



CCTV & DASHCAM POLICY
FOR LICENSED HACKNEY CARRIAGE
& PRIVATE HIRE VEHICLES

Effective January 2024

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1. Scope of the Policy

This policy relates to surveillance cameras, also known as Closed Circuit Television (CCTV), which have been installed within Cannock Chase District Council's licensed Hackney Carriages and Private Hire Vehicles. External facing cameras, known as Dashcams are also dealt with within this policy.

The owners and proprietors of vehicles licensed by Cannock Chase District Council are encouraged to voluntarily install CCTV into their vehicles, subject to adherence with this policy throughout the duration of the proprietor's licence.

There is no mandatory requirement to install CCTV into any licensed vehicle, however, where CCTV equipment is fitted, the system will form part of the Council's supplementary test at the Hawks Green Depot.

Licence holders are advised that some school transport contracts may preclude the installation of CCTV within their vehicle and that they should engage with their contract manager prior to purchasing a CCTV system.

2. Purpose of the Policy

The purpose of this policy is to facilitate the use of surveillance cameras in order to protect drivers and passengers, whilst ensuring licence holders respect the privacy of travelling passengers and other members of the public.

CCTV will protect licensed drivers and their passengers by helping to inform police and Council investigations and ensuring that visible surveillance cameras deter individuals from committing a crime. Further, vehicle occupants will feel reassured that crimes and malicious complaints are less likely to occur in an environment protected by surveillance cameras.

Where CCTV is fitted into a licensed vehicle, it should not be disabled without good reason. Where CCTV is fitted but not in operation, the licence holder may be asked to formally justify the reasons for turning off the CCTV. The Information Commissioners Office (ICO) code of practice can be found here: <https://ico.org.uk/>

3. Legality

Data recorded by any CCTV system must be handled in accordance with The Data Protection Act and UK GDPR. The ICO is the UK regulator for all matters relating to the use of personal data.

CCTV equipment must be fitted by a qualified installer and must not interfere with any other safety, control, electrical computer, navigation, satellite or radio systems within the vehicle. It must also comply with the Motor Vehicle (Construction and Use) Regulations 1986. CCTV equipment must not obscure the driver's view of the road.

4. Compliance, Regulation and Complaints

The Surveillance Camera Commissioner (SCC) works to encourage compliance with the 'Surveillance camera code of practice'.

The ICO is the regulatory body responsible for enforcing compliance with privacy and data protection legislation. Licence holders must comply with any relevant guidance issued by the SCC and ICO.

If a passenger or any other individual wants to request CCTV footage relating to themselves, they should make a Subject Access Request (SAR) to the Data Controller detailed on the signage in the vehicle. Signage is covered in greater detail in this document, under the section 'Signage and Advising of CCTV'. Information on how to make a valid SAR is available at <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

If a passenger has an issue with their taxi journey relating to the use of CCTV they should contact the Data Controller, in the first instance, using the details displayed on the CCTV signage within the vehicle.

If the Data Controller fails to resolve the issue, the complainant may escalate this to the ICO at <https://ico.org.uk/make-a-complaint/>

5. Data Controller

The ICO defines a 'Data Controller' as the individual or organisation which has ultimate responsibility for how personal data is collected and processed.

For the purpose of the installation and operation of in-vehicle CCTV, the Data Controller is the vehicle licence holder. The licence holder must be registered with the ICO and must evidence continuous registration throughout the currency of the licence.

The data controller is responsible for the use of all images captured by the CCTV equipment. This includes any breaches of legislation or unlawful release of images.

6. Third Party Data Processors

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. Where a service provider is authorised for the remote storage and/or management of CCTV data, they will act as a 'Data Processor'.

There must be a formal written contract between the Data Controller and Data Processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

The data controller will remain responsible for the actions of the third party data processor.

7. Audio Recording

Audio recording within its licensed vehicles cannot be justified as a proportionate solution in preventing crime. Licence holders should choose a system without the audio recording facility where possible. Any system with an independent sound recording facility must have audio recording turned off or disabled in some other way and it should only be engaged by means of a panic button or similar mechanism.

8. Signage and Advising of CCTV

Any vehicle fitted with CCTV must display clearly visible and readable signage informing passengers that such a system is fitted. This signage must be displayed so as to minimise obstruction but must be visible before and after entering the vehicle. At a minimum, this will be a double-sided sticker in the window on the left and right sides of the vehicle.

The signage must contain:

- The purpose for using the surveillance system, “in the interests of public safety, crime detection and crime prevention”.
- The name and contact number of the Data Controller, which should be the vehicle licence holder. Cannock Chase District Council is not the Data Controller.
- The Data Controller’s ICO Registration Number.

The driver should verbally advise passengers that CCTV is in operation where it may be necessary to do so, for instance, where the passenger is visually impaired.

9. Data Storage and Retention

Data must be handled securely in a way that ensures appropriate security. This includes using appropriate technical or organisational measures to protect against unauthorised or unlawful processing, accidental loss, destruction or damage,

CCTV footage must be encrypted and password protected in order to prevent access to unauthorised individuals.

Data should delete after 31 days, unless it has been legitimately shared, in which case it should be deleted when appropriate on the conclusion of the request. The same policy requirements exists for any audio data which might be recorded.

Digital screens within the vehicle for the purposes of viewing footage are prohibited.

10. Sharing Data

The licence holder must comply with valid information requests, in consideration of The Data Protection Act (2018) and UK General Data Protection Regulations (UK GDPR).

Data must be shared securely and requests must be fulfilled without charge.

Data must only be shared where there is a valid lawful reason, for example:

- a) where a crime report has been made involving the specific vehicle and the Police have formally requested that data.
- b) when a substantive complaint has been made to the licensing authority regarding a specific vehicle/driver and that complaint is evidenced in writing (and cannot be resolved in any other way).
- c) where a data request is received from an applicant e.g. police or social services, that has a legal basis to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- d) a Subject Access Request (SAR) compliant with the UK GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them. More information on the Data Controller's responsibilities relating to SARs is available at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

This list is not exhaustive; it is the responsibility of the Data Controller to consider the lawfulness of requests to share information in line with UK Data Protection Law.

The uploading of footage to social media does not have a lawful basis. Where licence holders' share images unlawfully, they will be liable to criminal prosecution. The unlawful sharing of images is a breach of UK Data Protection law and will be considered a breach of policy. As a result, formal action may also be considered by the Council's Licensing Unit.

11. Summary of CCTV Requirements

1. Licence holders must comply with any relevant guidance issued by the Surveillance Camera Commissioner and Information Commissioner's Office.
2. The vehicle proprietor must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.
3. Clearly visible and legible signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.

4. Internal cameras must be capable of covering all of the passenger seats. This may require more than one camera in higher capacity vehicles.
5. The system must not obscure the driver's view of the road through the windscreen.
6. The system must not record audio unless by use of a panic button or similar emergency mechanism.
7. Data must be stored securely and only shared with it is lawful to do so. Access controls must be in place to prevent unauthorised access.

A vehicle licence may be refused, suspended or revoked where the CCTV system does not comply with this policy

12. Dashcams

Dashcams will be permitted within licensed vehicles where:

- They are fitted so as to show the outside of the vehicle only.
- They are not capable of being turned round so as to record images from the interior of the vehicle
- They do not have screen which can be seen from within the vehicle
- Vehicles carry an appropriate Dashcam warning sign

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