

**West Midlands Combined Authority
Safer Travel**

Code of Practice

For

Body Worn CCTV Cameras
(BS 7958 : 2015)

**Code of Practice For West Midlands Combined Authority – Safer Travel
Body Worn Camera CCTV Scheme**

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1.0 Introductions and Definitions

1.0 Introduction

This Code of Practice shall apply to the closed-circuit television surveillance scheme known as the West Midlands Combined Authority – Safer Travel Body Worn CCTV scheme. The scheme comprises of body worn CCTV cameras (BWV) used by WMCA authorised operators (bus station staff and transport safety and engagement officers). It will enable WMCA staff and contractors to comply with the relevant legislation relating to video recording and outline the associated benefits to WMCA staff and the general public. It also documents best practice procedures with regard to legislation, integrity of data, images and video as well as its security and use.

The use of BWV can provide a number of benefits which include a deterrent to acts of aggression or verbal and physical abuse toward staff and the provision of evidence to support Police investigations, complaints made by the public and disciplinary investigations.

BWV forms part of users Personal Protective Equipment (PPE) and is provided solely for the use indicated in the Code of Practice. It will be used in an overt manner and emphasised by the wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, staff will give a clear verbal warning / hand signal that recording is taking place.

The body worn CCTV camera equipment will be used for:

- Interaction - being seen.
- Engagement - Questions or conversation with.
- Warning - issuing warning

1.1 Ownership

The system is owned by West Midlands Combined Authority (WMCA), who is responsible for the management, administration and security of the system. WMCA will therefore ensure the protection of individuals and the public by complying with the Biometrics and Surveillance Camera Commissioner's 'Surveillance Camera Code of Practice' and the Information Commissioner's CCTV Code of Practices and this document. The Single Point of Contact for WMCA is the Head of Security and Policing.

1.2 Closed Circuit Television Mission Statement

To promote public confidence by developing a safe and secure environment for the benefit of those employed, visiting or using the facilities provided by WMCA Safer Travel. WMCA is committed to the recommendations contained in the Biometrics and Surveillance Camera Commissioner's 'Surveillance Camera Code of Practice' and the Information Commissioner's CCTV Code of Practice. Copy of the Code can be found on the following website:

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www.gov.uk/government/organisations/biometrics-and-surveillance-camera-commissioner

Further information can also be found on the Information Commissioner's website.
www.ico.org.uk

1.3 Codes of Practice Mission Statement

To inspire public confidence by ensuring that the BWV system, which is linked to the WMCA's CCTV Control and Monitoring Room, is operated in a manner that will secure its consistent effectiveness and preserve the civil liberty of law-abiding citizens at all times.

1.4 Definitions

The CCTV control and monitoring room shall mean the secure area of a building where BWV data is retrieved, analysed and processed.

CCTV scheme shall mean the totality of the arrangements for body worn CCTV cameras and is not limited to the technological system, staff and operational procedures.

The retrieval system means the capability, in any medium, of effectively capturing data that can be retrieved, viewed or processed.

Processing means obtaining, processing, recording or holding the information or data or carrying out any operation or set of operations on the information or data. The full definition is explained in the Data Protection Act 2018, Data (Use and Access) Act 2025 and the General Data Protection Regulations 2018.

CCTV system means the surveillance items comprising body worn cameras and associated equipment for transmission and controlling purposes, for use in a defined zone.

Data shall mean all information, including that about a person in the form of images, and any other associated linked or processed information.

Personal Data means data which relates to a living individual who can be identified: a) from that data or b) from that data and other information which is in the possession of or is likely to come into the possession of, the data controller.

Sensitive personal data is personal data which is deemed to be sensitive. The most significant of these, for the purposes of this code are information about:

- The commission or alleged commission of any offences
- Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

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An incident is an activity that raises cause for concern that the safety or security of an individual may be compromised or that an offence has been, is being or is about to be, committed, or that an occurrence has taken place warranting specific action by WMCA authorised operators.

The owner is WMCA and is the organisation with overall responsibility for the formulation and implementation of policies, purposes and control of the scheme.

The system manager (Security & Policing Manager) has the responsibility for the implementation of the policies, purposes and methods of control of the BWV CCTV scheme, as defined by the owner of the scheme.

Data controller means 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 about to be processed. The Data Controller in the case is of the CCTV systems referred to in this Code of Practice is WMCA.

Operators are either employees of WMCA or its authorised staff who are designated to carry out the physical operation of controlling the BWV CCTV system and the data generated. All operators are screened, trained and licensed to the standards required in the Private Security Industry Act 2001.

Recording material means any medium that has the capacity to store data and from which data can later be recalled irrespective of time.

1.5 System Description

The BWV Closed Circuit Television system referred to in this document has been introduced for the purposes outlined in Section Two. Whilst the scheme is owned by WMCA, its implementation and/or expansion is supported by the following bodies (the partners):

- Bus Station staff
- West Midlands Police
- British Transport Police
- Bus Operating Companies

The owner, and all partners will work in accordance with the Codes.

Recordings will not commence until the WMCA staff has issued a verbal warning, of their intention to turn on the BWV. Recordings will not be made whilst performing normal patrolling duties.

High quality BWV cameras are in use. The physical and intellectual rights in relation to any and all material recorded by the systems shall at all times remain in the ownership of WMCA.

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2.0 Purposes of the Code of Practice and CCTV Scheme

2.1 Consultation

Any major changes to this Code of Practice will take place only after consultation with the relevant management group.

Major changes to this code are defined as changes that affect its fundamental principles and shall be deemed to include:

- additions and omissions of BWV cameras to the system
- matters which have privacy implications
- additions to permitted uses criteria e.g. purposes of the scheme
- changes in the right of access to personal data, except statutory requirements
- significant legal implications.

Minor changes to this Code of Practice are defined as operational and procedural matters which do not affect the fundamental principles and purposes; these include:

- additions and omissions of contractors
- additional clarifications, explanations and corrections to the existing code
- additions to the code of practice in order to conform to the requirements of any statutory Acts and changes in criminal legislation

A minor change may be agreed between the manager and the owner of the system.

The Code of Practice will be subject to annual review which will include compliance with the relevant legislation and Standards.

2.2 Supplementary Documentation

The Code of Practice will be supplemented by the following documents:

- BWV CCTV Procedural Manual
- BWV Policy document
- Manufacturers Equipment Manual

Each document contains instructions and guidance to ensure that the objectives and principles set out in this Code of Practice are achieved. These documents will be restricted.

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3.0 Objectives of the BWV CCTV Scheme & Code of Practice

3.1 Purpose of and Compliance with the Code of Practice

This Code of Practice is to detail the management, administration and operation of the BWV closed circuit television (CCTV) system in the specified areas and the associated Control & Monitoring Centre.

The Code of Practice has a dual purpose, in that it will assist owners, management and operators of the system to understand their legal and moral obligations whilst reassuring the public about the safeguards contained within it.

The owners and users of the BWV CCTV system shall be required to give a formal undertaking that they will comply with this Code of Practice and act in good faith with regard to the basic principles contained within it.

The owners, users and any visitors to the Control & Monitoring Centre will be required to sign a formal confidentiality declaration that they will treat any viewed and/or written material as being strictly confidential and that they undertake not to divulge it to any other person.

3.2 Purposes of the Scheme

The following are the objectives for which the BWV CCTV system is established:

- To protect members of staff and the public.
- To discourage physical, assaults, aggressive or abusive behaviour against staff.
- To deter and detect crime and anti-social behaviour.
- To assist in the identification of offenders leading to their arrest and successful prosecution.
- To reduce staff's fear of crime or aggressive or violent behaviour.
- To provide evidence in cases of alleged illegal activity or in disciplinary offences. This may amount to misconduct by members of staff.
- To help investigate breaches in Health and Safety incidents, investigate formal complaints or to resolve grievances.

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4.0 Fundamental Principles

4.1 Rights of Privacy

WMCA – Safer Travel and its partners support the individual's right to privacy and will insist that all agencies involved in the provision and use of the BWV CCTV system owned by the organisation accepts this fundamental principle as being paramount.

4.2 Principles of Management of the Scheme

Prior to the introduction of BWV cameras an 'Impact Assessment' to determine whether BWV CCTV is justified and how it will be operated will be undertaken in compliance with the Biometrics and Surveillance Camera Commissioner and the Information Commissioner's CCTV Codes of Practices.

The BWV cameras are used to capture images that are relevant to the purpose for which the scheme has been established. BWV cameras will be used to ensure that they can produce images of the right quality, taking into account technical and environmental issues.

To accomplish the above an 'Operational Requirement' will be completed at the time of the 'Impact Assessment' for the proposed BWV camera to dictate the quality of images required. This is a recommendation of the Biometrics and Surveillance Camera Commissioner.

The scheme will be operated fairly, within the applicable law and only for the purposes for which it is established or which are subsequently agreed in accordance with the Code of Practice.

Those who have authorised access are aware of the purpose(s) for which the scheme has been established and that the BWV CCTV equipment is only used to achieve the identified purposes.

The scheme will be operated with due regard for the privacy of the individual.

The public interest in the operation of the scheme will be recognised by ensuring the security and integrity of operational procedures.

The need for formal authorisation to conduct covert 'Directed' surveillance as required by the Regulations of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 will be complied with.

The system will only be operated by trained and authorised personnel.

4.3 Policy of the Scheme and Signage

The scheme aims to provide surveillance of the public areas within the specified location, in order to fulfill the purposes of the scheme.

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BWVs are worn so that they are clearly visible, and the public will normally, where practical, be given a clear verbal warning that the camera is in use. This will ensure that both the maximum deterrent value is achieved and that the public are fully aware that they are being recorded.

Staff members and/or contractors will wear BWVs with signage stating that CCTV is operational and/or being recorded.

Data will not be held for longer than necessary and disposal of information will be regulated.

4.4 Point of contact

Should the public wish to make contact with the owners of the scheme they may write to:

Security and Policing Manager
WMCA
16 Summer Lane
Birmingham
B19 3SD

The contact point will be available to members of the public during office hours. Enquiries will be provided with relevant documentation.

4.5 Release of Information to the Public

Information will be released to third parties who can show legitimate reasons for access. They will be required to request any information with reasons in writing and identify themselves. Information will be released if the reasons are deemed acceptable, the request and release of information complies with current legislation and on condition that the information is not used for any other purpose than that specified.

Individuals may request to view information concerning themselves held on record in accordance with the Data Protection Act 2018, Data (Use and Access) Act 2025 and the General Data Protection Regulation 2018 (GDPR). Refer to 'Appendix A' on how to obtain personal data.

4.6 Release of Information to Statutory Prosecuting Bodies

The policy is to assist statutory prosecuting bodies such as the Police and statutory authorities with powers to prosecute and facilitate the legitimate use of the information derived from the scheme. Statutory bodies may have access to information permitted for disclosure on application to the owner of the scheme or the manager, provided the reasons and statement of purpose, according with the objectives of the scheme and conditions outlined in section 7.3. The information will be treated as evidential exhibits.

4.7 Annual Policy Review

There will be an annual policy review covering the following aspects:

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- a) whether the purpose and objectives statements remain valid
- b) change in extent of the scheme
- c) contracts with suppliers
- d) a review of the data protection or legal requirements
- e) maintenance schedule and performance test of the system
- f) scheme evaluation findings
- g) complaints procedure and evaluation

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5.0 Data Protection Act, Other Legislation and Recommendations

5.1 Data Protection Registration

The WMCA scheme is registered with the Data Protection Commissioner, Registration Number: Z5897556. The scheme will be managed in accordance with the principles of the Data Protection Act 2018 and the articles of the General Data Protection Regulation (GDPR).

5.2 Data (Use and Access) Act 2025

The Data (Use and Access) Act (DUAA) came into force on 19th June 2025. The DUAA amends, but does not replace, the General Data Protection Regulation, the Data Protection Act 2018 and the Privacy and Electronic Communications Regulations (PECR).

The ICO states that the DUAA may help organisations to deliver public tasks more effectively in the following ways:

- **New joint processing provisions:** it allows a local authority to work to intelligence services data protection rules when they are working with the intelligence services on joint operations; if this is necessary to safeguard national security and has been approved by the Home Secretary.
- **New national security exemption:** it allows a local authority to restrict some of the data protection rights that people have if this is necessary to safeguard national security.
- **New legal professional privilege exemption:** it allows a local authority to restrict people's right to access their personal information if it is subject to legal professional privilege.
- **Logging:** it removes the need for a local authority to keep a log of the reasons why people within its organisation have accessed or disclosed the personal information they hold in automated processing systems.
- **Subject access requests (SARs):** it allows a local authority to take longer to respond to requests to access personal information, if they need extra time because of the complexity or number of requests that someone has made. It also makes it clear that they only need to make reasonable searches for information.
- **Definition of consent:** it improves clarity by defining consent for law enforcement processing.
- **Codes of conduct:** it allows experts to develop codes of conduct on using personal information for law enforcement purposes.

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- **Automated decision-making:** it allows a local authority to use people's personal information to make significant automated decisions about them in more circumstances, so long as they continue to apply appropriate safeguards. It also introduces a new safeguard to pro-actively re-consider a decision with human involvement, when this is necessary for some public interest reasons.
- **Disclosures to help a local authority perform their public tasks:** it allows other organisations to give a local authority the personal information that they've requested, based on the declaration that they need the information to carry out their public tasks.
- **Making things clearer:** it improves the way the law is written and structured to make it easier for a local authority to follow and apply, but without materially changing how they can use personal information. For example, it rewords the test they need to apply when transferring personal information outside the UK.

5.3 Human Rights Act 1998

The system will be operated by or on behalf of a public authority, the authority has considered the wider human rights issues and in particular the implications of the European Convention on Human Rights, Article 8 (the right to respect for private and family life).

- 1) Everyone has the right to respect for their private and family life, home and correspondence.
- 2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Therefore, to comply with Article 8 (1), and Article 8 (2) the WMCA Safer Travel will always consider the following:

- Proportionality - Article 4.2.1, 4.2.2, 4.2.3 and 4.2.6 of the code of practice
- Legality - Article 4.2.7 and 4.2.8 of the code of practice
- Accountability - Article 4.2.10 and 4.2.11 of the code of practice
- Necessity/Compulsion - Article 4.2.3 of the code of practice

Any infringement by a public authority of another's rights must be justified. If this is not the case then it will not be appropriate to use CCTV.

5.4 Criminal Procedures and Investigations Act 1996

The Criminal Procedures and Investigations Act 1996 came into effect in April 1997 and introduced a statutory framework for the disclosure to defendants of material which the prosecution would not intend to use in the prosecution of its own case (known as unused material) but disclosure of unused material under the provisions of this Act should not be confused with the obligations placed on the data controller by Data Protection Act 2018, Data (Use and Access) Act 2025 and the General Data Protection Regulation 2018 (known as subject access).

5.5 Freedom of Information Act 2000

If a request for images is received via a FOIA application and the person requesting is the subject, these will be exempt from the FOIA and will be dealt with under the Data Protection Act 2018, Data (Use and Access) Act 2025 and GDPR 2018.

Any other requests not involving identification of individuals can be disclosed but only if it does not breach the Data Protection Act 2018, Data (Use and Access) Act 2025 and GDPR 2018.

5.6 Investigatory Powers Act 2016

Introduction

The Investigatory Powers Act 2016 came into force in November 2016. It provides a framework to govern the use and oversight of investigatory powers by law enforcement and the security and intelligence agencies. It makes provision for the retention of internet connection records for law enforcement to identify the communications service to which a device has connected.

The Act does 3 things:

1. Brings together all of the powers already available to law enforcement and the security and intelligence agencies to obtain communications and data about communications. It will make these powers and the safeguards that apply to them clear and understandable.
2. Radically overhauls the way these powers are authorised and overseen. It introduces a 'double-lock' for interception warrants, so that, following Secretary of State authorisation, these (and other warrants) cannot come into force until they have been approved by a judge. And it creates a powerful new Investigatory Powers Commissioner to oversee how these powers are used.
3. Ensures powers are fit for the digital age. It makes provision for the retention of internet connection records for law enforcement to identify the communications service to which a device has connected. This will restore capabilities that have been lost as a result of changes in the way people communicate.

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The BWV CCTV scheme will observe the criteria laid out in the legislative requirements. Further information is available from the Government website:- Further information is available from the Government website:- www.gov.uk

5.7 Biometrics and Surveillance Camera Commissioner’s ‘Surveillance Camera Code of Practice’

The Code of Practice was a requirement of the Protection of Freedoms Act 2012 and sets out guidelines for the CCTV system to ensure their use is open and proportionate and that they are able to capture quality images that give police a better chance to catch criminals and cut crime. The Code was updated in November 2021, coming into effect in January 2022, replacing the 2013 Code.

The Code has been built upon 12 guiding principles, which provide a framework of good practice that includes existing legal obligations.

Those existing obligations include the processing of personal data under the Data Protection Act 2018 and the General Data Protection Regulation, a public authority’s duty to adhere to the Human Rights Act 1998 and safeguards under the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 associated with the use of directed and covert surveillance by a public authority. The use of a surveillance camera system must:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The user of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

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9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

Whilst the above principles are voluntary, Local Authorities must have regard to them and other organizations are encouraged to adopt the principles. WMCA - Safer Travel is committed to achieve continued compliance with the requirements. Information and a copy of the Codes can be found on:

<https://www.gov.uk/government/consultations/surveillance-camera-code-of-practice>

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6.0 Accountability

6.1 Accountability

WMCA – Safer Travel and its partners support the principle that the community at large should be satisfied that the public surveillance CCTV systems are being used, managed and controlled in a responsible and accountable manner and that in order to meet this objective there will be independent assessment and scrutiny. It is the responsibility of all parties to maintain a continuous review of its integrity, security, procedural efficiency, methods of operation and retention and release of data. The Single Point of Contact for WMCA – Safer Travel is the Security and Policing Manager.

6.2 Hierarchy of Responsibilities

The Owner

The owner shall be responsible for policy, effective management and public relations of the scheme. They shall produce a written policy and be responsible for its implementation. This shall be carried out in consultation with users of the scheme and provide for the release of information relating to the operation of the system. The owner is responsible for dealing with complaints and ensuring a fair system of staff selection and recruitment is adopted for staff employed in the control and monitoring environment. The role of owner also includes all statutory responsibilities including the role of “data controller” as prescribed by the Data Protection Act 2018, Data (Use and Access) Act 2025 and the GDPR 2018.

The Manager

As the person with direct control of the CCTV scheme, the manager or other authorised person is responsible to the owner and should have authority for the following:

- a) staff management (if appropriate);
- b) observance of the policy and procedural practices;
- c) release of data to third parties who have a legal right to copies;
- d) control and security clearance of visitors;
- e) security and storage of data;
- f) security clearance of persons who request to view data;
- g) release of new, and destruction of old, data and data medium;
- h) liaison with the law enforcement agencies and other agencies;
- i) maintenance of the quality of the recording and monitoring equipment; and
- j) responsibility for maintenance of discipline on a day-to-day basis.

The manager should retain responsibility for the implementation of procedures to ensure that the CCTV system operates according to the objectives for which it was installed and in accordance with the objectives identified for the CCTV scheme.

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The manager is responsible for the day-to-day liaison with all partners in, and users of, the CCTV scheme; this should include supervision of access to any data obtained by the CCTV scheme.

The manager should have responsibility for the instigation of disciplinary procedures against operators in matters relating to non-compliance with this Code of Practice, operational procedures and breaches of confidentiality or the unauthorized release of data.

The Supervisor (Operations Manager - Transport Safety Officers)

The supervisor has a responsibility to ensure that at all times the system is operated in accordance with the policy and all procedural instructions relating to the system, and for bringing to the immediate attention of the manager any matter affecting the operation of the system, including any breach or suspected breach of the policy, procedural instructions, security of data or confidentially.

In the Manager's absence the Supervisor will have responsibility for all the duties of the manager as stated above.

- Release of data to third parties who have legal right to copies
- Control and security clearance of visitors
- Security and storage of data
- Security clearance of persons who request to view data
- Release of new Media
- Liaison with police and other agencies

The supervisor should ensure that at all times operators carry out their duties in an efficient and responsible manner, in accordance with the objectives of the scheme. This will include regular checks and audit trails to ensure that the documentation systems in place are working effectively. These systems include:

- Incident log
- Witness statements
- Faults and maintenance log
- The security of data
- Audit logs
- Authorisation of visitors

The supervisor will ensure operators comply with Health and Safety Regulations.

The Operators (Transport Safety Officers)

The operators will be responsible for complying with the code of practice and procedural manual. They have a responsibility to respect the privacy of the individual, understand and comply with the objectives of the scheme.

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They are required to be proficient in the control and the use of the BWV CCTV camera equipment and maintenance of all logs. The information recorded must be accurate, adequate and relevant to the purpose of the scheme. They should bring to the attention of the supervisor or manager immediately any equipment defect that may occur.

6.3 Accountability

The manager/supervisor shall be accountable to the owner of the scheme and will provide periodic progress reports on the scheme. The manager/supervisor will resolve technical and operational matters.

Failure of the operators to comply with the procedures and code of practice should be dealt with by the manager/supervisor. Person(s) misusing the system will be subject to disciplinary or legal proceedings in accordance with the employer's policy.

6.4 Annual Report

An annual report will be prepared for BWV CCTV scheme monitoring public spaces. This report should be made available to the public.

The report will include the following details:

- a) a description of the scheme and the geographical area(s) of operation;
- b) the scheme's policy statement;
- c) the objective and scope of the scheme;
- d) any changes to the operation or management of the BWV CCTV scheme;
- e) any changes that have been made to the policy;
- f) any proposals to expand or reduce the operation of the scheme; and
- g) the scheme's aims and objectives for the next 12 months.

The report should also provide details of the scheme's achievements during the previous 12 months, which might be based on information already held by the scheme. The details of the scheme's performance should include:

- a) the number of incidents recorded by the scheme;
- b) the number of incidents reported to the law enforcement agencies and, where appropriate, other bodies, e.g. the local authority;
- c) an assessment of the scheme's impact on crime levels and types of crime in the area covered by it; and
- d) an assessment of the scheme's impact on its objectives, including:
 - the number of privacy impact assessments completed;
 - the number of reviews of footage by police and authorized agencies; and
 - the number of incidents per camera for the previous twelve months.

The results will be assessed against the stated purposes of the scheme. If the scheme is not achieving its purpose modification and other options will be considered.

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The Biometrics and Surveillance Camera Commissioner's CCTV Code of Practice stipulates that the system should be reviewed annually to determine whether CCTV continues to be justified. It further states that it is necessary to establish the system's effectiveness to ensure that it is still doing what it was intended to do. If it does not achieve its purpose, it should be stopped or modified.

6.5 Audit

Where schemes operate within the public domain, an independent audit should be conducted before the publication of the annual report. This audit should include the following:

- a) the level of attainment of objectives and procedures;
- b) random audits of all logs and the release of information;
- c) the review policy; and
- d) standard costs for the release or viewing of material.

The complaints procedure should be reviewed, with the following details included:

- a) the number of complaints received;
- b) the time taken to acknowledge and respond to complaints;
- c) the method of receiving and handling complaints; and
- d) the degree of customer satisfaction in handling complaints.

6.6 Complaints

A member of the public wishing to make a complaint about the system may do so through WMCA's complaint procedure. A copy of the complaint procedure is available by writing to:

Security and Policing Manager
WMCA – Safer Travel
16 Summer Lane
Birmingham
B19 3SD

A complaints procedure has been documented. A record of the number of complaints or enquiries received will be maintained together with an outline of the action taken.

When a complaint is received a written acknowledgement will be sent within three working days. A copy of the completed complaint form will also be sent so the complainant can check that the details are correct.

An investigation will follow and a written answer will be sent to the complainant within ten working days stating that:-

the investigation is complete giving details of any proposed action, or, the investigation has not been completed giving the reason why and a date when a full reply can be expected.

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Should a complainant not be satisfied there is an appeals procedure and this is detailed in the full complaints procedure.

A report on the numbers of complaints will be collated by the Security and Policing Manager or designated member of staff, in order to assess public reaction to, and opinion of, the use of the system.

The annual report will contain details of the numbers of complaints received, the time taken to acknowledge and respond to complaints, the method of receiving and handling complaints and the degree of satisfaction in handling complaints.

6.7 Personnel

Security Screening

All personnel employed from January 2021 to control/operate or manage the scheme will be security screened in accordance with British Standard 7858: *Code of practice for screening of personnel in a security environment* and to NPPV Level 2 Full (Police vetting).

Training

All operators are or will be trained to the criteria required by the private Security Industry Act 2001 and licensed by the Security Industry Authority for Public Space Surveillance systems.

All persons employed to act as operators of the system are trained to the highest available industry standard. Training has been completed by suitably qualified persons and has included:

- Terms of employment
- The use of all appropriate equipment
- The operation of the systems in place
- The management of recorded material including requirements for handling and storage of material needed for evidential purposes.
- All relevant legal issues including Data Protection and Human Rights
- Progression to nationally recognized qualifications
- Recognise and understanding privacy and disclosure issues
- The disciplinary policy

Contractors

There are special conditions imposed upon contractors carrying out works on the system. These are detailed within the contract with the contractor. It should be noted that wherever possible contractors should not have sight of any recorded data.

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7.0 CCTV Control Facility Management and Operation

7.1 General

Access to the monitoring and recording areas will be strictly controlled.

Only those persons with a legitimate purpose will be permitted access to the Control Room facility.

The Control Centre Manager or designated member of staff, is authorised to determine who has access to the monitoring area. This will normally be:

- Authorised Personnel/Operators (including authorised WMCA Representatives).
- Police officers requiring to view a particular incident, or intelligence or for evidential purposes. These visits will take place by prior appointment.
- Engineers and cleaning staff (These people will receive supervision throughout their visit).
- Independent Inspectors appointed under this Code of Practice may visit the monitoring and recording facility without prior appointment.
- Organised visits by authorised persons in controlled circumstances

All visitors to the Control Centre, including Police Officers, will be required to sign a visitor's log and a declaration of confidentiality.

7.2 Response to an Incident

The Procedural Manual details:

- What action should be taken
- Who should respond
- The time scale for response
- The times at which the observation should take place

A record of all incidents will be maintained in the incident log (this includes computerised systems). Information will include anything of note that may be useful for investigative or evidential purposes.

7.3 Who Makes the Response and the Timescale

Incidents of a criminal nature will be reported to the West Midlands Police. The response will be made by the Police Service in accordance with their policies.

7.4 Observation and Recording of Incident

Recording must be incident specific. WMCA operators must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of specific incidents. For the purposes of this guidance an 'incident' is defined as:

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- a) An engagement with a member of the public which in the opinion of the WMCA operator is confrontational, and where the WMCA operator believes they may be subject to physical or verbal abuse.
- b) The WMCA operator is approached by a member of the public in a manner perceived as aggressive or threatening.
- c) WMCA operator witnessing a crime and/or any anti-social behaviour or offences in contradiction of existing Byelaws and/or Bus operators codes of carriage such as vaping, littering, playing loud music, or other form of Environmental Crime (e.g. graffiti or illegal advertising) offences.

At the commencement of any recording the WMCA operator should, where possible, make a verbal announcement to indicate why recording has been activated.

The purpose of issuing a verbal warning is to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behaviour. If, at any time during an incident the WMCA operator considers that the use of the BWV or the issuing of a verbal warning, is likely to inflame a confrontational situation, the WMCA operator may use discretion to disengage from further discussion and withdraw from the incident, noting the reason for the ceasing of that recording in their duty report.

A specific form of words to be used in any warning to a member of the public has not been prescribed, but an WMCA operator should use straightforward speech that can be easily understood by those present, such as:

“I am wearing a Body Worn Camera and I am now recording.”

The cameras purchased by WMCA have a small screen on the front of them which is visible to the member of the public being recorded this screen displays a live feed of the recording being made again to allow a member of the public to modify any unacceptable confrontational or aggressive and threatening behaviour. These screens only activate once any recording is initiated otherwise, they remain blank.

7.5 A Successful Response

The criteria for measuring a successful response are:

- A good observational record of the incident
- A short time scale for response to the incident
- Identification of a suspect
- The prevention or minimisation of injury or damage
- Reduction of crime and disorder
- Improving public safety
- Restoration of tranquillity

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7.6 Body Worn Video Equipment

The use of BWV is intended for “overt use” only and as such, they are not to be worn or used in a hidden or covert manner.

The Data Protection Act 2018, Data (Use and Access) Act 2025 and the General Data Protection Regulation (GDPR) 2018 require that the data subject must be informed of:

- The identity of the Data Controller – which is WMCA.
- The purpose or purposes for which the footage is intended to be processed.
- Any further information that is necessary for processing to be fair.

If possible, this information should be provided at the time they are being recorded or if this is not practicable due to an on-going incident then as soon as possible afterwards. The operator’s device shows that CCTV Recording is in progress.

Members of the public may be unaware that the camera is capable of recording sound. Operators should, therefore, consider the reasonable expectations of the public (e.g. if a member of the public approaches them to ask a question they may not expect to be recorded and it is good practice for the officer to inform them that the device is switched on.

Recorded footage that is initially considered to be “non-evidential” should not be retained beyond the time where it is reasonably expected that it may be identified as being used for an investigation. Home Office guidance indicates that footage be retained for a period of 31 days for any investigation to become apparent after which it should be deleted. All data retained for evidential purposes and safety purposes will be retained for 15 months.

More information on the use of Body Worn Videos can be obtained from WMCA – Safer Travel.

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8.0 Privacy and Disclosure Issues

8.1 Privacy

BWV Cameras should not be used to infringe the individual's rights of privacy. We respect and support the individual's entitlement to go about their lawful business and this is a primary consideration in the operation of a BWV system. Although there is inevitably some loss of privacy when BWVs are operational, cameras will not be used to monitor the progress of individuals in the ordinary course of lawful business in the area under surveillance. Individuals will only be continuously monitored if there is reasonable cause to suspect an offence or serious breach of discipline has been, or may be, about to be committed and this will only be permitted by use of a RIPA authorisation.

Breaches of this section of the Code of Practice by staff may be regarded as misconduct and could lead to disciplinary action.

8.2 Disclosure Policy

The following principles must be adhered to:

- a) All employees will be aware of the restrictions set out in this Code of Practice in relation to access to, and disclosure of, recorded images.
- b) Images not required for the purposes of the scheme will not be retained longer than necessary. However, on occasions it may be necessary to retain images for longer period, where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation
- c) WMCA – Safer Travel will only disclose to third parties who intend processing the data for purposes which are deemed compatible with the objectives of the CCTV system.
- d) Monitors displaying images from areas in which individuals would have an expectation of privacy will not be viewed by anyone other than authorised persons.
- e) Recorded material will only be used for the purposes defined in the objectives and policy.
- f) Access to recorded material will be in accordance with policy and procedures.
- g) Information will not be disclosed for commercial purposes and entertainment purposes.
- h) All access to the medium on which the images are recorded will be documented.
- i) Access to recorded images will be restricted to those staff who need to have access in order to achieve the purpose(s) of using the equipment.
- j) Viewing of the recorded images should, where possible take place in a restricted area.

Before data is viewed by a third party the Security and Policing Manager or designated member of staff should be satisfied that data is:

- a) The subject of a complaint or dispute that is unanswered
- b) The original data and the audit trail are maintained throughout
- c) Not part of a current criminal investigation by the Police, or likely to be so
- d) Not part of a civil proceeding or likely to be so
- e) Not removed or copied without proper authority

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f) The image obtained is aimed at identifying individuals or information relating to an individual.

8.3 Access to Recorded Images

Access to recorded images will be restricted to the authorised members of staff who will decide whether to allow requests for access by third parties in accordance with the disclosure policy.

8.4 Viewing Recorded Images

Where possible, the viewing of recorded images should take place in a restricted area. Other employees should not be allowed to have access to that area when viewing is taking place

8.5 Operators

All operators are trained in their responsibilities in relation to access to privacy and disclosure issues, in addition to being licensed as previously mentioned.

8.6 Removal of Medium for Viewing

The removal of medium on which images are recorded, for viewing purposes, will be documented in accordance with Data Protection Act 2018, Data (Use and Access) Act 2025, the Articles of GDPR and the procedural manual.

8.7 Access to Data by Third Parties

Access to images by third parties will only be allowed in limited and prescribed circumstances. Disclosure will be limited to the following:-

- a) Law enforcement agencies where the images recorded would assist in a specific criminal enquiry.
- b) Prosecution agencies.
- c) Legal representatives.
- d) The media, where it is assessed by the Police that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that assessment the wishes of the victim of an incident should be taken into account.
- e) The people whose images have been recorded and retained (Data Subject) unless disclosure to an individual would prejudice the criminal enquiries or criminal proceedings.

All requests for access or for disclosure will be recorded. If access or disclosure is denied, the reason should be documented. If access to or disclosure of the images is allowed, details will be documented.

Recorded images should not in normal circumstances be made more widely available, for example, they should not be routinely made available to the media or placed on the internet.

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The owner should not unduly obstruct a bona fide third-party investigation to verify the existence of relevant data. The owner should not destroy data that is relevant to previous or pending search request which may become the subject of a subpoena.

The owner should decide which other agencies, if any, should have access to data and it should be viewed live or recorded but a copy should never be made or released.

8.8 Disclosure in the Public Interest

Requests to view personal data that do not fall within the above categories but that may be in the public interest should be considered. Examples may include public health issues, community safety or circumstances leading to the prevention or detection of crime. Material released to a third party for the purposes of crime prevention or detection, should be governed by prior written agreement with the Chief Constable. Material may be used for bona fide training such as Police or staff training.

8.9 Data Subject Access Disclosure

All staff involved in operating the equipment must be able to recognise a request for access to recorded images by data subjects and be aware of individuals' rights under this section of the Code of Practice.

Individuals whose images are recorded have a right to view the images of themselves and, unless they agree otherwise, to be provided with a copy of the images. This must be provided within one calendar month of receiving a request.

Data subjects requesting access will be provided with a standard subject Access request form (Appendix 'A') describing the types of images recorded and retained and the purposes for recording and retention. Subject access rights are governed by Data Protection Act 2018, Data (Use and Access) Act 2025 and the General Data Protection Regulation 2018 and include the following provisions:

- a) a person gives sufficient and accurate information about a date, time and place
- b) information required as to the identification of the person making the request.
- c) the Data Controller only shows information relevant to the search.

If a copy is requested, it will be necessary to ascertain whether the images obtained are aimed at learning about the Data Subjects activities. If this is not the case and there as been no captured images of identifiable individuals or information relating to individuals then this may not fall within the Data Protection Act 2018 and Data (Use and Access) Act 2025 and access may be denied. Any refusal should be documented.

If images of third parties are also shown with the images of the person who has made the access request, consideration will be given as to whether providing these images would involve an unfair intrusion into the privacy of the third party, or cause unwarranted harm or distress. WMCA – Safer Travel's BWV CCTV system does not currently have the capability of disguising or blurring the images of third parties. However, in many cases, images can be disclosed as there will not be an intrusion.

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The subject access request will be dealt with promptly and in any case within one calendar month of receipt of the request or within a calendar month of receiving all the information required. All subject access requests should be dealt with by the manager or designated member of staff.

A search request should provide sufficient information to locate the data requested (e.g. within 30 minutes for a given date and place). If insufficient information is provided a data controller may refuse a request until sufficient information is provided.

Under certain circumstances (as defined with the Data Protection Act 2018 and the General Data Protection Regulation) the manager or designated member of staff can decide that a subject access request is not to be complied with. In such cases the refusal will be documented.

8.10 Provision of Data to the Individual

The owner/manager having verified the validity of a request should provide requested material to the individual. If the individual agrees it may be possible to provide subject access by viewing only. If this is the case:

- Viewing should take place in a controlled environment
- Material not relevant to the request should be masked or edited out

8.11 Other Rights

All staff involved in operating the BWV equipment must be able to recognise a request from an individual to prevent processing likely to cause substantial and unwarranted damage to that individual. In relation to a request to prevent processing likely to cause substantial and unwarranted damage, the manager or designated member of staff's response should indicate whether he or she will comply with the request or not.

The member or designated member of staff must provide a written response to the individual within 21 days of receiving the request setting out their decision on the request. If the manager or designated member of staff decides that the request will not be complied with, they must set out their reasons in the response to the individual. A copy of the request and response will be retained.

8.12 Media Disclosure

Disclosure of images from the BWV CCTV system must be controlled and consistent with the purpose for which the system was established. For example, if the system is established to help prevent and detect crime it will be appropriate to disclose images to law enforcement agencies where a crime needs to be investigated, but it would not be appropriate to disclose images of identifiable individuals to the media for entertainment purposes or place them on the internet. Images can be released to the media for identification purposes; this will not generally be done by anyone other than a law enforcement agency.

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9.0 Recorded Material Management

9.1 Retention of Images

Images, which are not required for the purpose(s) for which the BWV equipment is being used will not be retained for longer than is necessary. As mentioned previously, on occasions images may need to be retained for longer periods as a requirement of an investigation into crime. While images are retained access to and security of the images will be controlled in accordance with the requirements of the Data Protection Act, Data (Use and Access) Act 2025 and the General Data Protection Regulation.

Recorded material should be of high quality. In order for recorded material to be admissible in evidence total integrity and continuity must be maintained at all times.

Security measures will be taken to prevent unauthorised access to, alteration, disclosure, destruction, accidental loss or destruction of recorded material.

Recorded material will not be released to organisations outside the ownership of the system other than for training purposes or under the guidelines referred to previously.

Images retained for evidential purposes will be retained in a secure place where access is controlled.

9.2 Quality and Maintenance

In order to ensure that clear images are recorded at all times the equipment for making recordings and any associated security equipment will be maintained in good working order with regular servicing in accordance with the manufacturer's instructions. In the event of a malfunction the equipment will be repaired within specific time scales which will be scheduled within the maintenance agreement. All documentation relating to the equipment and its servicing and malfunction is retained in the control room and will be available for inspection and audit.

9.3 Digital Recordings

In the digital CCTV system, where possible, the register should show the life of the recorded media at all stages whilst in the owner's possession. Such a register may also show itself to be useful in enabling evaluation of the CCTV scheme. The register should include the following:

- 1) unique equipment reference number(s);
- 2) time/date/person removing medium from secure storage for use;
- 3) time/date/person returning medium to secure storage after use;
- 4) remarks column to cover additional points (e.g., erase/destroy/handed over to law enforcement agencies/removed from recording machine);
- 5) time and date of delivery to the law enforcement agencies, identifying the law enforcement agency officer concerned;

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- 6) in the event of a non-automated system of erasure of data, the time/ date/ person responsible for erasure and/or destruction;
- 7) details of all reviews of images, including persons present and results.

9.4 Making Recordings

Details of the recording procedures are given in the Procedural Manual.

Recording mediums containing original incidents should not be replayed, unless absolutely essential to avoid any accident, damage or erasure. If recorded images need to be reviewed the reasons and details of those present will be logged and the medium returned to secure storage, if appropriate.

9.5 Stills

Stills will only be made when absolutely necessary. Stills requested by police must be on written authority of an officer of the rank of Inspector or above. All Stills will remain the property of the scheme owner and those not handed to the police will be retained in a secure cabinet until destruction is authorised. The taking of Stills will be recorded in a register to be retained in the control room.

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10.0 Documentation

10.1 Log Books

Log books must be sequential in order that pages or entries cannot be removed and full and accurate records kept.

10.2 Administrative Documents

Operators will maintain a log of any event or occurrence including:

- a) The operator on duty and showing that:
 - the correct time was being displayed
 - the recording equipment appeared to be operating correctly
- b) Incidents including details of time, date, location, nature, name of operator dealing and action taken.
- c) Privacy zones, detailing where, for any reason, it is necessary to encroach on private areas that are not part of the patrol.

The following shall be maintained:

- digital tracking register
- occurrence/incident register
- visitors register
- maintenance of equipment, whether routine or breakdown
- staff signing on and off duty
- still print log
- list of installed equipment

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Appendix 'A'

Subject Data Access Form

How to Apply for Access to Information Held on the BWV CCTV System

These notes explain how you can find out what information, if any, is held about you on the BWV CCTV System.

Your Rights

Subject to certain exemptions, you have a right to be told whether any personal data is held about you. You also have a right to a copy of the information in a permanent form except where the supply of such a copy is not possible or would involve disproportionate effort, or data does not fall within the Data Protection Act 2018 and Data (Use and Access) Act 2025 or if you agree otherwise. WMCA - Safer Travel will only give that information if it is satisfied as to your identity. If release of the information will disclose information relating to another individual(s), who can be identified from that information, WMCA - Safer Travel is not obliged to comply with an access request unless:

- The other individual has consented to the disclosure of information, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual(s)

WMCA BWV CCTV System Rights

WMCA may deny access to information where the Act allows or does not apply. The main exemptions in relation to information held on the CCTV System are where the information may be held for:

- Prevention and detection of crime
- Apprehension and prosecution of offenders
- Where the Data Protection Act 2018 and Data (Use and Access) Act 2025 does not apply (where not used to capture identifiable individuals or information relating to individuals) and giving you the information may be likely to prejudice any of these purposes.

THE APPLICATION FORM: (N.B. ALL sections of the form must be completed. Failure to do so may delay your application.)

Section 1: Asks you to give information about yourself that will help us confirm your identity. We have a duty to ensure that information it holds is ensure and it must be satisfied that you are who you say you are.

Section 2: Asks you to provide evidence of your identity by producing TWO official documents (which between them clearly show your name, date of birth and current address) together with a recent photograph of you, unless one of the documents includes a photograph.

Section 3: The declaration must be signed by you.

When you have completed and checked this form, take or send it together with the required TWO identification documents and photograph to: The Security and Policing Manager, WMCA – Safer Travel, 16 Summer Lane, Birmingham, B19 3SD

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SECTION 1 About Yourself

The information requested below is to help us (a) satisfy itself as to your identity and (b) find any data held about you.

PLEASE USE BLOCK CAPITAL LETTERS

Title (<i>tick box as appropriate</i>)	Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>
Other title (<i>e.g. Dr., Rev., etc.</i>)								
Surname/family name								
First names								
Maiden name/former names								
Sex (<i>tick box</i>)	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>				
Date of Birth								

Your Current Home Address <i>(to which we will reply)</i>	
	Post Code
A telephone number will be helpful in case you need to be contacted.	Tel. No.

SECTION 2 Proof of Identity

To help establish your identity your application must be accompanied by TWO official documents that between them clearly show your name, date of birth and current address.

For example: a birth/adoption certificate, driving license, medical card, passport or other official document that shows your name and address. Also, a recent, full face photograph of yourself.

Failure to provide this proof of identity may delay your application

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SECTION 3 Supply of Information

You have a right, subject to certain exceptions, to receive a copy of the information in a permanent form. Do you wish to:

- | | |
|---|----------|
| (a) View the information and receive a permanent copy | Yes / No |
| (b) Only view the information | Yes / No |

SECTION 4 Declaration

DECLARATION (to be signed by the applicant)

The information that I have supplied in this application is correct and I am the person to whom it relates.

Signed by

Date

Warning – a person who impersonates or attempts to impersonate another may be guilty of an offence.

NOW – please complete Section 5 and then check the ‘CHECK’ box before returning the form.

SECTION 5 To Help us Find the Information

If the information you have requested refers to a specific offence or incident, please complete this Section. Please complete a separate box in respect of different categories/incidents/involvement. Continue on a separate sheet, in the same way, if necessary.

If the information you require relates to a vehicle, property, or other type of information, please complete the relevant section overleaf.

Were you: (tick box below):

A person reporting an offence or incident

A witness to an offence or incident

A victim of an offence

A person accused or convicted of an offence

Other – please explain

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Date(s) and time(s) of incident	
Place incident happened	
Brief details of incident	

Before returning this form please check:

- 1) Have you completed ALL Sections in this form?
- 2) Have you enclosed TWO identification documents?
- 3) Have you signed and dated the form?

Further Information:

These notes are only a guide. The law is set out in the Data Protection Act 2018 and Data (Use and Access) Act 2025. Further information and advice may be obtained from:

**The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel. (01625) 545745**

Please note that this application for access to information must be made direct to WMCA – Safer Travel (address on Page 1) and **NOT** to the Information Commissioner.

<u>OFFICIAL USE ONLY</u>	
Please complete ALL of this Section (refer to 'CHECK' box above).	
Application checked and legible? <input type="checkbox"/>	Date <input type="checkbox"/> Application Received <input type="checkbox"/>
Identification documents checked? <input type="checkbox"/>	
<input type="checkbox"/>	Documents Returned? <input type="checkbox"/>
Member of Staff completing this Section:	
Name <input type="text"/>	Position <input type="text"/>
Signature <input type="text"/>	Date <input type="text"/>