

DIRECTION TO CERTAIN AERODROME MANAGERS UNDER THE AVIATION SECURITY ACT 1982 RELATING TO SECURITY SCANNERS 2013

The Secretary of State, in exercise of the powers conferred under sections 12(1) and (6), 13(1), (2) and (3), 14(1A), (2) and (3), 15(1) and (4), 17(1) and 38(6) of the Aviation Security Act 1982¹ for the purposes to which Part II of the Act applies, and in accordance with Article 6 of Regulation (EC) No 300/2008 (more stringent measures applied by Member States) of the European Parliament and of the Council of 11th March 2008 on common rules in the field of civil aviation security² directs the managers of the aerodromes set out in Annex E to this direction as follows:

Citation, Commencement and Revocation

1. This Direction may be cited as the Security Scanners Direction 2013.
2. This Direction comes into force on 22 November 2013.
3. Any directions concerning the deployment of security scanners made on or before 22 November 2013 which are directed to the individual managers of the aerodromes set out in Annex E, and which have not already been revoked, are now revoked.

Interpretation

4. For the purposes of this Direction:

“the Airport Operator” means the any person who is a manager of one of the aerodromes set out in Annex E to this Direction;

“security scanner” means the equipment used for the screening of passengers which complies with the requirements in paragraph 1 of Annex C of this Direction.

¹ c. 36, amended by the Aviation and Maritime Security Act 1990 (c.31).

² OJ L 97, 9.4.2008, p. 72.

Use of Security Scanners

5. The Airport Operator must deploy security scanner equipment at its aerodrome in accordance with the provisions of this Direction.

More stringent measures applicable to existing requirements

6. The legal requirements relating to the screening of passengers applicable to the deployment of security scanners include the more stringent measures set out in Annex A to this Direction.

Code of Practice

7. The Airport Operator must ensure that, where security scanners are deployed, the Code of Practice for Acceptable Use of Security Scanners in an Aviation Security Environment, attached at Annex B to this Direction, is followed.

Public Protocol

8. The Airport Operator must ensure that where security scanners are deployed they are operated in accordance with the Public Operational Protocol for the use of Security Scanners attached at Annex C to this Direction.

Restricted Protocol

9. The Airport Operator must ensure that where security scanners are deployed they are operated in accordance with the Restricted Operational Protocol for the use of security scanners attached at Annex D to this Direction.

Signed:

**Martin Jones
Head of Aviation Security
Aviation Security Division
Department for Transport**

Dated:

For and on behalf of the Secretary of State

ANNEX A

1) Regulation (EU) No 185/2010

The following additional measures shall apply:

In respect of provision 4.1.1.2.:

Where security scanners are deployed for the screening of passengers, the Airport Operator must comply with the provisions of the Security Scanners Direction 2013.

All rescreening of passengers must be conducted either by means of a hand search or a security scanner. Where a security scanner is used to rescreen a passenger, the rescreening must be conducted in accordance with the Security Scanners Direction 2013 ..

In respect of provision 4.1.1.10.:

Passengers who are selected to be screened by a security scanner and who opt out from being scanned must be screened in accordance with the provisions of the Security Scanners Direction 2013.

ANNEX A
Restricted Part

**Code of Practice for the Acceptable Use
of Security Scanners in an Aviation Security Environment**

November 2013

This Code of Practice sets out requirements for the use of security scanners at UK airports. Where security scanners are deployed, airport operators must ensure that the following measures are adopted.

Legal Authority

Airport Operators are required to operate security scanners pursuant to directions made by the Secretary of State for Transport under the Aviation Security Act 1982. These directions are available on the [Gov.uk](https://www.gov.uk) website.

Privacy

An effective privacy policy must be put in place by the airport operator to protect individuals when being screened by security scanners. Automatic threat recognition (ATR) software shall be fitted to all scanners used in the UK. ATR software interprets the scan data, instead of creating an image, and identifies areas where items may be concealed on the body. These areas are flagged on a standardised stick-figure on a screen, to indicate to the security officer areas of the individual's body which should receive a targeted hand-search (see separate guidance).

Data Protection

Analysis shall be conducted by approved ATR algorithms. Immediately after the scanning analysis is completed and the individual moves away from the security scanner, all data relating to the individual must be destroyed, irretrievable and incapable of being copied or sent.

A communication to passengers must be available at the security screening area to inform them that *“For the benefit of all passengers' security, passengers may be required to be screened using security scanner equipment. Assessment of the scan data will be conducted by a computer algorithm. No images of individuals are created, and no scan data will be saved.”*

Health and Safety

All security scanners must use millimetre wave technology, which poses no known health and safety risks. Millimetre wave scanners utilise a very low power, non-ionising form of electromagnetic technology. Non-ionising radiation refers to electromagnetic waves which do not alter atoms in molecules by removing electrons. The amount of electromagnetic radiation emitted by millimetre wave security scanners is many times lower than that emitted by a mobile phone.

Alternatives

An individual may opt out of being scanned. In this instance, the individual must either be screened by an alternative method which includes at least an enhanced hand search in private or that individual must not be permitted to enter the security restricted area, or, if applicable, he or she must be removed from it. An enhanced hand search in private must

take place in a private room or an area away from the main search comb. This may involve the loosening or removal of clothing.

Equipment Approval

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

Training

Security screeners must obtain appropriate security clearances before receiving training and receive training in accordance with an appropriate package. Training packages should be developed in partnership with manufacturers and must be shared with the DfT. Before being deployed to operate a security scanner, the 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 or anyone authorised to act on the Secretary of State's behalf.

Communications

An effective communication strategy must be developed to inform people of the security requirements where security scanners are deployed. It must be made clear at the earliest possible stage that all individuals selected for screening by a security scanner will be expected to be scanned. Individuals who refuse to be scanned must be offered an alternative screening method, involving at least an enhanced hand search in private. 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

Individuals must not be selected on the basis of personal characteristics (i.e. on a basis that may constitute discrimination such as disability, sex, gender reassignment, age, race, religion or belief, pregnancy and maternity and sexual orientation). Airport Operators must also follow all the requirements relating to selection that are contained in the public and restricted parts of the security scanner Direction.

Protocols

Security scanners must be operated in accordance with detailed protocols which contain the further information on the operation of the security scanner including selection criteria for those to be scanned. The security sensitive information is not published but must comply with the requirements contained in this Code of Practice.

Review

DfT shall continue to review this Code of Practice in light of operational experience and relevant changes in law.

PUBLIC OPERATIONAL PROTOCOL FOR THE USE OF SECURITY SCANNERS

Equipment

1. The following equipment has been approved for use:
 - (a) L3 Communications ProVision; and
 - (b) Smiths Detection “eqo”.

Other security scanner equipment may be acceptable for use but only where the Airport Operator has received prior written permission to use the equipment from the Department for Transport (DfT).

Equipment Safety Checks

2. Prior to operational use, the nominated person must ensure that the security scanning equipment is in correct working order. This includes ensuring that:
 - (a) all warning and operating lights are functional;
 - (b) that the equipment is not visibly damaged; and
 - (c) that all signage and staff support materials are in place.

Maintenance

3. Appropriately trained personnel must maintain the security scanning equipment in accordance with the manufacturer’s instructions. Records of maintenance must be maintained and made available on request to the DfT or persons authorised to act on behalf of the Secretary of State.
4. Appropriately trained personnel must ensure that the security scanning equipment must be subject to calibration verification in accordance with the manufacturer’s instructions.

Equipment Failure

5. In the event of equipment failure, local rules shall apply and steps must be taken to rectify the problem as soon as practicable. A record must be maintained detailing the time and nature of the failure and the actions taken to effect rectification.

Records of equipment failure and any remedial action taken must be retained for a period of 12 months and made available on request to the DfT or persons authorised to act on behalf of the Secretary of State.

Selection Criteria

6. The Airport Operator must select individuals for screening by security scanner in accordance with the requirements set out in this Direction.

7. Passengers must be scanned if one or more of the following criteria apply:
 - (a) they have requested an alternative search method prior to or after passing through the walk-through metal detection (WTMD) equipment;
 - (b) they have been referred for alarm resolution by scanning following a WTMD alarm or in the instance that the security screener believes that further investigation is required following completion of the hand search process;
 - (c) they have been referred for security scanning following an evidence-based assessment of behaviour that gives cause to the assessor to believe that a scan is warranted;
 - (d) they have been selected by explosive detection dogs;
 - (e) they, or any baggage or articles carried by them, have caused explosive detection equipment to activate; or
 - (f) they are selected at random without regard to personal characteristics (i.e. not on a basis that may constitute unlawful discrimination such as: disability, gender, gender reassignment, race, age, religion or belief or sexual orientation).

Passenger Scanning Process

8. All security scanners that are deployed must be operational for the duration of the operational day.
9. All security scanners that are deployed must be operated on a continuous basis.
10. Any individual who is selected for scanning must be escorted to the security scanner by a security officer or supervisor.

11. The security officer must explain to the individual that they have been selected for additional screening. The security officer shall explain the process to the passenger using translation cards if needed.
12. An individual who has been selected for scanning may opt out of being scanned but only if the individual being screened agrees to be searched by an alternative screening method, including at least an enhanced hand search in private. That search may require the loosening or removal of clothing.
13. The security screener shall provide safety information as required by legislation or if otherwise requested.
14. If required, walking sticks may be taken into the security scanner and individuals shall be scanned to the best possible standard. Children may hold the hand of their parent or guardian whilst being scanned.
15. Individuals shall be security scanned in a manner consistent with the manufacturer's instructions and staff training.
16. After being scanned, cleared individuals shall be allowed to leave the security scanning area.
17. After being scanned, un-cleared individuals shall not be permitted to proceed into the security restricted area until such time as the security officer has identified and cleared any concerns.
18. In the event that an individual declines to be scanned and refuses to undergo the alternative screening method of at least an enhanced hand search in private, the incident shall be escalated to the appropriate member of security staff who will escort that passenger landside and advise the passenger's airline that they have been refused access to the security restricted area and that the passenger should be offloaded. In the instance of suspicious circumstances local processes for dealing with suspicious individuals should be followed.

Restricted Annex

19. Security scanners must also be operated in accordance with the restricted protocol (Annex D of this Direction) which contains security sensitive information.

ANNEX D

RESTRICTED OPERATIONAL PROTOCOL FOR THE USE OF SECURITY SCANNERS

ANNEX E

This direction is made to the aerodromes managers of the following aerodromes:

Belfast International Airport
Birmingham International Airport
Edinburgh Airport
Gatwick Airport
Glasgow Airport
Heathrow Airport
London City Airport
Manchester Airport