



NEWPORT CITY COUNCIL:

GUIDANCE FOR CCTV FOR USE IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Introduction

- The DfT Guidance recommends Licensing Authorities look sympathetically on or actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
- Under the Newport City Council Hackney Carriage & Private Hire Policy it is **not** a requirement that such measures should be implemented, as it considered that such decisions are best left to the judgement of operators and drivers themselves. The Hackney Carriage and Private Hire Vehicle trade are however encouraged to build good links with Gwent Police, and to participate in the 'One Newport' Partnership. However, should proprietors wish to install CCTV in their Hackney Carriage or Private Hire Vehicle, they must write to the Licensing Authority and inform us of the installation. The Licensing Authority will provide practice guidance for the trade.
- **Hackney Carriages drivers** who wish to use the front passenger seat for a paying passenger or for gain must have CCTV present in the vehicle and it must be approved by the Council following its best practice guidance. This will allow the provisions of the front seat to be used by family and friends when the vehicle is "not working".
- In certain circumstances, the Licensing Committee may determine that a driver has to install CCTV within their vehicle if they deem it necessary to ensure further public safety.
- The installer of the equipment, the proprietor of the vehicle and the data controller (if not the installer) must all sign the declaration (at the end of this document) to ensure compliance with this documentation. The Licensing Department will not authorise CCTV that does not comply with this document and if necessary, a licensed vehicle shall be suspended until the matter has been rectified. **If it was determined by committee to have CCTV within the vehicle, the driver may also be suspended.**

1. General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements will be permitted.

The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via –

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

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

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

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or 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.

2. 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.

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.

3. Camera Design Requirements

The camera(s) 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.

4. Installation

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

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.

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.

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 Taxi driver and passengers.

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.

5. Camera Activation Methods

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 A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

6. Audio Recording

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. 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 is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-

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.

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.

7. Image Security

Images captured must remain secure at all times.

The captured images must be protected using approved 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's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

8. 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.
- The above equipment must be able to store images for a minimum of a 7 day (168 hours) period. **However, the council does recommend a larger retention period of at least 28 days.**

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.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system 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.

9. 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 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 Newport City Council 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 Newport City Council at any time during the term of the vehicle licence.

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

10. 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.

There must be a formal written contract between the data controller and data processor (service provider). arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to an official of Newport City Council.

11. Use of information recorded using CCTV

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these conditions.

Requests may be made by the Police or other statutory law enforcement agencies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests. Police 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.

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 proofs 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) as published in the ICO CCTV Code of Practice.

12. Signage

All Licensed Vehicle must display the sign that CCTV is present in the vehicle. 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 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.

13. Proprietor Declaration

Name of Proprietor of Vehicle.....

Vehicle Registration.....

HC / PH Plate number.....

I confirm that I am the proprietor of the above licensed vehicle and I confirm that to the best of my knowledge that the CCTV that has been installed in my vehicle complies with this document.

I declare that the installer of the equipment is the person/company mentioned in the installer declaration

I understand that if the Licensing Department believes that the equipment does not comply the vehicle shall be suspended until I can show compliance.

Signature.....

Date.....

14. Installer Declaration

Name of installer.....

Address of installer.....

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Email address.....

Date of Instalment

I declare that I am the above (or a representative of the above) and has installed CCTV equipment in the vehicle that is mentioned in the proprietor declaration.

I produce a certificate of compliance or alternatively I have signed the below declaration confirming that the equipment complies with this document.

Signature.....

Position at company.....

Date.....

15. Data Controller Declaration

I confirm that that the installer of the equipment **is / is not** the data controller (please delete accordingly)

If not, please complete the details below

Name of data controller.....
Address.....
.....Post Code.....
Telephone number
Email.....