

**Memorandum of Understanding  
Between  
The Information Commissioner and the  
Surveillance Camera Commissioner**

**1. Introduction**

1.1 The purpose of this memorandum is to clarify the relationship between the Information Commissioner and the Surveillance Camera Commissioner in the performance of their respective functions under the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIRs) and the Protection of Freedoms Act 2012 (PoFA).

1.2 The DPA applies to personal data processed by organisations including those operating surveillance camera systems. The FOIA applies to information held by public authorities in England, Wales and Northern Ireland. The EIRs apply to environmental information that may be held by them. The Information Commissioner is responsible for promoting compliance with and enforcing the provisions of these pieces of legislation reporting annually to Parliament on the conduct of his functions. The Information Commissioner has issued a code of practice giving guidance as to the following of good practice by those operating surveillance camera systems that process images and information relating to individuals to help ensure they comply with information rights law he supervises.

1.3 The PoFA applies to the use of surveillance camera systems by relevant authorities in England and Wales. The specification of relevant authorities will be in gradual and incremental stages starting initially with local authorities, chief officers of police and police and crime commissioners, the chief constable of the BTP, the chief constable of the CNC, the chief constable of the MOD police and SOCA. A relevant authority must have regard to a surveillance camera code of practice issued by the Secretary of State for the Home Department and the Surveillance Camera Commissioner is required to encourage compliance with the code, provide

advice on its provisions and review the operation of the code providing a report to the Secretary of State. This code of practice contains guidance about surveillance camera systems. Both the Surveillance Camera Commissioner and the Information Commissioner must be consulted by the Secretary of State during the preparation of the surveillance camera code and on any order designating additional relevant authorities.

1.4 This Memorandum also seeks to establish a working framework for the development of this relationship in practice.

1.5 This Memorandum is a statement of intent that does not give rise to legally binding obligations on the part of either the Information Commissioner or the Surveillance Camera Commissioner. It will be subject to annual review.

## **2. Working Relationship**

2.1 The Commissioners are committed to the development and maintenance of a collaborative and constructive relationship in order to ensure the effective regulation of surveillance camera systems from their respective statutory perspectives. The Commissioners will co-operate with each other in carrying out their regulatory duties in relation to surveillance camera systems in order to minimise any duplication of effort and to make effective use of public funds.

2.2 Both Commissioners shall, in the performance of their functions in relation to surveillance camera systems and in so far as their respective powers allow, co-operate with and provide assistance to each other as necessary.

## **3. The Legal Framework**

3.1 The Information Commissioner is appointed by Her Majesty the Queen under section 6 DPA (as amended).

3.2 The Surveillance Camera Commissioner is appointed by the Secretary of State for the Home Department under Section 34(1) PoFA.

#### **4. Cooperation in the Conduct of Functions**

4.1 Both Commissioners have duties to promote compliance by those who fall within their statutory remit.

4.2 The Information Commissioner also has a duty under section 42 DPA to consider a request for assessment from an individual in respect of any alleged failure by a data controller to process that person's personal data in accordance with the provisions of the DPA.

4.3 The Information Commissioner also has a duty under section 50 of the FOIA to consider a complaint from an individual concerning the failure by a public authority to comply with any of the requirements in Part 1 of that Act. A similar duty exists under Regulation 18 of the EIRs concerning the failure of a public authority to comply with any of the requirements of those regulations.

4.4 The Surveillance Camera Commissioner has no statutory role in relation to the investigation and resolution of complaints.

4.5 The Information Commissioner and Surveillance Camera Commissioner will work closely together to ensure that, as far as possible, their activities are complementary and that both the regulated surveillance camera operators and the public receive an effective service from them on issues relating to the regulation of surveillance camera systems.

4.6 The Commissioners will establish arrangements to ensure that relevant information gained in the course of their activities is shared with the other subject to any specific restrictions on disclosure. In particular, the Information Commissioner will share information with the Surveillance Camera Commissioner where he believes this may be relevant to his functions relating to the oversight of the Secretary of State's Surveillance Camera Code of Practice. Similarly the Surveillance Camera Commissioner will share information derived from his functions with the Information Commissioner where he believes this may be relevant to his statutory responsibilities.

4.7 The Commissioners will agree and publish specific arrangements on the handling of any complaints made to the Surveillance Camera Commissioner that may raise substantive information rights concerns within the Information Commissioner's statutory complaints handling remit. These arrangements will also cover the reciprocal passing of

information from the Information Commissioner to the Surveillance Camera Commissioner about complaints that raise issues relating to a relevant authority's compliance with the Secretary of State's surveillance camera systems code of practice.

4.8 The effectiveness of these communication arrangements will be reviewed annually.

## **5. Codes of Practice**

5.1 The Information Commissioner's CCTV Code of Practice provides good practice guidance for those involved in operating CCTV and other surveillance camera systems which view or record images of individuals including information derived from those images that may be related to them such as a vehicle registration mark. Its primary purpose is to help those involved in such activities to comply with their legal obligations under the DPA.

5.2 Under the PoFA (section 29), the Secretary of State is required to prepare a code of practice containing guidance about surveillance camera systems. The Surveillance Camera Commissioner has responsibilities under section 34(2) PoFA to encourage compliance with this code, provide advice on its provisions and review the operation of the code.

5.3 The Commissioners shall work together in order to try to ensure, so far as is possible, that these codes of practice provide complementary and consistent guidance and that these publications are readily accessible and easy to use by those who need to consult them.

## **6. Liaison Meetings**

6.1 The Commissioners shall meet at regular intervals and at least annually to discuss items of mutual interest and concern. Each Commissioner may be accompanied by members of their respective staff as each deems appropriate.

6.2 The meetings will rotate between their respective offices and the host Commissioner will act as chair and provide the secretariat function.

## **7. Arrangements for Mutual Benefit**

7.1 Both Commissioners undertake to work jointly on matters which may assist the Commissioners in the exercise of their respective statutory functions and/or may be in the wider public interest. Such cooperation may include:

- Membership of the Surveillance Camera Commissioner's Advisory Group
- The production of information for the public and specific interest groups;
- The creation of links between the Commissioners' websites;
- Organisation of conferences or seminars;
- Sharing areas of specialist knowledge; and
- Liaison with other Commissioners responsible for the oversight of surveillance.

7.2 Each Commissioner undertakes to share with the other, on a regular basis and at an early stage of development, information which he feels may be of interest to the other, subject to any confidentiality or non-disclosure requirements.

## **8. Review**

8.1 The Commissioners will review the operation of this Memorandum and any other agreed working arrangements annually. Changes to this Memorandum can only be made by their mutual agreement.

Signed by:

Information Commissioner

Date:

Surveillance Camera Commissioner

Date: