

[ DSP - groep ]

Onderzoek – Advies – Management

# Camera surveillance in The Netherlands

A sketch of the Dutch camera landscape

Sander Flight

English Summary

## RAPPORT



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## Englisch Summary

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Sander Flight

*Partner*

[sflight@dsp-groep.nl](mailto:sflight@dsp-groep.nl)

M 06-41315432

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# English summary

The Scientific Research and Documentation Centre of the Dutch Ministry of Security and Justice has commissioned DSP-group to investigate camera surveillance by public institutions in The Netherlands. The goal of the study is to describe the Dutch CCTV-landscape with a focus on goals, organisation, legislation, technology and financial aspects. Camera surveillance is defined in this study as 1) all cameras owned by public bodies used for surveillance, compliance enforcement or criminal investigations, plus 2) all cameras owned by private parties where police or the justice system is pro-actively involved as a partner. The research was based on desk research in scientific publications, and has been supplemented with an analysis of news articles and interviews with a number of experts.

## **Two domains: security and surveillance**

An important distinction that has to be made is between the domains of security and surveillance. The main goals of security cameras are to respond to alerts and to record footage for use as evidence. Camera surveillance implies live monitoring of images for preventive purposes and to respond directly to incidents. In surveillance, prevention of incidents is the main goal and criminal investigation is the secondary goal ('bijvangst'). Within these two domains, cameras are used for a multitude of goals (see 2.2 for an overview).

## **Inventory of cameras**

Several public parties in The Netherlands own and use cameras for several purposes. In this report we discuss the police, who use different types of cameras: on vehicles, automatic number plate recognition (ANPR), bodycams, mobile camera-units, security cameras for the protection of vital objects and people and cameras mounted on helicopters. Municipalities use cameras for maintaining public order in public places. A rough estimate is that 150 municipalities (of a total of 400 in The Netherlands) currently employ this type of camera surveillance. Other uses of cameras by public organisations are found in the army (drones, mobile surveillance of borders), ambulances (to prevent violence against employees) and the national and local tax administrations (ANPR cameras for surveillance of traffic).

In addition to these public cameras, several thousands of cameras are used for traffic monitoring by Rijkswaterstaat (the organisation that manages the Netherlands' main highway network and main waterway network) and the National Data Warehouse for Traffic Information (Nationale Databank Wegverkeergegevens) who use ANPR cameras. Other organisations using this type of cameras are municipalities, provinces and other traffic managers. Finally, a description of webcams used by public parties for several goals is given. To complete the overall picture of the camera landscape in The Netherlands, a quick scan of cameras owned by private parties is also given, describing cameras in public transport, security cameras in business and private homes and smartphones used by citizens.

### Common goals

Generally speaking, any footage produced by any camera could be of interest to an other organisation than the owner of the camera. Each camera can for instance produce images that may be relevant for criminal investigations. Written agreements of common goals or descriptions of shared objectives and the exchange of information between different organisations, however, are rare. In many cases co-operation is established 'after the fact', often with an actual incident functioning as a trigger. Based on the practical knowledge of the researchers conducting this study, a sketch is given of the various forms of collaboration currently present in The Netherlands. The various public and public-private monitoring centres that operate as a junction for streams of images and networks have been chosen as a starting point for the description of co-operation.

### Co-operation

Municipalities that use cameras to maintain public order almost without exception co-operate with the police. Co-operation with other organisations (public or private) is more rare and is found in one in three or four of all municipalities using this kind of camera-surveillance. The most common partners include the public prosecutor ('Openbaar Ministerie'), local city wardens ('stadswachten'), private security personnel or public transport. However, little public and recent information has been found on the subject of co-operation. Over the past ten years, several sizeable public and public-private monitoring centres have developed in a number of regions in The Netherlands. In Rotterdam, Amsterdam and The Hague – the three largest cities in the country – municipal cameras to maintain public order have mostly determined the development of these centres. In other, less urbanised, regions (Eindhoven, Nijmegen and Zwolle), public-private partnerships between police and private businesses provided the main impulse to construct regional monitoring centres. The city of Utrecht (4<sup>th</sup> largest city in the country) provides an example of both kinds: a monitoring room in a police station for the municipal cameras, coupled with a public-private monitoring centre where private cameras are watched. Co-operation sometimes has been formalised in the form of a Foundation or a written agreement ('convenant'), such as Live View, in public transport or between entrepreneurs and municipalities. These have been described in the main report (see paragraph 3.2). Evaluations of camera surveillance are relatively rare. Almost all public evaluations found were focused on municipal cameras for the maintenance of public order. In these studies, most sources of information used do not allow for unambiguous conclusions on the effects and side-effects of camera. A transition is visible from measuring outcomes (societal changes) to output (internal results).

No quantitative answer can be given to the question to what extent footage is used as evidence by the police or the justice system. The databases used by both organisations do not routinely register whether camera images have played a part in a case. Evaluations of local camera-systems sporadically report on the use of images for prosecution, but mostly in the form of individual cases or anecdotal findings.

### Laws and regulations

It proved to be very difficult to make general statements on the legal foundations for camera surveillance in The Netherlands. Hardly any legislation exists that contains the word 'camera'. The most relevant laws prescribe the appropriate ways to process personal data ('persoonsgegevens') gathered with cameras, and not the installment or the use of the cameras themselves. In almost all cases, several laws are applicable. They prescribe the processing of personal data and the sharing

of information. The key issue always is to weigh off protection of privacy to the intended purpose of the camera. Any limitation of privacy is legal only if necessary to achieve the intended goal(s). This follows from the European Convention of Human Rights and from the Dutch Constitution. This means that camera surveillance has to be necessary, which in turn means that the cameras have to be proportional (not extending beyond the intended goal) and subsidiary (less invasive instruments do not deliver the desired results).

In addition, a legitimate basis for the use of camera surveillance or the data acquired with it is needed. In specific cases, this basis can be found in an explicit legal basis, sometimes in an implicit legal basis. The Police Law of 2012 (Politiewet 2012) offers an implicit legal basis for camera surveillance by the police, but only if fundamental rights of citizens are 'slightly' affected. Specific legal bases for camera surveillance have been found in the Municipality Law ('Gemeentewet') and the Criminal Procedure Code ('Wetboek van Strafvordering'). Implicit legal bases were found in the General Administrative Law ('Algemene wet bestuursrecht'), the Road Traffic Law ('Wegenverkeerswet'), the Work and Social Assistance Act ('Wet werk en bijstand') and the General Law on State Taxes ('Algemene wet inzake rijksbelastingen'). These laws do, however, not explicitly discuss camera surveillance. They offer a broader framework to assess which conditions apply to the legitimate use of data obtained, in this case, with cameras.

Additionally, the processing of personal data always has to be in compliance with the laws for the protection of personal data ('Wet bescherming persoonsgegevens'), police data ('Wet politiegegevens') or criminal data ('Wet justitiële en strafvorderlijke gegevens') – depending on which legal framework is applicable. In short: camera surveillance is allowed only if there is a legal basis for cameras *and* the requirements for the protection of personal data have been met.

The secret and illegal use of surveillance cameras is explicitly forbidden in the Penal Code ('Wetboek van Strafrecht'). This applies to public settings as well as to private homes and other places that are not accessible to the general public. Exceptions have been made for secret camera surveillance by, among others, the police, investigative agencies, and intelligence services ('Wetboek van Strafvordering').

An important characteristic of camera surveillance where the law on the use of personal data is applicable, is the principle of 'purpose limitation'. The processing of data is only allowed if the footage is used for legitimate purposes that follow logically and directly from the original purpose for which the data have been gathered. In most cases, organisations that want to exchange recorded images (or information based on these images) will have to make arrangements in advance about the purpose and conditions for the collection and exchange of images, and those arrangements will have to be in compliance with the laws on personal data ('Wet bescherming persoonsgegevens') or the police data ('Wet politiegegevens').

### **Technology**

Technological developments in the security industry closely follow those in the consumer market. Following developments in the technology of small mobile devices, cameras are now able to make high quality images under difficult lighting conditions. Resolution has improved as a consequence of new standards for the compression of visual data. Other important trends are the rise of digital versus analog imaging, more efficient storage of data, external hosting of data, power supply over the data-network, and video content analysis to automatically filter and interpret images. Shared use of cameras by different parties can be organised by allocating user rights through software settings. This, however, also requires organisational agreements on the question which user de-

termines at what time where the camera will be pointed. Attempts to connect different camera systems prove that the catchphrase that 'technically everything is possible' is not always accurate. Differences in formats (pixels, colour coding) or in the (de)compression or protection of images, in many cases still makes it impossible to connect different camera systems. Despite efforts to develop 'universal' standards, no system for video management can process, display and control all available types of cameras. Many standards are still limited to specific brands and types of cameras and are not based on the philosophy of open standards to make software and hardware compatible.

### **Costs**

No general statements are possible on the costs of camera surveillance: the price of a stand alone webcam is incomparable to the price of a high resolution thermal camera attached to a police helicopter with a wireless connection to a national network. The costs not only depend on the camera itself, but also on the connection, power supply, maintenance, insurance, software and labor costs. In this report, three examples are given to illustrate the costs of camera systems: private security cameras, municipal cameras and complex camera systems.



DSP-groep BV  
Van Diemenstraat 374  
1013 CR Amsterdam

T +31 (0)20 625 75 37  
dsp@dsp-groep.nl  
www.dsp-groep.nl

KvK A'dam 33176766

DSP-groep, opgericht in 1984, is een onafhankelijk landelijk bureau voor onderzoek, advies en management, met zestig medewerkers. We werken in opdracht van de overheid (ministeries, provincies en gemeenten), maar ook van maatschappelijke organisaties op landelijk, regionaal en lokaal niveau.

#### **Werkvelden**

De werkvelden waarop we de meeste expertise hebben opgebouwd zijn veiligheid, jeugd, sport, kunst en cultuur, onderwijs, openbare ruimte en groen, sociaal beleid, stedelijke vernieuwing, welzijn, wonen en wijkgericht werken.

#### **Dienstverlening**

We ondersteunen onze opdrachtgevers bij complexe vraagstukken. We kunnen onderzoek doen, een registratiesysteem of monitor ontwikkelen, een advies uitbrengen, een beleidsvisie voorbereiden, een plan toetsen of tijdelijk het management voeren. DSP-groep geeft ook trainingen, workshops en lezingen.

#### **Meer weten?**

Neem vrijblijvend contact met ons op voor meer informatie of om een afspraak te maken. Bezoek onze website [www.dsp-groep.nl](http://www.dsp-groep.nl) voor onze projecten, publicaties en opdrachtgevers.