



Information Commissioner's Office

Promoting public access to official information
and protecting your personal information

**An analysis of developments since the Surveillance Society
report produced by the Surveillance Studies Network for the
ICO**

Brief on the production of a study

December 2009

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1. Background

The Information Commissioner identified the potential development of a surveillance society as a matter of concern and in need of a greater public debate. In 2005 he commissioned the Surveillance Studies Network to produce a research report analysing the extent of surveillance in its different forms and how this was likely to advance in the future. It contained an account of surveillance in 2006 and a vision of what surveillance may look like to the ordinary citizen in 2016. The report was presented to the ICO in September 2006 and was the centrepiece of an International Conference of Data Protection and Privacy Commissioners hosted by the ICO in November 2006. The report was supplemented to take account of debate at this conference.

The conference and the publication of the report generated much parliamentary and media interest that continues to this day. Two parliamentary inquiries were initiated in response to the report by the House of Lords Constitution Committee and the Home Affairs Committee respectively. The latter in its report published in June 2008, recommended that the Information Commissioner lay before Parliament an annual report on surveillance.

The Information Commissioner intends to address this recommendation by producing a report to Parliament in 2010. The report will be accompanied by a factual analysis of how surveillance and data collection has developed since 2006 and identifying significant areas in need of particular attention.

2 Objectives

The objective is to produce a study that will accompany the Information Commissioner's report to Parliament on surveillance. The study will effectively be a factual analysis that will build upon the 2006 SSN report concentrating on developments in surveillance and data collection that have taken place since its publication. The study should take account of the developments in technology, policy, law and practice but should be focussed on the practical consequences of these developments for individuals and society now and in the immediate future. The focus should be more on the surveillance that individuals face as they live their everyday lives rather than the specific covert surveillance activities.

3 Methodology

It is anticipated that the project would be undertaken by those with expertise in the variety of forms of surveillance that affect individuals. These range from the more familiar such as CCTV surveillance through to what has become known as 'dataveillance'. Knowledge of data protection legislation, wider privacy concerns and technological developments would also be essential

attributes. It would be up to the bidders to set out their planned methodology as much would depend upon their own existing expertise in these fields. It will be up to the selected author of the report to decide how best to go about their task taking account of their existing knowledge, experience and contacts. However the following are likely to be significant features within the approach adopted:

- To gain an understanding of the current concerns about surveillance including the SSN and parliamentary reports;
- To assess developments and how the landscape has changed since the SSN report. This will include examining issues such as fingerprinting for common departure lounges, development of vehicle registration mark recording and tracking, imposing of surveillance requirements as licensing conditions for premises, imposition on third parties to facilitate state surveillance such as with passenger information and telecommunications usage. This should also include positive developments such as the increasing use of privacy impact assessments;
- To assess the likely future developments that will occur in the immediate future;
- To assess how far the recommendations in the Home Affairs Committee report on it's inquiry into surveillance have been addressed; and
- To identify where parliament may have a particular role in ensuring appropriate safeguards are in place with the passage of new legislation.

As with any report by the ICO it must be impartial and conclusions based upon a reasonable assessment of the information and evidence collected. We would anticipate that the necessary field work could involve a facilitated workshop, one-to-one meetings or through responses to a questionnaire.

4 Deliverables and Timings

The main deliverable is a short factual report that could be published in a document of around 20 pages written in an accessible and engaging style meeting the objectives mentioned above. The report will be badged as an ICO report and will need to be written in a manner consistent with the ICO's role as a respected regulator adopting a considered and evidence based approach. This is of particular importance as the ICO will provide a discursive piece which will draw on evidence presented in the report and come to conclusions and recommendations.

The final text of any report will need to be agreed with the ICO who will retain full editorial control and make all decisions as to format and publication. The ICO will retain all the intellectual property rights to the report but the author of the report will be given credit for their work in any published document. The ICO use a standard form of contract to cover such details.

The report will also need to be written in a manner consistent with the ICO's own style guide covering the use of written English.

During the progress of the work a regular update will need to be provided on a fortnightly basis to the ICO manager responsible for overseeing the work. ICO advice and appropriate assistance will be available through out the progress of the work.

The finished report **must** be delivered to the ICO by the 31 May 2010 at the latest. A final draft should be submitted by 17 May 2010 at the latest to allow for any editorial changes to be discussed and incorporated. Meeting these deadlines is essential.