

EAST DUNBARTONSHIRE COUNCIL

TAXI AND PRIVATE HIRE VEHICLE LICENSING

POLICY ON THE INSTALLATION AND OPERATION OF CCTV SYSTEMS IN VEHICLES

Policy on the installation and operation of CCTV in licensed vehicles.

Policy on the Installation and Operation of CCTV Systems in Licensed Taxis and Private Hire Vehicles

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 East Dunbartonshire Council (the “Council”). In defining the standards required to operate such systems the Council acknowledges that these systems can be used to prevent and detect crime and enhance the safety of taxi and private hire drivers and their passengers. However this Policy also seeks to ensure that the installation and use of such systems does not unreasonably interfere with the privacy of members of the public.

This Policy will define the required standards for these systems in East Dunbartonshire and will give basic information on how these systems should be operated in line with the General Data Protection Regulation (“GDPR”). This Policy does not place a mandatory requirement on operators of taxis and private hire vehicles to install and operate a CCTV system in their vehicle(s).

For the purposes of this Policy, a CCTV system will include any camera or other similar device (including a video and/or digital image recorder) which is capable of recording/taking/storing images of passengers entering/exiting/sitting in the Vehicle

It is a condition of the licence that where an operator wishes to install and operate a CCTV system it will be necessary to apply to the Council for permission to do so. 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. This Policy does not apply to any camera or similar device which is entirely forward facing and cannot be reset or repositioned so as to record images of passengers entering/exiting/sitting in the vehicle.

What is Required to Operate CCTV Systems in Taxis and Private Hire Vehicles?

Only the operator of a taxi or private hire vehicle may install such a system. Licensed drivers who lease vehicles may NOT install or operate CCTV.

Policy on the installation and operation of CCTV in licensed vehicles.

Prior to installing the system, the operator must apply to the Council for permission to install and operate a CCTV system. The application form will detail the type of system to be operated, and will name individuals who will be involved in the operation of the system. Finally the operator will require to provide proof that the system has been registered with the Information Commissioner's Office (ICO) and a named 'Data Controller' has been listed with the ICO.

Data Controller

The ICO defines a "Data Controller" as the body or person which has the legal responsibility under the GDPR for all the images and audio which may be recorded on the system. Note that any information recorded on the system is considered to be personal data. For the purposes of the installation and operation of CCTV systems in taxis or private hire vehicles licensed by the Council, the Data Controller will be the taxi or private hire operator.

The Data Controller will be responsible for ensuring compliance with the requirements of the GDPR and with this Policy.

Third Party Data Processor

A third party data processor is a company which is used for the remote storage of CCTV data. A taxi or private hire operator can choose to use such a company to act as a Data Processor on their behalf.

There must be a formal written contract between the Data Controller and the company acting as the data processor. This contract must contain provisions covering security arrangements, retention and deletion of images and Subject Access Requests etc. a copy of the contract must be made available to the Council or Police Scotland upon request.

General Requirements – Installation and Operation

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Wherever possible, the CCTV system should not have any sound recording facility. However, if the system

Policy on the installation and operation of CCTV in licensed vehicles.

comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised in the following limited circumstances:-

Audio recording will only be justified where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is utilised and must be subject to the following safeguards:-

- a) Where this audio recording facility is utilised 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.
- b) 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.
- c) 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.

The installation and operation of a CCTV system must comply with the requirements of the ICO's CCTV Code of Practice, which is available at the following address:-

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

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

Policy on the installation and operation of CCTV in licensed vehicles.

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 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, nor will 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 so 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 systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

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.

Policy on the installation and operation of CCTV in licensed vehicles.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage. As a minimum these checks must be carried out at least annually.

Continuous recording CCTV systems in taxis or private hire vehicles will not be permitted under any circumstances. Such systems are activated whenever a vehicle is running and operate continuously, including when the taxi or private hire vehicle is being used privately by the driver or operator.

Statutory Requirements

All equipment must comply with any legislative requirements in respect of Motor Vehicle (Construction and Use) Regulations. This includes the prohibition for equipment to obscure the view of the road through the windscreen.

All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.

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 comply with the relevant statutory standards and requirements.

Security of Images

All Images captured by the CCTV system must remain secure at all times.

The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. Since encryption standards are always evolving, the ICO recommends that Data Controllers ensure that any solution which is implemented, meets the current standard such as the recommended FIPS 140-2 (cryptographic modules, software and hardware) or equivalent. System protection access codes will also be required to ensure permanent security.

Policy on the installation and operation of CCTV in licensed vehicles.

Retention of CCTV Images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted (GPRS GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture. Where applicable, these provisions shall also apply to audio recordings

Use of Information Recorded Using CCTV

Any images and any audio recording should only be used for the purposes described in this Policy. Requests may be made to the Data Controller by the Council, Police Scotland or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The licence holder, as Data Controller, is responsible for responding to these requests. The licence holder should require anyone requesting the information to set out the reasons why the disclosure is required in writing.

Under GDPR, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access Request' (SAR).

Policy on the installation and operation of CCTV in licensed vehicles.

SARs must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm the requester is in fact the person in the recording).

Signage

All taxis and private hire cars with CCTV must display clear signs on all external passenger doors advising of the operation of CCTV within the Vehicle. There must also be displayed a clear sign internally within the vehicle advising of the operation of the CCTV.

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.

Contact Details

The name and the contact telephone number of the licence holder, as Data Controller must be included on the sign.

Signage for External Facing CCTV Systems

Where a CCTV system is installed within a vehicle which is entirely forward facing and cannot be reset or repositioned so as to record images of passengers entering/exiting/sitting in the vehicle it will not be necessary to display any signage.