

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 32

Brighton & Hove City Council

Subject:	Guidance for CCTV monitoring in Licensed Hackney Carriage and Private Hire Vehicles		
Date of Meeting:	10 February 2011		
Report of:	<i>Head of Planning and Public Protection</i>		
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Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

To seek the members approval of the guidance regarding the use of CCTV monitoring in licensed Hackney Carriage and Private Hire Vehicles.

2. RECOMMENDATIONS:

That Committee approves the CCTV guidance contained in this report. (Appendix A) or other similar standard as agreed by the Head of Planning and Public Protection

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On the 10 September 2010 committee agreed that CCTV should become compulsory in all hackney carriage and private hire vehicles licensed by Brighton & Hove City Council from April 2012.
- 3.2 The guidance has been written to ensure that CCTV systems installed are of a minimum standard and are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Hackney Carriage and Private Hire Drivers and their passengers and complies with the requirements of the Information Commissioner's CCTV Code of Practice.
- 3.3 The Information Commissioner's CCTV Code of practice advises that 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. However, it is down to the individual Data Controller to decide whether audible recording is necessary but they must make this clear and give reasons for their decision when registering with the Information Commissioner.

sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station and approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

Appendix A

CCTV MONITORING IN BRIGHTON & HOVE HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

From April 2012 CCTV installation will become subject to the conditions of vehicle licensing.

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via –

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf

These guidelines set out to ensure that in-vehicle CCTV systems in licensed Brighton & Hove Hackney Carriage and Private Hire Vehicles are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Hackney Carriage and Private Hire Drivers and their passengers.

General Requirements

- The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Head of Planning and Public Protection.
- Any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime or to confirm or rebut complaints made against the driver.
- No recording or other material created by the system shall be used or distributed for any purpose other than allowed by above or kept for more than 28 days if not required under above.
- The authorised officer must be able to access recordings in the Brighton & Hove area.
- Any system should have at least 32 Bit Encryption and be password protected.
- All equipment must comply with any legislative requirements in respect of Road Vehicles (Construction and Use) Regulations.
- All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.
- 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.

Automotive Electromagnetic Compatibility Requirements (EMC)

- 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, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.
- CCTV equipment should be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.

Installation

- All systems must be installed by a company specialising in vehicle CCTV installation.
- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- Each in-vehicle CCTV installation will be subject to the conditions of vehicle licensing.
- The installed in-vehicle 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 pads 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 area or impact on the luggage carrying capacity of the vehicle.
- It is contrary to the Road Vehicles (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.
- 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.
- All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.
- If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Hackney Carriage / Private Hire Driver and their passengers.
- Equipment installed must be positioned in such a way that the driver and any passengers are easily identifiable while seated in the vehicle.
- 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.
- As an added deterrent to passengers it is strongly recommended that a monitoring screen be installed showing any images that the systems cameras are recording in view of the passengers.

Camera Activation Methods

- Activation of the equipment must be via the vehicle's ignition system. A direct-wired link to the vehicle's taximeter will **not** be acceptable.

Audio Recording

- In-vehicle CCTV systems should 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. If the system comes equipped with sound recording facility then this functionality should be disabled unless audible recording has been justified by the data controller on application to the Information Commissioner.
- There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-
- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. 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.
- Where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

- Images captured 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. 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.

Retention of CCTV images

- 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 applicable, these provisions shall also apply to audio recordings.

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.

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 Brighton & Hove licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the Council at any time during the term of the Brighton & Hove vehicle licence.

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

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.

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 and audio recording should only be used for the purposes described earlier in these guidelines

Requests may be made by the Police or other law enforcement agencies, Brighton & Hove City Council, 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 produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, 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 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.

Signage

All Hackney Carriage and Private Hire Vehicles with in-vehicle CCTV must display the appropriate signage. 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.

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 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 and must display the name and contact details of the Data Controller.