



Code of Practice

Use of Closed Circuit Television (CCTV) Cameras for Civil Parking & Bus Lane Enforcement

To provide feedback or to request a copy of this document, please contact:.

Parking Services
Middlesbrough House
50 Corporation Road
Middlesbrough
TS1 2YQ

Telephone (01642) 726003

Queries and complaints about this code of practice or its general operation should be sent to the address above.

Queries and representations against any Penalty Charge Notice (PCN) should be made to the address on the PCN.

Copies of this document are available from www.middlesbrough.gov.uk

Contents

1. Purpose
 - 1.1 Scope
 - 1.2 Commitment & Responsibility
2. Use of CCTV
 - 2.1 Why use CCTV cameras for enforcement
 - 2.2 How are CCTV cameras used for enforcement?
 - 2.3 Description of the equipment
 - 2.4 The CCTV system used will be an approved device
 - 2.5 Ownership, control and release or recordings
 - 2.6 Data Protection
 - 2.7 Disposal of records

1)

Purpose

The purpose of this Code of Practice is to describe the objectives of using a Closed Circuit Television (CCTV) camera system for civil enforcement of parking contraventions and bus lanes. The code also describes the rules that will be followed so that the system is operated in a way that ensures privacy, integrity and fairness.

1.1)

Scope

This document specifically relates to use of CCTV systems for the purpose of enforcing parking restrictions and bus lanes. Mobile and static cameras may be used to carry out enforcement and the Council will use vehicles with CCTV cameras fitted. The use of such will be governed by this Code of Practice and any procedures ancillary to it. The system used is intended only to view activity on public carriageways and footways and will not be used to invade the privacy of any persons in domestic, business or other premises, buildings or land.

For the purpose of this document the “owner” of the system is Middlesbrough Council.

For the purpose of the Data Protection Act the “data controller” is Middlesbrough Council.

1.2)

Commitment & Responsibility

This code only covers the use of CCTV for the operation of CCTV enforcement cameras within Middlesbrough, any other CCTV systems operated within Middlesbrough are covered by other codes of practice. This code has been developed within the existing framework of relevant legislation and is designated to complement national guidelines and recommended practice.

The Council is committed to ensuring that all data captured by CCTV camera systems is processed fairly and in accordance with the law. Appropriate security measures will be taken to prevent unauthorised access to, alteration, disclosure or destruction of personal data and against loss or destruction of personal data.

2)

Use of CCTV

Parking restrictions are designed to manage traffic by targeting indiscriminate and unsafe parking.

This brings benefits for communities by helping to:

- Improve road safety for pedestrians, cyclists and motorists.
- Minimize inconvenience to residents.
- Reduce traffic congestion.
- Ensure clear routes for emergency vehicles.

Bus Lanes are designed to manage traffic to:

- Improve journey times for all, including bus users.
- Improve bus punctuality.

2.1)

Why use CCTV cameras for enforcement

Middlesbrough Council is authorised to enforce a range of parking restrictions in the Borough of Middlesbrough. The primary legislation governing parking enforcement is the Traffic Management Act 2004 (TMA). This act's subsidiary legislation allows Penalty Charge Notices (PCN's) to be issued for contraventions detected with an approved camera system.

The use of Civil Enforcement Officers (CEO) patrolling on foot to detect and gather evidence of parking contraventions is not always effective or practical. For example on school "Keep Clear" areas

where motorists, on seeing a CEO approach, drive off only to return and commit the same breach again later. The TMA 2004 provides a solution to this problem by allowing the use of CCTV enforcement in areas where foot patrol enforcement is difficult, sensitive or impractical. In addition to carrying out parking enforcement through foot patrol, the Council may use CCTV enforcement.

The act provides an approval scheme system for camera systems used for parking enforcement known as "Approved Devices". The CCTV enforcement system used by Middlesbrough Council for parking enforcement will be certified as an "Approved Device".

Whilst the decriminalisation of moving traffic offences contained within the Traffic Management Act 2004 has yet to be enacted there are powers from Regulations made under Section 144 of the Transport Act 2000 that came into effect in 2005 that allow approved local authorities to enforce bus lanes using static cameras. The system works in the same way as for mobile camera enforcement in that motorists identified as entering the bus lane during its hours of operation are sent a PCN in the post. Approved local authorities include all those such as Middlesbrough Council where Civil Parking Enforcement is in place.

2.2)

How are CCTV camera systems used for enforcement?

CCTV cameras will be used by specially trained staff to detect and to gather evidence of parking contraventions. The camera will be mounted on a vehicle which will be clearly marked to indicate that CCTV is in operation to advise motorists that enforcement is taking place.

Parking contraventions will be detected and evidence gathered using CCTV mounted on a vehicle which can be operated in two modes, "Attended or Unattended" which means a CEO may or may not be present. The system is designed so that the enforcement vehicle can be either driven or parked at an appropriate location with the camera surveying and recording data without a CEO being present. The camera will be positioned to detect and capture evidence of parking contraventions and will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

Bus lane contraventions will be detected and evidence gathered by a static camera located on site.

Images captured by the CCTV systems will be reviewed by a trained and experienced member of staff who will decide whether a PCN should be issued. PCN's will never be issued without this review first taking place.

Where a PCN is issued the details of the registered keeper will be obtained from the Driver and Vehicle Licensing Agency (DVLA) by following their enquiry procedure. The regulations governing civil parking and bus lane enforcement via the use of a CCTV camera system requires PCN's to be sent

by post. Therefore PCN's for contraventions detected using CCTV system will never be placed directly on the vehicle nor will they be handed to the person in charge of the vehicle.

2.3)

Description of equipment

The equipment will be either mounted upon a vehicle or will be a static camera and will be an "Approved Device" as approved by the Secretary of State. The vehicle and bus lane will be clearly marked as to inform motorists that CCTV enforcement is in operation.

2.4)

The CCTV system used will be an approved system

The CCTV systems used will be certified by the Secretary of State as an "approved device" suitable and permitted for civil parking and bus lane enforcement. In order to achieve approved status the device (the camera and recording system) must satisfy certain requirements including:

- A camera which is connected by secure data link to a recording system.
- A camera which is capable of producing, in one or more pictures, a legible image (or images) of the vehicle in relation to the contravention, showing its registration mark and enough of the location to show the circumstances of the contravention.
- A recording system in which recording are made automatically from the output of the camera, which is secure and reliable and which records at least 5 frames per second.
- A recording system which enables each frame of all captured images to be timed in hours, minutes and seconds and which is dated and sequentially numbered automatically.

2.5)

Ownership, control and release of recordings

All the recordings made using the CCTV systems are the property of Middlesbrough Council.

A copy of the recording is made (this will be known as the working copy) and the original recording (master copy) will be logged in a register and placed in secure storage. Both master and the working copy will be held in a secure, restricted-access location although this will normally be an electronic rather than physical store.

The recording of alleged contraventions will be reviewed by trained staff that has knowledge and understanding of parking and bus lane contraventions. These members of staff will review the recording through password protected desktop PCs that cannot be accessed by other staff and will

determine whether a PCN is to be issued. Where the image includes personal details of a party other than the recipient of the PCN these details will be obscured before a copy of the image is released.

Although there is no legal requirement for the Council to send a copy of the recording of the contravention, it is the Council's intention to send images showing the contravention out with each PCN. Images will also be available for review in person by appointment at the Council's offices.

Any data captured by the CCTV systems will not be released to or for viewing by any individual except in the specific circumstances described below. Recordings will not be copied or released without the formal agreement of the Parking and Traffic Engineering Managers authorisation.

1. To the recipient of the PCN (or their appointed representative). The Council will comply with written request from the recipient (or appointed representative) to be provided with still images from the data captured by the "approved device" or to view the recordings within a reasonable time in line with a subject access request. The Council will arrange for the viewing of the recording to take place in a secure location during normal office hours.
2. To authorised Council staff in order for parking enforcement activity (including activity associated with the issuing and processing of a PCN) to take place. This includes responding to representations and appeals which can involve the submission of evidence to the Traffic Penalty Tribunal (TPT).
3. Where the data is required by a law enforcement agency e.g. to the Police. Any recording released to an enforcement authority shall not be used for anything other than the purpose specified and identified when released to that enforcement authority.
4. Where a court order so requires.
5. To allow an audit to take place, both internal and external.
6. For training purposes.

2.6)

Data Protection

All personal data obtained by virtue of the scheme, shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated objectives of the scheme. In processing personal data there will be total respect for "everyone's right to respect" for his or her private and family life and their home. The storage and security of the data will be strictly in accordance with the requirements of the Data Protection Act 1998.

The "data controller" is Middlesbrough Council and this will include the day to day responsibility for management and control of the data.

All data will be processed in accordance with the principals of the Data Protection Act 1998, which in summarised form, includes, but is not limited to the following principles:

- All personal data will be obtained and processed fairly and lawfully.
- Personal data will be held only for the purpose specified.
- Personal data will be used only for the purpose, and disclosed only to the people, shown within this Code of Practice.
- Only personal data which are adequate, relevant and not excessive in relation to the purpose for which the data are held.
- Steps will be taken to ensure that personal data are accurate and where necessary kept up to date.
- Personal data will be held no longer than necessary.
- Individuals will be allowed to access to information held about them and where appropriate, permitted to correct or erase it.
- Procedures will be implemented to put in place security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of information.

Request for Information

Any request from an individual for the disclosure of personal data which he/she believes is recorded will be directed in the first instance to Parking Services. If the request cannot be complied with without identifying another individual, permission from all parties must be considered in accordance with the requirements of the legislation.

Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located.

Freedom of Information

Any request made under the Freedom of Information Act 2000 in relation to any material captured, stored or retained as a result of the use of CCTV cameras for civil parking and bus lane enforcement will be considered paying full regard to any relevant personal data or other applicable exemptions that allow the Council to withhold information.

2.7)

Disposal of Records

Records will be periodically deleted or physically destroyed once they are no longer required:

- Images that are not reviewed, issued or rejected within 28 days of capture will be deleted from the system.
- Images relating to potential offences that have been rejected and a PCN not issued will be deleted from the system after 93 days.
- Images related to PCN's issued will be deleted from the system after 548 days.