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<b>Report To:</b>	<b>General Purposes Board</b>	<b>Date:</b>	<b>14 September 2022</b>
<b>Report By:</b>	<b>Head of Legal and Democratic Services</b>	<b>Report No:</b>	<b>LS/76/22</b>
<b>Contact Officer:</b>	<b>Anne Sinclair</b>	<b>Contact No:</b>	<b>01475 712121</b>
<b>Subject:</b>	<b>The Installation &amp; Operation of Cameras within Taxis/Private Hire Vehicles</b>		

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## **1.0 PURPOSE AND SUMMARY**

- 1.1  For Decision  For Information/Noting
- 1.2 The purpose of this report is to ask the Board to note the terms of this report regarding recent calls from the taxi trade for the installation of CCTV within taxis/private hire vehicles and to seek authority for the Head of Legal and Democratic Services to commence a consultation on the terms of a draft policy in order to ascertain the level of support for such a policy.
- 1.3 The Council has received recent requests from representatives of the taxi trade seeking permission to permit the installation and operation of CCTV in taxis and private hire vehicles as a means of improving driver and passenger safety.
- 1.4 Inverclyde Council currently has no policy on the installation and operation of cameras within taxis and private hire vehicles.
- 1.5 The installation and operation of CCTV cameras will have implications for taxi operators under the General Data Protection Regulations and UK data protection legislation as recorded images will constitute 'data' in terms of the Regulations.

## **2.0 RECOMMENDATIONS**

- 2.1 The Board is asked to:
- (1) note the terms of this report;
  - (2) authorise the Head of Legal and Democratic Services to commence a consultation on a draft policy to determine the levels of support and record any concerns relative to adopting such a policy;
  - (3) instruct Officers to provide a further report to the Board at the culmination of the said consultation.

**Iain Strachan**  
**Head of Legal & Democratic Services**

### **3.0 BACKGROUND AND CONTEXT**

- 3.1 The Council has received requests from taxi operators throughout the years regarding the installation and operation of CCTV cameras within taxis and private hire vehicles. The reason most commonly provided in support of such requests was to improve the safety of both drivers and passengers during taxi journeys. Recently these requests have been renewed.
- 3.2 At a meeting on 13 December 2017 the General Purposes Board considered a report by the Council's former Head of Legal and Property Services in relation to a request from taxi operators regarding the installation of CCTV cameras in taxis and private hire vehicles as a means of enhancing the safety of drivers and passengers within Inverclyde. The decision of the Board was that Officers should liaise with the Information Commissioner, Police Scotland and representatives of the taxi trade in order to determine the level of support for such a Policy. Having done so, Officers concluded there was little interest in the proposed installation of CCTV cameras
- 3.3 Other Local Authorities allow for the installation and operation of CCTV cameras within taxis and private hire vehicles, albeit under heavily regulated and controlled conditions. Given the recent enquiries from representatives of the taxi trade it is appropriate that the Board is asked to consider this matter anew.
- 3.4 Concerns have been raised in the past about how images would be recorded and stored, and the impact that CCTV footage might have upon vulnerable passengers within taxis. Since the date of the Board's previous decision, The General Data Protection Regulations (GDPR), which came into effect on 25 May 2018, have introduced significant changes to UK Data Protection legislation. Recorded images and/or sound captured by CCTV cameras fall within the definition of "data" as defined by the GDPR. Those in control of 'data' (the data controller) have certain legal obligations to comply with the terms of GDPR including, but not limited to, complying with the Commissioner's CCTV Code of Practice; displaying signage and a privacy statement within their vehicles; complying with data protection legislation and the use of all images obtained through CCTV.
- 3.5 In terms of GPDR, for the purposes of the installation and use of CCTV systems in taxis and private hire vehicles, the data controller will be the holder of taxi and private hire car licence. The data controller will be responsible for:
1. Complying with Data Protection legislation;
  2. The use of all images obtained through CCTV;
  3. Any breaches of Data Protection legislation;
  4. Any fines imposed for breaches of UK Data Protection legislation;
  5. Complying with the Information Commissioner's Code of Practice.

### **4.0 PROPOSALS**

- 4.1 It will be necessary to undertake a consultation with the Office of the Information Commissioner to determine what legal obligations will rest with taxi operators, the Local Authority and any third party responsible for the installation and operation of CCTV cameras within taxis and private hire vehicles.
- 4.2 It will also be necessary to consult with taxi operators to ascertain if this is a policy that would be supported given the mandatory legal obligations that they would face if they choose to install CCTV cameras within their taxis and private hire vehicles.

- 4.3 The views of Police Scotland will be required as part of any consultation to ascertain any concerns they may have with regard to the implementing of a policy to allow for the installation and operation of CCTV cameras within taxis and private hire vehicles.

## 5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial			X
Legal/Risk	X		
Human Resources	X		
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

### 5.2 Finance

There are no imminent financial implications in relation to this report.

#### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

#### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 5.3 Legal/Risk

If the Board decides, in principle, to allow the installation and operation of CCTV cameras within taxis, this will give rise to a number of legal implications relative to GDPR/UK data protection legislation. Following necessary consultation with the Office of the Information Commissioner, Police Scotland and taxi operators, those implications will be better understood and will be contained in any report that is brought back before the Board for their consideration.

### 5.4 Human Resources

There are no Human Resources issues related to this report. However, applications for the installation of CCTV cameras would mean an administrative burden being placed upon licensing staff. The extent of the administrative burden would be clearer following appropriate consultation and will be reported to the Board at the culmination of any consultations.

## 5.5 **Strategic**

N/A

## 6.0 **CONSULTATION**

- 6.1 If the Board's decision is to consider this matter further, then any future report shall detail consultations with relevant parties.

## 7.0 **BACKGROUND PAPERS**

- 7.1 None.