

30 June 2011

Dear

### Audio recording of passengers in taxis

With the introduction of the in-vehicle security camera systems in taxis on 1 August 2011 there is a concern that the audio recording capability of some in-vehicle security camera systems has the potential for placing a taxi company at risk of breaching the Privacy Act 1993 (the Act).

The NZ Transport Agency (NZTA) has sought guidance from the Office of the Privacy Commissioner (OPC) about the issues raised under the Act by the use of audio recording in taxis. As a result of those discussions NZTA has concerns that a taxi company recording audio as part of the in-vehicle security camera system would be collecting more information than was necessary to ensure passenger and driver safety and that the information would be collected in an unreasonably intrusive way.

There are also concerns about what security safeguards taxi organisations would need to have in place to adequately protect audio recordings from misuse and the length of time they proposed to keep the information.

Attached is an information sheet provided by the OPC with the relevant information from the Act outlining whether collection of audio recording is appropriate under the Act.

The *Land Transport Rule Operator Licensing Amendment (2) 2010* requires only that an in-vehicle security camera system be able to store, record and retrieve *images*, not audio recording. The NZTA does not support the use of audio recording as part of the in-vehicle security camera system being used in taxis.

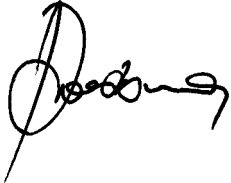
Please give careful consideration to the guidance provided by the OPC about the likelihood that this measure would breach the Act.

If a taxi organisation would like clarification about the general issues raised by this matter under the Act, then it can contact the OPC's enquiry line on 0800 803 909 for further guidance. If a taxi organisation wishes to collect audio recordings, then we would advise that it seeks independent legal advice about the risks to drivers' and passengers' privacy.

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.

I strongly recommend that you read the attached fact sheet prepared the Office of the Privacy Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Doesburg". The signature is stylized with a large initial "J" and a long, sweeping underline.

John Doesburg  
National Manager, Commercial Operators Road & Rail