

The Protection of Freedoms Bill

CCTV: The New Law

By Tim Turner

The Protection of Freedoms Bill unsurprisingly reflects the anti-surveillance rhetoric of both coalition partners, but it does so by adding a completely new layer of control over the use of CCTV by local authorities and other bodies. (See Part 2 Chapter 1 of the Bill – clauses 29–36)

Although CCTV is already subject to controls under both the Data Protection Act 1998 (DPA) and (if covert) the Regulation of Investigatory Powers Act 2000 (RIPA), the bill creates two new elements of regulation. Firstly, the bill introduces a requirement on the Secretary of State to produce a new statutory code of practice setting out standards for all aspects of CCTV use. While the code will include welcome practical measures like technical standards, it will also constrain how CCTV operates. It has to include guidance on the purpose for which a CCTV scheme can be used, information on how and when disclosure is allowed, and it will even set standards on which people can operate a CCTV system.

Of equal note is the creation of a new Surveillance Camera Commissioner who will encourage compliance, review its operation, and make annual reports about the code and its operation to Parliament. Many CCTV operators in the public sector will therefore face a three-pronged regulatory regime.

The Bill's approach to CCTV clearly does not need to conflict with DPA or RIPA, but it adds an additional level of complexity. For councils, it means a minimum of two commissioners and two CCTV codes of practice, and only if they have no RIPA powers to exercise.

Act Now will be publishing a CCTV Toolkit later this year, and will be providing updates to reflect the Protection of Freedom Bill requirements. Contact us now for information about our in-house course on CCTV and the Law (info@actnow.org.uk).

Further Reading:

The Bill:

http://www.publications.parliament.uk/pa/bills/cbill/2010-2011/0146/cbill_2010-20110146_en_1.htm

Telegraph Article:

<http://www.telegraph.co.uk/news/uknews/law-and-order/8317173/People-get-power-to-take-CCTV-abusers-to-court.html>

Upcoming Act Now workshops

RIPA and RIPA – Covert Surveillance Update – *with Ibrahim Hasan & Steve Morris*

An update on the latest developments in the law and practice of covert surveillance under RIPA and RIPA.

London	24 th November
Manchester	17 th November
Belfast	19 th May 1 st December
Bristol	26 th May 17 th November
Edinburgh	10 th November

Email & Internet Monitoring – *Ibrahim Hasan*

A thorough examination of the law and practice in this area including what to include in HR policies.

Manchester	6 th July
Edinburgh	4 th July

RIPA: Accessing Communications Data Designated Person / Investigator Workshop *with Ibrahim Hasan*

A refresher/update for SPoCs and Designated Persons on the latest news and guidance in this area.

London	17 th May 13 th December
Manchester	1 st December

Home Office RIPA SPoC Accreditation Two day course (£545 + vat)

with Ibrahim Hasan

A Home Office accredited two day course essential for those wanting to act as a SPoC for their organisation.

London	15 th December
Manchester	8 th December

FULL COURSE OUTLINES AVAILABLE AT <http://www.actnow.org.uk/courses/>

Act Now Training Ltd 64 Bradford Road, Dewsbury, WF13 2DU

Tel 01924 451054 | **Fax** 01924 451129 | **Email** info@actnow.org.uk | **Web** www.actnow.org.uk