
Report To:	General Purposes Board	Date:	13 December 2023
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/167/23
Contact Officer:	Anne Sinclair	Contact No:	01475 712034
Subject:	Installation of Dashcam in Taxis/Private Hire Vehicles		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to consult with Members of the General Purposes Board and to seek the views of the Board on the responses received to the consultation on the proposed amendments to the existing policy regarding the installation of CCTV in taxis/private hire vehicles (the CCTV policy) in order to include outward facing Dash Cam systems in taxis/private hire vehicles.

2.0 RECOMMENDATIONS

2.1 The Board is asked to:

(1) note the terms of this report and the responses received to the consultation regarding the proposed amendment to the existing CCTV policy in order to include within the policy regulation of outward facing Dash Cam systems in taxis/private hire vehicles;

(2) consider, in light of any response/s received to the consultation exercise, what changes, if any, are required to the CCTV policy, and whether it is appropriate to amend the CCTV policy to include the installation of outward facing Dash Cam systems;

(3) approve and adopt the CCTV/Dash Cam policy set out in **Appendix 2** with such changes as the Board may at this meeting consider are required, with effect from the date of this meeting;

(4) approve the proposed amendment to the corresponding licensing conditions set out in section 6.1 of this report, should the Board determine it is appropriate to amend the current CCTV policy;

(5) approve the proposed amendment to the current CCTV policy in relation to contact details of operators as set out in sections 5.2 and 5.3 of this report;

(6) agree to grant delegated authority to the Head of Legal, Democratic, Digital and Customer Services, in consultation with the Chair of the Board to make such further changes as are deemed necessary further to the Board's decision today, and thereafter to finalise and publish the CCTV/Dash Cam Policy.

Iain Strachan
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

- 3.1 At a meeting of the General Purposes Board on 21 September 2022 it was decided by the Board that the Head of Legal & Democratic Services should be authorised to commence a consultation on a draft policy on the installation of CCTV systems in taxis and private hire vehicles in order to determine the level of support for such a policy and record any concerns relative to adopting such a policy. This decision was reached by the Board in response to requests from taxi operators that such a measure should be adopted to improve the safety of both drivers and passengers during taxi/private hire journeys.
- 3.2 At a subsequent meeting on 10 May 2023, it was the decision of the Board, in light of responses to a public consultation, that a policy should be approved and adopted allowing the installation of CCTV systems in taxis and private hire vehicles. A copy of the policy adopted by the Board is set out in **Appendix 1** to this report.
- 3.3 The policy adopted by the Board on 10 May 2023 does not place a mandatory requirement on the licensed operators of taxis and private hire cars to install CCTV in their vehicles. Rather, it is a matter for individual operators to determine whether to install CCTV systems within their vehicles. The policy sets out the requirements which apply should operators of either taxis or private hire vehicles choose to install CCTV in their vehicles. Additionally, the Policy sets out the requirements and obligations upon a Licence Holder as 'Data Controller' in order to comply with Data Protection Law.
- 3.4 The existing policy explains that the Licensing Authority has determined that CCTV can be installed and operated in taxis and private hire cars for the following legitimate purposes:
- Preventing and detecting crime;
 - Reducing the fear of crime;
 - Enhancing the safety of taxi and private hire drivers, as well as their passengers;
 - Assisting insurance companies in investigating motor vehicle incidents and/or to evidence fault in relation to accidents or other related incidents.
- 3.5 The Board also requested at its meeting on 10 May 2023 that a further consultation be undertaken by the Head of Legal, Democratic, Digital and Customer Services on the possible installation of Dash Cams in taxis/private hire vehicles in order to determine the level of support for inclusion of Dash cam systems within the Policy.

4.0 CONSULTATION

- 4.1 As part of the consultation officers consulted with Police Scotland, the Information Commissioners Office (ICO), all Community Councils and all Taxi Operators and representatives of the trade within Inverclyde. Further, a Public Notice providing a link to the draft amended policy, set out in **Appendix 2**, was published in the Greenock Telegraph newspaper on 11 September 2023. Responses to the consultation were requested by 9 October 2023 and views were sought as to whether the licensing authority should amend the existing policy to include outward facing Dash Cam Systems and on the proposed amendments to the existing policy.
- 4.2 Both the draft revised policy and the Consultation Notices set out that a Dash Cam system includes a dashboard camera, car digital video recorder, driving recorder, event date recorder (EDR) and any onboard camera that continuously records the view through the vehicle's front windscreen and/or rear or other window.

- 4.3 Police Scotland has responded to the consultation intimating that they had 'no specific comment to make' on the consultation or the terms of the draft revised Policy. A copy of the letter dated 3 October 2023 from Police Scotland is produced in **Appendix 3** to this report.
- 4.4 A response has been received from the ICO by email dated 14 September 2023, produced in **Appendix 4** to this report, providing the following comments on two separate issues within the revised draft Policy:

Encryption

In relation to the securing of images, the current CCTV Policy states that all captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.

In response to the consultation, the ICO has written:

Whilst we do have guidance on encryption and our expectations if using encryption, the use of such is not required under data protection legislation. Only an organisation must take appropriate steps to ensure the security of any information they process.

In light of the ICO response, and following consultation with the Council's Data Protection Officer, it is proposed that the section of the Policy relating to Securing of Images (page 4 of the Policy) is amended, with the existing section deleted and replaced as follows :

All images captured by the CCTV/Dash Cam system must remain secure at all times.

The captured images must be protected to ensure the security of stored data in the event it is compromised, for example, in the event of the vehicle or equipment being stolen.

ICO guidance on Dashcams can be accessed: [Dashcams and UK GDPR: what small businesses need to know | ICO](#)

Thereafter, it is proposed that any references to encryption are deleted and replaced with reference to " secure storage".

ICO CCTV Code of Practice

The ICO has highlighted that the link to the ICO's CCTV code of practice has now been replaced by a new Video Surveillance link (including guidance for organisations using CCTV).

To address this point, reference to the ICO's CCTV Code of Practice, has been deleted and replaced with reference to the new Video Surveillance Guidance with appropriate link.

- 4.5 Only one Operator has responded to the consultation, with an objection to the proposal that regulation of Dash Cam be included in the existing Policy. In summary, the Respondent is of the view the Council is trying to overcomplicate the issue of CCTV and Dash Cam. The Operator considers there is no need for any checks by the Council in relation to Dash Cam, other than ensuring the Dash Cam system has been installed in a safe place within the vehicle. A copy of the text within the email is set out in **Appendix 5** to this report. The Respondent has not consented to disclosure of their identity. Members will note, in the final sentence of the email, the

Respondent has asked why the Council is charging operators with vehicles aged three years or older for two meter tests per year, when newer vehicles only require one meter test per year. This question which is out with the scope of the present consultation/report and was forwarded to the Council's Roads Service for comment. A reply has been issued direct to the Respondent explaining that all aspects of a licensed vehicle are checked bi-annually for vehicles aged three years or older. The view of the Council's Roads Service is that the fitment and operation of a meter is no less likely to deteriorate in an older vehicle than any other electrical component and are therefore included within the test.

5.0 PROPOSALS

- 5.1 The draft revised Policy as issued for consultation is attached in **Appendix 2** to this report, with proposed revisions.
- 5.2 The draft Policy highlights that for the purposes of Data Protection Law, that the 'Data Controller' is the holder of the taxi/private hire vehicle licence. The taxi/private hire operator is responsible for ensuring the requirements of the approved policy and all relevant data protection legislation, not the driver. In terms of the draft revised policy should a Licence Holder, wish to install a Dash Cam system then the Licence Holder will be the data controller with the responsibilities set out above, UNLESS:
1. The Dash Cam System has been installed at the request of the Licence Holder's motor insurers; and
 2. The Licence Holder's motor insurance company has provided written confirmation to the Licence Holder, which requires to be produced to the local authority upon request, that the Licence Holder's motor insurers accept the responsibility of being the Data Controller.
- 5.3 Members will note that it is proposed that there is an additional change to the policy relating to operator contact details on signage in any vehicle with CCTV/Dash Cam systems. The current policy stipulates that the name, and the contact telephone number of the Licence Holder, as Data Controller must be included on any signage displayed within a vehicle in relation to CCTV operating within taxi/private vehicles. As per the revised policy in **Appendix 2** it is proposed that reference to 'the contact telephone number' is deleted and replaced with:
- 'a single contact method, which could be an email address, phone number or postal address'.

The ICO has indicated that there is no difficulty with this proposed amendment.

- 5.4 No application form has been received in the Council's Licensing Section from any operator requesting authority to install CCTV in their taxi/private hire vehicles since the adoption of the CCTV policy on 10 May 2023. There has been some feedback that operators are reluctant to include a contact telephone number in the signage. The proposed amendment, set out above, will provide operators with an alternative to providing their telephone number.

6.0 Proposed Amendment to Licence Conditions

- 6.1 If the Board approves the proposed amendments to the draft policy, in order to permit the installation of outward facing Dash Cam systems in taxis/private hire vehicles, within the existing CCTV policy, it is recommended that the undernoted Licence Conditions, approved by the Board on 10 May 2023, be amended to include reference to the installation of Dash Cam systems, as follows:

- 6.2 The holder of the (Taxis/Private Hire Car) Licence is only permitted to install a *CCTV/Dash Cam system* in his/her vehicle having first notified the licensing authority of his/her intention to do so and having received an acknowledgement of the notification and permission in writing from the licensing authority that they may proceed with the installation of the *CCTV/Dash Cam system*.
- 6.3 The holder of the (Taxi/Private Hire Car) Licence is only permitted to install and operate a *CCTV/Dash Cam system* in his/her vehicle in accordance with the terms of the licensing authority's policy on the installation and operation of *CCTV/Dash Cam systems* in taxis and private hire cars.

7.0 IMPLICATIONS

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

SUBJECT	YES	NO
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	

7.2 Finance

There will be additional costs incurred in relation to drafting and processing notification applications forms and liaising with taxi/private hire drivers who intimate that they wish to install Dash Cam systems.

One off Costs

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

Annually Recurring Costs/(Savings)

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

7.3 Legal/Risk

The use of CCTV and Dash Cam devices within licensed taxi/private hire vehicles must comply with UK data protection law.

7.4 Human Resources

It is anticipated that the Council's existing licensing staff will be in a position to undertake the additional work under the current budget.

7.5 Data Protection

The Data Protection issues are addressed in this report.

8.0 CONSULTATION

8.1 A consultation has been undertaken with relevant partners, with responses contained within this report.

9.0 BACKGROUND PAPERS

9.1 None.

INVERCLYDE COUNCIL

POLICY ON CCTV IN A TAXI or PRIVATE HIRE CAR

INTRODUCTION

The aim of this policy is to allow for the safe installation and use of CCTV systems in taxis and private hire cars licensed by Inverclyde Council's Licensing Authority where there is a legitimate purpose for the operation of CCTV.

This policy was adopted by the Council on 10 May 2023.

This policy seeks to ensure that the installation and operation of CCTV systems does not:

- (a) unreasonably interfere with the rights and freedoms of members of the public or drivers;
- (b) compromise the safety of drivers and passengers.

This policy does not place a mandatory requirement on the licensed operators of taxis and private hire cars to install CCTV systems in their vehicles.

INSTALLATION OF CCTV FOR LEGITIMATE PURPOSES

The Licensing Authority has determined that CCTV systems can be installed and operated in taxis and private hire cars for the following legitimate purposes:

- preventing and detecting crime
- reducing the fear of crime
- enhancing the safety of taxi and private hire car drivers, as well as their passengers
- assisting insurance companies in investigating motor vehicle incidents and/or to evidence fault in relation to accidents or other related incidents.

For the purposes of this policy, a CCTV system will include any electronic recording device attached to the inside of a taxi or private hire car having the technical capability to capture and retain visual images from inside the vehicle.

Any CCTV system to be fitted in a taxi or private hire car must, as a minimum, meet the requirements of this policy. Only CCTV systems meeting these requirements can be installed into licensed taxis and private hire cars.

Where an operator wishes to install and use a CCTV system, it will be a condition of the taxi or private hire car licence that the requirements of this policy are complied with. Failure to comply with the requirements of this policy could lead to a complaint being made to the Council's General Purposes Board in order to consider the possible suspension of the licence until such time as the equipment meets the necessary requirements or is removed from the vehicle.

THE DATA CONTROLLER

"Data Protection Law" means the law and guidance relative to data protection in force in the United Kingdom including (without limitation) the Data Protection Act 2018, the United Kingdom General Data Protection Regulations ("the UK GDPR") and the Privacy and

Electronic Communications (EC Directive) Regulations 2003, as amended or replaced from time to time.

If you install CCTV in your taxi or private hire car then you will be responsible for the equipment and the images captured by that equipment. In relation to the personal data that will be processed, you will be a “data controller”.

Data Protection Law defines a “data controller” as the person or body who determines the purpose and means of the processing of personal data.

As a data controller you will be responsible for ensuring you comply with:

1. Data Protection Law
2. Information Commissioner’s guidance on use of CCTV which can be found here, <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance-including-cctv/about-this-guidance>.
3. This policy

As a data Controller, you will be ensuring compliance with the requirements of this policy and Data Protection Law including the collection, use, security, retention and deletion of all images and audio recordings as appropriate.

Any Licence Holder wishing to install a CCTV system should seek their own independent legal advice relative to their obligations and duties under Data Protection Law and this policy. This document should not be regarded as a definitive guide to Data Protection Law and cannot be relied upon as such.

THIRD PARTY DATA PROCESSOR

In order to install a CCTV system, a CCTV service provider will likely be required. A CCTV Service Provider may collect and store any information collected remotely, acting as a “Data Processor”.

Data Protection Law defines a Data Processor as any natural or legal person, public authority or other body which processes personal data on behalf of the data controller, in response to specific instructions.

Please note that the Licence Holder, as Data Controller, still retains full responsibility for the actions of the Data Processor. There must be a formal written contract between the Data Controller and the Data Processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request.

It is for the Licence Holder to determine the approach as regards to regulated compliance with this policy and ensure that there is compliance by any taxi/private hire driver.

GENERAL REQUIREMENTS – INSTALLATION AND OPERATION

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Wherever possible, the CCTV system should not have any sound recording facility. However, if the system comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is pressed/activated, and must be subject to the following safeguards:-

- a) 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; and
- b) 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.

There is further guidance available on the Information Commissioner's website relative to audio recording. Licence Holders should be aware of the additional duties and obligations in relation to audio recording.

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.

CCTV systems installed in taxis and private hire cars will be inspected as part of the annual and intermediate inspections carried out by the Taxi Inspection Depot, Pottery Street, Greenock.

The installation and operation of a CCTV system must comply with the requirements of the Information Commissioner's CCTV Code of Practice, a copy of which can be viewed by accessing the following web-page: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance-including-cctv/about-this-guidance/>

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

All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way as to present no danger to passengers or to 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. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician.

The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as

suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

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

It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

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

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

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

AUTOMOTIVE ELECTROMAGNETIC COMPATIBILITY REQUIREMENTS (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive or any other replacement regulator.

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

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

SECURITY OF IMAGES

All Images captured by the CCTV system must remain secure at all times.

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

It is recommended by the Information Commissioner that the Data Controller ensures that any encryption software used meets or exceeds the current Federal Information Processing Standard (FIPS) required by the Information Commissioner. System protection access codes will also be required to ensure permanent security.

RETENTION OF CCTV IMAGES

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own 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 signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.

Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

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

USE OF INFORMATION RECORDED USING CCTV

Any images and any audio recording should only be used for the purposes described in this policy.

Requests may be made to the Data Controller by Authorised Officers of the Licensing Authority, Police Scotland or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable.

The Licence Holder, as Data Controller, is responsible for responding to these requests. Police Scotland, Authorised Officers of the Licensing Authority or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

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

Where the CCTV is used to record images in response to an incident outside the vehicle the License Holder must ensure that they comply with the requirements of the Information Commissioner's office.

Under Data Protection Law, 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 proofs of identity (which may include a photograph to confirm they are in fact the person in the recording).

Any Licence Holder wishing to install CCTV should seek their own independent legal advice relative to their obligations and duties under Data Protection Law. This document should not be regarded as a definitive guide to Data Protection Law and cannot be relied upon as such.

SIGNAGE

In addition to any signage and privacy notice requirements set out in the Information Commissioner's CCTV Code of Practice, the following requirements apply in relation to signage:

All taxis and private hire cars with CCTV must display signage within the vehicle to indicate that CCTV is in operation, the purpose of the recording and a way to contact the Data Controller.

The purpose may be brief and could state " For Safety and Crime Prevention", however operators wishing to install CCTV should seek their own legal advice..

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.

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

CONTACT DETAILS

The name, and the contact telephone number of the Licence Holder, as Data Controller must be included on any signage displayed in relation to CCTV operating within the taxi/private hire vehicle.

NOTIFICATION

Prior to installing CCTV in a taxi or private hire vehicle, the Licence Holder of the relevant vehicle must complete an appropriate application form and submit it to the licensing authority together with an admin fee of £35 or whatever alternative charge should apply. The Licensing authority will process the form and provide an acknowledgement to the Licence Holder within 28 days. The application will require to be intimated by the Licensing section to the Council's Roads Service for an inspection to be arranged. If installation of CCTV is requested out with the usual annual or six monthly inspection, an additional charge of £15 will apply and require to be paid by the Licence Holder to the Roads Service. Once a report has been received from the Roads Service, the Licensing section will provide written authority to the Licence Holder if the installation can proceed.

REVIEW

This policy will be reviewed within 3 years or sooner if deemed appropriate by the Council.

INVERCLYDE COUNCIL POLICY ON CCTV/DASH CAMS IN TAXIS

INTRODUCTION

The aim of this policy is to allow for the safe installation and use of CCTV systems, **including externally facing forward or rear Dash Cam systems**, in taxis and private hire cars licensed by Inverclyde Council's Licensing Authority where there is a legitimate purpose for the operation of CCTV.

This policy was adopted by the Council on 27 April 2023 **and an amendment to permit the use of externally facing Dash Cam systems, was approved on (date to be inserted, if approved).**

Any reference to CCTV systems in this Policy should be taken to also refer to external facing Dash Cam systems, unless otherwise stated.

This policy seeks to ensure that the installation and operation of CCTV/**Dash Cam** systems does not:

- (a) unreasonably interfere with the rights and freedoms of members of the public or drivers;
- (b) compromise the safety of drivers and passengers.

It should be noted that only external facing Dash Cam systems are covered by this policy.

This policy does not place a mandatory requirement on the licensed operators of taxis and private hire cars to install CCTV/Dash Cam systems in their vehicles.

INSTALLATION OF CCTV FOR LEGITIMATE PURPOSES

The Licensing Authority has determined that CCTV systems can be installed and operated in taxis and private hire cars for the following legitimate purposes:

- preventing and detecting crime
- reducing the fear of crime
- enhancing the safety of taxi and private hire car drivers, as well as their passengers
- assisting insurance companies in investigating motor vehicle incidents and/or to evidence fault in relation to accidents or other related incidents.

For the purposes of this policy, a **CCTV system** will include any electronic recording device attached to the inside of a taxi or private hire car having the technical capability to capture and retain visual images from inside the vehicle. ***This will also include a Dash Cam system, such as a dashboard camera, car digital video recorder, driving recorder, event data recorder (EDR) and any onboard camera that continuously records the view through the vehicle's front windscreen and/or rear or other window.***

Any CCTV system **or external facing Dash Cam systems** to be fitted in a taxi or private hire car must, as a minimum, meet the requirements of this policy. Only CCTV/ **external facing Dash Cam** systems meeting these requirements can be installed into licensed taxis and private hire cars.

Where an operator wishes to install and use a CCTV/**external facing Dash Cam system**, it will be a condition of the taxi or private hire car licence that the requirements of this policy are complied with. Failure to comply with the requirements of this policy could lead to a complaint being made to the Council's General Purposes Board in order to consider the possible suspension of the licence until such time as the equipment meets the necessary requirements or is removed from the vehicle.

THE DATA CONTROLLER

"Data Protection Law" means the law and guidance relative to data protection in force in the United Kingdom including (without limitation) the Data Protection Act 2018, the United Kingdom General Data

Protection Regulations (“the UK GDPR”) and the Privacy and Electronic Communications (EC Directive) Regulations 2003, as amended or replaced from time to time.

If you install CCTV/**Dashcam** in your taxi or private hire car then you will be responsible for the equipment and the images captured by that equipment. In relation to the personal data that will be processed, you will be a “data controller”.

Data Protection Law defines a “data controller” as the person or body who determines the purpose and means of the processing of personal data.

As a data controller you will be responsible for ensuring you comply with:

1. Data Protection Law
2. Information Commissioner’s guidance on use of CCTV which can be found here, <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance-including-cctv/about-this-guidance>.
3. ***This policy***

As a data Controller, you will be ensuring compliance with the requirements of this policy and Data Protection Law including the collection, use, security, retention and deletion of all images and audio recordings as appropriate.

Any Licence Holder wishing to install a CCTV/**Dash Cam** system should seek their own independent legal advice relative to their obligations and duties under Data Protection Law **and this policy**. This document should not be regarded as a definitive guide to Data Protection Law and cannot be relied upon as such.

THIRD PARTY DATA PROCESSOR

In order to install a **CCTV system**, a CCTV service provider will likely be required. A CCTV Service Provider may collect and store any information collected remotely, acting as a “Data Processor”.

Data Protection Law defines a Data Processor as any natural or legal person, public authority or other body which processes personal data on behalf of the data controller, in response to specific instructions.

Please note that the Licence Holder, as Data Controller, still retains full responsibility for the actions of the Data Processor. There must be a formal written contract between the Data Controller and the Data Processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request.

It is for the Licence Holder to determine the approach as regards to regulated compliance with this policy and ensure that there is compliance by any taxi/private hire driver.

Should a Licence Holder wish to install an external facing Dash Cam system, then the Licence Holder will be Data Controller with the responsibilities set out above, UNLESS:

1. ***the Dash Cam System has been installed at the request of the Licence Holder’s motor insurers: and***
2. ***the Licence Holder’s motor insurance company has provided written confirmation to the Licence Holder, which requires to be produced to the local authority upon request, that the Licence Holder’s motor insurers accept the responsibility of being the Data Controller.***

GENERAL REQUIREMENTS – INSTALLATION AND OPERATION

CCTV/**Dash Cam** systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Wherever possible, the CCTV system should not have any sound recording facility.

However, if the system comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is pressed/activated, and must be subject to the following safeguards:-

- a) 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; and
- b) 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.

There is further guidance available on the Information Commissioner's website relative to audio recording. Licence Holders should be aware of the additional duties and obligations in relation to audio recording.

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.

CCTV/**Dash Cam** systems installed in taxis and private hire cars will be inspected as part of the annual and intermediate inspections carried out by the Taxi Inspection Depot, Pottery Street, Greenock.

The installation and operation of a CCTV/**Dash Cam** system must comply with the requirements of the Information Commissioner's CCTV Code of Practice, a copy of which can be viewed by accessing the following web-page: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance-including-cctv/about-this-guidance/>

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

All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way as to present no danger to passengers or to 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. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician.

The CCTV/**Dash Cam** system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

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

It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted. All wiring must be fused as set out in the manufacturer's technical specification and be appropriately routed. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

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

AUTOMOTIVE ELECTROMAGNETIC COMPATIBILITY REQUIREMENTS (EMC)

CCTV/**Dash Cam** equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive or any other replacement regulator.

CCTV/**Dash Cam** equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

SECURITY OF IMAGES

All Images captured by the CCTV/**Dash Cam** system must remain secure at all times.

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

It is recommended by the Information Commissioner that the Data Controller ensures that any encryption software used meets or exceeds the current Federal Information Processing Standard (FIPS) required by the Information Commissioner. System protection access codes will also be required to ensure permanent security.

RETENTION OF CCTV/DASH CAM IMAGES

The CCTV/Dash Cam equipment selected for installation must have the capability of retaining images either:

- within its own 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 signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

The CCTV/**Dash Cam** system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.

Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

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

USE OF INFORMATION RECORDED USING CCTV/DASH CAM

Any images and any audio recording should only be used for the purposes described in this policy.

Requests may be made to the Data Controller by Authorised Officers of the Licensing Authority, Police Scotland or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable.

The Licence Holder, as Data Controller, is responsible for responding to these requests. Police Scotland, Authorised Officers of the Licensing Authority or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.

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

Where the CCTV/**Dash Cam** is used to record images in response to an incident outside the vehicle the License Holder must ensure that they comply with the requirements of the Information Commissioner's office.

Under Data Protection Law, 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 proofs of identity (which may include a photograph to confirm they are in fact the person in the recording).

Any Licence Holder wishing to install CCTV/**Dash Cam** should seek their own independent legal advice relative to their obligations and duties under Data Protection Law. This document should not be regarded as a definitive guide to Data Protection Law and cannot be relied upon as such.

SIGNAGE

In addition to any signage and privacy notice requirements set out in the Information Commissioner's CCTV Code of Practice, the following requirements apply in relation to signage:

All taxis and private hire cars with CCTV/**Dash Cam** must display signage within the vehicle to indicate that CCTV/**Dash Cam** is in operation, the purpose of the recording and a way to contact the Data Controller.

The purpose may be brief and could state "For Safety and Crime Prevention", however operators wishing to install CCTV/**Dash Cam** should seek their own legal advice.

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.

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

CONTACT DETAILS

The name, and **a single contact method, which could be an email address, phone number or postal address** for the Licence Holder, as Data Controller must be included on any signage displayed in relation to CCTV operating within the taxi/private hire **vehicle and in relation to any Dash Cam system in operation UNLESS:**

- 1. The Dash Cam system has been installed at the request of the Licence Holder's Motor Insurance Company; and**
- 2. The Licence Holder has written confirmation from their Motor Insurance Company that it accepts the responsibility of being the Data Controller, and such written confirmation is available upon request to the local authority.**

In circumstances where the Licence Holder's Motor Insurance Company is the Data Controller, the name and contact number of the Motor Insurance Company must be displayed.

Where both a CCTV system is installed by the Licence Holder and an externally facing Dash Cam system is installed at the request of the Licence Holder's Insurers, two signages with relevant contact details would be required in the vehicle. One sign would provide contact details for the Licence Holder as Data Controller and the other sign providing details of the insurers.

NOTIFICATION

Prior to installing CCTV/**externally facing Dash Cam** in a taxi or private hire vehicle, the Licence Holder of the relevant vehicle must complete an appropriate application form and submit it to the licensing authority together with an admin fee of £35 or whatever alternative charge should apply. The Licensing authority will process the form and provide an acknowledgement to the Licence Holder within 28 days. The application will require to be intimated by the Licensing section to the Council's Roads Service for an inspection to be arranged. If installation of CCTV/**Dash Cam** is requested out with the usual annual or six monthly inspection, an additional charge of £15 will apply and require to be paid by the Licence Holder to the Roads Service. Once a report has been received from the Roads Service, the Licensing section will provide written authority to the Licence Holder if the installation can proceed.

It should be noted that if any Licence Holder makes applications to install CCTV and Dashcam at separate times then a separate application form requires to be submitted and a separate admin fee is payable. A separate inspection fee will also require to be paid.

REVIEW

This policy will be reviewed within 3 years or sooner if deemed appropriate by the Council.

OFFICIAL

Date: 03/10/2023

Our Ref: DASHCONS/IR

Anne Sinclair
Legal Services Manager
Litigation, Licensing &
Committee Services
Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX



Renfrewshire and Inverclyde Division
Headquarters
Mill Street
Paisley
PA1 1JU

Dear Madam,

INVERCLYDE COUNCIL CONSULTATION: INSTALLATION OF DASHCAM IN TAXIS / PRIVATE HIRE VEHICLES

I refer to your correspondence of 31st August 2023 in regards to the above consultation.

Police Scotland have no specific comment to make.

Yours faithfully



Laura Waddell
Chief Superintendent
Divisional Commander

OFFICIAL

From: icocasework <icocasework@ico.org.uk>
Sent: Thursday, September 14, 2023 11:58 AM
To: Anne Sinclair <Anne.Sinclair@inverclyde.gov.uk>
Subject: Your email to the ICO - Case Reference IC-207737-Z9W6

14 September 2023

Our reference: IC-207737-Z9W6

Dear A Sinclair,

Thank you for your email of 28 August 2023.

I have reviewed your draft policy relating to the installation and operation of CCTV cameras with taxi/private hire vehicles.

As previously mentioned, whilst we cannot sign off on, or ratify documents, we can provide advice and guidance.

There were only two points I feel need reviewing, the first was under the security of images section. In which you have stated that the captured images must be protected using encryption software and that this encryption must meet or exceed the current Federal Information Processing Standard.

Whilst we do have guidance on [encryption](#) and our expectations if using encryption, the use of such is not required under data protection legislation. Only an organisation must take [appropriate steps to ensure the security](#) of any information they process.

The other point was the link to our CCTV code of practice, as this has now been replaced by our new [Video surveillance \(including guidance for organisations using CCTV\)](#) guidance pages.

Did you know, most companies need to pay a [data protection fee](#) ? Don't fall short of data protection compliance – our [online fee checker](#) will help you figure out if you need to pay, or if you're exempt.

I hope this information is helpful to you. If you would like to discuss this enquiry further, please contact me on my direct number 0330 414 6464. If you need advice on a new issue you can [contact us](#) via our Helpline on 0303 123 1113 or through our live chat service. In addition, more information about the Information Commissioner's Office and the legislation we oversee is available on our website at www.ico.org.uk . For information about what we do with personal data see our [privacy notice](#) .

Yours sincerely

Christopher Harrison
Lead Case Officer
Information Commissioner's Office

From: [REDACTED]
Sent: Sunday, September 17, 2023 3:40 PM
To: Anne Sinclair <Anne.Sinclair@inverclyde.gov.uk>
Subject: Dash Cam & CCTV

Hi Anne

Firstly may I state that I'm perplexed that the council are even trying to muddy the waters of CCTV and Dash Cam.

I understand that CCTV legislation in general/private hire vehicles licenced by Inverclyde council has been passed with condition that operators must fulfil. As for Dash Cam I cant see in anyway the reason for there to be a need for any licence or checks by Inverclyde council other than it is in a safe place on the dash or safely behind the rear-view mirror.

I have checked with ICO and had a reply that there would be no need to register with them if I was to Install a dash Cam in my vehicle. Only if was intending to share information to a public place or on a computer or similar device would I need to register. I feel the council are over complicating the installation of dash cam and attaching it to CCTV is complicating it even more.

The operator is only seeking permission if its necessary in the first place to install forward/rear facing dash cam. The local authority cannot be held responsible for indivuadle breaches of the data act by unscrupulous drivers of vehicles. So to sum up, I'm not in favour of Inverclyde council bundling dash cam use into the CCTV legislation that it has recently passed for operators. I'm not in favour of the intended charges that are intended for CCTV being attached to dash cam use. I would however be interested in posing the question of why Inverclyde council are charging operators with vehicles three years or older for two meter test per year, when newer vehicles only require one meter test per year.

Kind Regards

[REDACTED]

[REDACTED]