

Policy on the Installation and Use of CCTV Systems in Licensed Taxis and Private Hire Cars (“Policy”)

The Licensing Authority’s policy on the installation and use of CCTV systems in licensed Taxis and Private Hire Cars



INTRODUCTION

The aim of this Policy is to allow for the safe installation and use of CCTV systems in taxis and private hire cars licensed by Glasgow City Council’s Licensing Authority where there is a legitimate purpose for the operation of CCTV.

The Policy seeks to ensure that the installation and use of CCTV systems does not (a) unreasonably interfere with the rights and freedoms of members of the public; and (b) compromise the safety of drivers and passengers.

If you install CCTV in your taxi or private hire car then you will be responsible for the equipment and the images captured by that equipment. In relation to the personal data that will be processed, you will be a “data controller”. Data protection law defines a “data controller” as the person or body who, under the UK data protection legislation, determines the purposes and means of the processing of personal data. For the purposes of the installation and use of CCTV systems in taxis and private hire cars installed and operated in accordance with this policy, the “data controller” will be the holder of the taxi or private hire car licence and not the driver.

As data controller you will be responsible for ensuring you comply with:

1. UK data protection legislation;
2. Information Commissioner’s CCTV Code of Practice (which can be found using the following link <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>); and
3. This Policy.

As data controller you will be responsible for the use of all images obtained through CCTV, any breaches of UK data protection legislation and any fines imposed for breaches of UK data protection legislation.

INSTALLATION OF CCTV FOR LEGITIMATE PURPOSES

The Licensing Authority has determined that CCTV systems can be installed and used in taxis and private hire cars for the following legitimate purposes:

- preventing and detecting crime;
- reducing the fear of crime;
- enhancing the safety of taxi and private hire car drivers, as well as their passengers; and
- assisting insurance companies in investigating motor vehicle incidents and/or to evidence fault in relation to accidents or other related incidents.

For the purposes of this Policy, a CCTV system will include any electronic recording device attached to the inside of a taxi or private hire car having the technical capability to capture and retain visual images from inside or external to the vehicle.

This Policy does not place a mandatory requirement on the licensed operators of taxis and private hire cars to install CCTV systems in their vehicles. Any CCTV system to be fitted in a taxi or private hire car must, as a minimum, meet the requirements of this Policy. Only CCTV systems meeting these requirements can be installed into licensed taxis and private hire cars.

Where a taxi or private hire car licence holder wishes to install and use a CCTV system, it will be a condition of the taxi or private hire car licence that the requirements of this Policy are complied with. Failure to comply with the requirements of this Policy could lead to a complaint being made to the Licensing and Regulatory Committee in order to consider the possible suspension of the licence. If the CCTV is being used in a way which the Licensing Authority considers to be in breach of data protection legislation, it may also refer the matter to the Information Commissioner.

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GENERAL REQUIREMENTS – INSTALLATION AND OPERATION

The licence holder must comply with the following requirements:

- All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations;
- All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users;
- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician;
- The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the vehicle manufacturer's original equipment;
- All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle;
- Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- There must not be viewing screens within the vehicle for the purposes of viewing captured images;
- All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed;
- The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose;
- All equipment must be checked regularly and maintained to operational standards, including any repairs after damage;
- All system components requiring calibration in situ should be easily accessible;
- CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, must meet with requirements specified in the United Nations Economic Commission for Europe ("UNECE");
- The signage requirements set out below must be adhered to;

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- Where CCTV equipment is capable of audio recording, the audio recording should be disabled by default and only activated in the event of an incident occurring causing a threat to driver or passenger safety. Where the audio recording facility is utilised, a reset function must be installed which automatically disables the 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 for approval of equipment;
- CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required; and
- CCTV systems will be inspected as part of the annual and intermediate inspections carried out by the Taxi and Private Hire Car Inspection Centre.

USE AND RETENTION OF INFORMATION RECORDED USING CCTV

Any images and any audio recording should only be used for the purposes described in this policy. Footage should only be accessed in the event that some sort of incident is drawn to the attention of the licence holder and should not be viewed simply as a matter of course or out of curiosity.

The licence holder must document the length of time they intend to hold CCTV footage for. This documented retention period should be exhibited to the Taxi and Private Hire Car Inspection Centre when the vehicle is being inspected. The licence holder is responsible for ensuring that CCTV footage is securely deleted once it has exceeded this stated retention period.

SIGNAGE

In addition to any signage and privacy statement requirements set out in the Information Commissioner's CCTV Code of Practice, the following requirements apply in relation to signage:

All taxis and private hire cars with CCTV must display signage within the vehicle to indicate that CCTV is in operation and display the privacy statement as required by UK data protection laws. The licence holder shall ensure that any driver of the licensed vehicle must also verbally bring to the attention of the passengers that CCTV equipment is in operation and the purpose for which of the CCTV is being used.

The signage and privacy statement must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this must also be verbally brought to the attention of the passengers by the driver at the point where audio recording is activated. The licence holder must ensure that drivers of the vehicle are aware of this requirement.

CONTACT DETAILS

The name and the contact telephone number of the licence holder, as data controller must be included on the sign and privacy statement.

RECORDING INCIDENTS OUTSIDE THE VEHICLE

When the CCTV is used to record images in response to an incident outside the vehicle the licence holder must ensure that they comply with the requirements of the Information Commissioner's office.