

EWELME PARISH COUNCIL

DATA PROTECTION & PRIVACY POLICY FOR TRAFFIC MONITORING CAMERAS

Data Controller: Ewelme Parish Council

1. Introduction

Ewelme Parish Council recognises that the volume and nature of heavy goods vehicle traffic through the village may have an impact on residents, road users, highway safety and the local environment.

The Parish Council intends to use traffic monitoring cameras at a designated location within Ewelme to obtain objective and reliable evidence of the volume of heavy goods vehicles travelling along the road, including, where necessary, the number of such vehicles associated with a particular operator.

The purpose of collecting this information is to establish an accurate evidence base regarding the volume and frequency of relevant heavy goods vehicle movements and to assist the Parish Council in discussions with the relevant highway, planning and other appropriate authorities.

The Council will operate the system in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and applicable guidance issued by the Information Commissioner's Office (ICO).

2. Specific Purpose of the Camera System

The cameras are being installed for the specific and limited purpose of:

- establishing the volume of heavy goods vehicles travelling along the designated road;
- establishing, where technically necessary, the number of heavy goods vehicles associated with the relevant operator using that road;
- establishing patterns of heavy goods vehicle movements by date and time;
- providing objective statistical evidence concerning the volume of such traffic;
- assisting the Parish Council in discussions with Oxfordshire County Council, Thames Valley Police, planning authorities or other relevant public bodies concerning highway safety, traffic management, planning and the impact of heavy goods vehicle movements on the village.

The system is not intended to monitor individuals or to investigate individual drivers.

The system will not be used for general surveillance, facial recognition, profiling or monitoring of residents.

The Council will not use the information to take enforcement action against individual drivers.

3. Necessity and Proportionality

The Council recognises that the use of cameras on a public road involves an intrusion into the privacy of people using that road.

Before the system is installed, the Council will consider whether the required evidence could reasonably be obtained by a less intrusive means.

The Council will use the least intrusive technology capable of achieving the stated purpose.

In particular, if the required evidence can be obtained by counting and classifying heavy goods vehicles without recording vehicle registration marks, the Council will use that approach.

If recording vehicle registration marks is necessary to distinguish vehicles associated with the relevant operator or to prevent the same vehicle being counted more than once, this necessity will be documented in the Council's Data Protection Impact Assessment.

The Council will not collect identifiable information merely because the technology is capable of doing so.

The ICO states that organisations using ANPR or similar technology should demonstrate that its use is necessary and proportionate and should minimise the information collected.

4. Data Protection Impact Assessment

A Data Protection Impact Assessment (DPIA) will be completed before the camera system is brought into operation where the processing is likely to result in a high risk to individuals.

The DPIA will consider:

- the precise purpose of the monitoring;
- why the monitoring is necessary;
- whether less intrusive alternatives have been considered;
- what information will be captured;
- whether vehicle registration marks will be captured;
- whether identifiable images will be retained;
- the likely impact on motorists and other road users;
- the proposed retention period;

- who will have access to the information;
- whether information will be shared with third parties;
- the security arrangements;
- how the information will ultimately be deleted or anonymised.

The DPIA will be reviewed if there is a material change to the system or its purpose.

The ICO identifies DPIAs as an important requirement for surveillance processing likely to result in a high risk to individuals.

5. Information Collected

The system may collect some or all of the following, depending upon its technical specification:

- date and time of vehicle movement;
- direction of travel;
- vehicle type or classification;
- vehicle count;
- images of vehicles;
- vehicle registration marks, if technically necessary to achieve the stated purpose.

The Council will seek to configure the system so that it collects the minimum information necessary.

Audio recording will not be enabled.

The Council will not intentionally collect information about drivers or passengers beyond information that is incidentally captured as part of the traffic-monitoring process.

6. Vehicle Registration Marks

Where vehicle registration marks are captured, the Council will treat them as personal data unless it has established that they cannot reasonably be used to identify an individual in the circumstances of the processing.

The Council acknowledges the ICO's guidance that a vehicle registration mark will, in most circumstances, constitute personal data.

Where registration marks are not necessary after the required traffic information has been obtained, they will be deleted or irreversibly anonymised as soon as reasonably practicable.

The Council will not use registration marks to establish the identity of individual drivers or vehicle owners unless there is a separate and lawful reason for doing so.

7. Identification of Vehicles Associated with a Particular Commercial Operator

Where the purpose of the monitoring requires the Council to establish the number of heavy goods vehicles associated with a particular commercial operator, the Council will limit the processing to information necessary to establish that traffic volume.

The Council will not seek to establish:

- the identity of individual drivers;
- the home address of any driver;
- the personal movements of individual drivers;
- the reasons for individual journeys;
- information unrelated to the traffic-monitoring purpose.

Where possible, the system will be configured to produce an aggregate figure, such as:

"Number of relevant heavy goods vehicle movements recorded during the monitoring period."

The Council will use aggregated statistical information wherever this is sufficient to fulfil its purpose.

8. Lawful Basis

Where personal data is processed, the Parish Council will identify and document an appropriate lawful basis under Article 6 of the UK GDPR.

The Council will consider whether Article 6(1)(e) – public task is applicable to the particular processing, having regard to the Council's functions and the public interest purpose of gathering objective evidence concerning local traffic and highway matters.

The Council will document the lawful basis relied upon before the system becomes operational.

The Council will not rely upon consent from motorists as the normal lawful basis for monitoring vehicles using a public road.

9. Transparency and Signage

The Parish Council will ensure that appropriate signage is displayed to inform road users that traffic-monitoring cameras are in operation.

The signage will clearly state:

- that camera monitoring is taking place;
- the purpose of the monitoring;
- the identity of Ewelme Parish Council as the data controller;
- where further information can be obtained;
- appropriate contact details.

The Council recognises the ICO's requirement for clear and prominent signage where ANPR or similar surveillance technology is used on roads.

The Council will not operate the system covertly.

10. Camera Location and Field of View

The cameras will be positioned so that they monitor only the area necessary to establish the relevant traffic information.

The Council will take reasonable steps to avoid unnecessarily capturing:

- private property;
- gardens;
- windows of residential properties;
- pedestrians;
- areas unrelated to the traffic-monitoring purpose.

The position and field of view of each camera will be reviewed before installation.

11. Use of Information

The principal purpose of the information is to produce objective statistical evidence.

The information may be used to establish:

- the total number of heavy goods vehicles;
- the number of relevant commercial operator vehicles;
- traffic volumes at different times of day;

- daily or weekly traffic patterns;
- changes in traffic volume over time.

Reports produced by the Council will use aggregated or anonymised information wherever possible.

For example, the Council may report:

"During the monitoring period, X heavy goods vehicle movements were recorded, of which X were identified as being associated with the relevant operator."

The Council will not routinely publish individual vehicle registration marks.

12. Access to Information

Access to identifiable information will be restricted to authorised persons who have a legitimate need to access it for the approved purpose.

Access will not be provided simply because an individual is a Parish Councillor.

Where identifiable information is held, the Council will maintain appropriate access controls and ensure that information is only accessed to the extent necessary.

13. Data Sharing

The Council may share aggregated and anonymised traffic statistics with relevant organisations where this supports the stated purpose.

This may include:

- Oxfordshire County Council;
- Thames Valley Police;
- relevant planning or highway authorities;
- other public bodies with a legitimate interest in highway safety or traffic management.

Identifiable information, including registration marks, will not routinely be shared.

If a public authority or other organisation requests identifiable information, the Council will consider whether there is a lawful basis for disclosure and whether disclosure is necessary and proportionate.

Any disclosure of identifiable information will be documented.

14. Retention

The Council will retain identifiable information only for as long as necessary to fulfil the stated purpose.

Where the required statistical information can be obtained without retaining registration marks or identifiable images, those elements will be deleted as soon as reasonably practicable.

The retention period will be reviewed periodically.

The ICO confirms that surveillance systems do not have a universal prescribed retention period; retention should be determined by the purpose of the processing and information should not be retained for longer than necessary.

15. Security

Any personal data collected by the system will be stored securely.

The Council will use appropriate measures including:

- restricted access;
- secure passwords;
- individual user accounts where available;
- secure storage;
- appropriate encryption where available;
- secure deletion;
- regular review of authorised users.

Any suspected loss, unauthorised access or disclosure of personal data will be dealt with under the Council's Data Breach Procedure.

16. No Individual Driver Monitoring

The Council's purpose is to establish traffic volumes and patterns, not to monitor individual drivers.

The Council will not use the system to:

- track an individual driver;

- monitor an individual's movements;
- identify where a driver lives;
- establish a driver's personal routine;
- investigate unrelated conduct;
- create individual profiles.

Any proposed use outside the purpose set out in this policy will require prior consideration under data protection legislation and, where appropriate, a review of the DPIA.

17. Accuracy

The Council will take reasonable steps to ensure that the traffic information produced is accurate and reliable.

The Council will periodically review:

- the operation of the equipment;
- the accuracy of vehicle classification;
- the accuracy of vehicle counts;
- the date and time settings;
- the camera position;
- the reliability of the resulting statistical information.

Where technical problems may have affected the reliability of the information, this will be recorded.

18. Third-Party Equipment and Suppliers

Where an external company supplies or operates the camera system, the Council will establish whether that company is processing personal data on behalf of the Council.

Where applicable, the Council will enter into an appropriate written data-processing agreement.

The Council will establish:

- where the information is stored;
- who can access it;
- how it is protected;
- how long it is retained;
- how it is deleted;
- whether the supplier can access or use the information for its own purposes.

The supplier will not be permitted to use the Council's information for unrelated purposes.

19. Requests for Information

Any request from an individual concerning information potentially held about them will be referred to the Parish Council's Clerk.

The Council will consider such requests in accordance with the UK GDPR and Data Protection Act 2018.

Freedom of Information requests will be considered separately in accordance with the Council's Freedom of Information procedures.

20. Review and Proportionality

The Council will periodically review whether the camera system remains necessary and proportionate.

The review will consider:

- whether the original traffic monitoring objective remains valid;
- whether the system has produced useful evidence;
- whether the same objective could now be achieved by a less intrusive method;
- whether the amount of personal data being collected can be reduced;
- whether the retention period remains appropriate;
- whether the camera location remains justified.

If the Council determines that the system is no longer necessary or proportionate, it will consider removing or modifying the system.

21. Complaints

Any member of the public wishing to raise a concern about the operation of the cameras or the processing of their personal data may contact: Ewelme Parish Council, Joanna Brock
Email: clerk@ewelme-parish-council.gov.uk

Individuals will also have the right, where appropriate, to raise concerns with the Information Commissioner's Office.