

Swedish setback, but new law in the pipeline

One must apply for a permit when flying drones with cameras in Sweden. Quite a setback for the local drone industry. But new law in the pipeline promises an exemption for drones from the Swedish Camera Surveillance Act.

The Swedish Supreme Administrative Court concluded on October 21, 2016 that image recording with drones is covered by the Swedish Camera Surveillance Act, which means that cameras on drones are forbidden without a specific permit from the County Administrative Board.

Even a camera mounted on a drone that is set up for a temporary task and promptly dismounted after each flight is covered by the Act.

The purpose of the Camera Surveillance Act is to meet the needs of video surveillance for legitimate purposes while individuals are protected from undue intrusion into personal privacy.

Therefore, when flying a drone with a camera in places where the public has access, a permit from the County Administrative Board is needed in order to record/photograph with a drone.

Applying for a permit to fly drones in Sweden

The application for the permit has to be in written form, and it should be sent to the **County Administrative Board** where one wished to record/photograph from a drone. If the drone recordings are planned to take place in several counties, it is sufficient to make one application addressed to the County Administrative Board in the county where most of the recordings will take place.

If it is not possible to determine in which county the recordings mainly will be taking place, the application can be made to any County Administrative Board in the relevant counties.

The cost for applying for the permit is SEK 3,700 (about USD 415), and the office turnaround time is around 2-3 months or more depending on which county it is.

If the permit is granted for a certain time, there is a possibility to have the permit extended for the cost of SEK 1,350.

For using additional cameras and/or for monitoring a bigger area, an expansion of the permit is needed costing SEK 2,300.

New law from August 2017?

The Swedish Supreme Administrative Court's decision hampered the possibilities for the use of the new technology and, thus, the new laws became burdensome for companies that wanted to use drones.

With the background to this, the Ministry of Justice in Sweden recently suggested that a specific exemption for drones should be included in the Swedish Camera Surveillance Act. The proposal means that a new paragraph (5 a §) will be added to the Act with the following proposed wording:

The law does not apply to surveillance carried out by a camera that is mounted on an unmanned aircraft, if the surveillance is conducted by someone other than an authority.

With the new paragraph in force – instead of the Camera Surveillance Act – the Personal Data Act will protect individual privacy.

This means that the permits for using cameras on drones being issued before the new legislation will end when the new paragraph comes into force.

It is proposed that the new paragraph comes into force on August 1, 2017.