Data Protection Impact Assessment

Surveillance Cameras in Vehicles Licensed for use as a Private Hire or Hackney Carriage

**Project name:** Surveillance Cameras in Vehicles Licensed for use as a Private Hire or Hackney Carriage

**Data controller:** City of Wolverhampton Council

1. Identify why your deployment of surveillance cameras requires a DPIA[[1]](#footnote-1)**:**

Systematic & extensive profiling  Large scale use of sensitive data

Public monitoring  Innovative technology

Denial of service  Biometrics

Data matching  Invisible processing

Tracking  Targeting children / vulnerable adults

Risk of harm  Special category / criminal offence data

Automated decision-making  Other (please specify)

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2. What are the timescales and status of your surveillance camera deployment?

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| This is the proposal for a new surveillance camera system within licensed vehicles. If a system is approved, installation could begin in 2021.  The system will be GDPR compliant. |

**Describe the processing**

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

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| In 2019 there were 302 crimes recorded by West Midlands Police that involved licensed vehicles in Wolverhampton. The Hackney Carriage and Private Hire trades have raised the issues of violence and theft against drivers in meetings of the trade working group.  Licensing Services already encourages self-reporting of incidents by passengers and drivers, with all complaints investigated. Surveillance camera footage will assist in making accurate and fair licensing decisions. There have been several occasions when investigating complaints where surveillance camera footage would have assisted, due to conflicting accounts.  Surveillance 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 succcesul prosections.  The deterrance of crime is the primary objective of this project, particularly to safeguard vulnerable passengers and reassure drivers. |

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

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| The system will 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.  When the vehicle is being used for personal use, the system will only record external video footage.  Audio recording is not normally recorded, but a five minute recording will be triggered by:   * Passengers’ panic button * Driver’s panic button * G-force sensor indicating a crash * Shouting detected by a microphone * Door opening when vehicle is in motion |

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

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| Licensing Services will be the primary user of the data, however it is likely that the police will request data to assist with their investigations as well.  Other requests are expected from:   * Other licensing authorities – to make a licensing decision on a licensed driver or vehicle proprietor * Motor insurance companies – to investigate claims made by the driver, vehicle proprietor or other drivers involved in an accident with the vehicle   When data is shared this is normally via:   * Secure email * Encrypted email * Encrypted data drive * Disc, transferred directly between officers from the organisations * Secure online storage   Each data request will be considered on its own merits and whether it would be lawful. |

**6. How is information collected? (tick multiple options if necessary)**

Fixed CCTV (networked)  Body Worn Video

ANPR  Unmanned aerial systems (drones)

Stand-alone cameras  Redeployable CCTV

Other (please specify)

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| Multiple cameras will be located in the vehicle, with recording capability of all passengers and the driver. These cameras will be connected to a recording unit within the vehicle. |

**7. Set out the information flow, from initial capture to eventual destruction. You may want to insert or attach a diagram.**

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| See file 'Surveillance Camera Information Flow'. |

**8. Does the system’s technology enable recording?**

Yes  No

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| In-vehicle surveillance camera, recorded to onboard encrypted storage system. Further detail in Section 4. |

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

Only by on-site visiting

Copies of footage released (detail method below, e.g. encrypted digital media, via courier, etc)

Off-site from remote server

Other (please specify)

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| Footage will be retrieved by an authorised officer in the course of investigating a complaint or crime. Depending on the solution procured, this may be via physical or remote connection. |

**10. How is the information used? (tick multiple options if necessary)**

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)

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| The surveillance cameras will provide video and audio data, which will be recorded by the system along with the vehicle's location (calculated using the Global Positioning System) and g-force data. This will provide the vehicle's location, speed and if there has been a collision. |

**Consultation**

| **Stakeholder consulted** | **Consultation method** | **Views raised** | **Measures taken** |
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| Black Country Chamber of Commerce | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council - Councillors | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council – Equalities | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council - ICT | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council - Information Governance | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council – Legal Services | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council – Licensing Services | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council – School Transport | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Councillors | Online consultation | Awaiting response | TBC |
| Department for Transport | Online consultation | Awaiting response | TBC |
| Information Commissioner | Online consultation | Awaiting response | TBC |
| Pubwatch | Online consultation | Awaiting response | TBC |
| Surveillance Camera Commissioner | Online consultation | Awaiting response | TBC |
| City of Wolverhampton Council private hire and hackney carriage licence holders | Online consultation | Awaiting response | TBC |
| The public, as customers of the trade | Online consultation | Awaiting response | TBC |
| Transport for West Midlands | Online consultation | Awaiting response | TBC |
| West Midlands Police | Online consultation | Awaiting response | TBC |
| Wolverhampton’s Multi-Agency Safeguarding Hub (MASH) | Online consultation | Awaiting response | TBC |

**Consider necessity and proportionality**

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

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| Schedule 2, Part 2 (7) of the Data Protection Act 2018 states that the listed GDPR provisions [in Schedule 2 Part 2 (6)] do not apply to personal data processed for the purpose of discharging a function that is designed to protect the public - to the extent that the application of those provisions would be likely to prejudice the proper discharge of that function.  Schedule 2 Part 2 (7) (2) applies where the function is designed to protect members of the public against:   1. dishonesty, malpractice or other seriously improper conductor   or   1. unfitness or incompetence   and  The function is conferred on a person by an enactment or is of a public nature and is exercised in the public interest;  Schedule 2 Part 2 (7) (4) applies where the function is designed:   1. to secure the health, safety and welfare of persons at work   or   1. to protect persons other than those at work against risk to health or safety arising out of or in connection with the action of persons at work   and  The function is conferred on a person by an enactment or is of a public nature and is exercised in the public interest.  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 and to enable the Council to discharge its statutory licensing functions as required by Local Government (Miscellaneous Provisions) Act 1976 Part II Section 51. |

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

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| Surveillance cameras are part of the UK’s transport network, including trains, buses and taxis licensed by other authorities. Data subjects could reasonably expect to be recorded by a surveillance camera in a taxi.  Signage provided by City of Wolverhampton Council informing of the surveillance camera must be displayed prominently in the vehicle. If signage is lost or removed, new signage must be obtained from the council at the earliest opportunity and prior to any further licensable activities being undertaken.   |  | | --- | | CCTV in operation  This vehicle is protected by CCTV in the interests of public safety, crime detection and crime prevention.  Audio recording may also be made in the event of an incident.  The CCTV has been installed in accordance with the Surveillance Camera policy of City of Wolverhampton Council.    For more information:  01902 55 TAXI  www.wolverhampton.gov.uk |   An audio message will play after a vehicle’s door closes when the vehicle is in use as a private hire or hackney carriage vehicle.  The system will operate in compliance with City of Wolverhampton Council’s Privacy Notice: <https://www.wolverhampton.gov.uk/your-council/our-website/privacy-and-cookies-notice> |

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

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| Data is only recorded when reasonable to strike a balance of deterring crime whilst protecting passenger and driver privacy. Licensing Services should see an increase of investigations where footage can be used to inform the outcome. |

**15. How long is data stored? (please state and explain the retention period)**

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| 31 days on the onboard system, otherwise until the legitimate transfer as the result of a legitimate and lawful request, or the outcome of the council’s investigation a complaint and any subsequent legal appeals process. |

**16. 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)

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| Data stored in the encrypted onboard storage will be automatically deleted after 31 days. Data retreived by an authorised officer will be deleted after the appeals process has been concluded after the licensing decision has been made, or after it has been transferred to the police. |

**17. How will you ensure the security and integrity of the data?**

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| See risk assessment overleaf. |

**18. How will you respond to any subject access requests, the exercise of any other rights of data subjects, complaints or requests for information?**

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| In accordance with the Council’s current Privacy Notice and data request procedures. |

**19. What other less intrusive solutions have been considered?**

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| Self-reporting is encouraged of incidents by drivers and passengers. Some drivers use app-based software, which offers safety features for passengers such as distress signals, journey display |

**20. 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)

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| The Council’s internal Audit and Information Governance services govern Licensing Services’ information sharing processes. |

**Identify and address the risks**

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| **Describe source of risk and nature of potential impact on individuals.** Include associated compliance and corporate risksas 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?** |
| Passenger and driver safety | Probable | Significant | Medium | Whilst data recording is not in operation, the system displays a warning that the vehicle is not currently licensed for use as a private hire or hackney carriage vehicle. The system begins recording following an input from the driver’s licence and the system displays a message that the vehicle is available for use as a licensed vehicle. | Reduced | Low | Awaiting consultation feedback |
| Data recording continues for five minutes after a change in vehicle voltage and only stops is there has been five consecutive minutes with a low vehicle voltage (indicating that the ignition is not on). | Reduced | Low | Awaiting consultation feedback |
| If the camera view is obstructed, the system will display a warning message. | Reduced | Medium | Awaiting consultation feedback |
| Passenger and driver privacy | Probable | Significant | Medium | Audio recording is disabled by default, but a five-minute recording is triggered by:   * Passengers’ panic button * Driver’s panic button * G-force sensor indicating a crash ( >4 g) * Shouting detected by a microphone * Door opening when vehicle is in motion   An audible warning and visual light shall indicate when audio recording is occurring. | Reduced | Low | Awaiting consultation feedback |
| Driver’s privacy | Probable | Minimal | Low | Data recording does not take place until it is triggered by the presence of a driver licence, to indicate that the driver wants to use the vehicle for a licensable activity. | Eliminated | Low | Awaiting consultation feedback |
| Vehicle occupants uninformed that they are being recorded. | Probable | Minimal | Low | A twelve-week public consultation on surveillance cameras in licensed vehicles. | Reduced | High | Yes |
| Signage advising of the surveillance cameras to be clearly visible from all seats. | Reduced | Low | Awaiting consultation feedback |
| An audio warning plays when the vehicle is being used for a licensable activity. The warning shall include that surveillance cameras are recording video throughout the journey, but audio recording will only begin if a panic button is pressed or someone shouts in the vehicle. | Reduced | Low | Awaiting consultation feedback |
| Unauthorised access to data | Possible | Severe | High | System must have security features which protect against tampering and indicate if the system has been tampered with. | Reduced | Medium | Awaiting consultation feedback |
| Transfer of data will be done securely, in accordance with the council’s data transfer processes. | Reduced | Low | Awaiting consultation feedback |
| Stored data encrypted to 128-bit Advanced Encryption Standard equivalent or higher. | Reduced | Low | Awaiting consultation feedback |
| Data recorded by the system will only be accessible by authorised officers and will not be displayed in the vehicle. | Reduced | Low | Awaiting consultation feedback |
| Data will only be transferred outside of City of Wolverhampton Council following a legitimate and lawful written data request. | Reduced | Medium | Yes |
| The system will log the following actions, accompanied by the actioning account name, time and date:   * each user access * camera system parameter modifications * each image download session * modification/manipulation of downloaded images * exporting of downloaded images   exporting of downloaded clips | Reduced | Medium | Awaiting consultation feedback |
| Unauthorised or accidental destruction of data | Possible | Significant | High | 100% solid state design or a proven vibration and shock resistant system. The system should not have a cooling fan and the recording should be vibration and shock proof. | Reduced | Low | Awaiting consultation feedback |
| Flash-based SSD (100% industrial grade). | Reduced | Low | Awaiting consultation feedback |
| Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system. | Reduced | Low | Awaiting consultation feedback |
| System to be protected against reverse voltage. | Reduced | High | Awaiting consultation feedback |
| System to be protected against high voltage transients likely to be encountered in the vehicle electrical system. | Reduced | High | Awaiting consultation feedback |

**Authorisation**

If you have not been able to mitigate the risk then you will need to submit the DPIA to the ICO for prior consultation. [Further information](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/) is on the ICO website.

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| **Item** | **Name/date** | **Notes** |
| Measures approved by: |  | Integrate actions back into project plan, with date and responsibility for completion. |
| Residual risks approved by: |  | If you identify a high risk that you cannot mitigate adequately, you must consult the ICO before starting to capture and process images. |
| DPO advice provided by: |  | DPO should advise on compliance and whether processing can proceed. |
| Summary of DPO advice | | |
| DPO advice accepted or overruled by:  (specify role/title) |  | If overruled, you must explain your reasons. |
| Comments: | | |
| Consultation responses reviewed by: |  | If your decision departs from individuals’ views, you must explain your reasons. |
| Comments: | | |
| This DPIA will be kept under review by: |  | The DPO should also review ongoing compliance with DPIA. |

**APPENDIX ONE**

This template will help you to record the location and scope of your surveillance camera system and the steps you’ve taken to mitigate risks particular to each location.

**Location**: Each system operator/owner should list and categorise the different areas covered by surveillance on their system. Examples are provided below.

| **Location type** | **Camera types used** | **Amount** | **Recording** | **Monitoring** | **Assessment of use of equipment (mitigations or justifications)** |
| --- | --- | --- | --- | --- | --- |
| Public car park | 1, 5, 6 | 100 |  |  |  |
| Vehicle interior, with driver and all passengers in view |  | ≤3 per vehicle | 31 days | After the driver triggers the system with their driver licence, until 5 minutes after a drop in vehicle voltage indicating enigne is off. | High-definition cameras are installed here to be a visible deterrent and to record the behaviour of the indiviudals in the field of view. |
| Front and rear windscreen, facing outside |  | 2 | 31 days | After a change in vehicle voltage to indicate that the engine is on, until 5 minutes after a drop in vehicle voltage indicating enigne is off. | High-definition cameras are installed here to record the driver’s driving and any road traffic accidents. |

**APPENDIX TWO: STEPS IN CARRYING OUT A DPIA**

**APPENDIX THREE: DATA PROTECTION RISK ASSESSMENT MATRIX**

Use this risk matrix to determine your score. This will highlight the risk factors associated with each site or functionality.

**Matrix Example:**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Camera Types (low number low impact – High number, High Impact | | | | | | | | |
| Location  Types  A (low impact)  Z (high impact) |  |  |  |  |  |  |  |  |  |
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**NOTES**

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1. <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/when-do-we-need-to-do-a-dpia/> [↑](#footnote-ref-1)