

## CCTV and GPS Tracking Policy

### 1. Introduction

1.1. Ealing Community Transport (“ECT”) uses closed circuit television (“CCTV”) and Global Positioning System (“GPS”) tracking devices in all of its vehicles.

1.2. This policy sets out the use and management of ECT’s:

- CCTV equipment and images; and
- GPS tracking system,

in compliance with the UK General Data Protection Regulation (the “UK GDPR”) and the Information Commissioner’s Office Code of Practice for Surveillance Cameras and Personal Information. For the avoidance of doubt, information and images collected by ECT’s CCTV and GPS tracking devices are classified as “personal data” under the UK GDPR, and as such, is handled accordingly.

1.3. ECT’s CCTV facility records images only – there is no audio recording and therefore conversations are not recorded on CCTV.

1.4. ECT’s GPS tracking system records the exact location of the vehicle. It does not record images or audio.

1.5. ECT’s Data Protection Manager have overall responsibility for the management and operation of ECT’s CCTV and GPS tracking systems. This policy applies to ECT:

- passengers;
- employees; and
- volunteers (which, for the purposes of this policy, includes the following individuals on our Group Transport services:
  - volunteer drivers;
  - volunteer passenger assistants; and
  - group organisers/staff).

1.6. For the purposes of this policy going forward, “staff” refers to employees, workers, volunteers, consultants, contractors and agency workers (and nothing in this policy shall imply or confer any additional rights to the legal statuses of those who are not employees).

1.7. If any employee:

- tampers with, interferes with or destroys any of ECT’s CCTV and/or GPS equipment;
- misuses any of the information captured by these devices; and/or
- breaches any of the provisions of this policy or procedures in place,

it will be treated as a disciplinary matter which may be viewed as gross misconduct, which could result in summary dismissal in line with ECT’s disciplinary procedure.

1.8. This policy should be read in conjunction with ECT’s Control of Records Policy, Data Protection Policy and Disciplinary Policy & Procedure.

## **2. Purpose of CCTV and GPS tracking**

2.1. ECT's CCTV records images of the view of (i) the road from the front windscreen, and (ii) the vehicle's stairwell, in order to:

- protect the health, safety and welfare of ECT's passengers, employees and volunteers;
- protect the health, safety and welfare of other road users;
- assist in the investigation of complaints or feedback;
- review driver performance based on Driver Telematics Data;
- assist in the prevention or detection of crime and/or dishonest claims;
- assist in the identification and prosecution of offenders; and
- provide evidence for insurers in the event of accidents.

2.2. ECT's GPS tracking device records (i) the location of the vehicle, which then computes (ii) the distance the vehicle has covered, and (iii) the vehicle's speed. The GPS tracking device also records whether the ignition of the vehicle is switched on or off. ECT records this information in order to:

- manage ECT's fleet;
- maximise operational efficiencies (e.g. assisting drivers in arriving at their destination on time, and keeping customers informed);
- assist in the investigation of complaints or feedback; and
- track the location of the vehicle in case of theft.

2.3. ECT's GPS tracking device can be used to provide Driver Telematics Data (see paragraph 5 for further information). This includes (i) idle time; (ii) harsh braking; (iii) harsh acceleration; (iv) harsh cornering; and (v) the vehicle's speed against the posted speed limit. ECT records this information in order to:

- maximise operational efficiencies (e.g. improve fuel efficiency);
- assist in the training and development of drivers;
- proactively manage driver performance to protect the health, safety and welfare of ECT's passengers, employees, and volunteers;
- proactively manage driver performance to protect the health, safety and welfare of other road users; and
- assist in the investigation of complaints or feedback.

2.4. All ECT passengers, employees and volunteers, as well as groups who use ECT's Group Transport service, will be made aware that CCTV is installed in all vehicles. More specifically:

- ECT employees and volunteers will be provided with a copy of this policy or instructions on how to access it via ECT's HR software system Bamboo;
- existing and new members of ECT's Group Transport service will be informed of the existence of this policy (see Appendix A for the form of letter provided) and if requested, will be provided with a copy of the policy;

- appropriate signs are prominently and clearly displayed so that employees, volunteers and passengers are made aware they are entering an area covered by CCTV; and
- if so requested, passengers will be provided with a copy of this policy.

2.5. All ECT drivers and volunteer drivers will be made aware that GPS tracking devices are installed in all vehicles.

2.6. ECT may use the information obtained from the vehicle's CCTV, GPS tracking and/or Driver Telematics system as evidence in any subsequent disciplinary action where the data shows there has been a breach by an employee of ECT's policies, rules and/or procedures.

### **3. CCTV Recording and Data Handling**

#### **3.1. Location of CCTV cameras**

- Two cameras are located on each ECT vehicle: one points forward (i.e. out of the front windscreen), and the other points to the stairwell near the front of the vehicle. Both cameras are clearly visible.
- Signage will be displayed in all vehicles to advise passengers, volunteers and staff that CCTV equipment is in use.

#### **3.2. Recording of CCTV footage**

- Video footage produced by the CCTV equipment is sufficiently effective for the purposes for which it is intended. Maintenance checks of the equipment are undertaken on a regular basis to ensure they are working properly and that the media is producing high quality footage.
- Video is recorded on a secure digital card ("**SD card**"). SD cards must be password-protected and located in a secure location in the ECT vehicle.

#### **3.3. Access to and disclosure of CCTV footage**

- Access to and disclosure of footage recorded on CCTV is restricted. This ensures that the rights of individuals are retained. Footage or images can only be disclosed in accordance with the purposes outlined in 2.1, 2.2 and 2.3.
- Access to recorded footage is restricted to authorised personnel in accordance with the purposes outlined above.
- CCTV footage may either be viewed by:
  - the removal of the SD card and playing it back via the desktop viewing software;
  - via an online portal, hosted by a third party, Vision Track. The online portal does **not** permit the viewing of a live stream of footage.
- Viewing of recorded footage will take place in a restricted area to which other employees will not have access when viewing is occurring. If the SD cards on which footage is recorded are removed for viewing purposes, this will be documented.

- Disclosure of images or footage to other third parties will only be made in accordance with the purposes for which the system is used as stated above and will be limited to:
  - the police and other law enforcement agencies, where the images recorded could assist in the prevention or detection of a crime or the identification and prosecution of an offender or the identification of a victim or witness;
  - prosecution agencies, such as the Crown Prosecution Service;
  - relevant legal representatives (e.g. lawyer representing a defendant);
  - representatives from relevant insurance companies;
  - line managers involved with ECT's disciplinary processes; and
  - individuals whose images have been recorded and retained (unless disclosure would prejudice the prevention or detection of crime or the apprehension or prosecution of offenders).
- The CEO (or the senior manager acting in their absence) is the only person who is permitted to authorise disclosure of information to external third parties such as law enforcement agencies.
- All requests for disclosure and access to footage or images will be documented, including the date of the disclosure, to whom the footage or images have been provided and the reasons why they are required. If disclosure is denied, the reason will be recorded.

#### 3.4. Retention of CCTV footage and images

- SD cards are overwritten on a rotation basis but in any event, data on these cards shall not be retained for any longer than set out below.
- Footage or images may be transferred from SD cards to ECT's secure server whilst the purpose of the recording remains relevant. If footage or images are saved to ECT's secure server, this will be documented.
- Footage or images saved on ECT's secure server will be deleted once the purpose of the recording is no longer relevant (and in any event, no longer than the periods set out in the bullet-point below).
- As per ECT's Control of Records Policy, in the event of an incident involving adults, images/footage must be retained for 4 years following the outcome of any formal decision or appeal. Footage/images of incidents involving minors must be kept until the minor in question reaches 21 years of age. of incidents involving minors must be kept until the minor in question reaches 21 years of age.

#### 3.5. Individuals' access rights to CCTV images

- Under the UK GDPR, individuals have the right on request to receive a copy of the personal data that ECT holds about them, including CCTV images if they are recognisable from the image.
- If an individual wishes to access any of their CCTV images, they must make a subject access request (see ECT's Data Protection Policy and Procedures).

- ECT's Data Protection Manager will first determine whether disclosure of the individual's images is appropriate (as they have no right to access CCTV images relating to third parties). In this case, the images of third parties may need to be obscured if it would otherwise involve an unfair intrusion into their privacy.
- If ECT is unable to comply with the individual's request, they will be advised accordingly.

#### **4. GPS Tracking and Data Handling**

##### **4.1. GPS tracking device**

- The GPS tracking device is a fixed unit in the vehicle which works by providing real-time information on its exact location, as well as tracking the vehicle's movements. This information is automatically sent to a central tracking portal giving both real-time information and historic navigation data on every journey using digital maps and reports.

##### **4.2. Retention of GPS tracking data**

- Historic navigation data that is downloaded from the central GPS tracking portal (known as "**Vehicle Reports**") by ECT will be retained for no longer than 15 months and disposed of securely. However, where an insurance claim is in progress or a law enforcement agency is investigating a crime, Vehicle Reports may need to be retained for a period longer than 15 months (and in any event, no longer than the period for which CCTV data is retained).

##### **4.3. Access to and disclosure of GPS tracking data**

- Access to and disclosure of Vehicle Reports is restricted to authorised staff who have received the requisite training (see paragraph 5 below). This ensures that the rights of individual drivers are retained. Vehicle Reports will be downloaded in accordance with the purposes outlined in 2.1, 2.2 and 2.3 by authorised individuals.
- Drivers have a right to access the Vehicle Reports for the vehicle they are driving. The procedure for accessing this data is the same as that outlined in paragraph 3.5 above.

#### **5. Driver Telematics Data**

- 5.1. The GPS tracking device can also provide information on the manner in which a vehicle is being driven, also known as Driver Telematics Data. This includes harsh braking, acceleration and cornering, vehicle speed compared to posted speed limit and idling time.
- 5.2. Incidences of harsh braking, harsh acceleration, harsh cornering and speeding will be logged as "events" in the Driver Telematics system, as well as a summary of total idling time. This Driver Telematics Data can be used to produce a "Scorecard Report" for individual drivers and to identify areas for improved operational or environmental efficiency (e.g. improved fuel consumption, reduced idling time).

### 5.3. Access to Driver Telematics Data

- Access to Driver Telematics Data and Scorecard Reports is restricted to authorised management personnel only who have received the requisite training (see paragraph 5 below). This ensures that the rights of individual drivers are retained. Scorecard Reports will be downloaded in accordance with the purposes outlined in 2.1, 2.2 and 2.3 by authorised individuals.

### 5.4. Use of Driver Telematics Data

- Scorecard Reports will be subject to ongoing review by authorised management to support performance management of drivers and identify training and development needs. They may also be used during staff appraisals and probation reviews.
- If Scorecard Reports identify potential areas of concern, managers may review CCTV footage to better identify driving behaviours.
- Scorecard Reports and Driver Telematics will primarily be used to look at longer-term patterns of behaviour, rather than one-off events, such as braking in an emergency.

### 5.5. Retention of Scorecard Reports

- Scorecard Reports will be retained for no longer than 15 months and disposed securely. However, where an insurance claim is in progress or a law enforcement agency is investigating a crime, Scorecard Reports may need to be retained for a period longer than 15 months (and in any event, no longer than the data retention period in respect of the CCTV data).

### 5.6. Access to and disclosure of Scorecard Reports

- Drivers have a right to access their Scorecard Report. The procedure for accessing this data is the same as that outlined in paragraph 3.5 above.

## 6. **Staff training**

ECT will ensure that all employees handling images or recordings from CCTV and GPS tracking devices are trained in the operation and administration of that system and on the impact of the UK GDPR with regard to that system.

## 7. **Impact Assessment**

7.1. ECT's Senior Management Team will assess, on an annual basis, whether using CCTV and GPS monitoring equipment is a proportionate response to the issues it seeks to address. The term "impact assessment" is used to describe the process of deciding whether this is the case.

7.2. An impact assessment will involve:

- identifying clearly the **purpose(s)** behind its CCTV and GPS tracking arrangement (including Driver Telematics) and the benefits it is likely to deliver;
- identifying any likely **adverse impact** involved;
- considering **alternatives** to the current system, or different ways in which it might be carried out;
- taking into account the **obligations** that arise from CCTV and GPS tracking; and
- judging whether CCTV and GPS tracking is **justified**.

7.3. In conducting the impact assessment, ECT will complete the forms at Appendix B and follow the advice outlined in the following two publications from the Information Commissioner’s Office:

- The Employment Practices Data Protection Code; and
- Conducting Privacy Impact Assessments Code of Practice.

## 8. Implementation

8.1. The members of ECT’s Transport Management Team are responsible for the implementation of, and compliance with this policy and the operation of the CCTV and GPS tracking systems (including Driver Telematics). They will conduct an annual review of ECT’s use of CCTV and GPS tracking.

8.2. Any complaints or enquiries about the operation of the ECT’s CCTV and/or GPS tracking system should be addressed to the CEO.

Version	Comments	Edits by	Date approved by TMT
1	First version	C. Murray-Lyon	1 November 2016
2	Additions to (i) reflect that policy also applies to volunteers; (ii) provide more distinction between CCTV and GPS tracking; and (iii) cover impact assessments.	C. Murray-Lyon	28 March 2017
2.1	Addition of clause to cover “gross misconduct”.	C. Murray-Lyon	24 April 2017
3	Edits from DPA to UK GDPR and change of subject access request (3.4) to reference Data Protection Policy and Procedure	L. Wells	25 May 2018
4	Addition of Driver Telematics Data and general review following update of equipment	J. Chesters B. Casement C. Murray-Lyon	3 November 2022

## APPENDIX A

### Form of Letter sent to Groups to inform them of CCTV & GPS Tracking Policy

[Group name and address]

[date]

Dear [name of Group's main contact]

#### **CCTV & GPS Tracking Policy**

We write to inform you that we use closed circuit television (“**CCTV**”) images and Global Positioning System (“**GPS**”) tracking devices in all of our vehicles. We also have in place a **CCTV & GPS Tracking Policy**. This policy applies to all ECT staff and volunteers, which **includes drivers, passenger assistants and organisers/staff from your group on board our vehicle**.

This policy sets out the use and management of our CCTV equipment and images, GPS tracking system and Driver Telematics Data. Please note that our:

- CCTV facility records images only – there is no audio recording and therefore conversations are not recorded on CCTV; and
- GPS tracking system records the location of the vehicle, the distance it has covered and its speed (it does not record images or audio).

If you wish to see this policy, please let us know and we will send you a copy.

Yours sincerely

[name]

[position]



## APPENDIX B

### Impact Assessment: CCTV & GPS Tracking

These forms must be completed on an annual basis in order to comply with ECT's CCTV & GPS Tracking Policy.

SECTION 1: CCTV	
Question	Response
For what purpose(s) will the CCTV be used?	
What are the problems it is intended to address?	
What are the benefits to be gained from its use?	
Can less privacy-intrusive solutions achieve the same objectives?	
Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying individuals?	
Will the particular equipment/system being considered deliver the desired benefits now and remain suitable in the future?	
What (if any) future demands may arise for wider use of the images and how will you address these?	
What are the views of those individuals (if any) who will be under surveillance?	
What could you do to minimise intrusion for those that may be monitored, particularly if specific concerns have been expressed?	
Is appropriate signage informing individuals of the camera in place (if required)?	

This section to be completed by ECT's Data Protection Manager	
Is the proposed system in accordance with the law? (Primarily the General Data Protection Regulation and Human Rights Act)	
Is it necessary to address a pressing need, such as public safety or crime prevention?	
Is it justified in the circumstances?	
Is it proportionate to the problem that it is designed to deal with?	
Approved by <b>Data Protection Manager</b>	Signature:  Date:

<b>SECTION 2: GPS TRACKING and DRIVER TELEMATICS DATA</b>	
<b>Question</b>	<b>Response</b>
For what purpose(s) will the GPS tracking and telematics system be used?	
What are the problems it is intended to address?	
What are the benefits to be gained from its use?	
Can less privacy-intrusive solutions achieve the same objectives?	
Do you need images of identifiable individuals, or could the scheme use other images not capable of identifying individuals?	
Will the particular equipment/system being considered deliver the desired benefits now and remain suitable in the future?	

<b>This section to be completed by ECT's Data Protection Manager</b>	
Is the proposed system in accordance with the law? (Primarily the General Data Protection Regulation and Human Rights Act)	
Is it necessary to address a pressing need, such as public safety or crime prevention?	
Is it justified in the circumstances?	
Is it proportionate to the problem that it is designed to deal with?	

Approved by <b>Data Protection Manager</b>	Signature:  Date:
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