

# South Ribble Borough Council TAXI CCTV DPIA

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Name of controller	South Ribble Borough Council
Subject/title of DPO	Taxi CCTV Policy
Name of controller contact /DPO	Licensing Manager

### **Requirement for DPIA**

Initial screening to identify if you need to complete a DPIA

This DPIA is a working document and will be kept on file and updated where reviews of the use of CCTV is conducted.

<b>Question</b>	<b>Y/N</b>
Will the project involve the collection of new information about individuals?	Y
Will the project compel individuals to provide information about themselves?	Y
Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?	Y
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	Y
Does the project involve you using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	Y - The Project involves the use of CCTV in licensed vehicles, however the use of CCTV in general is now common place.
Will the project result in you making decisions or taking action against individuals in ways that can have a significant impact on them?	Y
Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private.	Y
Will the project require you to contact individuals in ways that they may find intrusive?	N

### **Identify why your deployment of surveillance cameras requires a DPIA**

- |   |  |
|---|--|
| <input type="checkbox"/> Systematic & extensive profiling | <input type="checkbox"/> Large scale use of sensitive data                 |
| <input checked="" type="checkbox"/> Public monitoring     | <input type="checkbox"/> Innovative technology                             |
| <input type="checkbox"/> Denial of service                | <input type="checkbox"/> Biometrics  |
| <input type="checkbox"/> Data matching                    | <input type="checkbox"/> Invisible processing                              |
| <input type="checkbox"/> Tracking                         | <input checked="" type="checkbox"/> Targeting children / vulnerable adults |
| <input type="checkbox"/> Risk of harm                     | <input type="checkbox"/> Special category / criminal offence data          |
| <input type="checkbox"/> Automated decision-making        | <input type="checkbox"/> Other (please specify)                            |

### **What are the timescales and status of your surveillance camera deployment?**

If the council chooses to mandate the use of CCTV within licenced taxis, a period of grace to would be required for vehicle proprietors to have the CCTV installed.

Officers would need to check compliance of the system installed. Taking this into account the policy would need to give a grace period of 6 months providing this is agreed by members of the council.

Officers would be able to use the discretion should issues arise around suppliers being unable to install systems by that proposed time period.

If the council chooses not to mandate CCTV it would be implemented immediately.

### **Where do you need to use a surveillance camera system and what are you trying to achieve?**

CCTV is integral to the effective licensing and regulation of hackney carriage and private hire vehicles under the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 and Town Police Clauses Act 1847 and 1875 as amended from time to time.

This places a responsibility on the Licensing Authority to protect the public by ensuring that only safe and suitable people hold a licence to carry passengers.

CCTV cameras can help deter crime, but also provide evidence of crimes which can be used by the police to apprehend perpetrators and used in court to achieve successful prosecutions. The deterrence of crime is the primary objective of this project, particularly to safeguard vulnerable passengers and reassure drivers.

Various requests have made by the taxi trade and trade representatives to explore the possibility of CCTV in licenced vehicles.

In the past, the Hackney Carriage and Private Hire trades have raised the issues of violence and theft against drivers in taxi trade forum meetings.

### **Current safeguarding measures in place**

The trade have made reference that the current policies in place to safeguard customers in taxis and private hire vehicles are burdensome and not cost effective.

Currently without a mandatory CCTV policy in place, as a security function to safeguard passengers and drivers alike, the council only permits vehicles that have a light transparency of 50%.

The logic being that it's easier to see and witness any untoward behaviour happening in taxis when the windows are not tinted.

The cost of changing the windows in vehicles can vary but often reported from the trade as £1000 to £2000. Drivers complain that they would rather choose CCTV in vehicles and see this as a more cost-effective solution with CCTV costing around £400 for compliant systems.

The Council currently has a clear and signposted "report it" section within its website, a licensing email address and a customer contact centre both face to face and over the phone for members of the public to report issues with the licensing trade. From time to time the council will utilise its social media formats to promote issues being raised.

The council also has a clear whistle blowing policy for drivers alike, where drivers can report issues within the trade that they are aware could be taking place.

All complaints are investigated by officers, who obtain all available evidence, in deciding investigation outcomes.

### **Consultation Exercise and Statistics**

To identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse effect, on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

Not all crimes are reported through to the police, so a consultation of the trade and members of the public as users of taxi and private hire vehicles.

The council has advertised its consultation on CCTV for both the general public regular on social media and through a consultation webpage created on the Council's Taxi Licensing website,

In addition, officers attended a taxi trade forum where the CCTV consultation was a topic on the agenda.

### **Trade Consultation**

Trade buy in is essential. The council need to know if drivers feel that mandating CCTV would safeguard them, if it would work as a deterrent from abusive passengers or dishonest claims against them.

If CCTV is not wanted by the trade, they should be given chance to state this as part of a consultation exercise.

A consultation exercise was carried out in November/ December 2022, all members of the trade received a physical consultation document sent to their home address.

The level of responses from the trade were low. This could be due to various factors, including drivers being unsure or drivers may feel vulnerable to report offenses against them.

The results from the consultation can be found summarised below.

<b>As a driver of a private hire or hackney carriage vehicle, have you ever suffered any of the below in the last 3 years?</b>	<b>Yes</b>	<b>No</b>
Aggressive or Threatening Behaviour	2	9
Customer Not Paying the Fare	5	6
Abusive / Racist customers / inappropriate conversations	2	9
Physical Assault	0	11
Disability Discrimination	0	11

<b>If you have answer yes to any of the above, do you feel that CCTV within the vehicle would have assisted or prevented any of the above?</b>		
<b>Yes</b>	<b>No</b>	<b>N/A</b>
4	4	3

<b>What implications are currently affecting you, choosing to install CCTV in your taxi/private hire vehicle ?</b>	<b>Yes</b>	<b>No</b>
Cost of installation	8	3
Privacy/Data protection issues	6	5
Maintenance	2	9
Other	4	7

<b>As a driver are you concerned about the financial burden from installing a CCTV system within your vehicle?</b>	
<b>Yes</b>	<b>No</b>
8	3

<b>If the council were able to assist in the cost of CCTV via the way of possible grants would you chose to install CCTV?</b>	
<b>Yes</b>	<b>No</b>
6	5

<b>Do you agree or disagree that all licensed vehicles should have internal CCTV installed?</b>	
<b>Yes</b>	<b>No</b>
6	5

## Public Consultation

A public consultation exercise was carried out throughout November – December 2022, to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults.

**Do you agree that CCTV in licensed vehicles will benefit the safety of passengers using licensed vehicles?**

Yes	No
21	1

**Do you have any local examples of when CCTV (video or audio) was or could have been beneficial to the safety of passengers using licensed vehicles?**

Yes	No
16	6

**Do you agree that CCTV would benefit safety of our licensed drivers? - Choose yes or no**

Yes	No
21	1

**Do you agree that video or Audio CCTV recording would reduce the fear of crime?**

Yes	No
18	4

**Do you have any local examples where CCTV did or could have reduced the fear of crime?**

Yes	No
4	18

**In your opinion, are there any adverse effects on the safety of passengers, including children or vulnerable adults, by installing CCTV in licensed vehicles? - Choose yes or no**

Yes	No
4	18

In addition, the public consultation, various comments in support of a mandatory policy were received on the council's social media page, summarised below.

<b>Comments either in favour or against CCTV in taxis</b>	
<b>For</b>	<b>Against</b>
<b>16</b>	<b>0</b>

### **Complaints Made Against Drivers**

In August 2022, the council decided to revoke two hackney carriage licences with immediate effect under - standing order 38 of the council's constitution.

In the circumstance of an allegation against a driver, where the council must decide if or not to take immediate action the council must make a judgement if a person remains fit and proper to hold a licence, based on the evidence before officers, in the two recent cases, CCTV would have assisted officers clear evidence and given a clear indication of the action required in addition to other evidence obtained by officers.

### **Police Crime statistics**

Officers have approached Lancashire Police Constabulary for Crime statistics including drivers from South Ribble.

The statistics provided offences against taxi drivers in South Ribble over the past 12 months up to 15<sup>th</sup> December 2022.

<b>Type of Investigations</b>	<b>Number of investigations</b>
Making off without payment	18
Criminal damage with one being racially aggravated	7
Assault with one being racially aggravated	5
Threaten with a bladed article	1
Public order offences	2
Theft of items left in taxis by customers	2

It is worth noting that not all offenses are reported through to the police, drivers may feel vulnerable to report offenses against them. Drivers may feel that taking time to report offences may eat into their time especially at peak times and may not want to use their valuable time, when they could be earning money.

## **Whose personal data will you be processing, and over what area?**

The system will be able to record internal video footage of the driver and any passengers in the vehicle when the vehicle is being used as for private hire or hackney carriage use.

Passengers can be anybody, including children or vulnerable groups. Where external facing cameras are installed, other vehicles including number plates will be captured, along with images of pedestrians

## **Who will be making decisions about the uses of the system and which other parties are likely to be involved?**

It is likely that the police will request data to assist with their investigations as well as Licensing Services.

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

Data must be shared securely, and requests must be fulfilled without charge. Data must only be shared for the following reasons:

- 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) Subject Access Request compliant with the GDPR. The DPA gives individuals the right to see information held about them, including CCTV images of them.

Each data request must be considered on its own merits by the Data Controller and whether it would be lawful.

The data will automatically overwrite after a maximum of 30 consecutive days.

The data is held in an encrypted format using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

The system is held securely within the vehicle and it cannot be accessed remotely.

Only authorised staff will be trained and have access to the software necessary to complete the download.

We currently have 4 members of the Licensing team who by the time of implementation, will have received training on the use and operation of the system.



All staff must complete mandatory data protection training.

A CCTV Download Request form will be completed, which will record the officer who has authorised the download and the officer performing the download and the outcome.

Only the required period on the date stamp will be downloaded

The data will be held in the licensing drives, which will be stored securely on the council's server and it will only be capable of being accessed by an authorised officer.

All law enforcement agencies (LEA), including the police, will be required to complete a download request form.

The licensing Manager will carry out an assessment of the request to ensure that there is a legal gateway to request the data and the request is consistent with the CCTV policy for release of data.

- To ensure operational integrity of the solution and the recording,
- Where a crime report has been made involving the specific vehicle and a LEA have formally requested the data,
- When a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver,
- Where a data request is received from an applicant that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver,
- When requested as a Subject Access Request. Please refer to Appendix C WBC CCTV download policy.

The CCTV Request Download Form will be retained to show the decision making of the authorising officer and the outcome of the download itself.

This will only record if footage was or was not downloaded; the time length of the downloaded footage; if a copy was provided to the LEA; and date of removal of the CCTV from the standalone laptop.

The original data held on the CCTV system within the vehicle will be automatically overwritten after a maximum of 30 days.

Any downloaded data will be deleted from licensing files within 14 days of data being served on any LEA.

Any subject access requests received from data subjects ( drivers or passenger etc) will be processed in line with the Council's subject access request procedure.

As part of the validation of the request, we would require copies of identification to be provided.

In order to provide the information, the Council may need to ask for further information or clarification to help identify the time period relating to the data subject. As part of the process we would also consider whether any other data subjects feature and whether there is a requirement to pixelate aspects of the footage. This would be reviewed on a case by case basis.

## How is the information Collected, Stored and destroyed?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Fixed CCTV (networked) | <input type="checkbox"/> Body Worn Video                  |
| <input type="checkbox"/> ANPR                              | <input type="checkbox"/> Unmanned aerial systems (drones) |
| <input type="checkbox"/> Stand-alone cameras               | <input type="checkbox"/> Re-deployable CCTV               |
| <input type="checkbox"/> Other (please specify)            |   |

### **System type**

System with audio capability with standard recording time or system trigger.

It is considered to be an excessive invasion of privacy to continually record conversations in a licensed vehicle.

The Technical Specification therefore requires a system trigger to be installed to record audio in the event of an incident.

The audio must only be activated in the event of an incident occurring.

The system will return to normal non-audio default operation within a short period of time (approximately 3-5 mins depending on supplier configuration).

The recording period can be extended by using the system trigger to reactivate the system, however, this should only be done if the incident continues beyond the default period.

The provision of a system trigger minimises the risk of excessive recording and has been specified for this reason.

It allows the driver to take another passenger after the incident and upon completion of default recording period due to the short period(s) of time the audio can be activated for.

The system indicators will show when the audio has been activated and when the system has returned to the default of no audio recording.

### **Stored data**

The licence holder will choose a system from a list of approved installers as per the proposed licensing policy.

CCTV systems will need to be compliant with requirements for audio recording of conversations to only be recorded when a panic switch is either activated by the driver or by the passenger.

Any CCTV system installed, must comply with the current data protection requirements as directed by the Information Commissioner and be compliant with the council's policy wording.

Constant recording of conversations is highly intrusive to people's data rights and unjustified in meeting the purpose of preventing and evidencing crimes.

The system will be able to record internal video footage of the driver and any passengers in the vehicle when the vehicle is being used as for private hire or hackney carriage use.

The CCTV system must be capable of storing image/audio files in a manner which are encrypted and prevent them being downloaded or viewed by the driver or any other person travelling in the vehicle. Footage is retained for maximum 30 days and then overwritten.

Image/audio files may only be downloaded by an authorised officer of the Council or a Police Constable.

De-encryption software must be provided to the Council

All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

### **Collection of data**

The method of data download is determined by the technical specification of the camera system installed.

These fall in to two categories;

download achieved via cable connection between the recording device and a standalone laptop council encrypted laptop.

or removal of the SD card from the recording device and the SD card inserted in to the encrypted laptop to download the footage onto the encrypted licensing drive.

HDD inserted into HDD reader attached to encrypted council laptop to download the footage onto the encrypted licensing drive .

The data is downloaded in an encrypted format onto the council laptop installed with specialist software from which to view the appropriate footage.

The data download will be restricted / limited to the period specified on the Authorised Download Request form

Each request will be assigned a unique reference number. The data remains encrypted throughout the process. The technical specification makes provision for the data to be provided in a standard DVD video format, suitable for playing on a PAL format region 2 player.

Should the download footage be required to be produced in a format that the requester can take away as evidence in an investigation the download footage will be burnt to a DVD.

This will be issued to the requester with the downloading officer witness statement and the requesting officer will need to sign for receipt of the evidence.

## **If data is being disclosed, how will this be done?**

### **How is the information used?**

- Monitored in real time to detect and respond to unlawful activities
- Monitored in real time to track suspicious persons/activity
- Compared with reference data of persons of interest through processing of biometric data, such as facial recognition.
- Compared with reference data for vehicles of interest through Automatic Number Plate Recognition software
- Linked to sensor technology
- Used to search for vulnerable persons
- Used to search for wanted persons
- Recorded data disclosed to authorised agencies to support post incident investigation, including law enforcement agencies
- Recorded data disclosed to authorised agencies to provide intelligence
- Other (please specify)

When the Data Controller shares data as the result of a lawful request, this must be via a secure method as outlined in the policy, such as:

- Secure email
- Encrypted email
- Encrypted data drive
- Encrypted disc/pen drive transferred directly or via a secure courier/mailing service.

## **What is your lawful basis for using the surveillance camera system?**

There are six available lawful bases for processing under the Data Protection Act 2018 (DPA 2018),

- Consent
- Performance of a Contract
- Legitimate Interest
- Vital Interest
- Legal Requirement
- Public Interest

The Council recognises that these are of equal importance. CCTV is there to assist the Local authority in complying with the regulatory function and to detect and deter crime and, in extreme situations, to protect life, however, the Council does not seek to rely on vital interests for the purpose of processing data and will be processing the information under Article 6 of the GDPR: Lawfulness of processing:

Processing shall be lawful only if and to the extent that at least one of the following applies:-

*(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.*

<u>Purpose</u>	<u>Lawful Basis</u>
Safeguard vulnerable passengers	Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
Protect Drivers from unjustified allegations	Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
Prevention and detect crime	Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
Reassurance of the general public	Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.

### **Legal basis**

For the processing of personal data GDPR Article 6 1(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

The basis for the processing referred to in point (e) of shall be laid down by:

1. Union law; or
2. Member State law to which the controller is subject.

The relevant law is: Local Government (Miscellaneous Provisions) Act 1976 Part II Section 51. This contains the statement;

*“(2)A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.”*

Section 111 Local Government Act and Section 1 Localism Act provide the legal powers which allow the Council to undertake the above.

For the processing of special category data GDPR Article 9 1(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The function is conferred on a person by an enactment or is of a public nature and is exercised in the public interest.

Evidence can be provided to the Police under the provisions of the Police and Criminal Evidence Act 1984.

Licensing is a function that is designed to protect the public against unfitness or incompetence and is of a public nature and is exercised in the public interest to protect persons other than those at work (i.e. the public) against risk to health or safety arising out of or in connection with the action of persons at work (i.e. a private hire/hackney carriage driver).

This information will be recorded in the interests of public safety, crime detection and crime prevention.

Other Law Enforcement Agency (LEA) such as HM Revenue & Customs; HM Border Force and services within the Council such as Trading Standards and Environmental Crime would also have the necessary criminal investigatory powers to request CCTV footage as under statutory legislation or via the gateway under Data Protection Act 2018.

### **How will you inform people that they are under surveillance and ensure that they are provided with relevant information?**

Any vehicle fitted with a minimum of 2 CCTV signs clearly visible and readable to passengers.

Must be visible before and after entering 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

Signage would be a condition of the road worthiness test performed 6 monthly by approved garages as is the requirement for other signage on vehicles.

Policies will be made available on the council's taxi licensing webpage, publicly accessible.

A social media campaign will advertise the use of CCTV in licenced vehicles before the policy is implemented.

Additional signage to be placed above audio recording switch.

**How will you ensure that the surveillance is limited to its lawful purposes and the minimum data that is necessary for those purposes?**

The Data Controller must comply with valid information requests, in consideration of The Data Protection Act (2018) and General Data Protection Regulations (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, such as;

- 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) Subject Access Request compliant with the GDPR.

The DPA gives individuals the right to see information held about them, including CCTV images of them.

This list is not exhaustive, and 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 driver will not have access to the system, so any requests for footage would need to be referred onto the licensing authority who would make the assessment under the criteria above.

Vehicle proprietors will not have access to the data, breaches of the Taxi CCTV Policy will result in enforcement action against the licence holder

**Retention Procedure**

- Data automatically deleted after retention period
- System operator required to initiate deletion
- Under certain circumstances authorised persons may override the retention period, e.g. retained for prosecution agency (please explain your procedure)

**Is there a written policy specifying the following?**

The agencies that are granted access

How information is disclosed

How information is handled

Are these procedures made public?       Yes       No

Are there auditing mechanisms?       Yes       No

If so, please specify what is audited and how often (e.g. disclosure, production, accessed, handled, received, stored information)



Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary	Likelihood of harm Remote, possible or probable	Severity of harm Minimal, significant or severe	Overall risk Low, medium or high	Options to reduce or eliminate risk	Effect on risk Eliminated reduced accepted	Residual risk Low medium high	Measure approved?
Risk that the CCTV systems are used inappropriately/ incorrectly	Possible	Significant	Medium	All licence holders are required to undergo a 'fit and proper' test. Breaches of the Taxi CCTV Policy would result in a review of their licence.	Reduced	Low	
Capturing excessive data	Probable	Significant	Medium	The policy informs people of their legal responsibilities and acts as a deterrent from breaking the law and policy. Systems comes equipped with an independent sound recording facility, it must be turned off or disabled in some other way, proposed systems use a switch illuminated and signposted within the vehicle which must be manually switched on.	Reduced	Low	
Vehicle occupants uninformed that they are being recorded.	Probable	Minimal	Low	Signage advising of the surveillance cameras to	Reduced	Low	

				<p>be clearly visible from all seats.</p> <p>Public consultation, advertisements on social media</p> <p>audio recording will only begin if a panic button is pressed or someone shouts in the vehicle.</p>			
Unauthorised access to data	Possible	Severe	High	System must store data securely and the Data Controller may only share data when a lawful request is received.	Reduced	Medium	
Unauthorised access to data				Data transferred securely, by agreed method.	Reduced	Low	
Unauthorised access to data				Data recording will not be displayed within the vehicle	Reduced	Low	
				Where licence holders' have shared footage unlawfully, they will be liable to criminal prosecution. Unlawful sharing is a breach of UK Data Protection law and	Reduced	Low	

				<p>is considered a breach of policy.</p> <p>This is recorded in the policy and informing people they are criminally and financially liable for any misuse may deter people from doing so.</p>			
				<p>Data must only be transferred following a legitimate and lawful data request.</p>	Reduced	Low	

Item	Name/position/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:		DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice:		
Comments:		
This DPIA will kept under review by:	Chris Ward	The DPO should also review ongoing compliance with DPIA

