

Appendix 6 - CCTV Policy

Introduction

1.1 The Council recognises that licensed drivers are a valuable asset to the Borough and the safety of its licensed drivers is a key concern. This concern must be considered alongside the overriding objective in taxi and private hire licensing of the safety of the travelling public.

1.2 The aim and purpose of the introduction of CCTV in all its licensed hackney carriage and private hire vehicles is to provide a safer environment for both the driver and passengers by -

- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- Assisting the Council and Police in investigating incidents of crime
- Assisting insurance companies in relation to motoring claims.

1.3 This Policy is designed to ensure that CCTV systems fitted in the Council's licensed vehicles are properly installed and the data recorded is secure and accessible only in specified circumstances by authorised officers.

1.4 Vehicle owners, who may also be the driver and/or operator, installing CCTV systems, must fully comply with the requirements set out in this Policy. They must take all reasonable steps to ensure that the driver of the vehicle is made aware of every condition in relation to the CCTV system installed in the vehicle and has been given adequate instruction in its use and the requirements in relation to image retrieval.

General principles

2.1 For the purposes of this document the term "CCTV" includes any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include such devices as events, incident, and accident data recording devices.

2.2 Any CCTV to be fitted must, as a minimum, meet all the requirements in relation to safety, technical acceptability and operational/data integrity set out in this document and the accompanying technical specification.

2.3 CCTV systems will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

2.4 The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice.

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

2.6 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to the passengers, driver, or other road users 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.

2.7 The CCTV system fitted will be matched to the vehicle identification mark and plate number. A certificate confirming these details will be issued to the licence holder by the approved installer and must be presented to the Council within 7 days of the fitting of the CCTV system.

Automotive Electromagnetic Compatibility Requirements (EMC)

3.1 CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, card payment device or radio system in the vehicle.

3.2 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.

3.3 CCTV equipment should be e-marked or CE-marked. If CE marked, confirmation by the equipment manufacture as being non-immunity related and suitable for use in motor vehicles is required.

System Specification and Operation

Installation

4.1 The installed 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.

4.2 All equipment must be fitted by an approved installer and installed safely and securely in such a manner so as not to increase risk of injury and/or discomfort to the driver and/or passengers and in a manner that does not cause a distraction or nuisance to the driver or passengers or obscure the view of the road through the windscreen.

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

4.4 The 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

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

4.7 All wiring must be fused, as set out in the manufacture's technical specification, and be appropriately routed.

4.8 The location/installation of cameras within the vehicle must be specific for the purposes for which they are being installed i.e. to improve the safety and security of drivers and passengers.

4.9 All equipment must be checked regularly and maintained to operational standards, including any repairs after damage. Any system components requiring calibration in situ should be easily accessible. Written records should be kept of the maintenance and any work carried out. The records must be made available on request to an authorised officer of the Council or Police.

4.10 Each CCTV installation will be subject to the conditions of vehicle licensing as set out in the Council's Hackney Carriage and Private Hire Licensing Policy.

4.11 Once purchased, a system may be transferred from one vehicle to another (for example if a new car is purchased) subject to its proper installation.

CCTV Activation

5.1 The CCTV system must be active and recording at all times. that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system can be switched off when it is being used for domestic purposes and when the driver is on a break.

5.2 The CCTV must be configured in such a way as to continue to record visual images (and voice recording where activated) for 15 minutes after the CCTV system or engine has been switched off.

5.3 Activation of the equipment via a direct wired link to the vehicle's taximeter is not permitted.

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Audio recording

6.1 There are limited circumstances in which audio recording may be justified, e.g. when a panic button is utilized in response to a threat of physical violence or where there is a genuine belief that a crime is being committed.

6.3 Activation of audio recording may be triggered by the driver pressing a panic button. Audio recording will continue until such time as the button / switch is pressed again.

6.4 At the end of journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle.

6.5 If for any reason the camera is deactivated by the driver whilst the vehicle is in use as a licensed vehicle, the driver must notify the Council's licensing team by the end of the next working day. The Council may then view the recorded images in order to assess the circumstances that immediately preceded the deactivation of the camera (in order to verify that the deactivation was appropriate).

6.6 In the limited circumstances where audio recording is justified, signs must make it clear that audio recording may be carried out.

Image Security

7.1 Data captured must remain secure at all times.

7.2 The captured images must be protected using approved encryption software which is designed to guard against compromise of the stored data, for example, in the event of the vehicle being stolen.

7.3 CCTV data must be retained for a rolling period of 28 days from the date of capture.

Retention of CCTV Images

8.1 The CCTV equipment selected for installation must have the capability of retaining images either within its own secure, encrypted 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) signaling to a secure sever within the service provider's monitoring centre.

8.2 Data 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.

8.3 CCTV equipment selected for installation must include an automatic overwriting

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function, so that data is only retained within the installed system storage device for a period of 28 days from the date of capture. Where a service provider is used to store data on a secure server, the specified retention period must also only be for a period of 28 days from the date of capture. Data may be retained for longer periods in exceptional circumstances i.e. insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Download and Disclosure of Images

9.1 The Council, as data controller, is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

9.2 Any data recorded should only be used for the purposes set out in paragraph 1.2 of this Policy.

9.3 The Council is the only authority authorised to access the system and retrieve data from it. Downloads from the system will only be undertaken in specific circumstances. Upon request to view data from the system made by an officer of the Council or Police Officer, the licence holder/driver must ensure that the CCTV system is made available to the Council as soon as is reasonably practicable and in any event within 7 days. Any delay in making the system accessible, which results in data not being available, may be regarded by the Council as a deliberate intention to pervert the course of an investigation and may result in the driver or vehicle licence being revoked.

9.4 Where the licence holder/driver is aware that they will be absent for a period of longer than 3 weeks and therefore the retrieval of data, if necessary, will be affected, they must notify the Council who may then download the data for the preceding 28 days. This data will not be viewed unless there is a legitimate cause.

9.5 Requests by the Police or other statutory law enforcement agencies/ organisations to view CCTV data may be submitted in writing; any such requests must set out the reasons why the disclosure is required.

9.6 Members of the public may make a request for the disclosure of CCTV data where they have been the subject of a recording. This is known as a 'Subject Access Request'. Such requests must be made in writing and include proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Failure to give specific details may result in the matter not being investigated.

9.7 Requests to view CCTV data will be determined on a case by case basis.

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Signage

10.1 All licensed vehicles fitted with a CCTV system must display the Council approved sign, which includes the name and contact details for the Council as data controller, in a prominent position stating that the vehicle carries CCTV. The driver may also draw the passenger's attention to the fact that CCTV equipment is in operation.

10.2 Signage must be displayed in such positions to make it as visible as possible to passengers, whilst minimising obstruction of vision, both before and after entering the vehicle.

Exemptions

11.1 Exemption from the requirement to have CCTV fitted in the vehicle is made for the following –

- Horse drawn hackney carriages
- Novelty vehicles where passengers are not carried within the vehicle.
- Any other similar circumstances that may be approved by the Council following a request made to it in writing.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.