



A No CCTV Report into Taxi CCTV, 2011

Where to mate? 1984 please.

- Taxi CCTV and the continuing decay of Privacy

"You lookin' at me?"

- Travis Bickle (Robert De Niro), Taxi Driver 1976

The use of surveillance cameras in taxis that record both sound and images hit the headlines in November 2011, when it emerged that the City Council of the historic English city of Oxford was making them compulsory for all local private hire vehicles¹. Many commentators were shocked by the depths to which the surveillance society had now stooped but few spotted that this phenomenon has been around for over a decade, and not just in the UK.

CCTV in taxis is a worldwide development. The globalised surveillance industrial complex offers one-size-fits-all products regardless of regional differences or actual need. Wherever taxi cameras have been introduced the measure has courted controversy and time and time again privacy laws around the world have seemingly been unable to restrain this addition to the surveillance panoply. It is through such incremental steps that societal values have and continue to be eroded.

Driving a taxi undoubtedly has risks, particularly at night with an alcohol fuelled clientèle, but is there actual evidence that cameras can significantly improve driver safety? Even if cameras were effective, are they truly acceptable? Are there not other measures that could be introduced which would have less impact on the freedoms of taxi passengers?

Background

Amazingly the first city to introduce compulsory taxi cameras was not in the UK. That dubious accolade goes to Perth in Australia, where a licensing condition was introduced from mid December 1997, after an 18 month decision making, testing and development process. Other countries with cities that have compulsory taxi cameras include Canada, Norway, China, the United States, Holland and New Zealand.

Bolton's brave experiment

In the UK cameras were trialled in Bolton in 2001² – cameras, recording images and sound, were fitted to ten taxis for six weeks. The trial was hailed a success because no incidents occurred. No control group was used. No independent study was produced. It was simply hailed a success by Bolton Council, the taxi drivers and the security industry firms behind the trial³. One of the reasons given for driver support was the hope that it would lead to cheaper insurance premiums⁴.

1 http://www.oxfordmail.co.uk/news/9361537.Taxi_CCTV_breaks__rights_to_privacy_/

2 http://www.securitypark.co.uk/security_article1846.html

3 <http://web.archive.org/web/20030421022405/http://www.chubb.co.uk/chserver/request/setTemplate:singlecontent/contentTypeA/wedoc/contentId/659/navId/00000200s007>

4 http://www.theboltonnews.co.uk/archive/2001/07/14/Lancashire+Archive/6019509.Taxi_driver_hails_spy_in_cab_launch/

In 2002 the then MP for Bolton South East, Dr Brian Iddon raised the trial in the House of Commons⁵, calling it a "brave experiment" and asking Home Office Minister John Denham whether he agreed it should be spread throughout the country. And so Bolton became the poster city for taxi CCTV in the UK.

On the back of the Bolton success myth, Chubb, the company whose CabWatch system had been used, touted their wares to Leicester and Cambridge City Councils who ran their own trials. As with Bolton, Chubb's system relayed sound and images to a remote video response centre. Over the next few years a string of UK councils began considering cameras as a condition of license for taxis and private hire vehicles.

It is now commonplace for taxis to be equipped with CCTV cameras throughout the UK.

Southampton Court Challenge

In the UK Parliament in July 2007⁶ it was reported that the Southampton Safe City Partnership were sponsoring CCTV in taxi cabs.

In November 2010 a driver, Keith May, who runs taxi firm K & K Hire, began legal action in the Southampton Magistrates' Court against the City Council's imposition of a condition requiring the installation of a taxi camera in one of his licensed hackney carriages. In April 2011 the court found in May's favour⁷. Southampton City Council are now appealing that decision⁸.

A month after the court decision, taxi drivers held a demo in Southampton⁹ to protest against the council's compulsory camera requirement. But before defenders of passengers' freedoms get too excited about the Southampton taxi drivers' stand, it is worth listening to a 4th November 2011 edition of the BBC Radio 4 programme 'You and Yours'¹⁰, on which May clarified his position. May said:

"I'm not against CCTV, I'm not against CCTV at all. I'm against the conditions that this council, Southampton Council Licensing Office has imposed on us.

[...]

The problem we've got in Southampton is that the CCTV operates in a way that it is on 24/7, you can never turn it off, the driver's got not control of it whatsoever, so every single passenger that gets in a licensed vehicle in Southampton - their conversation's being recorded no matter whether they've done anything wrong or not.

[...]

What about, the taxi drivers in Southampton, private hires and taxis, majority of those vehicles gets used privately as well. The drivers own those vehicles, [...], what happens when they're taking their children down to the beach with their wife on a weekend. Why should that conversation be getting recorded?"

In other words May is saying that in his view surveilling passengers is okay as long as the driver has control over it, but surveilling a taxi driver's family is wrong. And it is worth mentioning that the court case challenged the cameras as a licensing requirement, not the right or wrong of the cameras themselves. At time of writing the judgment is not publicly available.

5 <http://www.theyworkforyou.com/debates/?id=2002-02-04.587.3#g588.0>

6 <http://www.theyworkforyou.com/wrans/?id=2007-07-24b.151058.h>

7 http://www.dailyecho.co.uk/news/8990482.Judge_backs_taxi_boss_in_dispute_over_spy_cameras/

8 http://www.southampton.gov.uk/Images/Taxi_Cameras_Appeal_SCC_statement_tcm46-291410.pdf

9 http://www.dailyecho.co.uk/news/politics/9005853.Drivers_demo_over_cab_cameras/?action=complain&cid=9340182

10 <http://www.bbc.co.uk/iplayer/console/b016ljx9>

It's all right we won't look at the footage, honest

The response from Southampton City Council is similar to the response from licensing authorities throughout the UK and across the globe – passengers have nothing to worry about because the sound and images are encrypted and no-one's going to access them unless there's an incident. The kit being used is an example of what is often called privacy by design (PbD) or a privacy enhancing technology (PET). Aside from the fact that encryption is not as secure as many would have us believe, surely there is more at stake here? We shall return to privacy by design below.

To understand how we got to this point let's travel back to the 1990s and look at how the taxi CCTV craze first began.

Perth goes on camera

As stated above it was in Australia that taxi compulsory CCTV was first introduced. In Perth, following a number of attacks on taxi drivers, a safety summit was held in February 1996. According to a report by Dr. Ian Radbone of the University of South Australia¹¹ a number of solutions were discussed and:

“While the installation of a camera was not necessarily considered the most effective option, it was broadly supported because of its immediate feasibility and non-intrusiveness.”

In the 1990s the Perth cameras did not record sound.

Radbone's February 1998 report states:

“The cameras have been compulsory for two months. What's the evidence of effectiveness so far? The TIB [Taxi Industry Board] data base has recorded a drop in reported incidents but the numbers are too small to be statistically significant at this stage.”

A November 2000 report by the Australian Institute of Criminology, entitled 'Preventing Assaults on Taxi Drivers in Australia'¹² states:

“Solid state digital technology was chosen for Perth taxis where cameras have been mandatory since December 1997; these resulted in a 60 per cent reduction in attacks on drivers within a year after introduction (Pflaum 1999).”

Note that the 60 percent reduction figure is cited as coming from one “Pflaum” in 1999. Upon closer investigation it transpires that Pflaum is a taxi driver in Germany who, in 1999, wrote an article¹³ for a German Taxi Journal. In this article he gave no source or background to the 60 percent figure. Pflaum wrote:

“In Perth, Australia, where camera surveillance was made mandatory for taxicabs, attacks against cab drivers and other major troubles were reduced by 60% one year after the introduction.”

If the cameras in Perth really were such a magic bullet one has to wonder why earlier this year it was announced that the Western Australian government is set to upgrade these cameras.

11 <http://www.taxi-library.org/ianb01.htm>

12 <http://www.aic.gov.au/documents/0/5/B/%7B05B1599A-2511-4D07-9B29-73CD3E8D9FB2%7Dti179.pdf>

13 http://web.archive.org/web/20010210040244/http://www.ventil-taximagazin.com/Magazin/Beitrag/mag1699_0020799b.htm

The Upgrade cycle

In January 2011 it was announced that \$8 million (Australian dollars) would be spent to upgrade the cameras in Perth's taxi fleet and for the first time record sound as well as images. In addition four cameras will now be fitted to each taxi, two inside and two outside. The new cameras will record continuously.

The Western Australian Taxi Camera Surveillance Unit (TCSU) standard 2011¹⁴ states:

“The TCSU shall include at least two internally mounted cameras and two externally mounted cameras.”

The reason given by the Government of Western Australia Department of Transport¹⁵ for the camera upgrades is that the cameras are “generally technologically outdated” and they state:

“As a result, when a crime occurs inside or outside a taxi, these existing models often do not provide the evidence necessary to prosecute the offender. A new standard is urgently needed to help make the taxi industry a safe working environment for taxi drivers and a safe transport service for passengers.”

When it is time to upgrade suddenly no mention is made of magical decreases in crime, instead action must be taken, we are told, to make taxis a safe place.

Alternatives to cameras - partitions

One alternative to cameras is the use of a partition between the driver and the passengers. Such partitions have long been a feature of the iconic London black taxi or Hackney Carriage.

One female driver told Taxi Today Monthly in 2009¹⁶:

“I have always driven a London Taxi because I value the security and safety it provides. The central partition is crucial to the job as it provides both added peace of mind and protection.”
(‘Safety first for female drivers’, Taxi Today Monthly, January 2009)

Partitions can also be fitted to other vehicle types and are sometimes known as safety screens or safety shields.

A 1999 report ‘The Effectiveness of Taxi Partitions: The Baltimore Case’¹⁷, prepared for The Southeastern Transportation Center University of Tennessee Knoxville found:

“Thus far it has been determined that shields in Baltimore taxis significantly reduce assaults on taxi drivers. Furthermore, shields are the primary reason for reduced assaults compared to other explanations such as reduced crime, drug arrests, and population.”

The shield study looked at shield implementation in Baltimore from 1991 to 1997 and included a control study. Compare this study protocol to that of the Bolton camera study mentioned above.

14 http://www.transport.wa.gov.au/mediaFiles/taxis_TCSU_standard2011.pdf

15 http://www.transport.wa.gov.au/taxis_FAQ_TCSU_standard2011.pdf

16 <http://www.taxi-today.com/LinkClick.aspx?fileticket=7TKQjc5Fwos%3D>

17 <http://www.taxi-library.org/stone99.pdf>

Many studies report that in the United States and other countries there is a perception amongst drivers that safety partitions reduce tips by isolating the driver from the passenger and presenting a physical barrier to communication. In the UK however the partition has been viewed as a welcome addition by drivers and passengers alike. A 1970 Home Office report of the 'Departmental Committee on the London taxicab trade'¹⁸ found:

“A large proportion of fares appreciate the privacy from the driver and the fact that they cannot be inflicted with his unwanted conversation.”
(p197, 'Report of the Departmental Committee on the London taxicab trade', Home Office, 1970)

More alternatives to cameras

A January 2007 report of the Taxicab Advisory Group Committee on Driver Safety to the Mayor of the City of Atlanta, Georgia¹⁹ looked at the various alternatives to cameras. It references the comments of one of the authors of the Baltimore partition study, Dr John R. Stone who gave a speech to a 'Taxi Driver Security' conference in Montreal in 1996²⁰.

Stone explained that in 1990 following the murder of a taxi driver, the Montreal Taxi Bureau formed a Round Table group which implemented a number of safety measures including: flashing rear emergency lights and priority for 911 taxi calls, driver training and driver reports of community emergencies, media coverage and rewards for identifying taxi driver assailants, spot police inspections of taxis and passengers, a training video on tips for taxi driver safety.

Stone told the conference that:

“Between 1990 and 1995 as a result of Round Table efforts, the number of MUC [Montreal Urban Community] taxi robberies fell dramatically by 60% from 187 annual armed robberies to 76. Furthermore, relations between taxi drivers, the police, and the community improved.”

Driving force

So why, despite the alternatives that have less impact on the freedoms of passengers and drivers, have so many cities opted for cameras?

A 2009 report of the Canadian 'Surveillance Camera Awareness Network (SCAN)'²¹ looked at the introduction of cameras in taxis in Ottawa, Canada. The report states:

“Cab camera companies are entrepreneurial and in addition to cameras must sell the very idea of surveillance. This may require making claims regarding the deterrent effect of cab cameras, as well as the value of the footage in prosecuting crimes.”
(p7 'Camera Surveillance in Ottawa Taxicab', 'A Report on Camera Surveillance in Canada Part Two', 2009)

The SCAN report points out that independent studies that support camera companies claims are scarce, and that:

“Our two reports for the Surveillance Camera Awareness Network demonstrate that cameras and other new surveillance measures tend to be implemented without appropriate consultation

18 Cmnd. 4483, Report of the Departmental Committee on the London taxicab trade, Home Office, 1970

19 <http://citycouncil.atlantaga.gov/2008/images/proposed/08O0398.pdf>

20 <http://www.taxi-library.org/stone.htm>

21 http://www.sscqueens.org/sites/default/files/SCAN_Report_Phase2_Dec_18_2009.pdf

or adequate independent evaluation, which is demonstrated by the case of cab camera implementation in Ottawa.”

(p93 'Conclusion', 'A Report on Camera Surveillance in Canada Part Two', 2009)

Surely in the face of the shortage of independent studies supporting the camera companies' claims and the multitude of alternatives that have less impact on the freedoms of drivers and passengers this is an easy win for privacy and data protection commissioners around the world? Maybe, but only to a point.

Weakness of privacy laws

In New Zealand earlier this year the Transport Agency (NZTA) sought guidance²² from the Office of the Privacy Commissioner (OPC) following the introduction of compulsory camera Rule²³ for all taxis in major population areas. The NZTA published a letter which states:

"The OPC says it has serious concerns about the privacy implications of audio recording in taxis and plans to keep a watching brief on any moves by taxi organisations to introduce it. In addition the OPC asks that any taxi organisation planning to introduce audio recordings notify the Office of the plans so that it can monitor its use by the industry."

(Audio recording of passengers in taxis (Letter from the NZTA) – 30/6/2011)

In Canada the 2003/4 Annual Report²⁴ of the Office of the Information and Privacy Commissioner (OIPC) under “issues the OIPC has provided advice or comments on over the past year” states:

"The Motor Carrier Commission’s proposal to place digital videocameras in taxi cabs in the Lower Mainland (the Information and Privacy Commissioner stated that he did not support the proposal for privacy reasons)"

On 16th November 2011 a statement from the Data Commissioner of Ireland was read on a talk radio show²⁵ which said they had concerns “about the proportionality and justification for installing CCTV cameras in taxis, taking account of the legitimate privacy expectations of vehicle users”.

Perhaps the strongest response to taxi cameras has come from Nevada in the United States, where in 2004 the Nevada Taxi Cab Authority introduced a regulation requiring cameras in taxis. The Taxi Cab Authority were also considering the activation of the recording systems in the event of a G-force event (a G-force event is that which alters the vehicle's inertia to such a degree that a trigger is activated) .

When the American Civil Liberties Union opposed the regulation it was not adopted pending review. In October 2005 the Attorney General of Nevada issued an opinion²⁶ on the constitutional implications of recording images and sound using taxi cameras. The twelve page opinion explores whether taxi cameras that record sound and images are a breach of United States Fourth Amendment. The Attorney General concludes:

“The adoption of revised regulations which limit any video and audio recording of the camera to (1) the entry and exit of the passenger, (2) activation, when the equipment is activated by a panic button, and (3) minimal recording in the event of a G-force event, would be a limited governmental intrusion which would likely be found by a court to not violate the passengers Fourth Amendment privacy rights.”

22 <http://nzta.govt.nz/commercial/passenger/docs/audio-recording-passengers-taxis-letter.pdf>

23 <http://www.nzta.govt.nz/resources/rules/docs/operator-licensing-amendment-2010-2.pdf>

24 [http://www.oipc.bc.ca/publications/annual_reports/Annualreport03-04\(FINAL\)%20\(2\).pdf](http://www.oipc.bc.ca/publications/annual_reports/Annualreport03-04(FINAL)%20(2).pdf)

25 <http://media.newstalk.ie/listenback/221/wednesday/1/popup>

26 <http://milestonesforlife.com/thetaxistand/CameraRegsAGO.pdf>

In September 2006 a revised regulation²⁷ was adopted²⁸ that took into account the Attorney General's recommendations. The regulation still requires the compulsory introduction of taxi cameras but the camera is only activated as passengers get in or out of the taxi and when a panic button is activated by the driver. When the camera is activated, it can record still images or video and may record sound but not as a compulsory requirement.

In the UK campaign group Big Brother Watch has launched a complaint²⁹ with the Information Commissioners Office (ICO) with regard to the Oxford taxi CCTV scheme. To date the ICO has not taken a strong stand on surveillance issues as the Data Protection Act that supposedly governs camera surveillance in the UK is riddled with exemptions when freedoms are removed for the stated purpose of "crime prevention", regardless of whether any evidence exists to prove the surveillance works.

The campaign group Justice in their recent report 'Freedom from Suspicion'³⁰ point out that it was an English Common Law principle, laid out in Lord Camden's speech in the 1705 judgment in Entick v Carrington, upholding the rights of property owners against unlawful searches by the executive that became the basis for the guarantees of the Fourth Amendment to the US Constitution. The English Common Law still exists but alas no-one seems to remember it.

One confusion for privacy commissioners has been the fact that recordings from taxi cameras are encrypted and only accessed by law enforcement or council officials when an incident occurs. This is the so-called "principle" of privacy by design which some commissioners have positively encouraged.

Privacy by design

In her book 'Privacy by Design ... take the challenge'³¹ the Information and Privacy Commissioner of Ontario, Canada, Dr Ann Cavoukian writes:

"The use of this type of privacy-enhancing technology would thus allow for video surveillance to be conducted without the usual concerns associated with this type of surveillance. For the great majority of the surveillance footage, there would be absolutely no access or viewing of any personally identifiable information, and no unauthorized activities, such as viewing out of curiosity or "leering," would be possible. Therefore, this privacy-enhancing technology would enable both the use of video surveillance cameras and privacy to co-exist, side by side – without forfeiting one for the other: positive-sum, not zero-sum."

Data Protection expert Chris Pounder of Amberhawk Training³² sums up privacy by design as follows:

"Even though the process is protective of privacy one has arrived at a position that can be rewritten in a more familiar guise: "If you have nothing to hide, you have nothing to fear"."

Societal values beyond privacy

Taxi cameras are part of a growing "just in case" mentality that treats everyone as suspects. This issue goes beyond privacy laws or the lack thereof. The principle of innocent until proven guilty is an important cornerstone of our society and a healthy society depends on the law-abiding majority being respected and trusted as they go about their daily lives.

27 <http://taxi.state.nv.us/CameraRegulation032405.pdf>

28 <http://taxi.state.nv.us/Meetings/2006/Taxi-Minutes-2006-09-07.pdf>

29 <http://www.bigbrotherwatch.org.uk/home/2011/11/big-brother-watching-listening.html>

30 <http://www.justice.org.uk/resources.php/305/freedom-from-suspicion>

31 <http://privacybydesign.ca/publications/pbd-the-book/>

32 <http://amberhawk.typepad.com/amberhawk/2010/01/privacy-by-design-can-accelerate-the-decline-of-privacy.html>

All around us the surveillance state is growing almost invisibly - unchecked by politicians and lawmakers who either want control or believe surveillance is universally loved, and driven by a surveillance industrial complex, ready to turn every social ill into a money making scheme. Almost every part of our society is tainted by an obsessive focus on crime and the security industry is all too willing to encourage the development of a crime-based economy.

Those that still cherish freedom must speak out. Just be careful what you say if you're in the back of a taxi.

For more information visit www.no-cctv.org.uk