

APPENDIX C

GUIDELINES FOR INSTALLATION OF AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES (CCTV)

Introduction

The information provided below is simply to assist any licensee or vehicle proprietor, considering fitting any electronic recording device attached to the inside of vehicle which has the ability to capture and retain visual images and audio, (CCTV) to a licensed vehicle. The decision and choice will be entirely that of the licensee or proprietor.

It is not a mandatory requirement for any licensed vehicle to fit CCTV equipment; however, Slough Borough Council must be notified in writing of any currently installed system or the intention to install any such a system to a licensed vehicle.

These guidelines set out to ensure that any CCTV systems installed in Hackney Carriages and Private Hire vehicles licensed by Slough Borough Council are properly used to:

1. Deter, prevent and detect crime
2. Reduce the fear of crime
3. Assist the Police in investigating incidents of crime
4. Ensure the security and safety of Hackney Carriage, Private Hire drivers and passengers; and
5. Assist insurance companies in investigating motor vehicle accidents

The licensee or proprietor of a licensed vehicle must ensure that any CCTV equipment fitted to a licensed vehicle, complies with the Information Commissioner's Office (ICO) "CCTV Code of Practice", which states that:

CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:

- **Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.**
- **Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.**
- **Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.**
- **Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.**

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

Transport for London have adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:

- **Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. 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.**

NOTIFICATION TO THE INFORMATION COMMISSIONER'S OFFICE

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has the legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used, and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a Hackney Carriage or Private Hire (HCPH) licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the Licensing Team at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

USING A THIRD PARTY SERVICE PROVIDER (DATA PROCESSOR)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

SIGNAGE FOR INTERNAL AUDIO AND VISUAL RECORDING EQUIPMENT

All Hackney Carriage and Private Hire vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the

attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

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 very clear that audio recording is being or may be carried out. **The name and the contact telephone number of the Data Controller must be included on the sign.**

SIGNAGE FOR EXTERNAL FACING AUDIO AND VISUAL RECORDING SYSTEMS

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Please complete the back page of the guidelines and return a signed copy to the Licensing Team.

To assist individual drivers, owners, and operators who are considering the installation of a CCTV system, the summary checklist below should be used to help ensure that all of the relevant approval requirements/standards are complied with.

Please tick

1. Notification submitted to the Information Commissioner's Office (ICO).at www.ico.org.uk Yes / No

2. Has the ICO provided you with documentation to evidence your notification as the "data controller" associated with your system? Yes / No

3. Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the operation or management of the CCTV system? (where applicable) Yes / No

4. Have you displayed the required signage, including the relevant contact details? Yes / No

Licensees or proprietors may also need to consider their obligations in relation to the Surveillance Camera Code of Practice, issued by the [Surveillance Camera Commissioner](#).

I have been provided with a copy of the Slough Borough Council **Guidelines for Installation of Audio and Visual Recording Equipment in Licensed hackney Carriage and private Hire Vehicles**

Name:

Private Hire/Hackney Carriage Vehicle Licence Number:

.....

Signed:

Date: