

Request for Exemption from CCTV Policy

- The request is from Markerstudy Insurance who provide CCTV accident event recording CCTV cameras to the taxi and private hire car trade. Their CCTV system and business model meets all of the requirements of the Committee's policy except that they use an SD card as storage whereas the Committee's policy requires hard drive storage.
- Markerstudy has a compulsory requirement that any client wanting to take a private/public hire insurance policy with them must have a smart witness camera fitted to the vehicle.
- Markerstudy provide the camera to the client for free whilst they have a valid policy with them.
- Markerstudy decided that they only require forward external recording as this would enable them to see exactly what happened in the event of an accident, and that it would also give them the necessary footage to enable them to defend their clients against false allegations and any dispute over liability.
- The camera does not monitor or record inside the vehicle and the driver is not able to access the camera or the SD card.
- Their camera records onto a 32GB SD card and gives approx 42 hours of driving before the card over writes itself and begins to record again. All of their cards are encrypted and in the event of any accident occurring they send one of their trained engineers to retrieve the card and replace with a new card.
- Because they are not monitoring inside the vehicle with audio or visual the SD card is the best option for them in deciding which camera and supplier they would use.
- Markerstudy advise that the system they use has been widely accepted by the majority of licensing authorities..
- Markerstudy advise that there is also demand for their policy and camera product. If the Committee did not approve their product it would mean a loss of business, and a consequential the loss taxi drivers in Aberdeen.
- The SD card is secure and is encrypted. At the time of fitting the camera is hard wired and has a secure locked cover fitted to prevent the driver or any other person gaining access.
- The Camera does turn on and off with the ignition.
- The camera is locked and sealed, the Company is the data controller to ensure the requirements of the DPA are met.
- The system Markerstudy use is SD card recording as this meets their needs and they only intend to record externally forward facing.
- The reason for not permitting SD card storage is as stated in the policy (Appendix 1 attached). The Policy requires that the storage system for recorded data should be solid state (hard drive) and of sufficient reliability, preferably with industrial grade memory. Storage by disk, SD or micro SD card is not to be permitted as it

is unsuitable for the purpose. However, Markerstudy/Smart Witness advise that this size of SD card is adequate for the purpose..

- Another reason for not permitting SD card storage is because SD cards are devices that can easily be removed and, if used incorrectly, could be insecure. This may typically lead to breaches of data protection legislation, unless appropriate data protection security measures are put in place.

CCTV Policy – Taxi and Private Hire Cars

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 (Necessary 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.

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. Storage by disk, SD or micro SD card shall not be permitted as it is unsuitable for the purpose.
- 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.

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.

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.

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 52879
Email: licensing@aberdeencity.gov.uk

Information Commissioner's Office -
Scotland
45 Melville Street
Edinburgh
EH3 7HL

Tel: 0131 244 9001
Email: scotland@ico.org.uk