

BIG BROTHER WATCH

DEFENDING CIVIL LIBERTIES, PROTECTING PRIVACY

The Commissioner of Police for the Metropolis

Directorate of Legal Services

Metropolitan Police Service

10 Lamb Conduit Street

London

WC1N 3NR

By email only: [REDACTED]

22nd March 2019

Dear Commissioner Dick,

Re: The Metropolitan Police Service's decision to film schoolchildren's Climate Strike protest

We are writing to you concerning the Metropolitan Police Service's decision to film the recent children's 'Climate Strike' Protest in Parliament Square on Friday 15th March 2019.

During the Climate Strike protest, a unit of two Metropolitan Police Service officers was observed using a handheld video camera to film the protest at several locations in and around Parliament Square. The Climate Strike protest was composed almost entirely of children of school age, with many even under the age of 10. There were of course adults present, not least given the age of some of the children at the protest, however the vast majority of people present were 18 or under.

The Climate Strike movement is specifically a movement of young people, who are attempting to make their voices heard about climate change and the the lack of government action to confront it. It was therefore clear that the majority of attendees would be schoolchildren. It was also clear from the previous Climate Strike protest on 15th February 2019 that the majority of those present would be children 18 and under. The previous

demonstration on 15th February 2019 was also entirely peaceful, with no violent or disorderly conduct, and particularly no conduct giving rise to a need for directed surveillance of schoolchildren.

It has unfortunately become common practice for police to film protests, despite the clear infringement of people's right to privacy, freedom of expression, assembly and association. However, the disproportionate and unjustifiable use of this tactic is brought sharply into focus by the Metropolitan Police Service's decision to film a peaceful protest of school-age children.

It doesn't appear that the Metropolitan Police Service's filming of the children's Climate Strike protest was carried out with any legitimate law enforcement purpose in mind, particularly not the prevention or detection of crime, but was merely broadly filming the children present at the protest.

We strongly object to the filming of protests without legitimate cause, on the basis that it is likely to have a chilling effect on people's willingness to exercise their rights to express their views, and to assemble and associate with others to express those views. We particularly object to the filming of a protest made up of schoolchildren, on the same basis. The chilling effect surveillance has on children's fundamental democratic participation is well documented.¹

In addition, the filming and retention of film of children raises clear data protection issues under the General Data Protection Regulation (GDPR) and Data Protection Act 2018. As stated in the GDPR, "children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data".² Article 6 of the GDPR also notes that lawful processing must take into account "the interests and fundamental rights or freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".³

We would therefore like to know:

1. What justification, legitimate interest and or legitimate purpose the Metropolitan Police Service has for filming children of 18 and under at the Climate Strike protest?

1 <https://bigbrotherwatch.org.uk/wp-content/uploads/2018/09/The-State-of-Surveillance-in-2018.pdf>

2 Recital 38, GDPR

3 Article 6(f), GDPR

2. Under what legal basis was the Metropolitan Police Service filming children of 18 and under at the Climate Strike protest ?
3. What measures were taken, if any, to prevent the unjustified and unnecessary filming of children of 18 and under at the Climate Strike protest ?
4. How long does the Metropolitan Police Service plan to keep this footage of children at the protest and under what legal basis does the Metropolitan Police Service justify this?
5. What uses, if any, does the Metropolitan Police Service plan for the footage of the children of 18 and under at the protest?
6. What is the Metropolitan Police Service's policy with regards to filming children of 18 and under?

If the Metropolitan Police Service cannot provide legitimate answers to questions 1 to 3, we request that all footage of children 18 and under is deleted immediately and that you refer yourselves to the Information Commissioner's Office.

We look forward to receiving your reply.

Yours sincerely,

Griff Ferris

Legal and Policy Officer

Big Brother Watch

cc.

Information Commissioner's Office

Surveillance Camera Commissioner