

Sweden: Drones with cameras require a permit

In Sweden visual recording with drones fall within the scope of the legislation on television monitoring, and it is therefore required to obtain a permit from the county authorities. A permit is also required in order to operate a drone and to publish footage of geographical information. Get information on how to apply [here](#).

On 21 October 2016 the Swedish Högsta Forvaltningsdomstol decided that visual recording with drones fall within the scope of the legislation on television monitoring and therefore requires a permit from the county authorities.

This means that even a camera attached to a movable drone can be compared to a fixed surveillance camera – even if the camera is removed after use. This also applies if the camera has a low resolution and people therefore cannot be identified. It is though worth noticing that according to drone regulation it is not permitted for drones to come any closer than 50 meters of individuals.

The reason for comparing a drone to a surveillance camera is that a surveillance camera is defined as a camera not operated at the site. Moreover, because the drone pilot is separated from the drone, a drone is being compared to a fixed surveillance camera.

On the same day Högsta Forvaltningsdomstolen in a similar case decided that recording from a cell phone camera fixed to a car window or handlebars is not considered to fall within the scope of the television monitoring legislation. The reason being that it is controlled on site. Hence, because the driver/cyclist is not separated from the camera, a cell phone camera cannot be compared to a fixed surveillance camera.

Drone pilots in Sweden must obtain permission from länsstyrelsen before recording

For drone pilots this means that in order to record with drones in Sweden you must obtain permission from the county authorities – Länsstyrelsen – that has jurisdiction of the area.

Permission is usually only granted in cases of prevention, disclosure or investigation of criminal acts, to prevent accidents or other comparable purposes. Therefore, there is no guarantee that the permit is granted, and you do not receive a refund, if a permit is denied.

However, you have a greater chance of obtaining a permit, if you can prove that surveillance offset the individual's interest in not being surveilled. This could for instance be because the drone software automatically blurs faces and other personally identifiable data.

A permit application costs SEK 3,700 (at present approx. DKK 2,800), and the processing period is approx. 2-3 months or more, depending on in which county you want to use the drone for recording.

If you obtain a permit, it is possible to apply for an extension at a price of SEK 1,350, whereas it costs SEK 2,300 to apply for use of more cameras and/or surveillance of a larger area.

Do you want to know more?

NJORD Law Firm will readily assist in the negotiation with the Swedish county authorities. Contact Peter Gustav Olson at pgo@njordlaw.com or tel. (+45) 77 40 11 80 / (+45) 40 20 88 76 for an assesment of your case.