

## **CCTV Policy – Taxi and Private Hire Cars**

CCTV surveillance cameras must only be used as a necessary and proportionate response to a real and pressing problem.

### **External (Accident) Recording**

The licensing authority may permit the installation and operation of CCTV in taxis and private hire cars in respect of external image recording, for legitimate purposes only, e.g. accident event recording (in relation to insurance claims) and to assist with the prevention, detection and prosecution of crime. External audio recording is not permitted.

### **Internal (Incident) Recording**

The licensing authority may permit the installation and operation of CCTV in taxis and private hire cars in respect of internal image recording, for legitimate purposes only, e.g. to record incidents inside the vehicle to improve passenger and driver safety and for the prevention, detection and prosecution of crime. Internal audio recording is not permitted except by way of a “panic button”, which may be pressed by the driver to record audio only on the occurrence of an incident.

### **Internal and External Systems**

Dual function internal and external CCTV systems may be permitted, provided they meet the necessary requirements (see below), which are the same as those for specific internal or external systems.

### **Conditions of Licence (Mandatory Requirements)**

The licensing authority has imposed conditions of licence to support this policy.

Breach of a condition of licence is a criminal offence, which on summary conviction may result in a monetary fine. Such breaches may be reported to Police Scotland and may be subject to other sanctions under the Civic Government (Scotland) Act 1982, such as suspension of the licence.

The licence holder must meet the following requirements prior to installation of CCTV in their vehicle: a) notify the licensing authority in writing of the type of recording to be carried out (e.g. specify external and/or internal and if the internal recording includes a panic button function for audio recording); b) notify the licensing authority in writing of the technical specification of the system; c) notify the licensing authority in writing of the person/company who is acting as the data controller; d) provide the licensing authority with a copy of the licence holder's data protection policy in respect of the processing and control of data recordings; and e) provide the licensing authority with a copy of the registration of the CCTV system with the Information Commissioner. If any of the documents or details changes the licence holder must notify the licensing authority forthwith in writing and provide a copy of the updated document(s).

The licence holder shall ensure proper use of the CCTV system, which should be operated only as per the licence holder's notification(s) to the licensing authority and within the terms of their registration with the Information Commissioner.

### **Data Protection Policy (Mandatory Requirements)**

The licence holder's data protection policy must explain why CCTV is necessary and what controls they will use to ensure the secure storage and processing of data recordings. It should also specify the standard retention and regular secure

data disposal procedures. Given the nature of these data recordings and the type of CCTV systems it is recommended that they should be deleted or overwritten daily or on up to a weekly basis.

### **Specification of CCTV systems**

Only CCTV systems that meet the following specification shall be included on the licensing authority's approved list.

- ☐ Wiring of the CCTV system must be compliant with current British Standards.
- ☐ CCTV cameras must be permanently wired and turned on and off by the ignition only. They cannot have a switch to be turned on or off manually, or be powered by a dashboard cigarette lighter.
- ☐ The storage system for recorded data should be solid state (hard drive) and of sufficient reliability, preferably with industrial grade memory. It is not recommended that the storage of recordings of video and audio data is on removable devices such as computer discs, SD or micro SD cards, USB pens etc. Although the storage of and access to recordings on removable devices can be permitted when the data controller/licence holder satisfactorily safeguards the secure processing, storage and ultimately disposal of the data in accordance with this policy and the CCTV condition of licence. It is recommended that where removable storage is utilised the system is kept in a lockable box or compartment to prevent theft or unauthorised access.
- ☐ Stored recorded data must be encrypted and only be accessible to the data controller.

### **Inspection and Approval of CCTV systems**

Prior to use of a CCTV system it must be inspected and approved by an authorised officer of the licensing authority. The officer shall carry out an inspection for the purpose of determining whether or not it complies with the condition and policy.

The licence holder must be able to provide an authorised officer of the licensing authority with logs and/or other appropriate documentation with regard to the installation of the CCTV system.

Before a CCTV system can be approved clear signage must be displayed within the vehicle to advise passengers that CCTV recording is in operation. Such signage must be clearly visible from the passenger seats and advise that images and sound are being recorded, e.g. for the prevention and detection of crime. It should also provide the details of the operator (data controller) of the system and their contact number.

### **Maintenance and Repair**

The licence holder is liable for the maintenance and repair of the CCTV system and upon request must present the vehicle to an authorised officer for investigation thereof.

The licence holder shall upon request provide an authorised officer of the licensing authority with the documentation in relation to the maintenance of the CCTV system.

### **Data Controller**

Licence holders, insurers and CCTV companies should be aware that if they install CCTV in a taxi or private hire car they must meet the legal obligations that

arise therefrom. The Data Controller is under a legal obligation to ensure that they fulfil all of the Data Protection requirements.

For example, they must have in place an appropriate procedure for complying with Subject Access Requests for recorded data from passengers, and potentially other road users in the event of recording of an accident.

The licence holder should also be aware that they are responsible for the operation of any CCTV system installed in their vehicle and any legal requirements pertaining to the operation thereof, including but not limited to legal requirements under the Data Protection Act 1998 and the Human Rights Act 1998. Failure to comply may result in sanctions by the Information Commissioner, the Licensing Authority and/or the Equality and Human Rights Commission.

Accordingly, it is recommended that if licence holders wish to install a CCTV system in their vehicle they should seek independent legal advice. The licensing authority cannot provide such advice.

For the avoidance of doubt, Aberdeen City Council, as the licensing authority is not the Data Controller in respect of CCTV systems installed by licence holders, their drivers or their insurers. The licensing authority neither recommends the installation of CCTV nor has responsibility for control of access to any data recorded by a taxi or private hire car licence holder or their insurer.

### **Useful Contacts**

The Licensing Authority (Licensing)

Corporate Governance

Aberdeen City Council

Business Hub 6 L1S

Marischal College

Aberdeen AB10 1AQ

Tel: 01224 522879

Email: [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk)

Information Commissioner's Office -  
Scotland

45 Melville Street

Edinburgh

EH3 7HL

Tel: 0131 244 9001

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