

Public Document Pack



**North East
Derbyshire**
District Council

Our Ref:

Contact: Alan Maher

Tel: 01246 217391

Email: alan.maher@ne-derbyshire.gov.uk

Date: Wednesday, 14 October 2020

To: **Members of the General Licensing Committee**

Please attend a meeting of the General Licensing Committee to be held on **Thursday, 22 October 2020 at 1.00 pm in the** , District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group	Liberal Democrat Group
Councillor Pat Antcliff Councillor Patricia Bone Councillor Michelle Emmens Councillor Carol Huckerby Councillor Anthony Hutchinson Councillor Heather Liggett Councillor Michael Roe Councillor Philip Wright	Councillor Ann Holmes Councillor Pat Kerry Councillor Stephen Pickering Councillor Tracy Reader Councillor Lee Stone	Councillor Pam Windley

For further information about this meeting please contact: Damon Stanton

AGENDA

5 Policy on CCTV in Taxis - TO FOLLOW (Pages 3 - 47)



North East
Derbyshire
District Council

*We speak
your language*

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

*Hablamos su
idioma*

Slovak

*Rozprávame Vaším
jazykom*

Chinese

我们会说你的语言

If you require
this agenda in
large print

or another
format
please call
us on

01246

217753

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

North East Derbyshire District Council

Licensing Committee

22 October 2020

Mandatory CCTV in Taxis

Report of the Solicitor

This report is public

Purpose of the Report

- To review, and approve for public consultation, amendments to the Council's Taxi Licensing Policy introducing mandatory CCTV in licensed taxis

1 Report Details

- 1.1 In 2018 the Council approved a taxi licensing policy which was at the leading edge of best practice, regional standards and Government guidance in force at that time.
- 1.2 In recent years some local authorities such as Rotherham MBC have introduced a requirement for mandatory CCTV in licensed taxis, in response to local issues where CCTV could make a difference. In 2019 officers began to assess the basis on which this Council could introduce such a measure on a preventative basis, i.e. that it would deter criminal behaviour and protect both the public and those in the taxi trade
- 1.3 As part of that work officers explored the complex legal requirements and restrictions which apply to a policy of this type. Officers have also carried out research on those authorities where such a measure has been introduced.

The initial findings can be summarised as follows:

- As of 2019 there were only 4% of local authorities (13 councils) with a mandatory requirement for CCTV. These are predominantly cities or metropolitan boroughs and/or areas where they have experienced significant levels of serious criminal activity involving taxis.
- There is a strict legal framework applicable to CCTV in taxis, based on administrative law and guidance issued by the Information Commissioner's Office (ICO) and the Surveillance Camera Commissioner (SCC). Details are set out below.
- There are 2 options from a data protection perspective: (1) each vehicle proprietor can be responsible for the footage and act as data controller, and if the Council or other persons wish to view the footage they must request it from the proprietor; or (2) the Council acts as data controller, having greater control

over the footage but with it taking on responsibility for the safe and secure management of that data.

- A number of CCTV systems are in use across the country where required by those licensing authorities. The model used in most cases is to generate a suitable set of technical specifications, with subsequent identification of available systems which meet those requirements. Within these parameters the choice of system lies with the vehicle proprietor.
- Some vehicle proprietors/private hire operators are rolling out CCTV in their vehicles voluntarily, albeit using systems of their own choice.
- The Information Commissioner's Office has issued preliminary enforcement notices on Portsmouth and Southampton councils in relation to problems with their respective policies on continuous recording of images. It is expected that these will eventually end up being challenged in court too. This underlines the importance of being precise and careful in determining the form and extent of policy a council can implement and/or the level of evidence required to justify such a policy.
- It is recognised that while problems with serious crime, CSE etc are not evidenced within the district, they have occurred elsewhere in the country and one advantage of CCTV is it can act as a deterrent.

1.4 The key legal requirements are that the Council has reasonable grounds for introducing the policy. Any such policy must also operate in a way that does not cause undue interference with the human rights of taxi occupants, and work in a manner compatible with the requirements of the ICO and SCC.

1.5 In July 2020 the Government issued their revised Statutory Taxi & Private Hire Vehicle Standards. This guidance, which the Council has a statutory obligation to have regard to, clearly demonstrates that authorities are expected to introduce mandatory CCTV in taxis unless there is a compelling local reason not to. From a legal perspective this presumption in favour of a suitable policy provides sufficient reasonable grounds for its introduction.

1.6 In considering whether to introduce this policy the authority must consider if there is a compelling local reason not to. It is acknowledged that there is no evidence of a serious existing problem which would require the imposition of mandatory CCTV (no evidence of NEDDC taxis being used in organised crime or child sexual exploitation whether in the region or further afield). Nor have there been more than a handful of cases over recent years (perhaps one every year or two) where CCTV would have had a significant impact on the gathering of evidence of offences. However, in counterbalance to this the preventative benefits and the value to public safety must be weighed by the authority. From a legal perspective this evidence doesn't obviously amount to a compelling reason or otherwise, so it is a matter of judgement for members as to whether this constitutes a reason not to proceed with the policy.

1.7 Requiring the installation of a sufficiently complex CCTV system would address many of the concerns of the ICO and SCC in respect of intrusion. Audio recording would have to be limited in scope, for example activated only in emergencies. It would also necessitate the facility for the vehicle proprietor to disable the system when it is being used for private purposes. However complex systems are costly (£500-800) and the Council must be prepared for concerns from the trade of the additional financial burden they will have to incur at a time of national economic difficulty.

- 1.8 Introduction of a CCTV policy will have resource implications for the Council. While the purchase of CCTV systems will be a burden which falls on vehicle proprietors there will be consequences for the authority including:
- Purchase and maintenance of equipment allowing Council officers to access footage
 - Training of vehicle inspectors to verify CCTV installation plus additional time taken to test vehicles
 - The additional officer time incurred in obtaining and viewing footage from vehicles for investigation purposes
 - Training of proprietors/drivers in their data protection obligations (as part of our responsibility as Data Controller for the CCTV footage)
 - The additional officer time incurred in obtaining and viewing footage from vehicles where requested under data protection laws by anyone who is subject to recording (for any purpose whatsoever)
- 1.9 In deciding whether to take this policy forward members should be aware that the eventual implementation of the policy will need those resource implications to be resolved. Members should also consider that elements of the additional resource burden would be recoverable from the licence holders via an increase in licence application fees, which would be an additional burden to applicants over and above the cost of the CCTV system itself.
- 1.10 The attached policy proposals at Appendix A reflect the above legal requirements and sets out criteria for a system that maintains all appropriate safeguards. The policy incorporates measures to protect privacy and human rights, maintaining compliance with guidance from the ICO and Surveillance Commissioner. Detailed impact assessments on privacy, which are an ongoing process during policy development and implementation, have been carried out and the current version can be found at Appendix B. In addition, an update to the Equality Impact Assessment for the overall taxi policy can be found at Appendix C.
- 1.11 In order to progress the policy changes a consultation with the public, the trade and other stakeholders must be undertaken. Member approval is sought to consult on the attached policy proposals, subject to any changes Licensing Committee members may wish to make. Following consultation the responses will be brought back to the Committee members, at which time a decision will be taken on whether to recommend a final policy to Council.
- 1.12 In developing the policy amendment proposals the Council's Communities Scrutiny Committee have been consulted at various stages. The current version attached at Appendix A has been approved by the Scrutiny members. In endorsing this policy Scrutiny members have expressed their overall support for the benefits of the proposals. They have also recommended that the policy is pursued as quickly as possible, while asking that the authority remains aware of, and takes into account, the impact on small businesses in the district of any changes. They have also asked that implementation of the policy is done with clear communication to the trade, to businesses and to residents.

2 Conclusions and Reasons for Recommendation

- 2.1 The attached policy amendments will introduce mandatory CCTV in taxis, with measures incorporated which balance the privacy interests of subjects and ensure security of their data.
- 2.2 In line with the new Government guidance there is a presumption in favour of introducing such a policy unless there is a compelling local reason not to do so. Given the reasons for and against such a policy as set out above, it lies within the discretion of members to determine if there is a reason not to introduce these policy changes.
- 2.3 If members determine that the policy change is justified, the attached proposals reflect best practice and include all relevant safeguards to ensure compliance with legal requirements.

3 Consultation and Equality Impact

- 3.1 Consultation will take place on a draft policy proposal as determined by Licensing Committee members.
- 3.2 Privacy and equality impact assessments have been carried out and are subject to ongoing review.

4 Alternative Options and Reasons for Rejection

- 4.1 The alternative is to leave the current policy unchanged. Given the presumption in favour of mandatory CCTV this can only be justified if there is a compelling local reason to do so. Whether such a reason exists is a matter for members to determine within their discretion.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 As set out in the body of the report.

5.2 Legal Implications including Data Protection

- 5.2.1 As set out in the body of the report.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That members determine if they wish to take forward the policy proposals or find a compelling local reason not to.
- 6.2 If members agree to proceed, that the attached policy proposal is approved for the purposes of consultation with the public, the taxi trade and with stakeholders.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
A	DRAFT Taxi Licensing Policy: Hackney Carriages & Private Hire Vehicles (CCTV Supplement)
B	Privacy Impact Assessment & Environmental Health and Licensing Privacy statement: CCTV in licensed taxis
C	Equality Impact Assessment: Taxi Licensing Policy – Addendum CCTV September 2020
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p> <ul style="list-style-type: none"> • Statutory Taxi & Private Hire Vehicle Standards 2020 • LGA: Developing an approach to mandatory CCTV in taxis and PHVs • Surveillance Camera Commissioner’s Surveillance Camera Code of Practice • Information Commissioner’s CCTV Code of Practice 	
<p>Report Author</p>	
<p>Contact Number</p>	

K. Shillitto, Solicitor	2507

Report Reference –



North East
Derbyshire
District Council

DRAFT
Taxi Licensing Policy:
Hackney Carriages & Private
Hire Vehicles (CCTV
Supplement)

TBC



North East
Derbyshire
District Council

We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

If you require this publication
in **large print**

or another format please call:

Bolsover District Council on

01246 242424 or

North East Derbyshire District

Council on **01246 231111**

CONTROL SHEET FOR [policy title here]

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Taxi Licensing Policy: Hackney Carriages & Private Hire Vehicles (CCTV supplement)
Current status – i.e. first draft, version 2 or final version	1 st Draft
Policy author (post title only)	Solicitor
Location of policy (whilst in development)	S drive
Relevant Cabinet Member (if applicable)	Cllr Dale
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Cabinet/ Council	Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications (to include on Extranet and Internet if applicable to the public)	

RECOMMENDED STRUCTURE OF POLICY

1. Introduction

1.1 **BACKGROUND**

North East Derbyshire District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of North East Derbyshire.

NB. Any reference in this Policy to notifying, informing or otherwise contacting the Council means contacting the Council's Licensing Section.

Unless otherwise stated, where the term "Taxi" is used in this Policy it is a generic term including hackney carriages and private hire vehicles (which retain their specific meanings set out in the Glossary of Terms below).

1.2 **ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3 **BEST PRACTICE GUIDANCE**

The Department for Transport's Guidance 2010 considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities. The Statutory Taxi & Private Hire Vehicle Standards 2020 replace certain sections of the Best Practice Guidance 2010, and where there is a conflict between the two the Statutory Standards have been given precedence.

1.4 **CONSULTATION**

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border North East Derbyshire District Council

- Derbyshire County Council
- Other departments within North East Derbyshire District Council
- Members of North East Derbyshire District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Child Protection Services (Safeguarding)

1.5 POWERS AND DUTIES

This Policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and other legislation under which the Council is the licensing authority for hackney carriage and private hire vehicles.

1.6 STATUS

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

1.7 PRIVACY LEGISLATION, GUIDANCE & CODES OF PRACTICE

In addition to the legal framework governing taxi licensing, and the guidance set out above, this policy also takes into account the:

- Surveillance Commissioners, Surveillance Camera Code of Practice. <https://www.gov.uk/government/organisations/surveillance-camera-commissioner>
- Information Commissioners CCTV Code of Practice <https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>
- Protection of Freedoms Act 2012. (2012 Act) <http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>
- Documents issued by the Home Office in October 2016 (revised 2018):
 - [Technical Guidance for Body Worn Video Devices](#)
 - [Safeguarding Body Worn Video Data](#)
- Requirements for processing personal data as set out in the General Data Protection [Regulation](#) (GDPR) and Data Protection [Act](#) 2018
- Right to privacy as set out in Article 8 of the European Convention on Human Rights

2. Scope

In setting out its policy North East Derbyshire District Council seeks to promote the protection of public health and safety and the establishment of a professional and respected hackney carriage and private hire trade.

The aim of this policy is to regulate the provision of CCTV in hackney carriages and private hire vehicles in order to promote the above objectives.

This policy is supplemental to the Policies on Hackney Carriages & Private Hire Vehicles and Hackney Carriage & Private Hire Drivers and amends relevant sections of those policies as set out in this document.

For the avoidance of doubt the provisions set out in this policy are subject to the Council's policy on Use of Overt Surveillance Systems and the Environmental Health and Licensing privacy statement on CCTV in Taxis.

3. Principles

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to hackney carriage and private hire services because of the local transport provision.

It is important that the Council's powers are used to ensure that hackney carriages and private hire vehicles in the district are safe and comfortable.

4. Statement

Appendices A and B of the Council's Licensing Policy: Hackney Carriages & Private Hire Vehicles are amended as set out in Appendices A and B of this document.

The effect of inserting these provisions will be to ensure:

- No vehicle will be licensed as a hackney carriage or private hire vehicle unless they have installed a system compliant with the Council's requirement.
- No system will be permitted that doesn't meet the technical requirements of the policy.
- Vehicle proprietors will be subject to licence conditions in respect of data security. This will help us demonstrate we are taking precautions as data controller to protect the security of the data stored in the vehicles.

Appendix C of the Council's Licensing Policy: Hackney Carriages & Private Hire Drivers is amended as set out in Appendix C of this document.

The effect of inserting these provisions will be to ensure that in addition to vehicle proprietors the individuals driving those vehicles (where not the proprietor themselves) are subject to equivalent data security obligations. Again this will help us demonstrate we are taking precautions as data controller to protect the security of the data stored in the vehicles.

The provisions will also ensure that any impact on the rights and interests of blind and partially sighted people are properly mitigated.

5. Responsibility for Implementation

Joint Head of Environmental Health
Licensing Team Leader

6. Glossary of terms (if applicable)

N/A

7. Appendices (if applicable)

APPENDIX A

Insert into Licensing Policy: Hackney Carriages & Private Hire Vehicles

4.1.8.

Security for drivers and passengers is a high priority. It is considered that CCTV cameras can be a valuable deterrent to criminal activity, enable the easier identification of suspects, provide valuable evidence when a crime is reported and protect a driver from unjustified complaints.

All vehicles licensed by this council must have a council approved CCTV system installed which must be in use whenever the vehicle is in use as a licensed vehicle for hire and reward purposes. For the purpose of this policy, CCTV relates to recording inside of the vehicle only. External facing cameras (“dash cams”) do not fall within this policy.

To ensure compliance with data protection legislation the Council is the Data Controller of the images captured. For those reasons, the Council has approved a set of specifications and will identify which available systems meet that criteria.

It is for the vehicle proprietor to decide which of the systems to install and the Council has no liability for the goods or services provided or any representations made by either of the parties in the negotiation, execution or performance of the contractual relationship.

The specifications are set out in Appendix C to this Policy.

**APPENDIX B: VEHICLE LICENCE CONDITIONS
AND CCTV SPECIFICATION**

Insert into Licensing Policy: Hackney Carriages & Private Hire Vehicles

Appendix A:

33. CCTV

- *At the time of fitting of any CCTV System it must be compliant with the specifications applicable at that time.*
- *Any such equipment shall be fitted in such a way as not to present any danger or hazard.*
- *The proprietor of the vehicle shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. Any deliberate abuse or deliberate attempt to interfere with the legitimate use of the CCTV system will be considered a breach of licence, and shall be given due weight and regard when determining whether the driver/proprietor is a fit and proper person.*
- *Appropriate signage must be clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle.*
- *The installation of security measures such as a screen between driver and passengers, as a means of providing some protection for drivers is acceptable; however, where a screen has been fitted it must not prevent the CCTV system obtaining a clear and useable recording of the vehicle interior.*
- *It will be the proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.*
- *It shall be the vehicle proprietor's responsibility to ensure that the data, and the equipment on which it is recorded, remains secure at all times. Any breach of data protection law by the proprietor will be considered a serious breach of licence condition.*

Appendix C:

CCTV Specifications

1.0 Operational Specifications

Reference	Specification	Explanation
-----------	---------------	-------------

1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti- shock mechanism and self-recovery and self-check file writing system.
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle taxi camera system must be compliant with the Council Directives: <ul style="list-style-type: none"> - 2004/108/EC on Electromagnetic Compatibility (CISPR 22/EN55022), - 2004/104/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) <p>The taxi camera equipment should therefore be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.</p>
1.7	System activation (on / off) switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot / engine compartment).	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles boot or engine compartment (i.e. it must only be possible to deactivate the system from outside of the vehicle).
1.8	First-in/first-out buffer recording principle	
1.9	Built-in, automatic logging of all access actions, including date and personnel names	
1.10	Security, duration and auto- clearing of log files	
1.11	Image export formats and media	Images must be exported in commercially available formats.
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 2 hours without power from the ignition.

1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.15	GPS capability	System must be compatible to allow for GPS capability.

1.16	The system must be capable of recording audio time synchronized to the recorded images.	
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger.	<p>The system should have the ability to start recording audio data by means of at least two trigger buttons (see also 1.26 below).</p> <p>One trigger button must be capable of being activated by the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (e.g. a button could be pressed to begin audio recording, if the (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>The second trigger button must be capable of being activated by the passengers in the vehicle independently of the driver. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is activated again. The second activation of the trigger must result in the cessation of audio recording (i.e. the trigger, which could for example be a button, would be pressed to begin audio recording, pressing the button again would stop audio recording).</p> <p>Both audio activation triggers must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger (driver or passenger) that was used to activate the audio recording.</p>
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.19	Digital sampling of the audio signal must exceed 8KHz	

1.20	Digital resolution of the audio samples must exceed 10 bits.	
1.21	The audio microphone shall be integrated within the camera head.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.24	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	
1.25	Images recorded by the system shall not be displayed within the vehicle.	
1.26	The system must have at least two emergency activation triggers (panic buttons).	One of the triggers / panic buttons must be capable of being operated by the driver – this must be independent of the audio recording activation switch. At least one other trigger / panic button must be capable of being operated by a passenger from any passenger seat in the vehicle. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage Capacity

Reference	Specification	Details
2.1	Minimum of fourteen days of recording capacity	The camera system must be capable of recording and storing a minimum of fourteen days of images of HD1 (720/288)

		size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

3.0 Camera Head Technical Specification

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

4.0 Storage Device Technical Specification

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download port provision	The recorder shall be equipped with a communication port for downloading by authorised personnel.

4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in the glove box if practicable, if not then in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply NEDDC with a supply of specialised tools to allow for removal of the controller and download of data when required.

5.0 Video and audio recording rate

Reference	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at the rate of four images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger panic button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger trigger / panic buttons

Reference	Specification	Detail
6.1	<i>The activation of a trigger button must provide for overwrite- protected image storage when activated by driver or passenger.</i>	<i>The system must be fitted with at least two trigger buttons that once activated will trigger the protected recording of audio and video (see also 1.17 and 1.26 above).</i>
6.2	<i>Emergency image overwrite protection capability</i>	<i>Image sequences resulting from emergency activation shall be recorded in an area of memory which is protected from being overwritten</i>
6.3	<i>Overwrite protection capacity for at least 3 activations</i>	
6.4	<i>Overwrite protection self-clear on 96 hr timer</i>	

7.0 Downloading

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to NEDDC Licensing Team.	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile media	

7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.
7.7	Provision of technical support to NEDDC Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime or complaint alleged.	

8.0 Requirements in relation to System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents, or other installers approved by the council (subject to agreement with the manufacturer).
8.8	Provision of authorised agents list to NEDDC Licensing Team	The manufacturer shall provide a list of all authorised agents to NEDDC Licensing Team.
8.9	Documentation	The manufacturer must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9.0 System requirements in relation to Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Mounting location of system status/health indicator to be seen by driver only	The indicators shall be mounted/installed for the driver's vision only. The indication system must be in accordance with section 9.3 and 9.4 below.
9.3	Additional indicator requirement	Where a system is fitted with an indicator to show that the system is on, this indicator shall be separate to those listed above or of a different colour to avoid any possible confusion on the part of the drivers using the system.
9.4	Designed / installed to be testable by NEDDC Licensing Team (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested by NEDDC Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

10.0 General System Requirements

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide NEDDC Licensing Team with a Training and Technical Manual. Supply a working unit to NEDDC Licensing for testing purposes.
10.6	Software and Hardware	Manufacturer to supply NEDDC Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and NEDDC	Agreement to allow NEDDC access to the relevant software from the manufacturer so that in the event the manufacturer goes out of business, council will be able to support the system.

APPENDIX C: Driver Obligations

Insert into Licensing Policy: Hackney Carriage & Private Hire Drivers

Appendix C – Licence Conditions

(Amend) 11. Vehicle Checks

Add “CCTV” to the list of vehicle systems that must be in legal working order.

(Insert) 12. CCTV System

At all times when the vehicle is under the control of a licensed driver it shall be the driver’s responsibility to ensure that the data, and the equipment on which it is recorded, remains secure at all times. Any breach of data protection law by the driver will be considered a serious breach of licence condition.

(Insert) 13. CCTV & Blind or Partially Sighted Passengers

Drivers must advise any blind or partially sighted passengers that there is CCTV recording in operation before commencing the journey. They must also advise such passengers of the location of controls for audio recording.

MANDATORY CCTV IN TAXIS:
SUPPLEMENTAL INFORMATION

Legal Basis for Processing

CCTV is considered beneficial to promoting enforcement of hackney carriage and private hire vehicles under the Local Government (Miscellaneous Provisions) Acts 1976 and Town Police Clauses Act.

The Council is subject to a variety of duties prescribed by legislation, Government Guidance and circulars to protect the public and to prevent and detect crime and to keep children and vulnerable adults safe . Examples are the Children Act 2004 which requires the Council to carry out its functions with regard to the need to safeguard and promote the welfare of children and the Care Act 2014 which prescribes a general duty to protect vulnerable adults from abuse and neglect.

Legislation setting out the duties and powers requiring the council to have regard to safety, crime and disorder, antisocial behaviour etc includes (but is not limited to):

- Local Government Act 1972
- Local Government Act 2000
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Children Act 2004
- Care Act 2014
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1998
- Equality Act 2010

Evidence can be provided to the Police under the provisions of the Police and Criminal Evidence Act 1984. Other Law Enforcement agencies such as HM Revenue & Customs and services within the Council such as Planning and Environmental Health would also have the necessary criminal investigatory powers to request CCTV footage as under statutory legislation or via the gateway under Data Protection Act 2018.

Statutory Taxi & Private Hire Vehicle Standards issued by the Government in July 2020 provides a series of recommendations which local authorities are expected to implement “unless there is a compelling local reason not to”. One recommendation is the adoption of a policy requiring the installation of CCTV monitoring in taxis. While it is acknowledged that there is limited evidence of

There is a legitimate need to protect drivers and the travelling public and to deter and detect crime. The Council considers it necessary to process data when the vehicle is being used in a licensed capacity under the Local Government (Miscellaneous Provisions) Act, and that it cannot achieve the same level of public protection without CCTV being operational.

Conditions for Processing: Details

The use of CCTV in a licensed capacity is considered to be necessary and proportionate, in order to perform a task in the public interest or for official functions, and the task or function has a clear basis in law:

Processing necessary for the purposes of:-

- Protecting drivers when working in a licensed capacity.
- Performing the local authority function of determining the safety and suitability of licensed drivers
- Protection and reassurance of the travelling public
- Protection of vulnerable people who rely on taxis as an essential means of transport
- Preventing and detecting crime.

Alternatives considered / rejected

NB To be completed in conjunction with Committee report following RMBC advice on reasoning.

Environmental Health and Licensing

Privacy statement: CCTV in licensed taxis

The Council requires that all licensed private hire vehicles and hackney carriages carry an internal CCTV system. This privacy statement explains some important information about how we use the personal information recorded by those systems.

The Council also has a general privacy statement and the Environmental Health & Licensing Service have an overall privacy statement.

Using your personal information

What information do we collect?

The CCTV systems collect video recording of the interior of licensed vehicles at all times when they are being used for carrying passengers. Audio recording can also be switched on by drivers or passengers.

We collect this information in order to:

- (a) Provide a valuable deterrent to criminal activity
- (b) Enable the easier identification of suspects where offences take place in licensed vehicles
- (c) Provide valuable evidence when a crime is reported; and
- (d) Protect drivers from unjustified complaints

The requirement for licensed vehicles to carry CCTV systems is pursuant to the Council's powers and duties to uphold public safety in carrying out its licensing functions.

How will we use the information?

CCTV footage will be downloaded from the system hard drive in response to complaints, requests from relevant bodies or requests under statutory rights.

This privacy statement explains how we will handle footage of individuals.

Legal basis for processing

The law requires us to have a lawful basis for processing personal data.

As a public authority most of the personal data processing that we do will be necessary to perform a task carried out in the public interest, to exercise our statutory duties. This is known as **public task** under the General Data Protection Regulation (GDPR). In this case the primary example is promoting public safety through the Council's licensing policies.

The legal basis for our public task processing is contained within the legislation attached at **Appendix A**.

Legal obligation

This basis covers personal data processing required to comply with a common law or statutory obligation e.g. a court order may require us to disclose some personal data.

The footage recorded may also be disclosed pursuant to requests from 3rd party organisations such as the Police, where that information is required to be disclosed pursuant to a legal obligation.

Who receives my personal information?

Your personal information will be processed by Environmental Health and Licensing for the purposes set out above.

Your personal information may also be shared with organisations such as:

- Police
- Health and Safety Executive
- Derbyshire County Council
- Care Quality Commission
- Environment Agency
- Public Health England
- Other government bodies and agencies
- Other Local Authorities

Your personal information may also be shared with other third party organisations which have a legal right to access the footage.

We use data processors who are third parties who provide elements of services for us, for example Information technology (IT) providers. We have contracts in place with our data processors. (See how we protect your data).

The law only allows us to use your personal information for the purpose it was given. If we would like to use your personal information for another purpose then we would need to notify you of this and seek your consent. The only exception to this is disclosures required by law where an exemption exists under data protection regulation.

Transferring your personal data

Personal data which the Council downloads from recording systems is held on UK servers. When using an external provider for processing e.g. storing customer records, it is our

policy to use companies which have UK or EU based servers to receive the safeguards contained within UK data protection law and reciprocated across the European Union.

How do we protect data?

The Council takes the security of your data seriously. The Council has internal policies and controls in place to safeguard personal data. This includes access restrictions to systems containing personal information, employee training and awareness, ICT security controls and protocols, confidential waste collection and destruction, and documentation including personal data audits and guidance.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

In respect of the recording systems located in vehicles, systems will be:

- Fully encrypted
- Accessible only by authorised officers
- Subject to licence conditions requiring secure handling by drivers and vehicle proprietors.

How long do we keep your personal information?

Footage stored on recording systems will be overwritten after a period of 14 days. Where downloaded retention periods are determined by business or legal needs. It is our policy not to hold records any longer than necessary whilst complying with any legal requirements and providing sound business records.

The Council has a retention schedule which contains its main record types and the length of time the record type will be kept. If you would like further information on this then please email FOI@ne-derbyshire.gov.uk.

Access to your information and other individual rights

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information please email FOI@ne-derbyshire.gov.uk or write to us at the following address.

North East Derbyshire District Council
District Council Offices
2013 Mill Lane
Wingerworth
Chesterfield
Derbyshire
S42 6NG

There is also information on our website – search '[data protection](#)'.

You also have other rights under data protection regulation which include rights to rectification, erasure, to restrict processing, data portability, to object, and to prevent automated decision making. Some of these rights are affected by the legal basis for processing which the Council is using, for example the rights to erasure and portability do not apply when processing your personal data for official public functions. More information of your rights is available on our website.

To exercise your rights please use the contacts details noted in the first instance.

How to contact us

Please contact us if you have any question about this privacy statement or information we hold on you:

- By email – FOI@ne-derbyshire.gov.uk
- Or write to us at: North East Derbyshire District Council, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, Derbyshire, S42 6NG

The Council's Data Protection Officer is Kath Drury, email kath.drury@bolsover.gov.uk or telephone 01246 242280.

You also have a right to make a complaint to the Information Commissioner's Office about concerns you may have about your personal data.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113

www.ico.org.uk

You may wish to raise any complaint or concern with us first by contacting the Council's Data Protection Officer or using the Council's [complaint](#) system.

Appendix A – List of all relevant Acts/regulations – CCTV in Taxis

Local Government (Miscellaneous Provisions) Act 1976	Town Police Clauses Act 1847	Equality Act 2010
--	---------------------------------	-------------------

Bolsover District Council/ North East Derbyshire District Council
Privacy Impact Assessment (Stage 2) Version 7 – 10/10/19

Project Manager (include contact details)	Policy: K. Shillitto, Solicitor Implementation: TBC
Project Name	Mandatory CCTV in Taxis
Brief Project Overview - NEW project	The introduction of a prerequisite that all vehicles must have installed functioning CCTV to Council specifications prior to a Private Hire Vehicle licence being granted. The authority will act as data controller for all footage recorded.
Brief Project Overview – EXISTING system (If this is a change to an existing project, system, procedure, technology or legislation, describe the current system and the proposed changes)	N/A
What are the potential privacy impacts?	CCTV recording of individuals, including potential data of sensitive nature. Includes recordings of potential criminality.

Ref	Question	Response	Further Action Required	Date Completed
1. Personal Data Processing				
1.1.	Which aspects of the project will involve the processing of personal data relating to living individuals?	The project will involve video and audio recording of living individuals (passengers and taxi drivers) by front-line officers in prescribed situations (see below for information on guidance and training)		
1.2	Who is/are the Data Controllers in relation to the processing?	NEDDC is the Data Controller. Senior Managers in	I need to understand how it will work in practice – who actually	

		Environmental Health (Licensing) will have responsibility for policy/procedural adherence.	controls the CCTV system, the licence holder or us? If us how do we protect the privacy of the taxi driver when using his vehicle for personal use The system installed in the vehicle will be operated by the driver, who activates video surveillance when the vehicle is being used for taxi work. Time-limited audio recording will be activated by the driver or passengers using buttons in the vehicle.	
2. Fair and Lawful Processing				
2.1	Which article 6 condition , and for special category (sensitive personal data) which article 9 processing condition are you relying on?	GDPR Article 6(1)(e) (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; (Respective privacy statements for the service areas concerned list the relevant statutes and regulations) GDPR Article 9(2)(f)&(g)	Need to reference the legislation that is making this mandatory (as it strengthens the public task) In July 2020 the Government published the Statutory Taxi & Private Hire Vehicle Standards, which the authority has a legal duty to have regard to, expects the recommendations to be implemented unless there is a compelling local reason not to. Recommendations include the mandatory requirement for CCTV in taxis. No compelling local reason has been	

		<p>(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;</p> <p>(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.</p> <p>NB Additional details of the basis for necessary processing are contained in the supporting document.</p>	<p>identified not to consider this policy.</p>	
--	--	---	--	--

		<p>Data Protection Act 2018 Sch 2 Pt 1 (2) (1)</p> <p>Crime & taxation exemption</p> <p>NB Some GDPR provisions e.g. to disclose personal data to third parties do not apply when one of the above exemptions is engaged.</p> <p>Also compliance with:</p> <p>ICO data protection Code for Surveillance Cameras and Personal Information</p> <p>Home Office Surveillance Cameras Code of Practice</p>		
2.2	How will any consents be evidenced and how will requests to withdraw consent be managed?	<p>The processing of this personal data is not reliant upon consent (see 2.1)</p> <p>Vehicles will be obliged to carry signage explaining to occupants that CCTV recording is taking place.</p>		
2.3	Is the project covered by existing fair processing information already provided or is new communication needed?	No	Consider provision of relevant information on websites for vehicle users to access separately?	

			Existing privacy statement for Environment Health & Licensing will need updating together with clear signage in vehicles and effective publicity informing the public (website, press release, Intouch, social media etc.) Also consider having cards for the taxi driver to hand out if someone wishes to request footage or seek further information. Enquiries and requests need to come to us as the DC.	
2.4	Is the processing in accordance with other legal /regulatory requirements e.g. Human Rights Act.	Yes (see above and supplemental document) and relevant CCTV policies.	Legal requirements and framework is referenced in the CCTV policy. Consider reviewing and including situation-specific guidance. Licensed taxi drivers will be in physical possession of the data storage device. Guidance on proper storage and security will be required.	
2.5	If third parties are involved in the collection of data do they need informing?	Yes to the extent that the physical storage device is stored within the licensed vehicle however the Council (as data controller) will control the purposes for collection.	See 1.2 & 2.4. Who switches the recording on and off? How to we prevent recording when the vehicle is being used for personal use.	

			Or conversely how do we prevent the taxi driver switching it off when being used for licensed purposes? Failure to switch the system on while using the vehicle for licensed purposes will be an actionable breach of licence condition.	
2.6	Is there a risk of anyone being misled or deceived?	No, the vehicle signage will be clear and mandatory.		
2.7	Is the processing fair and proportionate to the aim of the project?	Yes, on the grounds of public protection as set out in the supporting document.	As before note the legislation making it mandatory in the supporting document See 2.1	
3. Specified and Lawful Purposes				
3.1	Has a clear purpose for data processing under the new project been identified and documented?	Yes, as per supporting document.		
3.2	Are the notifications to the ICO sufficient to cover data processing under this project?	N/A		
3.3	Are the purposes clear in notices to individuals?	Yes, as per signage above.	Plus updating of privacy statement, use of cards by the taxi driver and updated information on the website	
3.4	How will you ensure that use of personal data is limited to these purposes?	Only trained and authorised staff will process data. Thorough staff training and operational guidance will ensure adherence to stated purposes. Legal advice available where needed.	So noting my earlier questions above - is the intention for the CCTV to record continuously whilst in use for licensed purposes and then to override after X days. How do officers access this information? And I imagine that they will only be	

			doing so for the specified purposes e.g. alleged criminality, data subject access request (DSAR) etc. So a log will need to be kept of these searches and downloads.	
4. Adequate, Relevant and not Excessive				
4.1	What categories of data will be collected?	Video images and audio recording when the camera is operating.		
4.2	Is each category relevant and necessary? Is there any data you could not use and still achieve the same goals?	CCTV will be able to record exactly what happened, what was said and when, in an indisputable format. Their use will be covered by the management processes described in this PIA and staff will receive training and guidance in their use.		
4.3	Can data be anonymised?	TBC - Need system info	Some systems allow images to be blurred. This is useful functionality if someone is requesting their own personal data as it allows other passengers and the taxi driver to be obscured	
5. Accurate and Up-to-date				
5.1	What steps will be taken to make sure accurate data is recorded and used?	Recordings of 'live' situations so it is an accurate record of the exchange between individuals in the vehicle.	Procedure/standards to be established to ensure evidential robustness of the footage for court purposes.	

		Footage to be automatically erased after a period of ??? days. Date and time functionality on the CCTV system? Need system info		
5.2	Can records be easily amended?	TBC Need system info		
5.3	Are out-of-date records archived or destroyed?	Yes, automatic deletion after 14/28 days unless downloaded for use as evidence in enforcement and/or legal proceedings.		
6. Data Retention				
6.1	How long will personal data be retained?	Up to 7 years if prosecution is likely. Routinely up to 14/28 days. Recordings will only be stored using a secure system and only downloaded for court proceedings.		
6.2	How will redundant data be identified and deleted in practice?	The system automatically deletes data after 14/28 days unless video/audio data has been identified for evidential purposes in which case it is retained for 7 years.		
6.3	Can redundant data be easily separated from data which still needs to be retained?	Yes, data will only be extracted if it needs to be shown to the court and downloaded onto an encrypted USB, memory device or DVD.		
7. Data Subjects Rights				

7.1	Who are the relevant data subjects? E.g. customers, tenants, employees.	Taxi drivers, vehicle proprietors, passengers.		
7.2	Will data be within the scope of the organisations SAR procedure?	Yes, video and voice recordings, but only if this is requested prior to the automatic deletion period.	Format of SAR and responsibility for processing TBC Happy for my team to administer requests Will need to establish procedure with Licensing for obtaining footage for SARs	
7.3	Is any data processing likely to cause damage or distress to the data subject?	No – the data subject will be aware through signage (and publicity) that CCTV will be recording audio and visual footage.	Need to give consideration on how to communicate this information to blind, partially sighted individuals. Taxi driver to advise in those circumstances?	
7.4	Will there be any direct marketing to individuals?	No		
7.5	Is there any automated decision making?	No		
8. Data security				
8.1	What security measures and controls will be incorporate into or applied to protect personal data? Consider those that apply throughout the organisation and those specific to the project.	The footage is encrypted by propriety software and only be accessible to authorised officers. Images cannot be deleted by the users. Retention and deletion rules are set up within the system by the system administrator. before using the kit. Access and permissions will be limited to certain named staff	What about the physical data storage in the vehicle? Can this be removed? If stolen is the device itself encrypted? Need system info.	

		<p>and managers who can only view footage in their respective service areas.</p> <p>Footage will be downloaded only in response to a relevant enquiry or complaint.</p> <p>The software contains its own archiving rules, images are usually automatically deleted after 14/28 days, unless marked for evidential purposes (i.e. if needed for a prosecution)</p>		
8.2	Is there a need to segregate data? E.g. sensitive data from other data.	TBC		
8.3	Who will have access to the data and what controls will be in place?	See 8.1		
8.4	Is there a contingency plan to manage the effects of any unforeseen loss or damage to data?	<p>Downloads will be done solely when necessary and where operationally practical to do so.</p> <p>If the storage device is stolen or damaged before downloaded (and wiped) encryption will prevent access.</p> <p>Images cannot be viewed on the storage device.</p>	To be covered in staff guidance.	
9. Data Processors				
9.1	Are any external data processors involved?	The licence holders (who are storing the device, displaying		

		the signage etc.) and the supplier (s) of the CCTV system (security of device, data transfer etc.).		
9.2	What security guarantees do they have?	TBC.	Include links to privacy statements of suppliers and undertakings in place with licence holders	
9.3	Is there/will there be a written contract with the data processors?	Conditions of licence can be used to set terms for licence holders.	As this is likely to be the licence holders themselves then a review of the data protection standard clauses would be worthwhile and include in a suitable agreement with the holder as required. SLAs with suppliers.	
9.4	How will the contract be monitored and enforced?	Licensing enforcement activity will include CCTV		
10. Disclosure of Data to Third Parties				
10.1	Will data be disclosed to any other third parties?	Yes, the police, other enforcement bodies and potentially as part of a prosecution		
10.2	Is this third party disclosure fair and lawful?	Yes (see 2.1)		
10.3	What checks have been made on the Third Parties and what data security measures are in place?	Well established 3 rd parties involved in law enforcement/justice activities– police, lawyers and courts Appropriate security measures will be used for disclosures to third parties i.e. email	Evidence disclosures to third parties need to be covered in the staff training	

		encryption, hand delivery of footage		
11. Overseas Data Transfer				
11.1	Is there any transfer of data outside of the European Economic Area?	No	Need to check/confirm that when the data is transferred from the storage device to the Council that is it not done via a non-EEA route Need system info to be definite but understanding is that data will be transferred by a physical cable.	
12. Exemptions				
12.1	Will any exemptions for specific types of processing be relied on? E.g. crime prevention, regulatory purposes.	Prevention of crime. Evidence gathering for potential legal and/or enforcement action. Refer to 2.1		

Version1

Overall Compliance Summary	
----------------------------	--

	Electronic Signature	Title	Date of PIA	Completion Date
Project Manager				
Data Protection Officer				

Copy to be retained by the Project Manager with the project documentation. Copy to be retained by the Data Protection Officer.

EQUALITY IMPACT ASSESSMENT
TAXI LICENSING POLICY

ADDENDUM – CCTV September 2020

Modification of existing policies is being considered to introduce a mandatory requirement for CCTV in licensed vehicles.

The following impacts have been noted as a potential consequence of the above proposals.

Visual Impairment

Visually impaired passengers may be detrimentally affected in two ways. Firstly they could be unaware that they are subject to video/audio recording. Secondly they may be unable to locate and use the controls to activate audio recording.

Awareness

To address this impact it is proposed that licence conditions for drivers should include a requirement that visually impaired passengers be verbally advised about the presence of CCTV before commencing a journey. This could possibly be drawn to licence-holders' attention in the training for licensed drivers.

Accessibility of Audio Control

This is something the current systems on the market do not appear to address. Given the anticipated benefits of the system it is an impact that can be tolerated when balanced against the public interest in safety. However, the authority will keep this under review and if systems are developed in future which address this issue their adoption will be considered at that time.