

# PROTECTION OF FREEDOMS ACT 2012

---

## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 2: Regulation of surveillance**

#### **Chapter 1: Regulation of CCTV and other surveillance camera technology**

#### **Section 29: Code of practice for surveillance camera systems**

149. *Subsection (1)* requires the Secretary of State to prepare a code of practice in relation to surveillance camera systems. The term ‘surveillance camera systems’ is defined in *subsection (6)*, which includes Closed Circuit Television (“CCTV”) and Automatic Number Plate Recognition (“ANPR”) systems. *Subsection (2)* stipulates that the code must include guidance in relation to the development or use of such systems, or the use and processing of images derived from them. The latter could include, for example, what images are retained; how they are stored and for how long; and to what uses they might subsequently be put.
150. *Subsection (3)* lists more detailed issues that may be included in the code. These include advice about factors to consider when deciding whether the use of such equipment is appropriate (*subsection (3)(a)*); standards for equipment and operators (*subsection (3)(c),(f)* and (*g*)); and the provision of information to the public about aspects of such systems, including complaints procedures (*subsection (3)(e)* and (*i*)).
151. *Subsection (4)* provides that the code need not provide guidance in relation to every type of surveillance camera system. This is intended primarily to avoid a requirement to provide comprehensive guidance in relation to niche or emerging technologies not yet likely to have widespread application. It further provides that the extent of any guidance provided need not be identical in respect of each type of system, or may be suitably tailored to the type and usage of the system in question.
152. *Subsection (5)* requires the Secretary of State when preparing a code of practice to consult certain specified bodies and office holders, namely: the representative bodies of persons required to have regard to the code (as provided for in section 33(1)); the Association of Chief Police Officers; the Information Commissioner (responsible for the oversight of the Data Protection Act 1998; the Chief Surveillance Commissioner (appointed under Part 3 of the Police Act 1997 and responsible for oversight of the conduct of covert surveillance and covert human intelligence sources under that Act and the Regulation of Investigatory Powers Act 2000; the Surveillance Camera Commissioner (see section 34); and the Welsh Ministers. Other persons may be added to this list at the discretion of the Secretary of State.