

APPENDIX 4

BGCBC Data Protection officer's Response to Consultation of Taxi policy dated 25th October 2022

I've now had chance to look over the new Taxi Policy. The vast majority is not related to my role so I can't say I've gone over every page sorry, if there are areas that you would like my view on specifically though just let me know.

The one thing I did notice is on Page 25 where there is reference to holding and sharing information in line with GDPR. This could be strengthened by pointing people to our Privacy Notice as follows:

Page 25 – Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) and in line with our Privacy Notice which can be found on the Council's website

The other aspect I've looked at is Appendix 16 related to CCTV. The appendix is what we have previously discussed so I am comfortable as it currently stand. However, just to reiterate, in the event that the Council chooses to explore the option of mandating CCTV I would proceed very cautiously as this will result in Blaenau Gwent potentially taking on a shared responsibility for the CCTV system and its use. This would mean that should there be any breaches or inappropriate disclosures of information or footage (e.g. footage put up on Facebook, Youtube etc) the Council would be held jointly liable. We would also potentially be responsible for ensuring correct security procedures, training and policies were in place. Consequently, as the Data Protection Officer for the Council I feel that it is less risk for the council to NOT mandate this currently.

Closed Circuit Television Cameras (CCTV) in Hackney Carriage and Private Hire Vehicles in Blaenau Gwent

THINGS TO CONSIDER

For the purpose of this the term 'CCTV system' will apply to any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

These devices are not mandated by Blaenau Gwent County Borough Council and are installed and operated under the responsibility of the licence holder. Under the relevant legislation, the licence holder will be considered the Data Controller for all processing, storage, security etc of footage recorded.

Whilst the Blaenau Gwent Council are not responsible for these devices and it is for the licence holder to make considerations over the use of such equipment we do recognise the importance of assisting licence holders where possible. Consequently, we would encourage licence holders thinking of installing CCTV to ensure they have considered, amongst other things, the following:

- **The purpose of the CCTV**

It is important to define why the CCTV is in place. This would likely be to improve driver/passenger safety by deterring the occurrence of a crime, reduce fear of crime, assist with investigations etc.

- **Consider the circumstances where you will download any data or recordings and make it available.**

Anyone captured on the recordings has the right to request a copy of the information under GDPR legislation. Consider how you will adhere to this obligation as a Data Controller and what circumstances you would provide this information should it be requested. Please remember that a person only has the right to request access to their own information so should not be provided with footage of another person unless permitted or lawful to do so.

- **Data retention**

Consider how long you will store information for. This may be as little as a few days but should an incident occur you will also need to consider how long you keep footage of incidents.

- **Signage**

Are people aware that CCTV is in place? Suitable signage should be in place to inform people of the presence of CCTV wherever they can be captured in footage. The individuals should also be able to identify who is responsible for

the system easily. It is recommended that a minimum of 3 signs are used (1 on passenger side and 1 on each side of the rear).

The signage should 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.

In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this should also be verbally brought to the attention of the passengers prior to recording commencing.

- **Third Party Processors**

Where systems use remote storage of CCTV data the company responsible for holding the data will be considered a “data processor”. It is important that the Data Controller (i.e. the licence holder) ensures that the contract with the Data Processor ensures the obligations of the Data Controller are continued.

- **Privacy Impact Assessments**

It is recommended that licence holders undertake a Privacy Impact Assessment on any CCTV systems to ensure that all aspects of privacy have been considered. This would consider things such as the security of footage, camera angles etc.

PLEASE NOTE – THIS IS NOT AN EXHAUSTIVE LIST OF CONSIDERATIONS THAT SHOULD BE MADE WHEN INSTALLING CCTV AND IS ONLY PROVIDED AS A GUIDE. LICENCE HOLDERS INSTALLING CCTV SHOULD SATISFY THEMSELVES THAT ALL RULES OUTLINED BY THE SURVEILLANCE CAMERA COMMISSIONER ARE FOLLOWED AT ALL TIMES. BLAENAU GWENT COUNCIL WILL NOT BE HELD TO BE LIABLE FOR A LICENCE HOLDERS FAILURE TO COMPLY WITH THE RULES OUTLINED BY THE SURVEILLANCE CAMERA COMMISSIONER.

<https://www.gov.uk/government/organisations/biometrics-and-surveillance-camera-commissioner>