

BY EMAIL ONLY

Ms Tracy Horspool
Senior Solicitor (Corporate)
Legal & Democratic Services
Southampton City Council
Civic Centre
Southampton
SO14 7LT

Email: tracy.horspool@southampton.gov.uk

22 December 2011

Dear Ms Horspool

We have recently become aware that it is the policy of Southampton City Council (the Council) to require all taxis that it licenses to have a CCTV system installed. We understand that this is now a common approach from licensing authorities. However we are concerned by reports that taxi operators are required to install a system with an audio recording feature which is permanently on and thus recording all conversations that occur within the taxi.

Setting aside the need to satisfy one of the Data Protection Act's (the Act) conditions for processing (which means satisfying one of the conditions set out in Schedule 2 of the Act and in addition, where the information is defined as "sensitive personal data", a Schedule 3 condition) we still have serious concerns, if what we understand is correct, about what the Council imposes as a condition for licensing taxis in the city.

From our perspective it is not at all clear why the audio recording facility is required to be permanently running as part of the licensing conditions. Such an approach engages concerns about compliance with the requirements of the first and third data protection principles which are set out in the Act. This is because we consider that such processing could not be considered as "fair" because individuals in Southampton will have anything said in the vehicle recorded. It is not clear that there is a pressing need which justifies such an intrusive measure with no choice for individuals irrespective of the level of threat they may pose. We also consider that recording everything that is said within a taxi while it is

operating would be excessive and irrelevant. This is because there would be a massive amount of irrelevant material recorded using the proposed approach.

Another area of possible concern is the length of time that the images might be retained for. We would like to know how long this will be for.

We do consider that in certain circumstances the processing of audio recordings can be done in compliance with the Act's requirements. This is set out in the revised edition of the ICO's [CCTV code of practice](#) published in 2008. On page 10 we set out the limited circumstances where we think audio recording may be justified. One of these is where the recording is triggered in response to a specific threat such as by using a "panic button". This approach is one that is followed by Transport for London (TfL) in its guidance on taxi licensing.

What we would like to know is more about why the situation or the level of threat is so different in Southampton that it is felt that the audio recording needs to be permanently activated in the city's taxis?

We would be grateful if you could provide this information within 21 days. If you think that it will take longer than this to provide a response could you please let us know.

Yours sincerely

David Evans
Senior Policy Officer