

Appendix 4 – Note on Dummy Cameras

SDC systems do not contain dummy cameras.

The surveillance camera commissioner, information commissioner, and (implicitly) the CCTV code of conduct, makes clear that dummy cameras, or cameras that have ceased to function, ought to be removed from public space camera systems.

It is a well-known industry norm that dummy cameras are not acceptable as part of local authority surveillance systems¹. To illustrate this fact, we present the following extract from an email sent from the officer of the Surveillance Camera commissioner, Tony Porter and on his behalf (the full email is contained later in this appendix).

“...cameras should be removed if they are not required. On the issue of switching the camera off, the Surveillance Camera Commissioner does not support the use of dummy cameras. Surveillance cameras should be transparent open and well run. Dummy cameras aim to deceive the public and undermine this principle.”

One school of thought suggests the privacy impact of cameras is only in the fact that data collected might be abused by council officers, police, or someone surreptitiously gaining access to data. Such a school of thought (probably the view being alluded to at that initial scrutiny committee) suggests that if a camera doesn't collect data it cannot have a privacy impact, while it still may have a deterrent effect. There are two objections to this. The first is that the existence of some dummy cameras would undermine any deterrence, not just of dummy cameras, but of real cameras too.

The other reason dummy cameras are discouraged is that actively seeking to give innocent people the feeling that they are being watched by an unseen observer does, itself, result in a failure to assure people of their privacy. This applies whether that observer (human or digital) observes in real time, or recorded for the future. Behaviour is altered and, in many, anxiety is raised.

Unsurveilled, low crime, public space is, fundamentally, more valuable to a free society, than space under surveillance.

Email response from the office of the Surveillance Camera Commissioner

Dear George,

Thank you for your email to the Surveillance Camera Commissioner's mailbox.

The Surveillance Camera Commissioner (SCC) regulates the use of surveillance camera systems by relevant authorities (the police and local authorities) pursuant of the Protection of Freedoms Act 2012. He does not regulate the use of domestic CCTV systems or systems operated by other organisations, nor does he have powers which enable him to inspect or audit CCTV systems, enforce laws or otherwise impose a financial or other sanction. The role of the Commissioner is advisory.

Relevant authorities have to pay due regard to the Code. If your organisation is not a "relevant authority" and does not have to comply with the Surveillance Camera Code of Practice, the principles contained in the Code will support you in meeting your data protection and legal responsibilities.

The intrusive capabilities of CCTV means that there will need to be careful consideration of the impact it will have on privacy and how it can be used in a way that is sensitive and transparent. To assist you, Principle 1 of the Surveillance Camera Code of Practice states - surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs).

I would recommend that you complete a self-assessment tool and data protection impact assessment to help you comply with the surveillance camera code of practice and legal requirements. These resources are free and can be found on the Surveillance Camera Commissioner's website:
<https://www.gov.uk/government/news/launch-of-the-online-toolbox>.

Ideally, the cameras should be removed if they are not required. On the issue of switching the camera off, the Surveillance Camera Commissioner does not support the use of dummy cameras. Surveillance cameras should be transparent open and well run.

Dummy cameras aim to deceive the public and undermine this principle.

I trust that you find this to be helpful.

Kind regards

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Ola Akande
Policy Support Officer
Surveillance Camera Commissioner
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-----Original Message-----

From: George Pender
Sent: 17 July 2019 00:41
To: Surveillance Camera Commissioner <scc@scccommissioner.gov.uk>

Dear Tony Porter,

I have a question about what should happen with cameras which are identified as no longer having a pressing need.

Should such cameras be actually removed? Is it acceptable instead to choose to switch the camera off but to leave it up (perhaps as a continuing deterrent)?

Best regards,

George