

REGULATORY AND APPEALS COMMITTEE

31st March 2014

Title of paper:	City Safe CCTV Taxi Scheme (City Safe)	
Director(s)/ Corporate Director(s):	Andrew Errington Director Community Protection	Wards affected: All
Contact Officer(s) and contact details:	Ghazala Mumtaz – Senior Licensing Officer Central Police Station North Church Street Nottingham NG1 4BH ghazala.mumtaz12084@nottinghamshire.pnn.police.uk 01615 9670999 ext 8015060	
Other officers who have provided input:	Ann Barrett, Senior Solicitor ann.barrett@nottinghamcity.gov.uk 0115 8764411	
Relevant Council Plan theme(s):		
Choose Nottingham		X
Respect for Nottingham		X
Transforming Neighbourhoods	Nottingham's	X
Supporting Nottingham People		X
Serving Nottingham Better		X
Summary of issues (including benefits to customers/service users):		
This report is to advise the Committee of the details of a proposed voluntary CCTV scheme for hackney carriage vehicles licensed by Nottingham City Council.		
Recommendation(s):		
1	That the Committee approve the introduction of a one year pilot of the proposed voluntary CCTV scheme for hackney carriage vehicles (City Safe CCTV Taxi Scheme) as outlined in the report.	
2	That, after the completion of the tender process, the Head of Licensing Permits and Regulations be given delegated power to sign the agreements for the purchase and fitting of CCTV cameras under the Scheme (shown in appendix 1) on behalf of the Council.	

1 BACKGROUND

- 1.1 Nottingham currently has 420 licensed Hackney Carriage vehicles and over 1,200 private hire vehicles.
- 1.2 The Nottingham Licensed Taxi Owners and Drivers Association and the organisation Nottingham Citizens have requested the Nottinghamshire Police & Crime Commissioner (NPCC), to consider the installation of CCTV in taxis to improve safety for drivers and a working group was established to look into this in more detail.
- 1.3 In July 2013 the Crime & Drugs Partnership (CDP), commissioned by the working group produced a report examining the different options and costs pertaining to the installation of CCTV in taxis.
- 1.4 As a result of this report, on 6th January 2014, the NPCC agreed to provide £95,070 to fund and evaluate a voluntary scheme for Nottingham City Hackney Carriages (the City Safe CCTV Taxi Scheme.)
- 1.5 The NPCC has requested that the Council establish and implement the scheme with the CDP evaluating the scheme. Whilst the NPCC has decided to fund the scheme for a year, it is potentially with a view to running the scheme for three years.
- 1.6 The scheme is intended to run on a voluntary basis as a one year pilot scheme. It will be open to proprietors of hackney carriage vehicles licensed by Nottingham City Council only up to a maximum of 100 vehicles on a first come, first served basis. Participants in the Scheme shall each make a £100 contribution for the CCTV system and fitting, with the remainder of the monies provided by the NPCC. The Council will arrange the procurement and fitting of the CCTV systems but the vehicle owners will own and be responsible for the upkeep and maintenance of the CCTV at their own cost, with title transferring to them on payment of the £100 as per the terms of a contract between the participant and the Council (Appendix 1). Participants will adhere to Nottingham City Council's City Safe CCTV Taxi Scheme Code of Conduct (Appendix 2). Those vehicles participating in the scheme will be provided with a City Safe badge to be displayed on their vehicle to inform passengers that they are part of the City Safe scheme (Appendix 3). The system will record images only, starting when the ignition is switched on and continuing for 30 minutes after it is switched off.

1.7 Cost of the scheme

The scheme will be fully funded by the NPCC and the contributions from the individual participants. The NPCC have considered the costs involved in the implementation of the scheme and will provide £95,070 of funding for the scheme to be established. This includes the cost of the system, installation and the funding for the administration of the scheme as set out in Appendix 4.

The cost of CCTV cameras varies from £300 to £2,000. The CDP report took guidance from Southampton City Council (which has a mandatory CCTV system in place for all licensed vehicles); the most recent camera installed in their vehicles was at £528 exc VAT with a further installation cost of £110. These are the figures the NPCC has relied upon when deciding the amount of funding.

The system specification used by Southampton City Council has higher security levels than the proposed City Safe scheme requires and this has an impact on price. Whilst the Council will carry out a procurement process for the systems and the installation, initial enquiries with a number of suppliers have come back with prices ranging from £375 to £650/unit and £100 to £250 for installation. Whilst the scheme is for up to 100 vehicles, if the costs per vehicle are more than those used by the NPCC, the number of vehicles the Scheme is made available to will need to be reduced.

- 1.8 It is important to note that this is a voluntary scheme requested by the NPCC with the vehicle owners having to make a contribution to the scheme and having to adhere to a Code of Conduct. Although the scheme has potential to cover almost 25% of all the licensed hackney carriage vehicles in the City it is anticipated that take up will not be this high. Anecdotal evidence suggests that prior to the mandatory scheme in Southampton, a voluntary scheme was in place with take up of roughly 10%. Sheffield City Council also has a voluntary scheme in place with approximately 10% of licensed vehicles in the scheme (despite the Council initially fully funding the CCTV installations).

1.9 Data Control

The use of CCTV is strictly regulated and 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 a legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data.

The NPCC initially requested that the Council act as the Data Controller. However, as this is a voluntary scheme with the Council retaining no control over the use and operation of the cameras, it would not be possible for the Council to carry out its responsibilities as Data Controller under the DPA. It would not be appropriate for the Council to act in this capacity and would pose a number of practical and financial difficulties as to how the Council would be able to adhere to the requirements of the DPA. The participants will therefore need to register with the ICO's Office as the Data Controllers.

- 1.10 It is intended that participants will sign a contract transferring ownership of the CCTV system to them on payment of the £100 contribution and imposing a number of other terms and conditions (Appendix 1).

2 REASONS FOR RECOMMENDATIONS

- 2.1 The NPCC have requested that the licensing authority establish a voluntary pilot and will provide the funding for the scheme. By procuring the CCTV systems the Council can ensure that they are of a set specification that is of suitable quality for evidential purposes and consistent across the board.

3 OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The introduction of a managed voluntary scheme was considered whereby the data on the system is encrypted and only the Council could access it. Whilst this would reduce the risk of the data being interfered with, it would mean the Council would be the data controller for up to 100 systems over which they had no control and could not ensure compliance with the obligations under the DPA leaving the council open to the risk of legal action. It could also increase the cost of the system as more secure/sophisticated hardware would be required.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The initial scheme (estimated at £95,070) will be fully funded by the NPCC and the participants will contribute as indicated in paragraph 4.2. There is a risk that the cost of the system and installation is higher than that projected, however the Council can choose which system to purchase and discussions with other Councils and suppliers show that the projections are realistic. The Council can also have a preferred supplier and purchase the systems in batches, e.g. of 20, so when the funding runs out, no more Cameras are purchased and fitted.
- 4.2 The participants in the Scheme will be liable for any costs associated with the on going maintenance and repair of the CCTV so the Council is making a one-off payment funded by the PCC towards the cost of the system and installation only. The Council's administrative costs are being met by the PCC.
- 4.3 The cost of removing the system and depreciation in value of the vehicle as a result of participation in the scheme lies with the individual participants in accordance with the terms of the contract between the Council and the participant.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

5.1 Legal Implications

The use of CCTV is strictly scrutinised by the Information Commissioner and is subject to the requirements of the Data Protection Act 1998. A limited number of authorities have mandatory schemes requiring the use of CCTV and recently authorities such as Southampton have been subject to enforcement action for requiring audio recordings on CCTV and failure to comply with the Information Commissioner's Code of Practice and the data protection principles. The proposal here however is for a voluntary scheme funded by the PCC but with the Council procuring the cameras which participants can then access for payment of £100. Title to the camera will pass to the participant who becomes responsible for complying with legal requirements relating to its use. The potential liability of the Council is therefore reduced.

5.2 Equality and Diversity Implications

The Scheme is specifically aimed at proprietors of hackney carriage vehicles licensed by Nottingham City Council up to a maximum of 100 vehicles on a first come, first served basis. This is a pilot scheme and the NPCC may look to extend it once the pilot is evaluated.

5.3 Crime and Disorder Act Implications

The aim of the Scheme is to provide a safer environment for the benefit of the participating hackney carriage drivers and their passengers by:

1. Deterring and preventing the occurrence of crime in that vehicle;
2. Reducing the fear of crime; and
3. Assisting the Police and the Licensing Authority in investigating incidents of crime, disorder, accident and complaint.

The Scheme should therefore contribute towards reducing crime and disorder in the City.

6 **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- 6.1 CitySafe Taxi Scheme report - Crime and Drugs Partnership

7 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 7.1 CCTV Code of Practice - Information Commissioner's Office

Nottingham City Council
City Safe CCTV Taxi Scheme
Agreement for Purchase and fitting of CCTV camera

This agreement is made on..... [date] 2014 between:-

1. NOTTINGHAM CITY COUNCIL of Loxley House, Station Street, Nottingham NG2 3NG and
2. [full name and address of proprietor of Hackney Carriage]

Definitions

“the CCTV System”	<i>Insert details of the camera eg its name specification and serial number and any associated fittings and equipment procured by the Council with funding from the Nottinghamshire Police and Crime Commissioner</i>
“the Code of Conduct”	The Council's City Safe CCTV Taxi Scheme Code of Conduct contained in the Annex to this agreement
“the Council”	Nottingham City Council of Loxley House, Station Street, Nottingham NG2 3NG
“the Fee”	The sum of £100 representing a subsidised charge for the CCTV System on the basis of compliance with the conditions of this Agreement
“the Period”	one year from the date of installation of the CCTV System
“the Proprietor”	full name and address of proprietor of Hackney Carriage
“the Scheme”	the City Safe CCTV Taxi Scheme funded by the Nottinghamshire Police and Crime Commissioner and operated by the Council whereby the Police and Crime Commissioner supplies funding for a number of CCTV systems to be provided to the proprietors of licensed hackney carriages at a subsidised cost with the aim of deterring and preventing crime, reducing the fear of crime, and assisting in the investigation of crime, disorder, accident and complaint.
“the Vehicle”	Hackney Carriage Vehicle registration number [number] licensed by the Council under plate number [number]

1. The Proprietor is the holder of a Hackney Carriage Vehicle Licence issued by the Council for the Vehicle
2. The Proprietor wishes to participate in The Scheme
3. In consideration of the Fee paid by the Proprietor the Council will supply and fit the CCTV System to the Vehicle and all title to and risk arising from the CCTV System and its use shall thereupon pass to the Proprietor.
4. The Council will fit the CCTV System with reasonable care and skill.
5. The Proprietor will:-
 - i. Participate in the Scheme for the Period
 - ii. Make the Vehicle available to the Council in a clean condition with no obstructions to fit the CCTV System
 - iii. Not move, alter or otherwise change the location or fitting of the CCTV System during the Period
 - iv. Be fully responsible for the upkeep, maintenance, repair and ultimate removal of the CCTV System
 - v. Fully adhere to the Code of Conduct
 - vi. Display the City Safe badge provided by the Council in a prominent position in the Vehicle but without prejudicing the visibility of the driver of the Vehicle
 - vii. Indemnify the Council in respect of any claims made against it by any third person which may result from any breach of this Agreement including a breach of Code of Conduct and use of the CCTV System (together with any images recorded by it) and
 - viii. In the event of any breach of the conditions of this Agreement pay to the Council such sum as may be demanded representing the full cost of the CCTV System and the Council's reasonable fitting and administration costs less the Fee.
 - ix. Remove all signage associated with the Scheme from the Vehicle at the end of the Period.

Signed by the Proprietor

Name [print]

Date

Signed on behalf of the Council by.....

Name and Job Title.....

Date.....

Nottingham City Council's City Safe CCTV Taxi Scheme Code of Conduct

Introduction

This Code of Conduct sets out to ensure that CCTV systems installed in hackney carriage vehicles as part of Nottingham City Council's City Safe CCTV Taxi Scheme (the Scheme) are used to reduce the fear of crime, prevent and detect crime and enhance the health and safety of taxi drivers and passengers.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with this Code.

For the purposes of this Code the term "CCTV system" will include any electronic recording device and associated workings, fittings and equipment having the technical capability of capturing and retaining visual images from inside the vehicle.

The aims of Nottingham City Council's City Safe CCTV Taxi Scheme

The aim of the Scheme is to provide a safer environment for the benefit of the participating hackney carriage drivers and their passengers by:

1. Deterring and preventing the occurrence of crime in that vehicle;
2. Reducing the fear of crime; and
3. Assisting the Police and the Licensing Authority in investigating incidents of crime, disorder, accident and complaint.

The vehicle proprietor shall ensure that the following requirements are met:-

1. General Requirements

- the installation and operation of the CCTV system 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
- the CCTV System shall comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).
- the CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/data integrity.
- the CCTV system shall be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

Note

It is contrary to the Road Vehicles (Construction and Use) Regulations, 1986 (as amended), for equipment to obscure the view of the road through the windscreen.

- the CCTV system shall not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. it shall not be 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.
- no viewing screens are permitted within the vehicle for the purposes of viewing captured images.
- all wiring shall be fused as set out in the manufacture's technical specification and be appropriately routed.
- if more than one camera is installed their locations within the vehicle shall be specific for purpose i.e. to provide a safer environment for the benefit of the driver and passengers.
- the CCTV system shall be checked regularly and maintained to operational standards, including any repairs after damage.

2. Camera Activation Methods

Upon installation the system shall be calibrated to begin recording once the ignition key is engaged and cease recording 30 minutes after the ignition is switched off. No attempt shall be made to change these settings.

The camera(s) shall be positioned to ensure that both the passengers and driver are in full view of the camera(s)

3. Audio Recording

CCTV systems shall 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. If the system comes equipped with a Sound Recording facility then this functionality shall be disabled.

4. Notification to the Information Commissioner's Office

Documentary evidence of the Data Controller's notification to the Information Commissioners Office and entry on the register of Data Controllers shall be presented to an officer of Nottingham City Council on request at any time during the duration of the Scheme.

Note

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 CCTV***

installed under the Scheme. 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 through the Nottingham City Council's City Safe CCTV Taxi Scheme must register with the ICO (Notification) and obtain documented evidence of that registration. The Notification requires renewal on an annual basis, and payment of the appropriate fee.

5. Image Security

The Data Controller shall ensure that images captured remain secure at all times.

Note

The equipment provided under this Scheme ensures that captured images are 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.

6. Retention of CCTV images

The CCTV system provided under this Scheme has the capability of retaining images within its own hard drive. Images shall 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. No attempt shall be made to change these settings and the security of the image storing system shall not be compromised by unauthorised tampering with the equipment.

7. Use of information recorded using CCTV

The police/licensing authority shall be permitted to access to the data when requested under the following circumstances:

1. Where a crime report has been logged involving the vehicle fitted with the CCTV system
2. When the Licensing Authority has received a written complaint involving the vehicle fitted with the CCTV system or its driver and the complaint cannot be fully investigated or resolved without access to the recordings; and
3. Where a subject access request has been made under the DPA

Note

The Data Controller is responsible for complying with all relevant data protection legislation. Any images recorded should only be used for the purposes described above. Requests may be made by the Police or the Council's Licensing officers to the Data Controller to view captured images as detailed above. The Data Controller is responsible for responding to these requests and participants must ensure these requests are responded to within a reasonable amount of time. Requests should only be accepted where they are in writing, and specify the reasons why disclosure is required. Police should set out in writing the reasons why the disclosure is required.

Under the DPA, members of the public may also 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.

8. Signage

All participating vehicles must display the sign shown below. The driver may also verbally bring to the attention of the passengers that 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. The positioning must also comply with signage requirements imposed by Nottingham City Council's Taxi Licensing department

9. Contact Details

A prominently placed sign visible to passengers inside the vehicle should state that CCTV is in operation and provide the name and the contact telephone number of the Data Controller.

Checklist

The checklist below has been produced to assist participants in the Scheme to ensure that they comply with all requirements. Please ensure all of the approval requirements/standards have been complied with.

Please tick

- Notification submitted to the Information Commissioner's Office (ICO).
- Have the ICO provided you with documentation to evidence notification of the "Data Controller" associated with your system?
- Do you have the recommended signage and appropriate contact details displayed?

Note

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

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- the CCTV System shall comply with any legislative requirements contained in the Road Vehicles Construction and Use Regulations 1986 (as amended).
- the CCTV system must meet all applicable legal requirements as regards safety, technical acceptability and operational/data integrity.
- the CCTV system shall be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

Note

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- the CCTV system shall not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. it shall not be 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.
- no viewing screens are permitted within the vehicle for the purposes of viewing captured images.
- all wiring shall be fused as set out in the manufacture's technical specification and be appropriately routed.
- if more than one camera is installed their locations within the vehicle shall be specific for purpose i.e. to provide a safer environment for the benefit of the driver and passengers.
- the CCTV system shall be checked regularly and maintained to operational standards, including any repairs after damage.

2. Camera Activation Methods

Upon installation the system shall be calibrated to begin recording once the ignition key is engaged and cease recording 30 minutes after the ignition is switched off. No attempt shall be made to change these settings.

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*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 CCTV installed under the Scheme.** 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 through the Nottingham City Council's City Safe CCTV Taxi Scheme must register with the ICO (Notification) and obtain documented evidence of that registration. The Notification requires renewal on an annual basis, and payment of the appropriate fee.

5. Image Security

The Data Controller shall ensure that images captured remain secure at all times.

Note

The equipment provided under this Scheme ensures that captured images are 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.

6. Retention of CCTV images

The CCTV system provided under this Scheme has the capability of retaining images within its own hard drive. Images shall 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. No attempt shall be made to change these settings and the security of the image storing system shall not be compromised by unauthorised tampering with the equipment.

7. Use of information recorded using CCTV

The police/licensing authority shall be permitted to access to the data when requested under the following circumstances:

1. Where a crime report has been logged involving the vehicle fitted with the CCTV system
2. When the Licensing Authority has received a written complaint involving the vehicle fitted with the CCTV system or its driver and the complaint cannot be fully investigated or resolved without access to the recordings; and
3. Where a subject access request has been made under the DPA

Note

The Data Controller is responsible for complying with all relevant data protection legislation. Any images recorded should only be used for the purposes described above. Requests may be made by the Police or the Council's Licensing officers to the Data Controller to view captured images as detailed above. The Data Controller is responsible for responding to these requests and participants must ensure these requests are responded to within a reasonable amount of time. Requests should only be accepted where they are in writing, and specify the reasons why disclosure is required. Police should set out in writing the reasons why the disclosure is required.

Under the DPA, members of the public may also 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.

8. Signage

All participating vehicles must display the sign shown below. The driver may also verbally bring to the attention of the passengers that 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. The positioning must also comply with signage requirements imposed by Nottingham City Council's Taxi Licensing department

9. Contact Details

A prominently placed sign visible to passengers inside the vehicle should state that CCTV is in operation and provide the name and the contact telephone number of the Data Controller.

Checklist

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CitySafe Badge



APPENDIX 4

Nottingham Police & Crime Commissioner's Costing for the CitySafe Pilot Scheme

Funded by PCC with Taxi Driver £100 Contribution	
Voluntary Scheme - But Managed	100 Taxis
CCTV Cameras ex VAT £528 each	£52,800
Installation £110 each	£11,000
Scheme Administration 1 FTE (estimated)	£28,770
Annual Inspection Costs £25 each	£2,500
TOTAL NPPC CONTRIBUTION	£95,070