

**KENT COUNTY COUNCIL SECTION 118A – HIGHWAYS ACT 1980  
PUBLIC FOOTPATH CW80 & CWX40, WHITSTABLE  
GLEBE WAY LEVEL CROSSING  
RAIL CROSSING EXTINGUISHMENT ORDER 2018  
PINS REFERENCE: ROW/3226477**

---

**NOTE OF NRIL USE OF [CCTV AND COVERT] CAMERAS AT LEVEL CROSSINGS  
(IN REPLY TO WHITSTABLE SOCIETY xx of NRIL [KENT])**

---

1. At Inquiry JG (NRIL) was not asked any CCTV camera-siting and related NRIL policy questions, by on behalf of Whitstable Society.
2. Any use of CCTV at LCs will engage the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and almost inevitably the Human Rights Act 1998. Broadly, the DTA provides individual rights to view information held in relation to them which includes CCTV images or images conveying information about them. It also prescribes 'rules' that CCTV operators, including NRIL, must follow when they gather, store and release such CCTV images. NRIL gives consideration to this, as well as wider privacy considerations, in deciding whether to install CCTV at any LC, including footpath LCs.
3. HRA Art. 8 provides for the individual's right to family and private life. Any interference must be justifiable. This requires the consideration of overall proportionality.
4. Further guidance can be sought from the UK's Information Commissioner's Office for compliance with UK data protection legislation.
5. In using covert surveillance in places where the public has access to, public authorities (including NRIL) are permitted to do so only if the interference has legal justification – e.g. when detecting or preventing crime, or trespass, etc. where this has been recurrent.
6. Ultimately it is not possible for covert CCTV cameras to be targeted at particular individuals. They will instead be filming all users of a LC. Erected, notifying signage is considered inappropriate since it will inevitably notify crossing users of the use of surveillance, will very likely operate to defeat the purpose, and likely attract vandalism. This is consistent with NRIL experience.
7. Regarding therefore the installation of covert CCTV and the processing of information obtained therefrom, in having regard to the overall proportionality of surveillance, it is working practice for covert CCTV to be deployed *only* in respect of detected and sustained criminal activity which warrants installation.
8. JG seconds GK evidence that CCTV cameras (including dummy cameras) tend to attract instances of vandalism and incite misconduct, rather than deter them. They are also no meaningful source of mitigation of *safety* risk. This includes in respect of Glebe LC.

**JG, Network Rail  
30 September 2020**