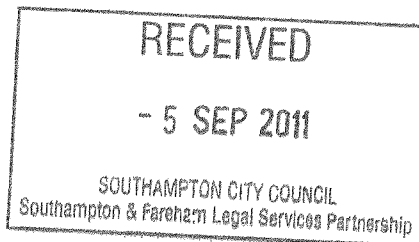


Ms J Austin  
Information Compliance Officer  
Southampton City Council  
Corporate Legal Team  
Civic Centre  
Southampton  
SO14 7LY



02 September 2011

Reference: RFA0392300

Dear Ms Austin

The Information Commissioner has received a complaint relating to the use of audio CCTV systems in private hire vehicles.

### **Complaints to the Information Commissioner's Office**

Under the Data Protection Act 1998 (the DPA), those who collect and use personal information have to follow rules of good practice for handling information (called the data protection principles). The DPA also gives rights to individuals whose information is collected and used.

When we receive a data protection complaint, we will make an assessment. This is our view about whether an organisation has followed the rules of good practice properly. We do this by deciding whether it is likely or unlikely that an organisation has processed personal data in line with DPA.

Our aim is to ensure that personal information is dealt with properly in the future. Our assessment decisions can help us to decide whether we should take action against a particular organisation.

We know that most organisations work hard to ensure they process personal data in line with the DPA and want to put things right when they have gone wrong. However, if an organisation refuses to take its responsibilities under the DPA seriously, we may consider formal



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action to ensure it complies with the law. Please see the enclosed guidance note for further information.

**We are writing to you now because we have received a data protection complaint about Southampton City Council (the Council) and we need some information from you to help us make our assessment and decide whether further action is appropriate.**

### **The complaint made to us**

It has been brought to our attention that the Council has begun requiring private hire firms to install CCTV systems including audio recording in all vehicles before a licence can be granted.

Although the DPA does not prevent a company from requiring the installation of CCTV cameras, concerns have been raised as to the fairness of processing personal data in this way. This is due to the requirement that the CCTV cameras are equipped with audio recording capabilities.

As you should be aware, our CCTV Code of Practice makes clear that the recording of audio is unlikely to be acceptable except in very particular circumstances.

From the information provided, it is possible that the Council has failed to comply with the DPA in this case.

### **What you need to do now**

We want you to revisit the way you have handled this matter. You should refer to our website for further information about fair processing and CCTV.

- If there is anything you can do to resolve the complaint at this point, please take the relevant action and let us know what you have done.

If you feel that you have complied with the DPA in this case, please provide detailed arguments to support your position.

In any event, to help us decide whether further regulatory action is appropriate, please also provide:



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- details of any safeguards you have in place to help ensure you handle personal data properly, particularly in relation to fair processing; and
- details of any steps you have taken (or intend to take) to add to or strengthen these safeguards.

You must provide this within **28 days**.

The Commissioner will base his assessment and decision as to whether further regulatory action is appropriate on the information provided to us already and your response to this letter. **You should therefore make sure you provide us with all the information you want us to take into account.**

### **If you do not provide the information we have requested**

If you do not provide the information we have requested within 28 days, we will either base our decision on the information we already have or we will contact the head of your organisation. We can send an information notice compelling the Council to provide it.

### **Advice and assistance**

Our website contains significant advice and guidance about the processing of personal data and an organisation's obligations under the DPA. I recommend that you review the information on our website before finalising your reply.

This case has not yet been allocated to an individual case officer. If there is anything you would like to discuss, please contact the office in writing initially, ensuring that you include the case reference number.

You may wish to send your response by email to [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk). In the subject field of your email please include the following text (including the square brackets) [Ref. RFAXXXXXXX], replacing the 'X' characters with the above case reference number. This will add your email directly to the case, ready for its allocation to an officer.



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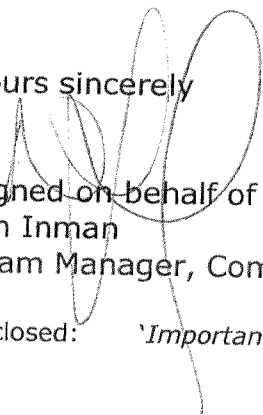
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Information Commissioner's Office

Yours sincerely

  
Signed on behalf of  
Ian Inman  
Team Manager, Complaints Resolution

Enclosed: *'Important information for data controllers'*



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