



Mr Tony Porter
Surveillance Camera Commissioner
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[www.gov.uk/
surveillance-camera-commissioner](http://www.gov.uk/surveillance-camera-commissioner)

To: Parish, Town and Community Councils in England and Wales

Dear Council

The operation of surveillance camera systems, the Protection of Freedoms Act 2012 and partnerships

You will be aware that as a relevant authority as set out in the Protection of Freedoms Act 2012 (PoFA) you, as a local authorities, are required by section 31(1) of that Act to have regard to the Surveillance Camera Code of Practice issued by the Home Secretary (the SC Code) in respect of surveillance camera systems you operate in public places.

Section 29(6) of PoFA provides a clear definition as to what amounts to being a surveillance camera system which falls within the provisions of the Act. Typically, but not exclusively, those statutory requirements extend to CCTV, body worn cameras, automatic number plate recognition (ANPR) cameras and mobile camera systems.

It has come to my attention that there are some instances where parish, town and community councils are installing ANPR cameras to monitor low speed zones. These systems typically capture data (number plates) and feed it via the internet to a server in partnership with a third-party supplier. I fully understand that speeding offences can be of great concern to you and the communities that you serve, and I would not wish to preclude you from tackling these issues head-on.

That said ANPR can be an extremely intrusive system and you must ensure that you are using it within the boundaries of the law including the PoFA, the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Also, evidence has shown that vehicle activated speed signs that display the speed of a vehicle with associated messages are particularly effective in supporting compliance with speed limits and therefore in the proportionality in using ANPR as a more intrusive technology should be carefully considered.

Furthermore, where you are working in partnership with third-parties you must pay regard to the SC Code as set out at paragraph 1.11 of the code and you should ensure partnership arrangements are not being established without proper management controls being applied. Such controls are important to ensure that the council is not at risk of being vulnerable to legal or reputational damage, either due to the technology concerned, the organisation(s) involved or the manner in which the surveillance is conducted and the surveillance material used. Relying on images derived from a non-PoFA compliant system in judicial proceedings may in some circumstances be a consideration for the Crown Prosecution Service regarding disclosure obligations. The risks therefore are obvious.

As a regulator, my philosophy is to encourage and to support relevant authorities to comply with PoFA and to help raise standards where surveillance camera systems are operated in public places. On this basis I would encourage you complete my self-assessment tool (available on my website) in relation to any surveillance camera systems you operate as well as a data protection impact assessment which is a requirement under data protection legislation.

I trust that you find this to be helpful and if you have any queries regarding this or anything else related to the operation of surveillance cameras please don't hesitate to contact my office – scc@sccommissioner.gov.uk.

Yours sincerely

Tony Porter

A handwritten signature in black ink, appearing to read 'Tony Porter'. The signature is stylized and cursive, with the first name 'Tony' written in a larger, more prominent script than the last name 'Porter'.

Surveillance Camera Commissioner England & Wales