

Police image library raises Orwellian concerns

News analysis

Enforcement tactics using cameras are creating fears of a surveillance society, write **Michael Peel** and **Marc Vallée**

Protesters gathering today in an effort to shut down Eon's Ratcliffe-on-Soar coal-fired power station near Nottingham will be confronted by a familiar foe: a cadre of police whose job is to film and photograph.

Demonstrators aiming to stop climate change sending "people, plants and animals the way of the dinosaurs" will face police intelligence tactics rooted in the digital age – or more precisely, say some critics, in Orwell's *1984*.

The Ratcliffe footage will add to a police image library whose scope and scale has triggered questions about whether the activities are a step towards a "surveillance society".

Critics say the Metropolitan Police public order unit's photographic database – which, according to Scotland Yard, contains about 1,500 pictures, including some of people never convicted of a crime – is too secretively run and could breach the Human Rights Act.

The police database could be a metaphor for what many campaigners and others see as a gradual normalisation of practices that are at best questionable. While

the police have acknowledged the existence of the image library in two court cases, the Met has revealed little about what is in it and how it is used.

The answers provided by the Met in response to questions from the Financial Times, while still very limited, appear to be the first public statement on the database's size and reach.

Scotland Yard says the pictures are of a mix of people found guilty of crimes and those who, according to intelligence, help organise or manage "the commission of criminal offences in a public order environment".

One striking admission 'More people are going to get sucked into law enforcement databases'

by the Met is that the database has been cut 40 per cent since the Court of Appeal in May forced it to delete images of Andrew Wood, an anti-arms trade campaigner.

Mr Wood was photographed in the street by a police officer in 2005 after leaving the annual meeting of Reed Elsevier, which had links to a London arms fair.

The court said it was wrong for police to keep Mr Wood's picture, which was not in the main Met database, because he was "going about his lawful business in the streets of



Incriminating footage: critics say the photographic database could be in breach of the Human Rights Act

Marc Vallée

London" and had no reasonable suspicions attached to him.

The argument over the police image library is part of a bigger debate – covering areas ranging from CCTV to numberplate recognition technology – about where legitimate law enforcement activity ends

and spying and harassment begin. Richard Thomas, the former information commissioner who warned three years ago that Britons were "sleepwalking" into a surveillance society, sees the police image bank and other resources like it as an inevitable product of two trends: technological ad-

vances and the increased reliance of authorities on subjective "soft intelligence".

Mr Thomas says: "As computer power increases, more and more people are going to get sucked into law enforcement databases.

That means there must be maximum transparency and

public debate about what's being done and what safeguards are in place."

If the tale of the database is indicative, the Met and other authorities will have to do much more to convince people that there is nothing sinister about the vast picture collections they are privately assembling.

As Lord Collins, one of the judges in Mr Wood's successful case against the police, said: "The last word has yet to be said on the implications for civil liberties of the taking and retention of images in the modern surveillance society."

Additional reporting by **James Boxell**

Focus on legality of database

What is the legality of databases such as the Metropolitan Police public order unit's bank of protesters' images? The answer turns on how the photos are selected and used, write **Michael Peel** and **Marc Vallée**.

The police claim they have procedures in place to prevent violations of the two most relevant rules: Data Protection Act limits on processing personal information, and individuals' entitlement to privacy under the Human Rights Act.

The Met's position appears to rely on the extra leeway allowed under both laws when information is being used for the prevention and detection of crime. It acknowledged that some people on the database had no convictions, but implied – without providing further evidence – that all were suspected of abetting offences.

The Met said it reviewed the system routinely and deleted images to comply with judicial rulings on image retention. It added that the information was accessible to only a few officers and complied with national police rulings.

Bridget Treacy, a privacy specialist at Hunton & Williams, the law firm, said the police had been "careful with their answers".

Cameron rules out coercion on green issues

By **Jean Eaglesham**, Chief Political Correspondent

David Cameron pledged to seek co-operation, not coercion, with business as he yesterday sought to reassert the Tories' environmental credentials, setting out plans for a "green consumer revolution".

The Conservative leader's speech to a London event, his first on the environment since the spring, was designed to answer critics' claims that the Tories have downgraded their commitment to green issues in the wake of the recession.

The speech omitted any explicit reference to increasing green taxes on individuals – a measure that could potentially cost the party votes.

In a later question-and-answer session, Mr Cameron said people "shouldn't assume" a Conservative government would increase green taxes for companies only. But he stressed that any increase in environmental taxes would be offset by a reduction in other taxation.

Mr Cameron announced a

new industry working group to promote environmental design for electrical goods – including an end to stand-by buttons on televisions – which the party said offered a model for how it wanted to work with business in government.

Greg Barker, the shadow environment minister who will lead the new group, told the Financial Times the aim was to gain industry consensus on which initiatives to prioritise.

"The idea is not to emerge with new regulation... but to achieve change by deploying political capital, rather than bureaucracy," he said.

The move marks a tonal shift by the opposition party from its "standing up to big business" rhetoric towards a deregulatory stance, chiming with Mr Cameron's attack on "big government" in his party conference speech last week.

The Tory leader yesterday reiterated this desire to "call time on the big government approach", saying regulation was "necessary sometimes, but it should

not be the default setting of government". Setting out his hope of building a "strong co-operative relationship between business and the next Conservative government", Mr Cameron stressed his belief that "co-operation with business is always preferable to coercion".

The Tory leader then mounted a head-on challenge to Labour's claim to have the greenest credentials of the two main parties, claiming the last decade had been characterised by "mindless consumption and materialism".

Lord Mandelson, business secretary, counter-attacked by lambasting the Tories' smaller state philosophy. In a speech in Oxford, he asserted that business needed an "activist" state to provide the right infrastructure, skills and finance support. "Arguing that government has no role... sounds like an abdication of responsibility," Lord Mandelson said.

But business groups welcomed the Tory emphasis on seeking alternatives to new statutory curbs.

Spectrum auction faces delay

By **Andrew Parker**

Plans to speed the availability of internet access on mobile phones were unveiled yesterday by ministers.

However, proposals for a large auction of radio spectrum next year to support wireless broadband could be delayed because of a possible merger between Orange and T-Mobile, the UK's third- and fourth-largest mobile operators.

The government is hoping the auction can take place in the second half of next year, which would extend the availability of web browsing on mobiles from urban to rural areas.

But a review of the likely merger between Orange and T-Mobile could push the auction into 2011 or later.

The government's Digital Britain initiative, which aims to deliver a telecommunications infrastructure fit for the 21st century, identified the need to end the mobile operators' lengthy dispute over spectrum ownership.

Stephen Timms, the Treasury minister responsible for Digital Britain, said: "It is vital that we make the best use of the digital spectrum and ensure that suffi-

cient bandwidth is available for sophisticated next-generation services, not just calls and texts."

The government is consulting on recommendations for spectrum reform made by Kip Meek, a former senior official at Ofcom, the telecoms regulator, who was asked to find a solution to the spectrum dispute because of fears it would hinder internet-based services on handsets, particularly in rural areas.

In a report published yesterday, Mr Meek calls for an auction of several frequencies, including some currently used for the

transmission of analogue television.

His recommendations also include placing caps on operators' spectrum holdings, so no company has a competitive advantage.

Mr Meek said the caps could be varied to take account of a merger of Orange and T-Mobile, which would create the UK's largest mobile operator.

Competition authorities, either in the UK or Brussels, are expected to assess the merger, including the spectrum held by the combined company. The company would hold much of the spectrum at the 1800MHz frequency, and the authorities might insist on it giving some up.

If the authorities' review deviates from Mr Meek's plans significantly, it risks reopening the dispute over spectrum ownership.

Vodafone, the second-largest operator, said the proposed merger meant there was a case for further careful review of spectrum holdings, "to ensure competition is safeguarded".

Orange expressed support for the Digital Britain initiative, but declined to say whether it would give up spectrum as part of a merger with T-Mobile.

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Stephen Timms: keen to see 'best use of digital spectrum'