

# BODY WORN VIDEO SYSTEM

## SIA Guidance for CCTV licencing and the use of Headcams

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## **Guidance for CCTV licensing and use of headcams**

This guidance outlines the position of the SIA in regards to the use of headcams and its impact on licensing. The position is described below using three different scenarios. In all scenarios it is the interpretation of the SIA that viewing headcam footage falls within the CCTV definition. The scenarios have been drafted from the perspective of the person undertaking the activity.

Ultimately whether or not an individual undertaking a particular activity is licensable will always depend on the activity itself and the circumstances in which it is undertaken. Ultimately it will be for the courts to decide if an activity is licensable, but of course we aim to avoid such circumstances by providing advice in good faith. However, only the individual or employer is aware of the full facts of the activity being undertaken, and if they are in any doubt as to the requirement for a licence, they are advised to seek independent legal advice.

### **Scenario One: Only viewing headcam footage**

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the Private Security Industry Act (PSIA) 2001) but your activity is limited to the use of CCTV equipment (other than for purposes of identifying a trespasser or protecting property), you would require a CCTV licence if your services are supplied for the purposes of, or in connection with any contract to a consumer.

Licensable CCTV conduct is defined (within Statutory Instrument 2007 / 810) as:  
Involves the use of closed circuit television ("CCTV") equipment to —

- (i) monitor the activities of a member of the public in a public or private place; or
- (ii) identify a particular person,

including the use of CCTV in these cases to record images that are viewed on non-CCTV equipment, for purposes other than identifying a trespasser or protecting property.

## Guidance for Assessing Bodies (010)

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### **Scenario Two: Wearing a headcam and viewing the footage – in relation to licensed premises**

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to licensed premises<sup>1</sup> you will need a door supervision licence if you are performing this activity on behalf of yourself or your employer; or your services are supplied for the purposes of, or in connection with any contract to a consumer.

If your activity is limited to the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property), you do not need a door supervisor licence, but you would require a CCTV licence if your services are supplied for the purposes of, or in connection with any contract to a consumer.

If you require a door supervision licence as described above you will also need a CCTV licence if the activity performed also requires the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property) when your services are supplied for the purposes of, or in connection with any contract to a consumer.

### **Scenario Three: Wearing a headcam and viewing the footage – in relation to other premises**

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to any other type of premises you need a security guard licence but only if your services are supplied for the purposes of, or in connection with any contract to a consumer.

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<sup>1</sup> As defined in paragraph 8 of schedule 2 of the PSIA which are open to members of the public at times when alcohol is being supplied for consumption on, or regulated entertainment is being provided on the premise.

## Guidance for Assessing Bodies (010)

If your activity is limited to the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property), you do not need a security guard licence, but you would require a CCTV licence if your services are supplied for the purposes of, or in connection with any contract to a consumer.

If you require a security guard licence as described above you will also need a CCTV licence if the activity performed also requires the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property) when your services are supplied for the purposes of, or in connection with any contract to a consumer.

### **Scenario Four: Wearing a headcam without viewing footage**

It is our interpretation that this activity (solely wearing a headcam without viewing any footage) is unlikely to fall within the CCTV definition (as defined under the Private Security Industry regulations 2007) and therefore a CCTV licence would not be required.

However should your job include guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to licensed premises<sup>2</sup> you will need a door supervision licence if you are performing this activity on behalf of yourself or your employer or your services are supplied for the purposes of, or in connection with any contract to a consumer.

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to any other type of premises you need a security guard licence but only if your services are supplied for the purposes of, or in connection with any contract to a consumer.

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<sup>2</sup> As defined in paragraph 8 of schedule 2 of the PSIA which are open to members of the public at times when alcohol is being supplied for consumption on, or regulated entertainment is being provided on the premise.

## Conclusion

To summarise the requirements would be as follows (please note the provisions in the detailed answers above must be met for the following to apply):

- Viewing handcam footage = CCTV licence;
- Wearing a headcam and viewing the footage = door supervision or security guard licence (as appropriate when a security activity is performed) + CCTV licence;
- Wearing a headcam without viewing footage = none (if no security activity is performed as described in the detailed answers above).