



A Code of Practice for Civil Enforcement CCTV equipment for Tunbridge Wells Borough Council

1. Introduction

1.1 Background

- 1.1.1 Since 1999 the London Boroughs and Transport for London have been using CCTV cameras to enforce traffic regulations and in particular Bus Lanes. The introduction of new statutory instruments in November 2005 under the Transport Act 2000 and Traffic Management Act 2004 allows for the enforcement of parking and bus lanes through fixed and mobile camera technology by approved Local Authorities outside of the Greater London Area. This type of enforcement is one part of a wide-ranging programme of measures to improve the reliability and punctuality of public transport, reduce congestion and pollution. The aim of most traffic management measures, such as bus lanes and parking regulations is to give priority to certain groups of road users by excluding others during prescribed hours. The introduction of CCTV monitoring of traffic regulations is intended to reduce the level of congestion and so reduce delays on the highway network.
- 1.1.2 Use of camera technology should be undertaken where Civil Enforcement Officer enforcement is difficult, sensitive and not practical and an essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it will be operated. This Code of Practice ensures that issues such as privacy, integrity and fairness are properly dealt with. It sets a minimum standard which must be adhered to by all approved authorities enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.
- 1.1.3 This Code of Practice is designed to operate within the framework of the relevant pieces of legislation and to complement the Statutory and Operational Guidance produced by the Department for Transport. If there are any contradictions between this document and the relevant legislation or guidance documents then those should take precedence.

1.2 Commitment and Responsibility

- 1.2.1 Within this overall framework individual local authorities will operate separate monitoring schemes in conjunction with the local police and other partners.
- 1.2.2 All data shall be processed fairly and lawfully and the operators of the system will ensure that appropriate security measures shall be taken against unauthorised access to, alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

1.3 Code of Practice

Key Purpose of the Code

- 1.3.1 This Code of Practice applies to the use of the CCTV systems for the purposes of enforcing parking and traffic regulations only.
- 1.3.2 This Code of Practice has been drawn up to ensure that the use of CCTV to monitor traffic is consistent throughout local authorities and in accordance with current best practice. The Code ensures that issues such as privacy and integrity are properly respected. CCTV in public places must be operated with regard to the advice and guidelines issued by the Home Office, Police Scientific Development Branch, Local Government Association, Office of Data Protection Registrar, the Local Government Information Unit, the CCTV User Group, DfT and VCA.

Availability of the Code to the Public

- 1.3.3 Copies of this Code of Practice are publicly available in accordance with the Local Government (Access to Information) Act 1985. The Code can be inspected on the Tunbridge Wells Borough Council website, at the Council's office at The Gateway and Tunbridge Wells library – the addresses are given at Appendix 1.

Monitoring and Review of the Code

- 1.3.4 The Code will be regularly reviewed by those operating the CCTV monitoring systems. Authorities are required to report on CCTV operations as part of the annual report produced under the Traffic Management Act 2004. These reports will be made available for public inspection at the addresses given in Appendix 1.

Changes to the Code

- 1.3.5 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current best practice.

Detailed Objectives of the Code

- 1.3.6 The Code of Practice has been designed to meet the following detailed objectives: -
- To satisfy the community that the camera enforcement system is being operated competently and honestly by its operators.
 - To reassure the community over the privacy of private areas and domestic buildings.
 - To ensure that operating staff are aware of and follow the correct procedures in the case of an 'incident'.
 - To use cameras as a deterrent and improve driver compliance with traffic regulations.
 - To facilitate the detection of offenders in relation to non-compliance with existing regulations.
 - To assist with achieving the key objectives of Tunbridge Wells' own CCTV schemes

Queries and Complaints about the Code

- 1.3.7 Queries and complaints about this Code or its general operation should be sent to the address given in Appendix 1.
- 1.3.8 Queries or appeals against any specific Penalty Charge Notice (PCN) shall be made to the address shown on the PCN.

2 Camera Enforcement

2.1 Camera Surveillance

- 2.1.1 This Code of Practice specifically relates to the use of CCTV cameras when they are being used to enforce traffic regulations. It is supplemented by a operational manual containing specific instructions on the use of the camera and recording equipment and control room procedures. Separate Codes of Practice exist covering the other purposes for which CCTV cameras are used.
- 2.1.2 Mobile and transportable cameras may be used within an area for the purposes of the enforcement of traffic regulations. The use of such cameras will be governed by this Code of Practice and any procedures ancillary to it.

2.2 The Legal Framework

Legislation governing the operation of CCTV systems

- 2.2.1 The operation of CCTV systems must be undertaken with due regard to the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000

Legislation governing the enforcement of traffic regulations using CCTV cameras

2.2.2 The enforcement of traffic regulations by CCTV cameras is regulated under the following legislation:

- Road Traffic Regulation Act 1984
- Road Traffic Act 1991
- Section 144 of the Transport Act 2000
- The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005.
- The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005.
- The Bus Lanes (Approved Devices) (England) Order 2005.
- The Traffic Management Act 2004
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement of Parking Contraventions (approved Devices) (England) Order 2007
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

2.2.3 Together these Acts allow a Local Authority to install structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders and to use the information provided by them, to serve a PCN on the registered owner/hirer of a vehicle which contravenes the traffic regulations.

2.2.4 Relevant Traffic Regulation Orders must be made available on request.

2.2.5 Records of the owner/hirer of vehicles that contravene traffic regulations will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

Enforcement of traffic regulations by CCTV camera

- 2.2.6 The primary objective of any CCTV camera enforcement system ('the system') is to ensure the safe and efficient operation of the road network by deterring motorists from breaking road traffic restrictions and detecting those that do. To do this, the system needs to be well publicised and indicated with lawful traffic signs.
- 2.2.7 In order to encourage compliance with traffic regulations the system enables fully trained staff to:–
- monitor traffic activity in accordance with relevant legislation and guidance, including this Code of Practice;
 - identify vehicle registration number, (colour and type if identifiable) of unauthorised vehicles contravening traffic regulations;
 - support the serving of PCNs to the registered owner/hirer of vehicles identified contravening the regulations;
 - record evidence of each contravention to ensure that representations and appeals can be fully answered;
 - enable timed and dated pictorial evidence of such unauthorised driving or stopping to be produced for adjudication or as information to the owner of such vehicles;
 - enable the despatch of a Civil Enforcement Officers and / or a secondary enforcement team for targeted enforcement of vehicles contravening traffic regulations.
- 2.2.8 The system is intended to view activity on public carriageways and footways. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

Extensions and changes to the area surveyed

- 2.2.9 The operating local authority can extend or change the areas covered by the CCTV system subject to normal internal procedures.

Signs

- 2.2.10 Relevant camera enforcement signs should be displayed in areas where the system operates. The signs will not define the field of view of the cameras but will advise that CCTV camera enforcement takes place from time to time in the area.

Systems, Equipment and Enforcement

- 2.2.11 This section gives a general description of systems and their uses. It is not exhaustive in nature, nor does it supersede or replace any legislative requirements.

2.2.12 CCTV enforcement systems fall into two generic types:

- Attended Systems
- Unattended Systems

2.2.13 These are currently used across three enforcement streams although not all system types can necessarily be used against all work streams.

- Parking
- Bus Lanes
- Moving Traffic

Attended System

2.2.14 This system is operated in real time by a camera operator who views the images from roadside equipment. The operator may be located in a central control room or locally, such as a vehicle-based control room. Contraventions are observed by the operator and PCNs are issued primarily on the basis of the operator's observations and supported by the image recordings.

Unattended System

2.2.15 This is an automated CCTV system which operates without operator intervention. The system captures potential contraventions to create an evidence pack. This evidence pack must be viewed and verified by a designated Civil Enforcement Officer (CEO) before a PCN is issued.

Parking Enforcement

2.2.16 Equipment that can be used for the enforcement of parking contraventions via CCTV is regulated by the Traffic Management Act 2004 and associated legislation. The 2004 Act provides a system approval scheme for CCTV systems used for parking enforcement known as "Approved Device Certification". From 31 March 2009 all systems used for the enforcement of parking contraventions must be certified by the Department for Transport (or its appointed agents) under this scheme. The scheme specifies how changes in the system must be carried out and recorded.

Bus Lanes

2.2.17 Bus lane enforcement is being performed under the Transport Act 2000 and requires an approved device certificate. Approval is similar to that for parking enforcement except that the system must additionally comply with the Bus Lanes (Approved Devices) (England) Order 2005.

2.2.18 Authorities should also be mindful of the possibility for harmonisation of legislation under the Traffic Management Act 2004 when specifying camera systems for bus lanes.

Moving Traffic

2.2.19 There is currently no specific legislation governing CCTV equipment that can be used for the enforcement of moving traffic contraventions.

2.2.20 Authorities should also be mindful of the possibility for harmonisation of legislation under the Traffic Management Act 2004 when specifying camera systems for moving traffic enforcement.

2.3 Operation of the System

Monitoring of Traffic

2.3.1 Only properly trained and qualified operators (see section 2.8 – Operating Personnel) will operate the system.

2.3.2 A contravention of traffic regulations will be identified depending on whether the system is attended or unattended. – as in 2.3.3 – 2.3.4 below

2.3.3 Contraventions will be identified from attended systems by monitoring the screen and operating the cameras in real time. The operator must obtain the most effective images of a vehicle and its surrounding circumstances at the time when any contravention may be occurring. Contraventions must be identified at the time when they are committed. Pre-recorded video images will not be studied to identify contraventions committed at some earlier time.

2.3.4 Unattended systems identify contraventions automatically and store them for later processing. Such images must be verified by operators prior to notices being issued.

2.3.5 When a contravention is observed using an attended system and sufficient evidence has been recorded, the digital system will record the time and sufficient vehicle identifier information in an electronic fully auditable trail of evidence file. The operator will then continue monitoring.

Issue of Penalty Charge Notices (PCNs).

2.3.6 The Secretary of State recommends that all PCNs should be issued within 14 days of the contravention. A PCN should be sent by first class post and must not be sent by second class post. Any notice served by first class post is deemed to have been served on the second working day after posting unless the contrary is proved.

2.3.7 Reasons for not serving the PCN within 14 days should be restricted to those that are outside of the control of the authority, for example where details from the DVLA have not been received in time.

2.3.8 PCNs must be served within 21 days of the date of contravention unless owner/hirer details have not been received from DVLA. The authority has the right to issue within 6 months of date of capture.

Representations

2.3.9 In all cases, the enforcing authority must consider the representations and, if it does not accept them, issue a Notice of Rejection. If the owner/hirer is not satisfied by this outcome, there is a right of further appeal to the independent adjudicators at the Traffic Penalty Tribunal (see section 2.5 – Guidelines for Appeals).

2.4 Retention and use of evidence

Ownership, copying and release of recordings

2.4.1 All recordings are the property of the Authority operating the scheme and may not be copied or released from secure server without the formal written agreement of the Senior Officer nominated in Appendix 1. A copy of the section of footage, relevant to a particular contravention, will only be released:–

- to the appellant in an appropriate format
- to the Traffic Penalty Tribunal (and copied to the appellant)
- to the Police
- to Lawyers acting for appellants in Traffic Appeals
- to Lawyers acting for defendants/victims in connection with criminal proceedings
- to a third party prosecuting authority, such as Customs & Excise or the Health & Safety Executive
- by court order, in connection with civil proceedings

2.4.2 Recordings (or copies of a section of a recording) will only be released over signature to representatives of the above organisations after proof of identity. Recordings (and copies of recordings), which are released, remain the property of the Local Authority. Any recording released to the Police will be dealt with by the Police as an exhibit and shall not be used for anything other than the purpose specified and identified when released to the Police. A detailed record must be kept of the recording (or section of it) that has been released and the reason for its release.

2.4.3 The Local Authority will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

- 2.4.4 Under no circumstances will recordings be released to members of the public or other commercial organisations except where such recordings are to be used for educational or training purposes or where release is required under relevant legislation.
- 2.4.5 Recorded material will only be used for the purposes defined in this Code of Practice and will only be accessed as defined in this Code of Practice. In no circumstances will recorded material (or any copies or still prints generated from it) be sold or lent for any purpose other than those set out above. Copyright of all recorded material and stills printed from such material remain totally with the operating authority.

Viewing of recording media

- 2.4.6 The registered keeper of the vehicle and their representative is entitled to view that section of the media recording showing the contravention for which the PCN was issued. Viewing of the footage will only be arranged following formal agreement of the Senior Officer nominated in Appendix 1. Viewing of the video evidence should be arranged as soon as possible after a request has been made by the person in receipt of the PCN. The viewing area should not only be secure, but it should be designed and laid out so that only those in the viewing room can see the images. Still images have been supplied at no charge on the PCN. Authorities may agree to send the media recording to the Owner/hirer of the vehicle upon request, which may incur a small cost. Still images may be viewed on-line using the Tunbridge Wells Borough Council's website. The PCN number and VRM would need to be entered to activate this service.
- 2.4.7 Viewing of recordings will only be permitted in the following circumstances:-
- to support the issue of a PCN
 - as an alternative to releasing a recording to one of the parties nominated in paragraph 2.4.1 above.
 - as part of internal audit, review or disciplinary procedure.
 - as part of the training process for civil enforcement or verification staff.
 - for education and road safety training.
- 2.4.8 A system log of video image will be kept detailing the following:-
- time, date and location of viewing
 - the reasons for viewing
 - details of the people present at the viewing.
- 2.4.9 These records should be subject to regular audit, at least once a year, by officers specified in Appendix 1.

Still Images

- 2.4.10 Still images must be provided in accordance with the relevant legislation. Notwithstanding this, authorities should include at least one still image on the PCN to show sufficient grounds for the PCN being issued. No charge is to be made for the provision of such images. The image then becomes the property of the person who received the PCN. All other still images will remain the property of the operating Authority.
- 2.4.11 A still image is a print onto paper of the picture held on a single field or frame of the video recording. The equipment will be used to generate these still images and each image produced will contain a unique reference number, the date (DD MM YY) and the time (HH MM SS – or similar format) of the alleged contravention.
- 2.4.12 Still images will be generated for the following purposes:–
- to support the issue of a PCN
 - as evidence for an Appeal
 - if the Police or other organisation, with appropriate authority, request such an image with detailed written reasons for their request.

2.5 Guidelines for Appeals

The Appeal Form

- 2.5.1 The relevant appeal form, as produced and supplied by the Traffic Penalty Tribunal, must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority.
- 2.5.2 The official use box must be completed by an authorised official of the enforcing authority. This must state the PCN number, the Vehicle Registration Number, the name of the registered keeper of the vehicle to whom the Notice of Rejection was sent and the date the Notice of Rejection was sent. This information must be completed for an appeal to be registered and enables the appeal service to check that the right person is lodging an appeal and that it has been submitted in time.
- 2.5.3 Evidence will be submitted to Traffic Penalty Tribunal at least seven days before the hearing date and must also be sent to the appellant.
- 2.5.4 The following items will be required as mandatory evidence by the Traffic Adjudicators:-
- Authorised Officer Witness Statement – a certificate declaring that, at the time the contravention was observed and verified, the capture device and verification system was of a type approved by the Secretary of State and was in full working order. Examples of these are included in Appendices 3 and 8

respectively. The Authorised Officer Statement (certificates) includes details of the certificate vehicle and location of the contravention and signed confirmation that these were produced in accordance with the Code of Practice.

- Copy of the PCN
- A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.
- Copy of the NTO (where applicable)
- Copies of any representations made and all correspondence, including telephone conversations.
- Copy of the Notice of Rejection.
- Colour visual images of the Contravention – the images must show the context of the contravention and vehicle registration mark identification. All pictures must display the location, date and time of the contravention. The Adjudicators do not expect footage except in particular cases where there is a strong conflict of evidence. If the Council produces video evidence to the Adjudicators, they must also supply the appellant with a copy. The footage for the Adjudicators must be of a type approved by TPT however the footage for the appellant must be in a format agreed with the appellant. Even if the appellant has already viewed the Council's recorded evidence of the contravention, the Adjudicator would expect to see images in evidence. A copy of the images would therefore have to be served on the appellant. A digital photograph would be acceptable, providing that the accompanying statement explains that it is a digital photograph, taken by an approved device, a true copy, not enhanced etc.
- Certificate of Service – the evidence submitted to the Adjudicator must be accompanied by a certificate confirming that the appellant has been sent copies of the evidence submitted to the Adjudicator not less than 7 days before the hearing. This requirement is in line with Article 6 of the Human Rights Act 1998. The evidence copied to the appellant must be in the same format as that submitted to the Adjudicator.

2.5.5 The list above is not exhaustive. As with any case, the Adjudicator may ask for other forms of evidence not mentioned above. The Councils will be given at least 21 days notice to submit evidence for Appeals.

2.6 Security of Operations

2.6.1 The monitoring, recording and storage of all camera enforcement operations will be carried out in a secure environment.

2.6.2 Visitors may only access a Control Room when authorised by the Senior Officer or Shift Supervisor.

2.6.3 If the Control Room is left unattended for any amount of time, no matter how short, the monitoring, storage and control room equipment must be secure and inaccessible to any unauthorised person. Any alternative secure storage room must be subject to the same conditions of attendance.

2.6.4 Technical, maintenance and repair work will only be carried out with the authorisation of a responsible officer or agent of the authority.

2.7 User Instructions

2.7.1 A set of protocols listing key activities, responsibilities and protocols to be followed will be made available to those staff who have responsibility for operating the system. The protocols will be regularly updated to reflect current agreed practice.

2.8 System Operators

Responsibilities

2.8.1 Responsibility for the management, administration, compliance to and update of this Code of Practice, user protocols and associated manuals resides with those Officers listed in Appendix 1.

2.8.2 All staff operating the system will be trained to working in full accord with this Code of Practice and all associated user instructions. Non compliance to this will be treated in line with Tunbridge Wells Borough Council's discipline procedures.

Selection and Training

2.8.3 All system users will be selected in accordance with Employer's Recruitment Procedures for personnel who are obliged to work to rules of confidentiality.

2.8.4 All staff undertaking enforcement of parking and traffic regulations using CCTV cameras will be fully instructed in their responsibilities.

2.8.5 All staff undertaking verification, of recorded visual images, must be a qualified Civil Enforcement Officer and be fully instructed in their responsibilities for this role.

2.8.6 Training will include: -

- all aspects of this Code of Practice
- operating protocols and instructions
- all aspects of equipment operation
- system audit procedures
- enforcement capture, verification and issue of PCNs
- the necessary underpinning knowledge of Traffic Law

- Health & Safety

2.8.7 Full records of training and of assessments of competence will be kept according to the Employer's standard procedures.

2.8.8 Operators will only be permitted to operate the system unsupervised when they have proved their competence according to the agreed protocols and procedures.

Appendix 1

Particulars of Operating Authority

Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, TN1 1RS

Local Addresses at which the Code of Practice can be inspected

*Tunbridge Wells Borough Council, The Gateway, 8 Grosvenor Road Tunbridge Wells
TN1 2AB*

Addresses at which Annual Reports may be inspected

*Tunbridge Wells Borough Council, The Gateway, 8 Grosvenor Road Tunbridge Wells
TN1 2AB*

Officers who can authorise copying and release of footage

Processing Supervisor or Parking Manager

Officers who can authorise access to Control Room

Parking Supervisor, Processing Supervisor or Parking Manager

Officers responsible for operation of the system and observance of the Code of Practice:

Overall responsibility: *Parking Manager*

Responsibility for day-to-day operations: *Parking Supervisor, Civil Enforcement Supervisors
and Processing Supervisor*

Responsibility for Training: *Parking Supervisor, Civil Enforcement Supervisors and
Processing Supervisor*

Appendix 2

Authorised Officer Witness Statement (Parking Contraventions)

[Appellant] v [Council]

TPT Case No:

TPT No:

I, [Name] am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from media]. I certify that these were produced [describe circumstances in which they were produced: e.g. stills from a media recording] made by a CCTV camera located at [location] on [date].

I further certify:

1. that this/these was/were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the monitoring and recording equipment used at the location and time specified is an approved device under Article 2 of the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.
3. That, to the best of my knowledge and belief, all conditions subject to which approval was given was satisfied.

[Describe what the evidence shows]

Signed.....

Name..... Position.....

Appendix 3

Authorised Officer Witness Statement (Bus Lane Contraventions)

[Appellant] v [Council]

TPT Case No:

PCN No:

I, [Name] am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from media]. I certify that these were produced [describe circumstances in which they were produced: e.g. stills from a media recording made by a CCTV camera located at [location] on [date].]

I further certify:

1. that this/these was/were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the image was recorded using an approved device as set out in 'The Bus Lanes (Approved Devices) (England) Order 2005' and 'Provisional guidance on bus lane (including tramway) enforcement in England outside London' published November 2005 by the Department for Transport;
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed.....

Name..... Position.....

Appendix 4

Authorised Officer Witness Statement (Moving Traffic Contraventions)

[Appellant] V [Council]

TPT Case No:

PCN No:

I, [Name], am an authorised officer of [X] Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

I produce in evidence in the above case [details of evidence being produced e.g. stills from recorded media]. I certify that these were produced [describe circumstances which they were produced: e.g. stills from a media recording made by CCTV camera located at [location] on [date]].

I further certify:

- That this / these was / were produced in accordance with the Code of Practice for the Operation of CCTV Enforcement Cameras;
- that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied.

[Describe what the evidence shows]

Signed.....

Name..... Position.....

Appendix 5

Right to Request the Attendance of the Person Signing the Authorised Officer Witness Statement

The following is a suggested wording for inclusion with Bus Lane appeals.

“If you appeal, we will send you a copy of all our evidence as soon as possible. We must provide you with a copy of any video, photograph or digital image that we want the Traffic Adjudicator to consider, at least seven days before the scheduled date of the hearing. We must also send you a certificate as to the circumstances in which the video etc was produced and another that the device used to produce it was approved by the Secretary of State. These certificates will normally be fairly standard. However if you serve a notice on us, not less than three days before the hearing date, we cannot rely on such evidence without the person(s) who signed them attending. The three-day limit may be varied by the Traffic Adjudicator in special circumstances.”

Please note that this notification is only required for bus lane appeals and is not required for appeals for parking contraventions.

Appendix 6

Glossary of Terms

The Code of Practice refers to the following terms:

Agency	An Agency is an organisation responsible for implementing, operating and maintaining a CCTV scheme and or CCTV system. Each Agency can be responsible for one or more CCTV schemes and one or more CCTV systems. Agencies may enter into partnership to implement a CCTV scheme and or CCTV system. Agencies, whether acting alone or in partnership, are responsible for ensuring that all operators of their CCTV schemes and CCTV systems comply with the relevant legislation.
Approved Device	A CCTV system approved by the DfT under the Traffic Management Act 2004 for use in the enforcement of parking contraventions.
CCTV scheme	The method, policy and operations under which an agency runs.
CCTV system	The physical infrastructure that is used to implement a CCTV scheme. One CCTV system can be used by more than one CCTV scheme.
Contravention	A breach of the legislation under which the CCTV scheme is in place to enforce.
Data Controller	A Person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed. The CCTV schemes covered by this Code of Practice may have single, joint or in common Data Controllers depending on the agreement each agency has and the use of the images involved. For the purposes of this Code of Practice, the Data Controller is defined as the Agency who is actually using the images at any given time to gather or record data which in turn will actually be deemed to be Personal Data. The Data Controller may differ from the CCTV Scheme Operator. At any given time there may be none or several Data Controllers.
Data Processor	Used in relation to Personal Data and means any person (other than the employee of the Data Controller) who processes the data on behalf of the Data Controller.
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
Footage	Data represented in a moving visual form that may constitute Personal Data.
Image	Data represented in a still visual form that may constitute Personal Data.

Moving traffic contravention	Contravention of a traffic order or non compliance with a sign enforceable under the London Local Authorities and Transport for London Act 2003.
Operator	A person who gathers images for the purpose of their contractual employment. Each operator is responsible for complying with the Data Protection Act (1998). An operator may work with more than one CCTV Camera Scheme.
PCN	see Penalty Charge Notice
Penalty Charge Notice	A notice served under the Traffic Management Act 2004, London Local Authorities Act 1996 or the London Local Authorities and Transport for London Act 2003 alleging a contravention.
Personal Data	Data which relates to a living individual who can be identified: (a) from those data, or (b) from those data and other information which is in the possession of, or likely to come into the possession of, the Data Controller, and includes any expression of opinion about the individual and indication of the intentions of the Data Controller or any other person in respect of the individual.
Prescribed Device	A CCTV system, or part of a CCTV system, prescribed by the relevant government body for a specific use.
Searching / Hunting	The process of using a CCTV Camera without due cause. The CCTV User may be either looking for something to view or capturing a CCTV Image for personal use. CCTV Camera Users must not use CCTV Cameras for the purpose of Searching / Hunting.
TPT	See Traffic Penalty Tribunal
Traffic Penalty Tribunal	The independent tribunal for adjudicating parking, bus lane and moving traffic contraventions outside of London.

Appendix 7

Extracts from Data Protection Act 1998

Section 7

- 1) Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled:
 - (a) to be informed by any data controller whether personal data of which that individual is the data subject is being processed by or on behalf of that data controller
 - (b) if that is the case, to be given by the data controller a description of:
 - (i) the personal data of which that individual is the data subject
 - (ii) the purpose for which it is being or is to be processed
 - (iii) the recipients or classes of recipients to whom it will or may be disclosed
 - (c) to have communicated to him or her in an intelligible form:
 - (i) the information constituting any personal data of which that individual is the data subject
 - (ii) any information available to the data controller as the source of that data
 - (d) to be informed by the data controller of the logic involved in decision-taking, where the automatic processing of personal data of which that individual is the subject, has constituted, or is likely to constitute, the sole basis for any decision significantly affecting him or her. Examples would include his or her performance at work, creditworthiness, reliability or conduct
- 2) A data controller is not obliged to supply any information under subsection (1) unless he has received:
 - (a) a request in writing, and, except in prescribed cases,
 - (b) such a fee (not exceeding the prescribed maximum) as he may require
- 3) A data controller is not obliged to comply with a request under this section unless he is supplied with such information as may be reasonably required to satisfy himself as to the identity of the person making the request and to locate the information which that person seeks.
- 4) Where a data controller cannot comply with the request without disclosing information relating to another individual, who can be identified from that information, he is not obliged to comply with the request unless:
 - (a) the other individual has consented to the disclosure of the information to the person making the request, or
 - (b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual

- 5) In subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request. That subsection is not to be construed as excusing the data controller from communicating so much of the information sought by the request as can be communicated without disclosing the identity of the other individual concerned, whether by omission of names or other identifying particulars or otherwise.
- 6) In determining for the purposes of subsection (4)(b) whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to:
 - (a) any duty of confidentiality owed to the other individual
 - (b) any steps taken by the data controller with a view to seeking the consent of the other individual
 - (c) whether the other individual is capable of giving consent, and
 - (d) any express refusal of consent by the other individual
- 7) An individual making a request under this section may, in such cases as may be prescribed, specify that his or her request is limited to personal data of any prescribed description.
- 8) Subject to subsection (4), a data controller shall comply with a request under this section promptly and in any event before the end of the prescribed period beginning with the relevant day.
- 9) If, on the application of any person who has made a request under the foregoing provisions of this section, a court is satisfied that the data controller in question has failed to comply with the request in contravention of those provisions, the court may order him to comply with the request.
- 10) **In this section:**
 - 'Prescribed'** means prescribed by the Secretary of State by regulations;
 - 'The prescribed maximum'** means such amount as may be prescribed;
 - 'The prescribed period'** means 40 days or such other period as may be prescribed;
 - 'The relevant day'**, in relation to a request under this section, means the day on which the data controller receives the request or, if later, the first day on which the data controller has both the required fee and the information referred to in subsection (3).
- 11) Different amounts or periods may be prescribed under this section in relation to different cases.

Appendix 8

Tunbridge Wells Borough Council CCTV Vehicle Enforcement Log - Bus Lane

CCTV Vehicle Reg..... Authorised Officer..... Sheet No.....

NB: This log sheet forms part of the evidential collecting process of recorded parking contraventions it is therefore essential that this form be signed above by the authorised enforcing officer.

DATE	TIME	LOCATON	VRM	CODE	ENF CEO	REVIEWING OFFICER	Additional Information
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			
				34J			

