

GUIDELINES FOR CCTV SYSTEMS IN LICENSED LONDON TAXIS & PRIVATE HIRE VEHICLES

Introduction

These guidelines set out to ensure that in-vehicle CCTV systems in London Taxis and Private Hire Vehicles (PHVs) licensed by the Taxi and Private Hire Directorate (TPH) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi, PHV drivers and passengers.

Vehicle owners, who may also be the driver and/or operator, installing in-vehicle CCTV systems must fully comply with the requirements set out in these guidelines.

The purpose of in-vehicle CCTV

The purpose of the in-vehicle CCTV system shall be to provide a safer environment for the benefit of the Taxi or PHV driver and passengers by:

1. Deterring and preventing the occurrence of crime;
2. Reducing the fear of crime;
3. Assisting the Police in investigating incidents of crime.

General Requirements

Any in-vehicle CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only in-vehicle CCTV systems meeting these requirements can be installed into licensed taxi and private hire vehicles.

In-vehicle CCTV systems installed in Taxis and PHVs will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

Each in-vehicle CCTV installation will be subject to the conditions of vehicle licensing as set out in section 10 of the private hire vehicles inspection criteria and section K3 of

the taxi vehicle inspection manual and sections 5.3 & 5.4 of the conditions of fitness 2007 document. All three documents can be viewed at www.tfl.gov.uk/tph

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

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.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.

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 and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.

Camera Design Requirements

The camera(s) must be fitted safely and securely, should not adversely encroach the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

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

Each in-vehicle CCTV installation will be subject to the conditions of vehicle licensing as set out in section 10 of the private hire vehicles inspection criteria and section K3 of the taxi vehicle inspection manual and sections 5.3 & 5.4 of the conditions of fitness 2007 document. All three documents can be viewed at www.tfl.gov.uk/tph

The installed in-vehicle 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 pads 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 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 or PHV 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.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay and drivers' panic button. A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

In-vehicle 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.

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.

Retention of CCTV images

The in-vehicle 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.

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.

In-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.

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 in-vehicle 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 TPH 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 TPH at any time during the term of the TPH 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.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security 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 the TPH at any time during the term of the TPH vehicle licence.

Use of information recorded using in-vehicle 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 guidelines

Requests may be made by the Police or other law enforcement agencies, TfL/TPH, or exceptionally, other appropriate bodies, 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 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.

Signage

All Taxis and PHVs with in-vehicle CCTV must display the sign shown below. The driver may also verbally bring to the attention of the passengers that in-vehicle 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 (Please refer to the document: Guidelines for Advertising on Licensed London Taxis and Signs on Licensed London Private Hire Vehicles.)



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 signs can be obtained from TPH reception at Penton St and SGS Inspection Centres.

Contact Details

The name and the contact telephone number of the Data Controller must be included on the sign.

To assist individual drivers, owners, and companies who are considering installing an in-vehicle CCTV system please use the summary checklist below to ensure all of the approval requirements/standards have been complied with.

Please tick

- ☐ Notification submitted to the Information Commissioner's Office (ICO). Telephone 08456 306060 or 01625 545745. Website: www.tfl.gov.uk/tph
- ☐ Have the ICO provided you with documentation to evidence notification of the "data controller" associated with your system?
- ☐ Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the CCTV system?
- ☐ Do you have the recommended signage and appropriate contact details displayed? The signs can be obtained from TPH reception at Penton St and SGS Inspection Centres.
- ☐ Does the installed in-vehicle CCTV system meet the installation standards as set out in the relevant TPH inspection manual? Please see TPH website for approved systems www.tfl.gov.uk/tph

Note

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline comply with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.