



## TAXI AND GENERAL COMMITTEE – 23RD SEPTEMBER 2019

**SUBJECT: GUIDANCE ON THE PROVISION OF CCTV IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

**REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 To recommend the amended guidance regarding the provision of CCTV in hackney carriages and private hire vehicles.

### 2. SUMMARY

- 2.1 This report seeks to amend the Authority's existing guidance in respect of the provision of CCTV in hackney carriage and private hire vehicles following amendments to legislation and best practice guidance.

### 3. RECOMMENDATIONS

- 3.1 That the Committee -
- a) consider the report and amended guidance and approve the same in relation to hackney carriage and private hire vehicles in the borough.

### 4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that taxi and private hire vehicle proprietors and drivers are aware of the legal requirements and best practice in respect of the installation of in vehicle CCTV systems in licensed vehicles.

### 5. THE REPORT

- 5.1 CCTV systems can deter and prevent occurrences of crime and may provide a safer environment for the benefit of taxi drivers and the travelling public, they can also assist the Police in investigating incidents of crime. There is no mandatory requirement for CCTV installation in the borough. There is no restriction on the installation of CCTV in hackney carriages or private hire vehicles licensed by Caerphilly County Borough Council aside from licensees will need to ensure they comply with relevant requirements in relation to Information Commissioner's Office (ICO) and that relating to the Construction & Use Regulations in relation to any equipment fitted.
- 5.2 Any licensed person installing an in-vehicle CCTV system should be aware of restrictions or controls regarding the installation and use of such systems. These issues are detailed in the updated guidance sheet attached as **Appendix 1**, which covers the following:

- General
- Audio Recording
- Image security
- Retention of images
- Notification to Information Commissioner's Office
- Using a third party service provider
- Use of information recorded using in-vehicle CCTV
- Signage

5.3 The changes to the existing guidance primarily relate to changes in Information Commissioners guidance, exceptional circumstances where audio recording may be permitted and removal of requirement for fee to be charged for subject access requests.

#### 5.4 **Conclusion**

There is no mandatory CCTV requirement and the purpose of this report is to appraise members of the minor amendments to guidance issued to vehicle proprietors and drivers who may wish to install CCTV in their vehicles.

### 6. **ASSUMPTIONS**

6.1 No assumptions have been made in the preparation of this report.

### 7. **LINKS TO RELEVANT COUNCIL POLICIES**

7.1 Hackney Carriage / Private Hire Vehicle Specification and conditions of licence.

#### 7.2 **Corporate Plan 2018-2023**

The aim of licensing is generally public safety and protection and to ensure a fair and level market place for licensable activities.

The report impacts on the following Corporate Well-being Objectives, which are:

Objective 2 - Enabling employment

Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment

### 8. **WELL-BEING OF FUTURE GENERATIONS**

8.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The areas covered in this report contribute to the following Well-being Goals

- A prosperous Wales
- A resilient Wales
- A more equal Wales
- A globally responsible Wales

They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders.

There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly

through the consultation process for applications allowing other agencies and the community to input into the decision-making process. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 An Equality Impact Assessment Screening Form has been completed in relation to this report and is attached as **Appendix 2**. There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. The updated CCTV guidance just details best practice in order to assist anyone who wishes to install CCTV cameras in their vehicles and can be disregarded. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no financial implications.

## **11. PERSONNEL IMPLICATIONS**

- 11.1 There are no personnel implications.

## **12. CONSULTATIONS**

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report

## **13. STATUTORY POWER**

- 13.1 Local Government (Miscellaneous Provisions) Act 1976.

Author: Lee Morgan, Licensing Manager, morgal16@caerphilly.gov.uk

Consultees: Cllr D Preece, Chair, Taxi & General Licensing Committee  
Cllr J Simmonds, Vice Chair Taxi & General Licensing Committee  
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection.  
Mark S. Williams, Interim Corporate Director Communities  
Robert Hartshorn, Head of Public Protection, Community and Leisure Services  
Robert Tranter, Head of Legal Services and Monitoring Officer  
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Mike Eedy, Finance Manager  
Ruth Evans, Senior Transport Officer  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager

Appendices:

Appendix 1 Updated CCTV Guidance  
Appendix 2 EIA Screening Form

## GUIDANCE ON THE INSTALLATION AND USE OF CCTV IN HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

### 1. General

In-vehicle CCTV systems should be fitted safely and securely so as not to pose a risk to the driver, passengers or other road users.

2. The installation and operation of in-vehicle CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice<sup>47</sup> which is available via the following link: [http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/ico\\_cctvfinal\\_2301.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf) <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

3. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

4. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or 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.

5. All equipment should be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger area or impact on the luggage carrying capacity of the vehicle.

6. Please note it is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

7. 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 or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

8. Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

9. Activation of the equipment may be via a number and combination of options, such as – door switches, time delay and drivers' panic button. Direct wired links to the vehicles taximeter, in the case of a Taxi, is not acceptable.

### 10. Audio Recording

In-vehicle 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. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. 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. 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.

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.

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#### **11. Image Security**

Images captured must remain secure at all times. The captured images must be protected using approved 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. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security. The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images) on their website. [https://ico.org.uk/media/for-organisations/documents/1575/it\\_security\\_practical\\_guide.pdf](https://ico.org.uk/media/for-organisations/documents/1575/it_security_practical_guide.pdf)

#### **12. Retention of CCTV images.**

The in-vehicle CCTV equipment selected for installation must have the capacity 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

13. 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. In-vehicle CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system 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.

#### **14. 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 which has decided to have in-vehicle 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.

15. 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. This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed vehicle 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.

#### **16. Using a third party service provider (data processor)**

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. There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

#### 17. Use of information recorded using in-vehicle CCTV

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation

Any images should only be used for the following purposes:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police in investigating incidents of crime.

18. Requests may be made by the Police or other law enforcement agencies, an authorised officer or exceptionally other appropriate bodies to the “data controller” to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should set out the reasons why the disclosure is required.

~~18.-~~

~~19.~~ 19. All requests should only be accepted where they are in writing, specifying the reasons why the disclosure is required. Under the Data Protection Act, members of the public may 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’. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data controllers are no longer able to charge a fee for a subject access request and must process the request for free. also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice. More guidance on handling Subject Access requests can be found in the ICO’s website. <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf>.

#### 20. ~~20.~~ **SSignage**

All licensed vehicles with in-vehicle CCTV must display clear and prominent signs advertising the use of in-vehicle CCTV. The driver may also verbally bring to the attention of the passengers that in-vehicle CCTV equipment is in operation within the vehicle, if it is felt appropriate. The signage 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.

Signs should:-

- Be clearly visible and readable
- Contain details of the organisation/company/individual operating the system, the purpose for using CCTV and who to contact about the scheme
- Be an appropriate size depending on context



## CCBC - Equality Impact Assessment Screening Form

This completed form must be appended to any report being proposed for a decision if it determines that a full Equality Impact Assessment is not required

### SECTION 1

Which service area and directorate are you from?	
Service Area:	Public Protection
Directorate:	Communities

For the majority of these questions, you can tick more than one box as more than one option may be relevant

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?					
Service/Function	Policy/Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q1(b) Please name and describe here: <i>(Press F1 for guidance – top row on keyboard)</i>
<p>GUIDANCE ON THE PROVISION OF CCTV IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES. This report details the amended Guidance to the taxi and private hire trade on the installation and use of CCTV in licensed hackney carriage and private hire vehicles. The report informs Members of amendments to existing guidance following changes to legislation primarily in relation to General Data Protection Regulation.(GDPR)</p>

Q2(a) WHAT DOES Q1a RELATE TO?		
Direct front line service delivery (High)	Indirect front line service delivery (Medium)	Indirect back room service delivery (Low)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q2(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?			
Because they need to (High)	Because they have to (Medium)	Because it is automatically provided to everyone in the county borough (Medium)	On an internal basis i.e. staff (Low)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING... High, Medium and Low do not mean the same as positive or negative – a high impact could be a positive impact on a particular group... Is your proposal likely to impact disproportionately in any way (good or bad) on a particular group?**

	High Impact (High)	Medium Impact (Medium)	Low Impact (Low)	Don't Know (High)
Children/Young People	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older People (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum Seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. Young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE? Please provide details below – either of your planned activities or your reasons for not undertaking engagement. (Press F1 for guidance – top row on keyboard)**

The report contains relatively minor amendments to the council's existing guidance on the installation and use of CCTV in Hackney Carriage / Private Hire vehicles. The changes have arisen primarily from changes in legislation to the General Data Principles Regulation. There is no mandatory CCTV requirement in the authority and the guidance document subject to revision is for 'guidance' purposes only and has no greater weight. To give an idea of the changes, two of the changes relate to new hyperlinks in respect of Information Commissioners (ICO) codes of practice, a further change provides details of a new hyperlink in relation to subject access requests. The final change gives details of examples where audio recordings in vehicles may be permissible in exceptional circumstances.



Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?		
High Visibility (High)	Medium Visibility (Medium)	Low Visibility (Low)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION? (Consider the following impacts – legal, financial, political, media, public perception etc...)		
High Risk (High)	Medium Risk (Medium)	Low Risk (Low)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q6 Will this initiative have an impact (however minor) on any other Council service?	
Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, please provide details below	

Q7 HOW DID YOU SCORE? Please tick the relevant box	
<p>Q3 counts as one despite the large number of groups – use the highest recorded impact when calculating your score.</p> <p>This is not an exact science – a high result might not necessarily result in a full EIA report e.g. it may be governed by other legislation or by Welsh Government, resulting in a lack of control at our end.</p> <p>The most important thing is your answer to Q8...</p>	
Mostly <u>HIGH</u> and/or <u>MEDIUM</u> → HIGH PRIORITY →	<input type="checkbox"/> EIA to be completed. Please go to Section 2.
Mostly <u>LOW</u> → LOW PRIORITY/NOT RELEVANT →	<input checked="" type="checkbox"/> Do not complete EIA. Go to Q8 followed by Section 2.

**Q8 If you determine that this initiative is not relevant for an EIA report; you must provide a full explanation here. Please ensure that you cover all of the relevant protected characteristic groups. (Press F1 for guidance – top row on keyboard)**

As detailed in Q4. The report to be submitted to the Taxi & General Licensing Committee informs of amendments to the existing council guidance on the installation and use of CCTV in hackney carriage and private hire vehicles. Members previously approved the existing guidance in June 2016 . The reason for a report to go back before members is to inform them about amendments brought about by the new General Data Protection Regulation. There is no mandatory condition requiring licensed vehicles to install CCTV. The guidance document subject to revision is for 'guidance' purposes only and has no greater weight. To give an idea of the changes, two of the changes relate to new hyperlinks in respect of Information Commissioners (ICO) codes of practice, a further change provides details of a new hyperlink in relation to subject access requests. The final change gives details of examples where audio recordings in vehicles may be permissible in exceptional circumstances. None of the changes in the amended guidance, are likely to affect any people or groups with protected characteristics.

## SECTION 2

Screening Completed by:	
<b>Name:</b>	<b>Lee Morgan</b>
<b>Job Title:</b>	<b>Licensing Manager</b>
<b>Date:</b>	<b>13/8/19</b>

Head of Service Approval:	
<b>Name:</b>	<b>Robert Hartshorn</b>
<b>Job Title:</b>	<b>Head of Public Protection, Communities and Leisure.</b>
<b>Date:</b>	<b>19/8/19</b>