

# CCTV Vehicle Guidance

Taxi Licensing Policy 2018



## Audio and Visual Recording Equipment in Licensed Vehicles

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. We have no mandatory scheme in relation to such equipment. The information provided below is simply to assist you should you consider fitting any system to your vehicle.

### Audio Recording

Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

CCTV must not be used to record conversations between passengers as this is highly intrusive and cannot be justified and you should choose a system without this facility. If the installed system comes equipped with audio recording then it should be turned off or disabled. There are limited circumstances when the use of audio recording may be justified in which case the following safeguards should be observed.

- Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.
- Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.
- Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.

In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

The Council support the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed Taxis and Private Hire Vehicles and where you install a system with audio recording enabled you follow standards should be observed:

- Where audio recording is triggered due to a specific threat e.g. a 'panic button' a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
- The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

### Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the 'data controller' is the specified company, organisation or individual that has decided to have CCTV installed.**

The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

The Council in setting a minimum CCTV technical standard and as the installation of improved systems is not mandatory are minded to specify that the 'data controller' at this time will be the

proprietor of the licensed vehicle. This decision will be kept under review and if circumstances demand changes may be implemented that change the data controller.

The nominated data controller as the proprietor of the vehicle who has a CCTV system installed must register with the ICO (Notification) and obtain documented evidence of that registration.

The Notification requires renewal on an annual basis and payment of the appropriate fee.

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

Where the data controller is the vehicle proprietor or not the person driving the licensed vehicle fitted with CCTV then the controller shall ensure that any driver of the vehicle is made aware of every condition in relation to the installed CCTV system and has been given adequate instruction regarding the use of the system. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

In order to register as a data controller with the ICO please visit- <https://ico.org.uk/> and choose the option Take action, register or renew.

### **Signage for Internal Audio and Visual Recording Equipment**

All licensed vehicles fitted with a CCTV system must display signage informing passengers.

The signage must be displayed in such positions as may be specified in the Vehicle Compliance Manual that minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. Where audio recording is installed signage must make it very clear that audio recording is being or may be carried out.

### **The name and the contact telephone number of the Data Controller must be included on the sign.**

If you do not wish to display your name and personal telephone number then you can supply an email address however this must be checked regularly and you must respond to requests. Please contact the ICO for further details.

### **Signage for External Facing Audio and Visual Recording Systems**

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of Insurance claims.

### **Operational Guidelines**

Upon request for image retrieval by an officer of the Council or a police officer, the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 48 hours of the request.

All vehicles fitted with CCTV will display mandatory signage as detailed in the Vehicles Compliance testing Manual.

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