



SOUTH DERBYSHIRE DISTRICT COUNCIL

CCTV IN PRIVATE HIRE VEHICLES POLICY

Issue 1: #

Introduction

These guidelines set out to ensure that CCTV systems in private hire vehicles within South Derbyshire are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of private hire drivers and their passengers.

Vehicle owners, who may also be the driver and/or operators, installing CCTV systems must fully comply with the requirements set out in the guidelines.

For the purposes of these guidelines, the term 'CCTV system' will include any electronic recording device attached to the inside of the vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or outside of the vehicle. In addition to the standard CCTV camera system, these may include, for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV systems

The purpose of a CCTV system shall be to provide a safer environment for the benefit of vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the Police and/or an authorised officer of the Council in investigating incidents of crime, disorder, accident and complaint;
- Assisting insurance companies in investigating motor vehicle accidents.

It is important that any person who suspects a crime has been committed and that a CCTV system may contain relevant information to the crime should report that suspected crime to the Police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.

An authorised officer of the Council or the Police may, at any reasonable time and upon production of identification, if requested, examine any CCTV system.

General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in these guidelines. Only CCTV systems meeting these requirements and approved by the Licensing Authority can be installed in private hire vehicles.

The installation and operation of the CCTV system shall comply with the requirements of the Information Commissioner's Office (ICO) Code of Practice which is available on the ICO website.

The CCTV system shall at all times remain the property of the private hire vehicle licence holder or the private hire driver who uses the vehicle, who will be liable, at all times, for its use in the vehicle. The vehicle licence holder shall be responsible for the maintenance of the system and shall ensure that it is checked regularly and maintained in working order at all times.

The CCTV system must comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).

The CCTV system must be designed, constructed and installed in such a way and in such materials as to present no danger to the passengers or the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.

The CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/date integrity.

The CCTV system must be marked as complying with current European Industry Standards.

The CCTV system must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

The CCTV system must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

No CCTV system may be installed in a private hire vehicle without the prior written consent of the Licensing Authority.

The CCTV system must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

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.

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.

The CCTV system must not 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.

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

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 private hire driver and passengers.

All system components requiring calibration in situ should be easily accessible.

The CCTV system must be capable of date, time and vehicle identification information.

Activation of the Camera

Activation of the CCTV system may be via a number and combination of options including:

- Door switches;
- Ignition;
- Drivers' panic button.

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

Audio Recording

The CCTV system must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised, a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Retention of CCTV images

Images captured must remain secure at all times.

The images must be digitally encrypted.

The positioning of the CCTV system should be such that the hard disk or data card is not accessible to any passenger traveling in the vehicle.

The CCTV system must be capable of recording and storing images for a minimum period of fourteen days.

The CCTV system must be capable of capturing images that in low light conditions must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.

The CCTV system must be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

Notification to the Information Commissioner's Office

The CCTV system must be registered with the ICO by the data controller. The 'data controller' is the company, organisation or individual which has decided to have a CCTV system installed and operating within the vehicle. The data controller is responsible for how the images are stored and used and determines in what circumstances the images should be disclosed.

Evidence of the registration must be forwarded to the Licensing Authority. The notification requires renewal on an annual basis and payment of the appropriate fee.

Evidence of registration with the ICO must be present to an authorised office of the Council or the Police at any time during the term of the private hire vehicle licence.

Using recorded CCTV images

The 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.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies, authorised officers of the Council, insurance companies/brokers/loss adjusters, or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law.

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 also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof 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). More guidance on handling Subject Access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

Signage

All private hire vehicles fitted with a CCTV system must display two signs in prominent positions. The sign must state 'CCTV cameras in operation' and 'the system is owned and operated by.....'. The name and contact details of the data controller must be stated on the sign. The contact details can be in the form of a telephone number, email address or website URL.

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. The signage must be maintained in a clean and legible condition.

The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.