

## **Home Office to grab for more CCTV power**

**Police are not happy with law, ICO, or surveillance quality**

**By Mark ballard (comments by Idris francis) Wednesday 22/11/06**

The police and Home Office are to press for regulatory powers that will insist that every one of the 4.2 million CCTV cameras in Britain is upgraded so it can be deputised to gather police evidence and provide a vehicle for emerging technologies that will automatically identify people and detect if they are doing anything suspicious.

The CCTV strategy for crime reduction, which is expected to be published in December after a joint review by the Home Office and the Association of Chief Police Officers, is also expected to be critical of the way the law governing the use of CCTV has been managed by the Information Commissioner's Office (ICO).

Graeme Gerrard, joint-director of the review and deputy chief constable at Cheshire Constabulary, said: *"We say there's a need for proper regulation of CCTV to protect civil rights and to see we are not wasting everyone's time and money."*

His recommendations will include powers of inspection to determine if CCTV systems are good enough for their recordings to be commandeered for use as police evidence.

Public and private operators would be obliged to upgrade their systems if the police thought they were not good enough. (at whose expense? Idris)

Gerrard said, *"CCTV, in terms of assisting the police, has been very important. It's now one of the first things we check in most forms of criminality. From a police perspective we have been concerned for some time with the quality of the CCTV [images] presented to us."*

(comment Studies have shown that better street lighting is far more effective at cutting crime than CCTV Idris)

*"The reason is that CCTV systems are not regulated and inspected. They should be fit for purpose to comply with the Data Protection Act. But that's not being regulated at the moment, which is wasting police time and public money. The Information Commissioner has responsibility but doesn't do it. We are certainly recommending someone does it."*

The ICO has repeatedly asked the Department of Constitutional Affairs (DCA) for powers of inspection so it can check that people's CCTV systems are being used properly - not just so that they are fit for the purpose of crime detection, but also that they are **not intruding on people's privacy**. But the DCA had refused.

Even if the ICO was given the power to inspect people's CCTV installations, it could not afford to do the work. Neither is the government willing to foot the bill of upgrading the many public CCTV networks using old technology.

Moreover, public funding would not fund private CCTV operators, which Gerrard said are **more often found by the police to be inadequate when they turn to them for evidence**.

So the CCTV review will suggest some sort of self-funding regime. **This could mean that CCTV operators might have to pay a higher registration fee than the yearly £35 they pay to the ICO.** Fines could also be charged to those who fail their inspections.

The review is also expected to call for a public debate on CCTV, which should please the ICO after it said earlier this month that British society was being fundamentally changed by the rapid growth of surveillance and that we should pause for thought before it's too late.

Gerrard said, *"the police are also concerned that Britain's rise to the top of the league of the world's most eyed societies has happened without anyone being quite aware of what was happening."*

He was, however, in no doubt that he wanted more and better surveillance to strengthen police powers: *"Just how effective do we want the police to be? If society's uncomfortable with the police being that effective, then they should say so," said Gerrard.*

(comment - weasel words again! Society is deeply uncomfortable with being almost the most spied-on society in the world, with relatively trivial benefits. Idris)

This compelling argument, combined with a review of the Data Protection Act that the DCA has hinted may weaken existing protections, combine also with the idea expected to be presented in the CCTV review that the ICO might not even be the best authority to take charge of surveillance.

The result could be that the ICO's optimistic grab for public authority over the important issue of civil liberties versus the potential for near-total law enforcement could be checked before it has even got a hold.

The police are of the view that the rules governing CCTV were tacked onto the Data Protection Act and added to the ICO's remit in a bit of a hurry at a time when there was no Surveillance Commissioner and no European Convention of Human Rights. Now there are both, and given that the police think the ICO hasn't done its job of ensuring all the nation's CCTV cameras are good enough for the police, perhaps someone else ought to take responsibility for it?

The options include the Surveillance Commissioner, which keeps an eye on the intelligence services, and the Security Industry Authority, which licences private security firms. Though they lack the one important thing that gives the ICO its authority to govern CCTV operators - custodianship of the Data Protection Act - there is an argument being forwarded as a reason to take CCTV away from the ICO.

It is thought in some quarters that the European Convention of Human Rights (ECHR) contains provisions enough to prevent people's privacy being abused by CCTV intrusions, and this would allow responsibility for this sort of surveillance to be land-grabbed back from the Data Protection Act and the ICO. It is worth noting, however, that the ECHR has warned publicly that civil libertarians should not rely on it to free them from the clutches of the surveillance state.

Another argument the police are using is that the ICO is a year late delivering a new CCTV Code of Practice, which is being revised to reflect emerging technologies such as facial recognition and behavioural analysis that promise to turn the nation's CCTV cameras into a bionic arm of the law.

Aside from the fact the ICO is short of resources, the other reason why the review is so late is that it is waiting to incorporate the deliberations of the Article 29 Working Party - which advises the European Commission on data protection matters on behalf of the information commissioners in all 25 European member states - on which parts of the data a CCTV camera captures should be considered personal data and therefore protected as someone's private business under the Data Protection Act and the ECHR?

Information commissioners around the world share the ICO's concern about the eye of the state intruding into the private lives of ordinary people.

One of their concerns is the sort of intelligent CCTV technology described above, which Gerrard said the review would also try to address.

"We need to have a system that's more compatible, that makes it easier for the police to access images, and need to consider the possibilities that technology will present us in the future with intelligent CCTV systems."

Proponents of CCTV believe a problem with the old infrastructure is that it is built with analogue technology, whereas digital CCTV systems can be governed by computers that automatically detect who people are and analyse their behaviour to determine if they are doing anything suspicious. Such technology is not yet mature enough, noted Gerrard, but it would be useless when it did arrive if the CCTV infrastructure wasn't in place to handle it.

One gaping hole in Gerrard's argument, however, is that he was unable to say just how much of Britain's CCTV network was useless for police purposes, or how much it would cost to upgrade it. Neither was the CCTV User Group, which represents operators. ®

It would be interesting to consider that if we were to turn all CCTV off for a day, or week, would we see a sudden increase in crime and a fall in the number of crimes being solved? I would venture to suggest that the answer is a most emphatic NO. Some say that if you've done nothing wrong then you have nothing to fear but I've done nothing wrong and want to know why they want to keep watching me each and every day?

**The PPP comments...It would be interesting to carry out this experiment ... the results maybe misleading and not be as predicted because the existence of these dangerous systems change the behaviour of the population in obvious and subtle ways. As speed cameras have damaged our road safety culture and displaced the problems so CCTV have provided the authorities with the excuse to APPEAR to treat the symptoms rather than the root causes of antisocial behaviour. Both systems appeal to the control freaks and voyeurs in society.**