

Ms T Horspool
Senior Solicitor (Corporate)
Southampton City Council
Civic Centre
Southampton
SO14 7LT

04 October 2011

Our reference: RFA0392300
Your reference: TJH/lcb/

Dear Ms Horspool

Thank you for your letter of 28 September 2011.

I am sending this letter to you as you provided the response to our office; however it is noted that Mr Vikas Gupta is now the Information Compliance Officer for the Council. Please ensure that the contact details on the Council's notification (Z4809838) with the Information Commissioner are also updated. You can do this by emailing notification@ico.gsi.gov.uk or calling 0303 123 1113.

When we last wrote to you, we explained that when we receive complaints, our obligation is to make an assessment. The assessment is the Information Commissioner's view about whether an organisation has followed the rules of good practice for handling information in the Data Protection Act 1998 (the DPA).

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

Our decision

In this case we have decided that it is unlikely that Southampton City Council (the Council) has complied with the requirements of the DPA.



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You have explained in detail the Council's reasons for believing that the use of audio camera systems in private hire vehicles is compliant with the principles of the DPA.

Although we have no concerns regarding the security of the systems and the storage of the information, it is the capture of the information in the first instance that is considered excessive and disproportionate, and therefore unfair.

You have explained that it was on 26 August 2009 that the Licensing Committee resolved to make it a mandatory condition that digital cameras must be fitted to its 800 licensed vehicles. Since its introduction, a total of 61 complaints have been made involving private hire vehicles. Only on 4 occasions has the recorded information been accessed as part of the investigation. Therefore, in just over 2 years, only 4 occasions have warranted the access of this information from one of the 450 vehicles which currently have the system in place. It is difficult to see how such intrusion into every single trip taken by every customer of a licensed vehicle operated by the Council can be considered proportionate to the aim of the system.

As you are aware, our CCTV Code of Practice states that audio recordings should only be made in very limited, exceptional circumstances. The Council's use cannot be said to be compliant with the views expressed in this guidance. Although we acknowledge the guidance itself is not law, it is this guidance which expresses our view on how organisations can ensure that they are operating their CCTV systems in compliance with the principles of the DPA.

In your response you maintain that the Council is compliant with the third principle of the DPA because the recorded information is only accessed in limited circumstances; however it is the fact that the recording is activated on each and every occasion the taxi is in use that is considered excessive for the purposes. Such excessive recording of personal data cannot be considered fair under the first principle.

When deciding whether regulatory action is appropriate, we take into account the organisation's general record of compliance with the DPA (including any previous assessments we have made) and any other information that is in our possession (including information given during the course of those assessments).



Having carefully considered all the information that we hold about the Council, we have decided that formal regulatory action is not required at this point.

Next steps

Most organisations will want to put things right when they have gone wrong and learn from complaints that are raised with them. Although we are not considering further action at this time, you should consider the information we have provided during the course of this assessment and take steps to prevent the situation from happening again.

We keep a record of all assessment decisions and will take these into account if we receive further complaints about the Council. The information we gather from complaints may form the basis for regulatory action in the future.

Yours sincerely



Nicki Hargreaves
Case Officer, Complaints Resolution
Tel: 01625 545840



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