision:

- Standards and Certification
- Horizon Scanning
- Civil Engagement
- Police
- Local Authorities
- Voluntary Adopters
- Critical National Infrastructure
- Installers, Designers and Manufacturers
- Training
- Regulation

12. Objectives have been developed for each strand with a supporting delivery plan, setting out specific actions and outputs which contribute towards achieving the strategic mission. Delivery plans have been published alongside this strategy.

13. The Commissioner owns the strategy and is accountable to Parliament and the public through the submission of an Annual Report which is laid in both Houses.

## INTRODUCTION

1. The Government is fully supportive of the use of overt surveillance cameras<sup>1</sup> in a public place whenever that use is: in pursuit of a legitimate aim; necessary to meet a pressing need; proportionate; effective, and compliant with any relevant legal obligations.
2. The Protection of Freedoms Bill was conceived to safeguard civil liberties and reduce the burden of Government intrusion into the lives of individuals. Part of the Bill was concerned with further regulating surveillance cameras and introducing a statutory code of practice (designed to bring all relevant legislation and guidance into one place bringing greater coherence for system operators) and the appointment of a Surveillance Camera Commissioner. The Bill received Royal Assent in 2012 becoming an Act of Parliament – the Protection of Freedoms Act 2012 (PoFA).
3. The Surveillance Camera Commissioner is appointed by the Home Secretary as set out in PoFA. It is the role of the Surveillance Camera Commissioner to ensure surveillance camera systems in public places keep people safe and protect and support them and protect their rights to privacy as enshrined in Article 8 of the European Convention on Human Rights (ECHR). The Commissioner's statutory functions are to encourage compliance with the Surveillance Camera Code of Practice<sup>2</sup> (SC Code), review its operation and advise Ministers on any changes to the SC Code and related legislation. The SC 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. This applies in England and Wales as does this strategy. The strategy is owned and managed by the Commissioner and supported by the organisations listed at Annex A.
4. The strategy will provide a robust and transparent framework within the Commissioner can fulfil his statutory obligations as set out in PoFA and will inform his Annual Report to the Home Secretary. It will provide added value for Government because not only will there be a regular flow of information on progress against objectives, there will also be updates on the evolving nature of surveillance and how best to explain this to the public and respond to protect them where necessary.
5. PoFA sets out that relevant authorities must have regard to the guidance in the SC Code. In general terms relevant authorities are specified as are the police, the National Crime Agency and local authorities<sup>3</sup>. The SC Code is clear that any other organisations operating surveillance camera

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<sup>1</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.

<sup>2</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

<sup>3</sup> Section 33 Protection of Freedoms Act 2012

systems in public places are to be encouraged to adopt its guiding principles voluntarily and make a public commitment to doing so.<sup>4</sup>

6. The use of surveillance cameras also falls within the jurisdiction of other legislation as well as PoFA. If organisations comply with the SC Code it is likely to support compliance with the relevant sections of legislation (and guidance such as the Information Commissioner's – CCTV Code of Practice (In the picture: A data protection code of practice for surveillance cameras and personal information<sup>5</sup>) in relation to surveillance cameras listed here:
  - Crime and Disorder Act 1998 (CDA)
  - Data Protection Act 1998 (DPA)
  - Human Rights Act 1998 (HRA)
  - Freedom of Information Act 2000 (FoIA)
  - Regulation of Investigatory Powers Act 2000 (RIPA)
  - Private Security Act 2001 (PSA)
  - Investigatory Powers Act 2016 (IPA)
7. It follows that the legislative landscape that surveillance cameras occupy is complex. Whilst it is the Surveillance Camera Commissioner who has oversight of this strategy he will work with other regulators, Government and others to ensure all relevant legislation can be complied with by those using surveillance cameras and individuals' freedoms remain protected.
8. Surveillance camera systems are defined by Section 29(6) of PoFA:
  - (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.
9. In practice this means a front end camera to capture data which could be mounted on a range of platforms such as a pole, a wall, an unmanned aerial vehicle, a person and so on. It also includes any hardware or

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<sup>4</sup> Para 1.17, Surveillance Camera Code of Practice June 2013

<sup>5</sup> <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

software through with the images and information captured by that camera are processed, stored, analysed and exported.

10. This strategy provides direction and leadership in the surveillance camera community to enable system operators to understand and use best and good practice and be aware of their legal obligations, such as those contained within the legislation set out above and relevant guidance such as the ICO's CCTV Code of Practice. It will enable them to apply that understanding to demonstrate compliance with the principles of the SC Code and any other associated guidance. That legislation applies whether the system operator is a relevant authority under a statutory duty to have regard to the SC Code or is free to adopt the SC Code on a voluntary basis.
11. Work on the strategy was agreed by the Surveillance Camera Commissioner's Advisory Council<sup>6</sup> in January 2016 following the submission of an outline vision paper<sup>7</sup> by the Commissioner. The Advisory Council approved this approach and agreed to support a project to develop a comprehensive national surveillance camera strategy. A strategy which at its core protects people's rights, such as the right to privacy, and will seek to deliver a holistic approach to raising and maintaining standards to ensure those rights remain in tact.
12. A draft strategy document was published in October 2016 and was followed by an intensive six week period of consultation. Where appropriate the views received during the consultation period have been fed back into the strategy, accompanying delivery plans and to Government. A response to that consultation has been published alongside this revised strategy.
13. 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 to improve compliance and raise standards 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 and a delivery plan that may 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 with deliverable outcomes to help people understand the impact of surveillance cameras. The true beneficiary being the public – safe in the knowledge that surveillance cameras are there to keep them safe and protect them whilst not breaching their rights and freedoms.

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<sup>6</sup> <https://www.gov.uk/government/publications/surveillance-camera-advisory-council-terms-of-reference>

<sup>7</sup> <https://www.gov.uk/government/publications/national-surveillance-camera-strategy-outline-document>

## VISION

14. The strategy is ambitious with long-term objectives which extend beyond 2020. Delivery plans have been developed for each objective and 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. It is the Commissioner's ambition to develop a stronger evidence base before 2020 to inform further strategic planning to maintain momentum.

15. The Commissioner's strategic vision is:

*The public are assured that any use of surveillance camera systems in a public place helps to protect and keep them safe, whilst respecting the individual's right to privacy. That assurance is based upon deployment which is proportionate to a legitimate purpose, and transparency which demonstrates compliance with best and good practice and relevant legal obligations.*

## MISSION

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

*Providing direction and leadership in the surveillance camera community. Enabling system operators to understand and use best and good practice, and then demonstrate to the public compliance with the principles of the SC Code and any associated guidance or legislation.*

## WHY WE NEED A STRATEGY

17. Surveillance camera systems 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, the police, other major sectors such as transport providers, healthcare and education providers, retailers, system installers, manufacturers, Government, regulators, business and members of the public. Surveillance cameras in public places are used for many purposes which aim to keep people safe, including – 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.

18. 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 additional regulation for their use in PoFA. The legislation safeguards civil liberties through a statutory

Code of Practice (which draws all relevant legislation governing the use of surveillance cameras into one place) and the Surveillance Camera Commissioner, who is appointed by the Home Secretary and independent from Government reporting to Parliament on an annual basis. This strategy and its delivery plans will provide a framework that informs that annual report.

19. The aim of the SC Code is to promote surveillance by consent – but this must not be assumed consent from the general public on the part of the system operator<sup>8</sup>. Following the 12 guiding principles in the SC Code does not guarantee compliance with all relevant legislation but supports system operators in ensuring that any surveillance of the public is necessary, proportionate, in pursuit of a legitimate purpose, effective in meeting that stated purpose and transparent.
20. 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. The SC Code links in firmly to the Data Protection Act 1998 – footage of individuals captured by surveillance cameras is personal data and therefore falls within the scope of the Data Protection Act 1998. By linking the SC Code to the Data Protection Act 1998 it helps to ensure that data protection obligations are met, and promotes greater transparency about the use of surveillance camera systems, for example by having appropriate signage in place setting out who operates the cameras. It also complements the Human Rights Act 1998 – as the principles reinforce public authorities must demonstrate a pressing need when undertaking surveillance as this may interfere with the qualified right to respect for private and family life provided under Article 8 of the European Convention of Human Rights.
21. 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, and the needs they address, 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. Nor do they take into account what is done with the data a surveillance camera captures. 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 and the impact they have on an individual's personal freedoms.

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<sup>8</sup> Surveillance camera code of practice – Para 1.5

22. Since the 1990s the use of surveillance cameras expanded significantly and without specific and bespoke legislation. PoFA provided a single legislative framework for the first time – drawing together relevant legislation into one code of practice. Yet there are still representations to the Commissioner’s Standards Group<sup>9</sup> and Advisory Council from manufacturers, installers, consultants and end users calling for clearer guidance as to what standards and practices should be adopted. Currently there are numerous standards, codes of practice and guidance notes. The sheer number can create regulatory confusion in the surveillance camera sector which means rather than meeting a standard or complying with legislative and regulatory requirements they may do nothing. Excessive processing of personal data can result in fines from the Information Commissioner. The Surveillance Camera Commissioner’s Standards Group have made some progress to simplify the standards framework. This strategy will help provide further clarity and direction.
23. The surveillance camera sector is massive and is an industry that is likely to continue to growing – there was a £2,120m turnover in the UK in 2015 on video and CCTV surveillance<sup>10</sup>. The most recent estimates suggest that there are between 4m – 6m CCTV<sup>11</sup> cameras in the UK. Considering these figures do not include the following types of surveillance camera – automatic number plate recognition, body worn video, vehicle borne cameras 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, legislative requirements or the impacts on individuals’ privacy. The strategy will seek to drive good practice, help those operating surveillance cameras think about whether they are required and understand the legislative requirements when operating cameras so individuals’ privacy can be protected.
24. Considering the amount invested in the sector and the many groups involved in keeping the public safe – 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’<sup>12</sup> develops and procurement is geared up to meet that challenge. It will also mean that

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<sup>9</sup> <https://www.gov.uk/government/publications/surveillance-camera-standards-group-terms-of-reference>

<sup>10</sup> [http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=jWb-Q0uwDNIMmb\\_JXclPsvrnDFQL7HIKRf\\_fjMgoZ5I\\_-](http://ec.europa.eu/mwg-internal/de5fs23hu73ds/progress?id=jWb-Q0uwDNIMmb_JXclPsvrnDFQL7HIKRf_fjMgoZ5I_-) (Table 6., pg. 117)

<sup>11</sup> <http://www.bsia.co.uk/Portals/4/Publications/195-cctv-stats-preview-copy.pdf>

<sup>12</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.

organisations using surveillance cameras can put the individual at the core of what they do to ensure that they are kept safe but balance this against their basic human rights contained with Article 8 of the ECHR.

25. The strategy will need to be adjusted to anticipate and respond to technological developments. The pace at which technology evolves is at times staggering and can increase the risk of intruding into the privacy of an individual or community. Ensuring that the strategy is flexible and can develop with technology as it advances will help mitigate the effect on individuals and communities so that their privacy is protected.
26. This is not the first attempt at a national strategy for surveillance cameras in England and Wales. The 2007 CCTV Strategy<sup>13</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>14</sup> and then to further regulate CCTV as part of the Coalition Government agreement<sup>15</sup>. These developments led to implementation of the strategy being stopped and a policy shift towards regulation under PoFA. Development of this strategy needs to acknowledge and build on the ambition of the 2007 CCTV strategy.
27. Since surveillance cameras (CCTV) became a fixture on the streets of England and Wales in the 1990s legislation in this area had arguably been piecemeal with operators of surveillance cameras required to comply with various Acts of Parliament. Through the enactment of PoFA and introduction of the SC Code Government drew together all the relevant legislation into one place. There has been some significant progress since cameras became prevalent in England and Wales both before and after the SC Code was issued by the Home Office in 2013 – these are set out at Annex B.

## CHALLENGE

28. It is reasonable for the public to have a right to expect surveillance camera systems as one measure to help keep them safe and secure without the fear that they are intruding into their private life. Yet this is only possible where systems are fit for purpose, 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

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<sup>13</sup> <http://www.statewatch.org/news/2007/nov/uk-national-cctv-strategy.pdf>

<sup>14</sup> <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091215/wmstext/91215m0004.htm>

<sup>15</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)

Brother Watch<sup>16</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 Westminster Council have also questioned their role in the provision of monitored CCTV. Anecdotal evidence also points towards CCTV Manager roles, that had previously been stand alone, being removed and merged with other management roles thereby arguably diluting the expertise in this area within local authorities.

29. After an incident takes place it is crucial that law enforcement agencies can determine what images exist, locate the owner of the footage, access it and then retrieve and analyse the images – all this must be done within the boundaries of current legislation. This can be made extremely difficult when there are over 900 different file formats that footage could be stored on – how can a law enforcement agency manage this diversity in file formats, which could hamper investigations.
30. At the same time we are seeing a rise in cyber crime and a fall in traditional crime<sup>17</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?
31. 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 informing them about their rights and what they are doing to ensure their right to privacy is protected. The guidance and tools now available via the Surveillance Camera Commissioner and other organisations such as the ICO enable any organisation to visibly demonstrate it uses surveillance cameras proportionately, efficiently and effectively and complies with the SC Code and other relevant legislation.
32. 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 of individuals who were forbidden from attending the Carnival, as well as individuals wanted by police who it was

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<sup>16</sup> <https://www.bigbrotherwatch.org.uk/wp-content/uploads/2016/02/Are-They-Still-Watching.pdf>

<sup>17</sup> <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmar2016>

believed may attend the Carnival to commit offences<sup>18</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>19</sup> and the internet of things are no longer science fiction but becoming a reality. As the way data is captured by surveillance cameras is used and manipulated what role do organisations play in ensuring that members of the public fully understand what happens with data and how that may impinge on their human rights.

33. Whilst these technical advances present us with many exciting opportunities we must be mindful of how they will impact individuals' right to privacy and the challenges around making people aware of these impacts. The SC Code covers surveillance cameras that are used overtly. However, do individuals know what happens to their image once captured – that it could be matched to a database, that it goes into the National ANPR Data Centre and can be cross-referenced, data mined and so on? Are the public made sufficiently aware what happens to their personal data captured by surveillance cameras, how it is processed and whether the processing impacts on their right to privacy? If not what must be done to increase this awareness? These challenges will be addressed through the civil engagement strand of the strategy.
34. With more surveillance cameras being linked to the internet this means networks need to be fully secure so cameras are not compromised by cyber attacks and used as a point of entry in to systems and networks. Therefore cyber security measures must be embedded within the surveillance camera community and work within the parameters of legislation such as the Investigatory Powers Act 2016. As we see a move from analogue systems to digital systems connected to wireless networks this issue is likely to become more pressing as will how we educate those operating systems to have cyber security measures in place. Cyber security is included within the standards work strand.
35. As new technology becomes available or widely used how do we ensure that it is used within the legislative framework – for example under what legislative footing is automatic facial recognition; with drones more commonplace how do we ensure organisations using them comply with data protection legislation? How can we do this at the same speed at which technology moves forwards?
36. Equally, technology can be used to provide innovative solutions to protect privacy. For example, software is being developed that means the data captured by surveillance cameras can be made anonymous in such a way

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<sup>18</sup> <http://news.met.police.uk/news/notting-hill-carnival-2016-181523>

<sup>19</sup> Cities where digital technology and infrastructure is embedded throughout to more effectively engage with it's citizens

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. The actual images are only viewed when an incident occurs but this can be later reversed so the images become anonymous once more – privacy remains a constant theme.

37. The available evidence does indicate that the public remains supportive of the use of surveillance cameras. Research in 2014<sup>20</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 and body worn video they may become more intrusive and will this support remain the same? Transparency and therefore understanding will become more of a priority as technological advances challenge our views on citizens' right to privacy. As will understanding individuals' attitudes to surveillance cameras in a landscape which could become more invasive into the lives of people.
38. Government stated that implementation of regulation under PoFA was to be incremental<sup>21</sup>. Now there is a box of tools to support compliance with the SC Code, the ambition must be to encourage and enable ever greater compliance amongst relevant authorities (and others). This is evidenced through a passport to compliance – previously known as an operational requirement – and certification against it. This links into the dissemination and raising of standards of practice and legal compliance to other legislation such as the Data Protection Act, the Human Rights Act and Private Security Industry Act which is central to this strategy.
39. The SC Code was created to bring coherence in what was a complicated picture of legislation and regulation. Alongside the revised ICO CCTV Code and Surveillance Road Map<sup>22</sup> this has undoubtedly helped but there still remain numerous codes of practice in circulation, an abundance of guidance and many organisations involved. There remains scope for regulatory confusion, which cannot be good for the system operator or for the public.
40. This strategy attempts to draw these many players together so that the expertise, energy and resources can be directed to greatest effect. It does 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 looks at links across these areas in an attempt to help them work together in one coherent strategy. If this is achieved it will mean surveillance cameras are used to keep the public safe where they are necessary, proportionate, effective and transparent.

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<sup>20</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>21</sup> <https://www.gov.uk/government/publications/circular-0112013>

<sup>22</sup> <https://www.gov.uk/government/publications/surveillance-road-map>

41. The evidence base for the effectiveness of surveillance cameras, the outcomes they 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 address 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 and that people understand their rights regarding surveillance cameras.

## SCOPE

42. The strategy aims to reach any organisation or individual operating surveillance camera systems overtly in public places which have the potential to encroach in to a person's right to privacy. That said it will be necessary to prioritise available resources where the greatest benefits are anticipated over the three year period.
43. 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 SC 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.
44. When considering the industry as an enabler of compliance, the strategy will prioritise larger designers and installers as they are more likely to be installing or maintaining large scale surveillance systems in public places. With that in mind it will be necessary to prioritise available resources where the greatest benefits are anticipated over the three year period and work with other parts of the sector after that.
45. Public place has the meaning given by Section 16(b) of the Public Order Act 1986<sup>23</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. This could include public highways/streets, parks as well as shops, banks, reception areas of buildings, sports stadia, public transport systems but not areas where members of the public would not usually have access to such as workplace offices, stock rooms and so on.

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<sup>23</sup> <http://www.legislation.gov.uk/ukpga/1986/64/enacted>

46. 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. 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.
47. Organisations should be transparent about why the surveillance cameras are being used, who is operating them and what happens and is done with the data that is captured by the cameras. In an ever changing world of technology and how data can be mined, compared with other data and matched to databases of images this transparency is crucial to maintaining trust that surveillance cameras are being operated proportionately, effectively and efficiently.

## OBJECTIVES

48. In consultation through their networks the strategy group has identified high level objectives. To support achieving the vision and mission each objective has an expert leading on shaping work to create leverage for the Commissioner. There are 10 strand leads. There is an eleventh (longer term objective) in terms of the implementation plan which is dependent on scoping content and agreeing ownership and resourcing and online information hub – at present there is no strand lead. The objectives are:
1. Enable certification against a range of recognisable standards for the whole spectrum of the industry (manufacturers, installers, designers, system operators) in delivering surveillance camera solutions.
  2. Establish an early warning system to horizon scan for technological developments with implications for the scope and capability of surveillance cameras.
  3. Make information freely available to the public about the operation of surveillance camera systems.
  4. The police pro-actively share relevant information about their own operation of surveillance camera systems and use of data.
  5. Local authorities pro-actively share information about their operation of surveillance cameras and use of data.
  6. Enablers and incentives are in place to encourage the voluntary adoption of the SC Code.

7. Surveillance camera systems associated with protection of critical national infrastructure are operated in compliance with the SC Code.
8. Organisations involved in the manufacture, planning, design, installation, maintenance and monitoring of surveillance camera systems are able to demonstrate that they understand and follow good and best practice and legal obligations.
9. Make information freely available about training requirements and provision for all those who operate, or support the operation of, surveillance camera systems and those who use the data for crime prevention/detection or public safety purposes.
10. Establish and make greater synergies between regulators and those with audit and oversight responsibilities in connection with surveillance cameras.
11. Develop a well publicised digital portal housing information about surveillance camera regulation, how to achieve compliance and what individual's rights are.

## **IMPLEMENTATION AND TIMELINE**

49. Each of the 11 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.
50. The exception is objective 11, which relates to the establishment of a digital portal 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 assessment 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.

## **GOVERNANCE**

51. The Commissioner owns the strategy and is accountable to Parliament and the public.
52. 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 the Commissioner's support team. The group is chaired by

the Commissioner and will meet at least quarterly 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 and meetings between leads.

53. Each strand lead acts on the Commissioner's behalf and 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 Commissioner's office for assurance purposes. The strand leads share a collective responsibility for the Commissioner for the coherence of the work strands in meeting the strategic vision and mission.
54. 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.
55. The Commissioner's office provides support and challenge to the strand leads and services the Strategy Group.
56. 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.

## **Annex A**

The following organisations have written to the Commissioner to give their support to National Surveillance Camera Strategy for England and Wales:

Association of University Chief Security Officers  
British Parking Association  
British Security Industry Association  
British Standards Institution  
CCTV National Standards Forum  
CCTV User Group  
Centre for the Protection of the National Infrastructure  
Facewatch  
Home Office  
International Parking Community  
IQ Verify  
Local Government Association  
National Association of Local Councils  
National Security Inspectorate  
National Police Chiefs' Council  
Public CCTV Managers Association  
Security Industry Authority  
Security Systems and Alarms Inspection Board  
Transport for London  
UK Accreditation Service  
Welsh Government

### Expansion and regulation of surveillance cameras in the UK

This list is not exhaustive but illustrates some of the major developments in the use and regulation of surveillance cameras since the 1980s.

- 1985 – first large scale public space town centre CCTV scheme is installed in Bournemouth.
- Public Order Act 1986 – section 16b defines public place as 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.
- CCTV Challenge Competition 1994 – 1999 – £38.5m of Government funding made available for some 585 schemes nationwide.
- Crime and Disorder Act 1998 – gave local authorities in England and Wales the responsibility to formulate and implement a strategy to reduce crime and disorder in their area. A key part to many of these strategies has been the installation and/or up grading of CCTV systems.
- Data Protection Act 1998 – applies to the processing of personal data by data controllers. Personal data includes data that can be used on its own or in conjunction with other information likely to be in, or to come into, the possession of the same controller, to identify an individual. Operation of CCTV systems therefore must conform with the eight data protection principles.
- Human Rights Act 1998 – the European Convention on Human Rights Article 8 protects an individual's right to respect for a private and family life. Consequently where a CCTV system is operated by or on behalf of a public authority, the authority must consider wider human rights issues and in particular the implications of ECHR Article 8.
- Crime Reduction Programme 1999 – 2003 – a total of £170m of Home Office capital funding was made available to local authorities following a bidding process for public space CCTV schemes. As a result of this funding, more than 680 CCTV schemes were installed in town centres and other public spaces.
- Freedom of Information Act 2000 – provides public access to information held by public authorities. Including access to information about CCTV.
- Regulation of Investigatory Powers Act 2000 – regulates surveillance cameras which are operated covertly. When an overt

surveillance camera system is used to follow a specific, known individual in a planned operation, 'directed surveillance' should be considered, which comes under RIPA.

- ICO issue CCTV Code of Practice 2000 – the code was developed to explain the legal requirements operators of surveillance cameras were required to meet under the DPA and promote best practice. The code also addressed the inconsistent standards adopted across different sectors at that time and the growing public concern caused by the increasing use of CCTV and other types of surveillance cameras.
- Private Security Act 2001 – creates the Security Industry Authority (SIA). An independent organisation responsible for regulating the private security industry in the UK. A SIA licence is required for undertaking the licensable activities of a public space surveillance (CCTV) operative, and supplying services for the purposes of, or in connection with, any contract to a consumer. Such licences are required by security operatives.
- National CCTV Strategy 2007 – joint Association of Chief Police Officers (ACPO) and Strategy published aimed at ensuring the effective development of the public space CCTV infrastructure.
- ICO update CCTV code of practice 2008 – revised edition built on guidance from the first code to reflect developments in the way technology was being used and the wider legal environment.
- Protection of Freedoms Act 2012 – safeguards civil liberties and reduces the burden of government intrusion into the lives of individuals. Further regulates surveillance cameras used overtly in public places and introduces a statutory code of practice and the appointment of a Surveillance Camera Commissioner. The Act moves beyond CCTV technology to other platforms such as body worn video and automatic number plate recognition and 'backend' technology such as automatic facial recognition and video analytics.
- Surveillance Camera Code of Practice 2013 – a code that pulls in all relevant legislation to one place. The purpose of the code is to ensure that individuals and wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them. Relevant authorities must pay due regard to the code for others adoption is voluntary.
- Development of 'surveillance roadmap' 2013 – first published in 2013 (since revised) and led by the Information Commissioner's Office the road map sets out the roles and responsibilities of the bodies involved in overseeing surveillance legislation in the UK.

- Revision of the ICO CCTV Code of Practice (In the picture: A data protection code of practice for surveillance cameras and personal information) 2014<sup>24</sup>. The code sets out the Information Commissioner's recommendations on how operators of surveillance camera systems can meet the legal requirements of the Data Protection Act. The updated version contains bespoke advice for operators of automatic number plate recognition, body worn video and unmanned aerial vehicles. It also explains the wider regulatory landscape including the relationship between the remits of the Information Commissioner and the Surveillance Camera Commissioner.
- Self-assessment tool<sup>25</sup> 2014 – Surveillance Camera Commissioner issues a self-assessment tool which is easy to use enabling any organisation using surveillance cameras 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 SC Code.
- A list of recommended British, European and international standards published on the Commissioner's website<sup>26</sup> 2015 – for the first time these standards for CCTV operators, installers, maintainers, manufacturers as well as CCTV monitoring companies are housed in one place.
- Third party certification scheme<sup>27</sup> 2015 – Surveillance Camera Commissioner launches a third party certification scheme where organisations can apply to be assessed for compliance with the SC 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 SC Code.
- Operational requirement (a passport to compliance) – an operational requirement document that puts responsibility for system development in the hands of those that operate them. The passport to compliance will aim to reduce technical jargon to enable procurement experts within organisations to have the ability to properly hold suppliers to account, where non compliance of the SC Code and other relevant legislation and guidance is evident. It takes a 'cradle to grave' approach taking the person completing it from the point they make wish to install a surveillance camera system up to actually operating and using that system. The operational requirement is currently being tested.

<sup>24</sup> <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

<sup>25</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-self-assessment-tool>

<sup>26</sup> <https://www.gov.uk/guidance/recommended-standards-for-the-cctv-industry>

<sup>27</sup> <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice-third-party-certification-scheme>

- Draft national surveillance camera strategy for England and Wales 2016 – Surveillance Camera Commissioner oversees the publication and subsequent consultation a draft strategy aimed at ensuring the public are assured that surveillance cameras in public places are there to keep them safe. That those cameras are deployed and used responsibly as well as transparently in a manner which is proportionate to their legitimate purpose and does not impinge on an individuals' right to privacy.
- Investigatory Powers Act 2016 – provides a new framework to govern the use and oversight of investigatory powers by law enforcement and the security and intelligence agencies.
- National surveillance camera strategy for England and Wales 2017 – Surveillance Camera Commissioner publishes strategy and accompanying delivery plans.

**National Surveillance Camera Strategy Governance Structure**



