



Citizens' Perspectives on Surveillance, Security and Privacy: Controversies, Alternatives and Solutions

Joint conference of SurPRISE, PRISMS and PACT

Legal and Social Aspects of Surveillance Technologies: CCTV in Greece

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Why such a topic?

- To discuss some findings of the PACT Travel survey (perception of CCTV in metro/train) that reveal (in a way) a unique approach concerning CCTV systems use in Greece
- to reflect on and discuss the impact of security challenges and of institutional and - last but not least - socio-economical context on the perception of “privacy in public”

CCTV as routine

- No more an exceptional or occasional phenomenon.
- Increasingly common in spaces dedicated to public transport, public gatherings/ assemblies, public areas and shopping centres but also small shops, schools, playgrounds...
- CCTV regarded as a “panacea” - to “promptly deal with security concerns”.
- Perceived more as ad hoc “safety and security tools” for “protection” and “crime prevention and enforcement” and less as a form of surveillance.

A Short History of CCTV in Greece 2004 Olympic Games

- The first massive use of CCTV systems in public places was related to the security challenges of Olympic Games 2004
- An integrated surveillance system of public space, the C4I, consisted of 30 subsystems
- In 2004 the DPA approved the request to operate the C4I system during the “operational phase” of the Olympics

After 2004...

- Request for the extension of the processing purposes, the scope, the activities and the targets.
- In 2005 the DPA has permitted the use only for the primary purpose of “traffic management “
- Shortcomings with regard to the proportionality principle (necessity, adequacy/ stricto sensu proportionality)

The reaction of the legislator

- Extending CCTV uses for the “revelation of essential truth” and the “punishment of crime”
 - “...a value of constitutional statute” higher than data protection which is to be guaranteed only “if manifested through a legal activity....”.
- Abolition of the competence of the DPA to supervise data processing via CCTV by law enforcement authorities for the purposes of state security, defense and public safety
- Serious concerns regarding compliance with the Constitution:
 - The right to (personal) data protection is embedded in the Greek Constitution (Art. 9a)
 - “independent authority” : explicitly stated as an “institutional guarantee”

2011

A new legal ground for CCTV

- 2011- a more specific legal ground for the use of the CCTV in public places
- for the protection of national defense, democratic regime, prevention and prosecution of crimes related to a threat to public order, crimes concerning property, drugs etc, traffic control)
- Emphasis on proportionality
- ..To be specified and entered into force by issuing a “presidential decree” which is still missing

CCTV by individuals/private bodies

- 2011- a revised “Directive” by the DPA for the lawful use of CCTV systems
- For the protection of persons and goods
- Substantial conditions (limits of equipment, time limitations, “privacy zones”)
- Notification requirements

Privacy in public and other freedoms

- According to Greek legal theory and jurisprudence people enjoy also “privacy in public
- CCTV“puts them under control and unjustifiably restricts their freedom and hinders the free development of their participation to social and political activities”
- Emphasis on the relation between data protection and other freedoms (freedom of assembly, freedom of religion etc.)

...and security

- In general accepted as a restriction to fundamental rights
- The “right to security” does not have a distinct, self-existent *ground* :
 - *Risk to to* be easily transformed into a “hyper-right”, which, balanced against other forms of freedom, would tend to override them.
- A resultant of the demand for the State to undertake positive obligations and actions for the protection of rights such right to life, ownership, personality
- *However*, surveillance constitutes no longer an exception to the rule of freedom, as it becomes general, regular and standing characteristics .

Statistics

- (Greek) Survey of 2007 : Only one in three respondents said that they feel CCTV systems intrude more than they protect
- Greeks were in favour of CCTV systems use in banks (92%), football stadiums (87%), public services buildings (71%), streets in towns' centers (67%), shops (66%), schools (59%), universities (53%), parks and squares (51%) και public transport (50%).

PACT Survey

- Travel survey : respondents were asked to consider scenarios relating to the presence of CCTV cameras in metro and public transport stations.
- In contrast to all other countries respondents from Greece prefer unarmed police personnel and reject the idea of private personnel
- Contrary to the preferences in most EU27 countries, respondents in Greece indicate a strong disinclination for storage of CCTV data, preferring real-time monitoring

History and Privacy Perception

- A “negative surveillance culture : Popular sensitivity and vigilance against any state monitoring and filling.
- Due –among other parameters – to experiences from repressive state surveillance in the recent history (civil conflicts/wars/ dictatorships)
- However the main problem is the problem is not watching (*parakolouthisi*) (i.e., “face- to-face surveillance”) but “filing” (“*fakeloma*”) of personal data
- Mistrust towards even legitimate “institutional surveillance”

PACT - Public perception of security and privacy:
Assessing knowledge, Collecting evidence, Translating research into action

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Tolerance towards private CCTV systems

- Greeks are generally unconcerned with non-state, private video surveillance and data collection
- A kind of “privacy paradox” : Disregarding of private videosurveillance “fits well into a society where most things are marketable” (G. Marx, 2013)
- Driving force of technology: Availability of cheap systems and intensive use
 - change slightly but steadily the social perception of what is acceptable or excessive in relation to security measures,
 - Influence inevitably the regulatory content of core principles such as the principle of proportionality

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A “function creep”

- Information gained through privately deployed CCTV systems is increasingly placed at the disposal of the State
- We witness a regular “gradual function creep”
- a system of “distributed surveillance” by folding private organizations into a government’s surveillance network thus allowing the state to overcome the practical limits on its resources

Crisis and CCTV

- Public fears about property and violent crime appear to have risen dramatically
- Concerns expressed about the relationship between economic crisis and lawbreaking/political violence
- Tolerance and/or acceptance of CCTV mirror risk perceptions and fears and the sense that *“somebody has to look after you”*
- *A symbol of “ safety”* in a society in which almost everything is seen as a potential source of risk!

Instead of conclusions..

Contradictions and inconsistencies concerning the perception of surveillance reflect exactly the controversies and conflicts and expectations that spread and tantalize the Greek society

But there is a lot of future work to do!

Thank you for your attention and patience!