

Code of practice for the acceptable use of advanced imaging technology (body scanners) in an aviation security environment.

A consultation paper

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1. Executive summary

1. This consultation paper invites responses from stakeholders on the Government's interim code of practice for the acceptable use of advanced imaging technology (also known as body scanners, or hereafter as security scanners) in an aviation security environment. A copy of the interim code of practice is addressed at Annex A.
2. The interim code of practice was published to support the implementation of security scanners at Heathrow and Manchester as part of a package of measures in response to the attempted attack on Northwest flight 253 to Detroit on Christmas Day 2009.
3. Security scanners provide an additional layer of security that will help airport security staff to detect a variety of items that could potentially be used to launch a terrorist attack on an aircraft. Security scanners help airport security staff to detect a wider range of items that could be used to threaten the security of an aircraft, air passengers or crew. While no technology can be 100% effective, we believe that the additional assistance security scanners provide means it makes sense to deploy them swiftly.
4. Where security scanners are required to be deployed, airport operators must ensure that the measures in the interim code of practice (the Code) are followed. It provides for specific measures in relation to the following issues:
 - a. Privacy
 - b. Data protection
 - c. Health and safety
 - d. Equipment approval
 - e. Training
 - f. Communications
 - g. Selection criteria
 - h. Protocols
5. On 1 February the Government committed itself to consulting on the interim code of practice with a view to producing a final code to underpin a further rollout of security scanners across the UK. This document fulfils that commitment.
6. The purpose of the code is to ensure that the use of security scanners is proportionate and in accordance with the law and that passengers are treated sensitively and with respect.
7. The code of practice will be enforced by the Department for Transport's aviation security compliance Inspectors.

2: How to respond

8. The consultation period runs from 29 March 2010 until 21 June 2010. Please ensure that your response reaches us by 5pm on the closing date.
9. If you would like further copies of this consultation document it can be found at www.dft.gov.uk/consultations. Please send consultation responses, preferably by email to copconsultation@dft.gsi.gov.uk or by post to:

Mike Alcock
Department for Transport
Zone 5/12
Southside
Victoria Street
London SW1E 6DT

10. This consultation has been produced in accordance with principles of the Government's code of practice on consultation. A copy of the consultation criteria is included on page 18 of this document.
11. Please state whether you are responding as an individual, individual organisation or group of organisations. If responding on behalf of an organisation please make it clear who the organisation represents, and where applicable, how the views of your members were assembled.
12. A list of those consulted can be found on page 20. Elements of your consultation response may need to be shared with colleagues in the Department for Transport and be published in a summary of consultation responses. Unless you tell us otherwise, we will assume that you are content for us to do this, and that, if you are replying by email, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.
13. According to the requirements of the Freedom of Information Act 2000 (FOIA), all information contained in your response to this consultation may be subject to publication or disclosure. This may include personal information such as your name or address. If you would like your response (or part thereof) or your name and address to remain confidential, you should explain why confidentiality is necessary. Your request will be granted only if it is consistent with FOIA obligations.

3: Introduction

14. Aviation security arrangements are designed to ensuring the safety of the travelling public and those who work in the transport sector. As the terrorist threat has evolved, so we have adapted our measures to offer the best possible levels of security. We are also mindful of the need to balance cost (to the industry) and inconvenience (of the passenger) while optimising our levels of security.
15. The safety of the travelling public is our highest priority and we will not allow this to be compromised. However, we are also committed to ensuring that all security measures are used in a way which is legal, proportionate and non-discriminatory.

4: Background

16. In response to the attempted attack on Northwest flight 253 to Detroit on Christmas Day 2009 the Government launched an immediate review of aviation security. On 5 January 2010 the Secretary of State reported the outcome of the review to Parliament, indicating the need to raise security levels and announcing the implementation of a package of measures to enhance the protection of the travelling public. It is available online at:

<http://www.dft.gov.uk/press/speechesstatements/statements/aviationbordersecurity>

17. This was followed on 1 February with a further statement providing more detail on one element of this package, the introduction of Advanced Imaging Technology (AIT), more commonly known as body scanners or security scanners, at Heathrow and Manchester airports with a further rollout of the machines across airports in the UK as machines can be purchased and staff trained. As a result some passengers will have been screened already by the security scanners deployed at Heathrow and Manchester. The statement is available at:

<http://www.dft.gov.uk/press/speechesstatements/statements/adonis20100201>

18. The device used in the Christmas Day attack had clearly been constructed with the aim of making detection by existing screening methods extremely difficult. Certain types of explosive without metallic parts, and which can be concealed next to the body, cannot be detected by existing technology, which is the reason why airports also search passengers at random.
19. Security scanners are designed to give airport security staff a much better chance of detecting explosives or other potentially harmful items hidden on a passenger's body. No technology can be 100% effective, but it is clear that security scanners help to

detect devices such as the one used in the Detroit incident. The Government believes that they should be deployed as swiftly as possible to add to the capabilities UK airports already have for detecting possible threat items. Given the current level of threat, the only other means of providing passengers with the necessary level of assurance for their security, would be to require an intrusive private search (discussed further at paragraph 41).

20. The introduction of security scanners is an additional measure which can detect non-metallic threat items carried on the person and forms part of our response alongside other measures such as explosive trace detection.
21. Under the requirements for use of security scanners if a passenger is selected for security scanning, they will not be offered an alternative method of screening. Refusal to be screened will result in the passenger not being allowed to travel. Passengers must not be selected on a basis that may constitute discrimination such as ethnic origin, gender, age or race.
22. The Government believes that this is a proportionate measure to maintain security levels. Security scanners offer an enhanced level of security that provides an effective method of screening passengers for threat items. Given the current threat level, the Government must balance the necessity of protecting passengers, staff and those at risk on the ground from terrorist threats against protecting the rights of individual passengers.
23. For many people in society security scanners offer a less intrusive process than a hand search as there is no physical contact needed during the scanning process. The vast majority of people that have been screened by security scanners in previous trial deployments have been content with the process.
24. There are two main types of security scanner commercially available capable of detecting body-worn threat items. They use either backscatter X-ray or active millimetre wave technologies. Both are capable of producing a grey image of the human body and any objects concealed on it. Other technologies could be considered for use in the future.
25. The Government considers that the choice between backscatter X-ray or active millimetre wave technologies is an operational decision for individual airports. An independent risk assessment of the backscatter X-ray machines currently deployed was commissioned by the Health Protection Agency (HPA). Its assessment is available on the Department for Transport's website at:
<http://www.dft.gov.uk/pgr/security/aviation/airport/body scanners/body scanner/>

26. To the extent that human rights are engaged, the Government believes that the use of security scanners as an aviation security measure at UK airports is proportionate and legitimate. In the relation to the right of privacy as provided for in Article 8 of the European Convention on Human Rights, security scanners have been deployed in the interests of protecting national security, public safety and the prevention and detection of crime. The government also believes that the data and privacy controls in place will, if fully and properly implemented, result in the use of security scanners being in accordance with the Data Protection Act 1998.
27. The interim code is part of the direction issued to aerodrome managers under the Aviation Security Act 1982 which requires security scanners to be deployed at specified airports. Accordingly where security scanners are required to be deployed, airport operators must ensure that the measures specified in the Code are adopted. That regulation also requires security scanners to be operated in accordance with detailed protocols which include security sensitive information on the operation of security scanners such as selection criteria for those to be scanned.
28. The Code addresses the following issues:
- a. Privacy
 - b. Data protection
 - c. Health and safety
 - d. Equipment approval
 - e. Training
 - f. Communications
 - g. Selection criteria
 - h. Protocols
29. A copy of the interim code of practice document can be found at Annex A. Each section is discussed in detail later in this document.
30. The code of practice will be enforced by the Department for Transport's aviation security compliance Inspectors. Inspectors visit airports regularly to check that all aspects of security are being properly implemented. They will be checking that security scanners are being used in accordance with the code of practice, and have the power to take enforcement action against airports if necessary. Those screened are invited to provide details anonymously of their age, gender, race, ethnic origin and religion or beliefs, in order to be able to verify that persons are not being selected for screening on a discriminatory basis.
31. In the light of emerging risks and taking account of the threat level, the Government believed it was essential to start introducing security scanners immediately. The Government committed to consulting widely and publicly on the long-term arrangements for their use. This would take into account the experience of the initial

deployment and consultation responses to inform the final code of practice to be published later this year.

32. This consultation paper forms part of that commitment. We will consider all representations carefully before preparing a final code of practice later in the year. We are grateful for the representations we have already received ahead of the start of the formal consultation. We will consider them carefully when assessing all the responses to the consultation.

33. An impact analysis, including a full equality impact assessment as well as human rights and health assessments, forms part of this consultation and can be found at Annex B

5: Code of practice

34. Where security scanners are required to be deployed, airport operators must ensure that the measures specified in the Code are adopted. The Code sets out requirements in relation to the following matters.

a) Privacy

35. Regarding privacy, the interim code of practice requires:

'An effective privacy policy must be put in place by the airport operator to protect passengers when being screened by body scanners. The policy must include a requirement that the equipment is sited in such a way to ensure that the security officer(s) conducting analysis of the image (the screener) must not be able to see the person whose image they are viewing and the security officer(s) resolving any issues identified by the body scanner should not be able to see the image of the person being searched. A person selected for scanning may request that the screen reader is of the same sex as the person. If further resolution is required (i.e. a targeted hand search), an appropriate method of communication must be employed between the screen reader and the body searcher that does not include the use of the image to ensure that this privacy is protected.'

36. These requirements are included to ensure that passengers' privacy is respected if they are selected for screening by a security scanner.

37. These safeguards include:

- ▶ Only security vetted and trained security staff employed by the airport will be able to view the images;
- ▶ Security staff viewing images will be separate from, and not be able to identify, the person whose image they are viewing; and
- ▶ The availability of same sex screening on request.

38. The image produced does not show any distinguishing features such as hair or skin tone. It is not possible to recognise people from their facial features and as such, the interference with passengers' privacy is minimised and any perceived invasion of privacy is for example far less than photographic images.

39. We will be requiring all children who are selected to be screened using the scanners. To do otherwise would risk undermining the effect of these new measures. Airport security staff have all been cleared to government security vetting level, which includes a check of criminal and security service records. Staff have received comprehensive initial training and regular refresher training in aviation security and

customer service. Staff have been trained in how to conduct their duties in a sensitive and proportionate manner. We note that concerns have been expressed that images of children taken by scanners might fall within section 1(1) (a) of the Protection of Children Act 1978. Whether scanner images would in fact be regarded as indecent, applying the recognised standards of propriety, may be open to debate. But even if images from scanners technically fall within section 1(1) (a) of the Protection of Children Act 1978, the scanning process is likely to come within the statutory defence in section 1B (1) (a) of the Act as being necessary for the purposes of prevention, detection or investigation of crime.

40. We believe that the privacy controls described above are sufficient to give assurance to all passengers, but we are aware of the possibility that some individuals, such as transgendered, disabled or elderly passengers, or passengers with particular religious or other beliefs might, notwithstanding the existing privacy controls, have concerns about undergoing a security scan. As indicated, we believe that in such a situation the security officer(s) have the necessary skills to be able to deal with the situation sensitively.
41. Given the need to maintain high standards of security, the Government does not propose to offer an alternative screening method to those who decline to be scanned. There is no viable alternative that would reveal carefully concealed items, short of a search involving removal of clothing and direct physical contact. The Government believes that this, by its nature, would be far more intrusive and a much greater invasion of privacy than the use of a security scan. Also training and having the necessary staff available to carry out such searches would impose a burden on airport operators which would be disproportionate to the benefit.
42. In light of the attempted attack on Christmas Day and the recent heightening of the threat level we believe that it is necessary and justified to heighten security measures at airports in order to better protect the travelling public. In order to achieve this, the use of security scanners is also justified. Security scanners are necessary because it is the best means of revealing concealed items with the least invasion of privacy. Ultimately the rights of individuals must be balanced against the need to protect passengers and others at risk from terrorist threats and accordingly the use of security scanners in accordance with the interim code of practice is, we believe, proportionate in these circumstances. It must also be borne in mind that when persons chose to fly they accept that they must comply with security requirements and that if persons do not want to be subject to security scans, then they do not have to fly.

Question 1: Do you agree with this approach? If not, what changes to the code of practice do you propose?

Question 2: Do you agree that the safeguards outlined in the interim code of practice address all potential privacy concerns? If not, what else should be included?

b) Data protection

43. Regarding data protection, the interim code of practice states:

'In order to classify a passenger's security status when using a body scanner, it is necessary to capture an image for analysis. The analysis is currently conducted by a security officer and in the future it may be possible to be analysed automatically by the machine.'

Immediately after the scanning analysis is completed and the passenger moves away from the body scanner, all images of the passenger must be destroyed and irretrievable. Whilst an image is being analysed, it must only be possible for the screener to view that image. In exceptional circumstances where a screener believes there is a viable threat to the safety of passengers or staff, an additional appropriate security officer may be required to view the image. There must be no method of copying or transferring images.'

44. The interim code of practice requires that the operation of security scanners is done with the highest standards of data protection, that:

- ▶ All images are viewed remotely from the machine, and are deleted immediately after analysis;
- ▶ Images can't be recovered at a later date from the machines;
- ▶ The machines used have no capability to save, store or print the images viewed by the screener;
- ▶ No image will be associated with a passenger's passport number, or any other alternative method of identification; and
- ▶ The image produced does not show any distinguishing features such as hair or skin tone and it is not possible to recognise people from their facial features.

45. Images of passengers must not be left on unattended screens, and screens must be positioned so as not to be overlooked.

46. This approach has been undertaken after consultation with the Information Commissioner's Office (ICO).

Question 3: Do you agree that the safeguards outlined in the interim code of practice satisfactorily address any potential data protection concerns? If not, what else should be included?

c) Health and safety

47. Regarding health and safety, the interim code of practice states:

'The Department for Transport ("DfT") has the results of an independent assessment of the risks to health from the effects of the deployed body scanners. This assessment provides evidence that the use of body scanners is a negligible risk to health from exposure to ionising radiation. The assessment compares the risk from body scanners to other everyday risks and is available via the DfT website (<http://www.dft.gov.uk/pgr/security/aviation/airport/>)

The airport authority deploying the use of a body scanner must ensure that all appropriate local risk assessments have been conducted for the type of body scanners being deployed and that the equipment conforms to all relevant health and safety requirements. Before deployment of body scanners that produce ionising radiation, a measure of the ambient radiation dosage and the effective dose that a passenger receives when being scanned, must be conducted by qualified persons. Local rules must be agreed and applied to mitigate the risks that a body scanner is used outside of normal operating conditions (whether through incorrect use or malfunction).'

48. The potential risks from security scanners using ionising radiation have been assessed by independent international bodies including the UK Health Protection Agency. A report by the HPA on behalf of DfT is available via the DfT website:
<http://www.dft.gov.uk/pgr/security/aviation/airport/bodyscanners/bodyscanner/>

49. The backscatter-type (X-ray) machines involve small doses of ionising radiation. However, this is equivalent to the radiation an individual would receive from just two minutes flying time on a transatlantic flight. In order to exceed the recommended dose limit an individual would need to be scanned over 5000 times in a 12 month period. Millimetre wave machines use non-ionising radiation.

50. The risks from the security scanners have been quantified for all groups of passengers including young children and pregnant women. This analysis also shows that it is safe for individuals with a pacemaker, or internal defibrillator or other implantable device to pass through the scanners. Tests have concluded that the dose received from being scanned is well within the allowed levels in the UK and does not constitute any unacceptable risks to health.

51. For passengers with medical conditions such as a stoma (or colostomy) the scan will display external characteristics (it does not penetrate the skin or display images of internal organs). Security officers are trained to deal with medical issues of this nature in an appropriate manner as they already do in hand searches.

Question 4: Do you agree that the safeguards outlined in the interim code of practice and HPA assessment satisfactorily address any potential health and safety

concerns? If not, what further analysis would you wish the Government to undertake?

d) Equipment approval

52. Regarding equipment approval, the interim code of practice states:

'Airport operators must discuss all prospective use of body scanners with the DfT before deployment to ensure that security standards are maintained.'

53. There are a number of different types of technology currently available. By requiring airport operators to discuss the prospective use of security scanners with the DfT, the Government will ensure that all technologies deployed will offer an effective, equivalent level of security to current security processes. All security scanner equipment used will be approved by the DfT.

Question 5: Do you agree that requiring airport operators to discuss with the DfT all prospective use of security scanners as outlined in the interim code of practice satisfactorily addresses the requirement for all equipment to undergo a suitable approval process? If not, what else should be included?

e) Training

54. Regarding training, the interim code of practice states:

'Security officers who are to be screeners must obtain appropriate security clearances before receiving training and receive training in accordance with an approved package. Training packages should be developed in partnership with manufacturers and must be approved by the DfT. Before being deployed to use a body scanner, a security officer must have completed the appropriate training including how to deal with issues sensitively and to protect privacy. Records of training undertaken must be maintained and made available upon request by the DfT.'

55. Security clearances involve checks against police and security service records (and will, for example, identify known sexual offenders or persons linked to terrorism/extremism). Further information on Criminal Record Checks (CRCs) are available at:

<http://www.dft.gov.uk/pgr/security/crc/criminalrecordchecksrequire>

56. Training to use security scanners will be incorporated fully within the existing regulatory regime e.g. requirements to have initial and refresher training and approved trainers.

Question 6: Do you agree that requiring security officers operating security scanners to hold government security clearance and to have received training delivered in accordance with a DfT mandated security scanning training module before deployment satisfactorily addresses the issues of vetting and training? If not, what else should be included?

f) Communication

57. To keep the passenger informed, the interim code of practice states:

'An effective communication strategy should be developed to inform people of the security requirements where body scanners are deployed. It should be made clear at the earliest possible stage that all passengers selected for screening by a body scanner must be scanned. If a passenger declines to be scanned that passenger must be refused access to the restricted zone, with the result that the passenger will not be able to fly. Information should be adequate, clear and provided ideally before ticket purchase. In any event it must be provided prior to entering the passenger screening area. Information should also be readily available in a number of languages appropriate for passengers using the airport.'

58. If selected for security scanning, passengers will not be offered an alternative method of screening. Refusal to be screened will result in passengers not being allowed to access the Restricted Zone, with the result that they will be unable to fly. The code requires that passengers be informed as early as possible. Persons who have concerns about being scanned can then make a decision whether to continue with their travel plans or make alternative arrangements.

59. For its part Government has provided information on security scanners on the DfT and Directgov websites, (<http://www.dft.gov.uk/pgr/security/aviation/airport/bodyscanners/> and http://www.direct.gov.uk/en/NI1/Newsroom/DG_184728) and is working closely with industry to ensure that the public are informed of the security requirements where body scanners are deployed.

Question 7: Do you agree that the requirements for keeping passengers informed outlined in the interim code of practice are sufficient? If not, what else should be included? And what additional means of communication do you suggest the Government or the travel industry should put into place?

g) Selection criteria

60. For the foreseeable future, only a proportion of passengers will be asked to use a security scanner. It is therefore necessary to have a means of selecting those

passengers fairly. You may be scanned on a random basis or if you activate another security measure. Currently only a proportion of passengers at certain airports will be selected at random for screening. In practice Selection for screening by security scanner is done on a random basis and is usually by automated numerical random selection, or in response to evidence-based concerns about a passenger, for example the passenger has caused other security controls or equipment to react, making it unpredictable and without favour or prejudice. Passenger profiling is not part of the selection criteria.

61. On this point, the interim code of practice states:

'Passengers must not be selected on the basis of personal characteristics (i.e. on a basis that may constitute discrimination such as gender, age, race or ethnic origin).'

62. As a further safeguard designed to ensure that selection is on a non discriminatory basis, passengers who are selected for scanning will be provided the opportunity to complete an equality monitoring questionnaire.

63. The safety of the travelling public is our highest priority and we will not allow this to be compromised. However, we are also committed to ensuring that all security measures are used in a way which is legal, proportionate and non-discriminatory.

Question 8: Do you agree that selection criteria defined in the interim code of practice provide an appropriate safeguard to ensure that passengers are selected for screening on a non-discriminatory basis? If not, how do you suggest passengers should be selected?

h) Protocols

64. Regarding protocols, the interim code of practice states:

'Body scanners must be operated in accordance with detailed protocols which contain security sensitive information on the operation of the body scanner including selection criteria for those to be scanned. The details of the protocol are not published due to the security sensitive content but will comply with the requirements contained in this interim code of practice.'

Question 9: Do you agree that the guidance provided in the Protocol section of the interim code of practice is satisfactory? If not, what else should be included?

Question 10: Are there any other issues that you would like to see the final code of practice consider? If so, what and why?

6: Consultation: What happens next?

65. This consultation seeks your views on the Government's interim code of practice for the acceptable use of advanced imaging technology (body scanners) in an aviation security environment.
66. Responses to this consultation will make a difference to our thinking and will be reflected in the final code of practice. We welcome responses to the specific questions posed in this document as well as any general comments that you may have.
67. A summary of responses, including the next steps will be published within three months of the consultation closing on the Department for Transport's website. Paper copies will be available on request.
68. This consultation was published on 29 March 2010 and will be open for responses for 12 weeks. The closing date for replies is 21 June 2010.
69. If you would like further copies of this consultation document it can be found at www.dft.gov.uk/consultations, or you can contact Mike Alcock if you would like alternative formats (Braille, audio CD, etc). Please send consultation responses, preferably by email to copconsultation@dft.gsi.gov.uk or by post to:

Mike Alcock
Aviation Security Division
Department for Transport
Zone 5/12
Southside
Victoria Street
London SW1E 6DT

Freedom of Information

70. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
71. If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

72. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
73. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

7. Code of practice on consultation

The Government has adopted a code of practice on consultations. The code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK departments and agencies have adopted the code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community law). The code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances. The seven consultation criteria are:

1. **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you consider that this consultation does not comply with the criteria or have comments about the consultation process please contact:

Giada Covallero
Department for Transport
Zone 1/33 Great Minster House
76 Marsham Street
London, SW1P 4DR
email: consultation@dft.gsi.gov.uk

A full version of the Code of Practice is available on the Better Regulation Executive website at <http://www.berr.gov.uk/files/file47158.pdf>.

8: List of Consultees

Aviation sector

Airport Operators Association (AOA)
British Air Transport Association (BATA)
Board of Airline Representatives in the UK (BAR UK)
British International Freight Association (BIFA),
Association of International Couriers and Express Services (AICES)

Manufacturers

Rapiscan Systems
L3 Communications
Smiths Detection

Equality and human rights groups

Equality and diversity forum
Equalities and human rights commission
Disabled persons transport advisory committee (DPTAC)
Liberty
Stonewall
Press for change
The Children's Commissioner

MPs and ministers

Transport Select Committee members

Relevant government departments

Member departments of the Domestic Affairs Committee

Faith Groups

British Sikh Consultative Forum

The Board of Deputies of British Jews
The Office of the Chief Rabbi
Church of England
Church of Scotland
Catholic Church in England and Wales
The Bishops' Conference of Scotland
Al-Khoei Foundation
Churches Together in England
The Free Churches Group
The Methodist Church
Faith in Britain
Hindu Council UK
Bahá'í Community of the United Kingdom
Network of Buddhist Organisations (UK)
Inter Faith Network for the UK
Hindu Forum of Britain
National Assembly Liaison Office Evangelical Alliance Wales
The Muslim Council of Britain (MCB)
The British Muslim Forum
Faith Based Regeneration Network UK (FbRN UK)
Zoroastrian Trust Funds of Europe

Data protection

Information Commissioner's Office

Other interests

Royal National Institute of Blind people (RNIB)
Royal National Institute for Deaf People (RNID)
Leonard Cheshire
Guide Dogs
Assistance Dogs UK
Joint Committee on Mobility of Blind and Partially Sighted People
Joint Committee on Mobility for Disabled People
Scope
Royal Society for Mentally Handicapped Children and Adults (MENCAP)
British Lung Foundation (BLF)

Muscular Dystrophy

Pulmonary Hypertension Association (PHA)

Royal Association for Disability and Rehabilitation (RADAR)

National Pensioners Convention

IA Support Group

ANNEX A

Interim code of practice for the acceptable use of advanced imaging technology (Body Scanners) in an aviation security environment

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January 2010

This interim Code of Practice sets out requirements for the use of Advanced Imaging Technology (body scanners) at UK airports. Where body scanners are deployed, airport operators must ensure that the following measures are adopted.

Privacy

An effective privacy policy must be put in place by the airport operator to protect passengers when being screened by body scanners. The policy must include a requirement that the equipment is sited in such a way to ensure that the Security Officer(s) conducting analysis of the image (the screener) must not be able to see the person whose image they are viewing and the Security Officer(s) resolving any issues identified by the body scanner should not be able to see the image of the person being searched. A person selected for scanning may request that the screen reader is of the same sex as the person. If further resolution is required (i.e. a targeted hand search), an appropriate method of communication must be employed between the screen reader and the body searcher that does not include the use of the image to ensure that this privacy is protected.

Data Protection

In order to classify a passenger's security status when using a body scanner, it is necessary to capture an image for analysis. The analysis is currently conducted by a Security Officer and in the future it may be possible to be analysed automatically by the machine.

Immediately after the scanning analysis is completed and the passenger moves away from the body scanner, all images of the passenger must be destroyed and irretrievable. Whilst an image is being analysed, it must only be possible for the screener to view that image. In exceptional circumstances where a screener believes there is a viable threat to the safety of passengers or staff, an additional appropriate Security Officer may be required to view the image. There must be no method of copying or transferring images.

Communications will be available at the security screening area to inform passengers that "For the benefit of all passengers' security, passengers may be required to be screened using body scanning equipment. Screening will be conducted by security officers acting on behalf of the airport operator. Images of passengers will not be saved." Airport operators must provide to persons selected for screening the opportunity to provide details of their age, gender, race, ethnic origin and religion or beliefs.

Health and Safety

The Department for Transport (“DfT”) has the results of an independent assessment of the risks to health from the effects of the deployed body scanners. This assessment provides evidence that the use of body scanners is a negligible risk to health from exposure to ionising radiation. The assessment compares the risk from body scanners to other everyday risks and is available via the DfT website (<http://www.dft.gov.uk/pgr/security/aviation/airport/>)

The airport authority deploying the use of a body scanner must ensure that all appropriate local risk assessments have been conducted for the type of body scanners being deployed and that the equipment conforms to all relevant health and safety requirements. Before deployment of body scanners that produce ionising radiation, a measure of the ambient radiation dosage and the effective dose that a passenger receives when being scanned, must be conducted by qualified persons. Local rules must be agreed and applied to mitigate the risks that a body scanner is used outside of normal operating conditions (whether through incorrect use or malfunction).

Equipment Approval

Airport operators must discuss all prospective use of body scanners with the DfT before deployment to ensure that security standards are maintained.

Training

Security Officers who are to be Screeners must obtain appropriate security clearances before receiving training and receive training in accordance with an approved package. Training packages should be developed in partnership with manufacturers and must be approved by the DfT. Before being deployed to use a body scanner, a Security Officer must have completed the appropriate training including how to deal with issues sensitively and to protect privacy. Records of training undertaken must be maintained and made available upon request by the DfT.

Communications

An effective communication strategy should be developed to inform people of the security requirements where body scanners are deployed. It should be made clear at the earliest possible stage that all passengers selected for screening by a body scanner must be scanned. If a passenger declines to be scanned that passenger must be refused access to the Restricted Zone, with the result that the passenger will not be able to fly. Information should be adequate, clear and provided ideally before ticket purchase. In any event it must be provided prior to entering the passenger screening area. Information should also be readily available in a number of languages appropriate for the profile of passengers using the airport.

Selection Criteria

Passengers must not be selected on the basis of personal characteristics (i.e. on a basis that may constitute discrimination such as gender, age, race or ethnic origin).

Protocols

Body scanners must be operated in accordance with detailed protocols which contain the security sensitive information on the operation of the body scanner including selection criteria for those to be scanned. The details of the protocol are not published due to the security sensitive content but will comply with the requirements contained in this interim Code of Practice.

Review

DfT will continue to review this interim Code of Practice in light of the consultation on the use of body scanners that it will be undertaking.