

## **Taxi Policy Main Changes**

Following a full review of the current Policy, a number of changes have been highlighted and are proposed to be included in a revised Policy to be published following a full consultation process and ratification by Licensing Committee.

All Policy changes have been highlighted additions in red text, and deletions in red text that has been crossed through (~~addition, deletion~~) for ease of identification.

The main alterations to the Policy are highlighted below, along with the reasoning behind the change and an assessment of any potential implications. It is important to note however, that these are not the only amendments and that this document should therefore, be read in context with the full amended Policy.

### **Age and Experience** (5.6 to 5.9)

**Action:** Delete requirement to obtain a counterpart of the DVLA driving licence with 12 months of grant of a Torbay dual drivers' licence for non UK licence holders. Replace with a requirement that the licence holder acquires a full UK DVLA licence with the same 12 month period.

**Reason:** It is essential that the driving record of a Torbay dual licence holder can be checked. This used to be done via the counterpart, however, the DVLA discontinued this about a year ago. There is now a data base that can be accessed in order to run a check but this is only accessible to UK DVLA licence holders.

Whilst a check can be made on new drivers through the agency situated in their own Country of origin or through the Embassy of their home Country, this is only suitable for an initial check of their record whilst they were driving in the relevant Country.

### **Implications**

**General:** The Licensing Authority is permitted to impose 'any reasonable condition' and is tasked with ensuring that drivers are 'fit and proper' persons to hold a licence. It is unlikely therefore that there is any implication to the Council in imposing this requirement. In fact it has always been an option that a driver can obtain a DVLA licence rather than the Counterpart. This change therefore, simply takes away the choice by virtue of an alteration in DVLA protocol.

A non UK driving licence holder may drive for up to 3 years in the UK on some foreign driving licences and currently indefinitely on an EU driving licence. The implication of not requiring that a driver obtains a UK licence from the DVLA is such that there is potential that there would be no means of checking their driving record and this could mean that dangerous or unsuitable drivers were putting the safety of passengers and the public in general at risk.

**Cost:** There is no cost associated with making this change to the Council.

There is a small cost to the driver, namely the requirement to pay for a DVLA licence.

**Legal:** There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to defend given that due process had been followed and strong reasons exist for implementation.

### **Driver Knowledge and Proficiency** (5.10 to 5.20)

**Action:** Added a new paragraph at 5.14 to require a driver to appear before Licensing Committee should they receive more than 9 penalty points that are current at any one time.

Added a new paragraph at 5.15 to provide a power to report a driver to Licensing Committee should they fail to notify the Licensing Authority of any endorsement(s) received.

New paragraphs added at 5.17 to 5.19 requiring a driver to undertake CSE training. Existing drivers by May 2019 and new drivers within 6 months of the grant of a licence.

**Reason:** Drivers have a duty of care to the public and as such must be considered to be fit and proper persons to hold a licence. The accumulation of penalty points may be indicative of a question mark over a driver's ability to carry out the task of being a licensed driver. This clearly carries with it a number of public safety concerns.

With regard to CSE, this is an area where it is acknowledge there is a problem nationwide and there are a number of high profile cases that support this. Licensed drivers are amongst a number of professionals, where it is recognised they are on the front line when it comes to recognising and reporting concerns. It is therefore intended that Torbay licensed drivers should be trained in how they may play a role in safeguarding children within the Bay.

### **Implications**

**General:** There are no perceived implications in doing this. The Licensing Authority has a duty to safeguard the travelling public. It has been recognised that licensed drivers (amongst other professions) are on the front line in recognising when there may be an issue. The main implications therefore, lie in not doing anything as adequate and appropriate training could help to prevent another major case of CSE, such as has been seen nationally over recent years.

**Cost:** The Licensing Authority has been fortunate in securing fee training through Checkpoint (a local charity organisation that supports children and young people) and has already rolled this out to some 290 drivers. There are likely to be other sessions provided free in June/July this year. All drivers are being invited to participate.

Once the free training is exhausted, there will be a cost implication, although this will be paid direct by the driver and will therefore, be cost neutral for the Licensing Authority.

**Legal:** There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to defend given that due process had been followed and strong reasons exist for implementation.

### **Medical Examination and Exemptions** (5.21 to 5.28)

This section is unchanged as regards to requirements but has been tightened to take account of recent changes in law and guidance with regard to exemption to carry an assistance dog. Whilst it is not a specific issue locally, there appears to be a national problem, where refusal is commonplace. The policy is therefore clarified with regard to requirements and penalties for refusal without appropriate authorisation.

There are no perceived implications in any respect relating to this change.

### **DVLA Driving Licence Checks** (12.1 and 12.2)

**Action:** A tightening up of the process of checking for traffic offences and licence endorsements from “where considered necessary” to “every 6 months”.

**Reason:** Since publication of the current policy, the DVLA discontinued the counterpart section of the UK driving licence. The counterpart was the element of the licence that contained details of any endorsements received by the holder of the licence. In place of this, the DVLA has established a database, where details of such endorsements are kept.

The only means of checking is by accessing the database for each driver. Whilst a driver has a duty to inform the licensing Authority of any traffic offences and endorsements received, it is not always the case that they do. There is a need therefore, in the interest of public safety to have a process whereby this can be monitored, as has recently been evidenced in a report to Sub Committee.

### **Implications**

**General:** The only perceived implication relates to a failure to make this change as there is no easily identifiable alternative means of checking the driving history of applicants and licence holders. This means that a failure to undertake periodic checks has potential to lead to a situation where an unsuitable driver continues to hold a Torbay dual licence and thus places the public at an increased risk of harm.

**Cost:** Currently, there is no charge for accessing this service. The only cost therefore is in officer time and this is covered under existing budgets. Should a future charge be made, this will then be passed on to licence holders thus making access to the database cost neutral for the Licensing Authority.

**Legal:** There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to

defend given that due process had been followed and strong reasons exist for implementation.

### **Conduct of Drivers** (13.1 and Appendix B)

Action: The current policy at paragraph 13.1 refers to **Appendix B**, which lists a number of points of advice for drivers. This has been removed and replaced with a complete new code of conduct.

Reason: The Licensing Authority is required to safeguard the travelling public and public in general. Much of this responsibility is fulfilled under licence conditions and expectation as to how a driver will conduct themselves, whilst undertaking a profession of some considerable responsibility.

Advice, by its very nature implies that it is something to consider, albeit not essential. Some of the advice in this section was also quite basic in nature. By replacing 'advice' with a code of conduct, it not only strengthens the requirement but implies (as it should) that this is compulsory and therefore forms part of a condition of licence.

### **Implications**

General: None perceived

Cost: None

Legal: None perceived. As with above, full consultation will provide opportunity for any driver, vehicle owner or operator, or any member of the public to make comment and to have their views considered.

### **Specification and Conditions** (14.2 to 14.6)

Action: Paragraph 14.4 has been added as a new paragraph to ensure that drivers and applicants are aware that it is their responsibility to check that a vehicle complies with licensing requirements prior to purchase.

The maximum age of a licensed vehicle (once licensed) has been increased from 8 to 10 years subject to suitability, which will include vehicle compliance testing to ensure that the vehicle is both mechanically and aesthetically (body and interior condition) suitable in all respects.

The maximum age of a vehicle (when first presented for licensing) has been left at 4 years, however, the maximum mileage when first presented for licensing has been reduced from 60,000 to 50,000.

There is no maximum mileage stipulation once a vehicle is licensed subject to passing compliance checks and remaining suitable in all other respects.

The separate section on WAV's (Wheelchair Accessible Vehicles) has been removed as the above alterations to maximum age, unifies the age across all vehicle types.

Reason: Paragraph 14.4 ensures that the onus is firmly placed on an applicant to purchase a suitable vehicle. This is intended to reduce any areas where there

may be dispute and remove any likelihood of responsibility falling on the Licensing Authority in the event of any refusal to licence a vehicle.

With regard to the maximum age of a vehicle, it is recognised that standards are constantly improving and that even compared to 5 years ago (when the policy was last published), the general quality of vehicles is much higher from a design and durability perspective. Consideration has been given to ongoing suitability considering the above average mileage that a Hackney Carriage of private hire vehicle does and this is reflected in a requirement for two compliance tests a year (every 6 months) once the vehicle reaches 8 years old.

The age of a vehicle when first presented for licensing has been retained at 4 years, although the maximum mileage is decreased by 10,000 miles. This ensures that vehicles are of a specific minimum standard when first being presented, which generally would be expected to be carried through the licensed life of the vehicle. Again the compliance testing will assist in ensuring that this remains so.

### Implications

**General:** The addition of paragraph 14.4 simply re-emphasises a current requirement and ensures that applicants give serious consideration to the type of vehicle purchased. There are no implications therefore, in this regard.

The Licensing Authority will need to ensure that the licensed fleet of both Hackney Carriage and private hire vehicles remains, not only fit for purpose, but reflective of a professional trade i.e. clean and tidy and mechanically sound. This will however, be achieved by compliance testing and there are therefore, no perceived implications of introducing this change.

The change seems reasonable given increased general standards of vehicle production in the last 5 years or so and (whilst this is a matter for Torbay alone) it fits with a gradual program of change nationwide.

By not increasing the age therefore, it implies that vehicle owners will often be forced into a costly replacement, when in reality there is no mechanical, aesthetic or safety based reason for doing so. This will potentially lead to a substantial and unnecessary financial outlay for the vehicle owner and would likely result in an increase in matters being presented to Licensing Committee in order to consider an extension of life of a vehicle licence, as currently permitted under the policy.

**Cost:** There are no direct cost implications to the Licensing Authority either in retaining the limits as current or in changing them as recommended.

Whilst there is a cost implication with regard to undertaking a compliance test, this will be met directly by the vehicle owner or proprietor. There is no cost implication therefore, for the Licensing Authority. Any cost to the driver associated with additional compliance testing for vehicles over 8 years of age, are vastly insignificant when compared to the cost of replacing the vehicle entirely.

Legal: This is a change that is believed would be generally welcome to the trade and will again be subject of full public consultation. There are not therefore perceived to be any legal implications.

### **Vehicle Compliance Testing** (14.24 to 14.28)

Action: The section on compliance testing has been expanded and strengthened to ensure that all vehicles are compliance checked to include assessment of mechanical condition, compliance with licence conditions and suitability to be (or to continue to be) licensed when first presented for licensing and at each renewal of the vehicle licence.

In addition to the annual test at renewal, each and every vehicle that has reached 8 years of age or more, is required to undergo a second compliance test, approximately 6 months from the date of renewal.

It is clear that specifications for such tests will be set by the Licensing Authority. Paragraph 14.28 establishes a general criteria and defines the action to be taken in the event of a failure of the test.

A Tendering process will be conducted to establish a contractor(s) who may be able to deliver such tests on behalf of the Licensing Authority.

Reason: Torbay Council is in a vast minority of Councils in that currently there is no system for compliance testing. As an Authority charged with ensuring the safety of the travelling public, this is seen as an essential element of that duty.

Twice annual testing of vehicles over the age of 8 will ensure that these vehicles with potentially higher mileage than younger vehicles, remain fit for purpose and continue to display a positive and professional image with regard to the Torbay licensed fleet of both Hackney Carriage and private hire vehicles.

### **Implications**

General: There are no general implications in making this change.

As with some of the other changes, the implications relate more to a failure to make the change rather than in actually going ahead with it. Given that a licensed Hackney Carriage or private hire vehicle is generally used daily and often for long periods of time on each shift (sometimes on a 24 hour round the clock basis with 2 or more drivers assigned to each vehicle), there is a risk that safety faults may occur sooner than would be the case with a standard family vehicle. Such faults may go unnoticed and/or unrepaired unless there is a system in place to identify such faults at the earliest opportunity. Clearly this would present a danger to the driver and passengers of the vehicle as well as potentially to the public in general.

Cost: The cost of all compliance checks will be met by the proprietor/owner of the vehicle and is therefore cost neutral to the licensing authority.

There may be a small cost associated with administration of these tests e.g. reminders, processing of certificates and any associated enforcement,

however, in all cases this would be recovered through licence fees, which are calculated and set annually on a wholly cost recoverable basis.

Legal: There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to defend given that due process had been followed and strong reasons exist for implementation.

### **Signage and Advertising**

The requirements of this section remain unaltered, however, two new paragraphs have been added at 14.35 and 14.36 to identify and clarify the position relating to advertising and any consequences that may stem from a failure to obtain permission prior to placing advertising on a licensed Hackney Carriage or private hire vehicle.

### **Door Signs** (14.39 to 14.42)

Action: A requirement is being recommended that licensed Hackney Carriage and private hire vehicles should be fitted with identifying door signs.

In the case of a private hire vehicle, the door signs will contain clear indication that it is a vehicle that is licensed by Torbay i.e. the Torbay logo, the unique licence number of the vehicle and a statement to the effect that the vehicle must be pre-booked.

In the case of a Hackney Carriage vehicle, the door signs will contain clear indication that it is a vehicle that is licensed by Torbay i.e. the Torbay logo, the unique licence number of that vehicle and wording to identify it as a Hackney Carriage e.g. 'licensed Hackney Carriage' or 'Taxi'.

In all cases, door signs will be required to be permanently affixed to the vehicle on a vinyl sticker and not on magnets.

Reason: Currently there is no such requirement. In all cases it is necessary, again for public safety reasons, however, also to present a degree of uniformity with the licensed fleet of vehicles to have a means of clear identification that the vehicle is licensed other than simply relying on a small plate at the rear of the vehicle.

It is also important to be able to distinguish clearly between vehicle types and to provide information (through the Council website and other media) to the public as to the difference and what these mean.

Whilst a Hackney Carriage has a roof light currently that assists in identification of the vehicle, a private hire vehicle has nothing (unless a sign is placed on the vehicle by the operator, however, these are not uniform in type, providing only operator details). There is an even more pressing need therefore to more clearly identify a private hire vehicle.

There have been a number of high profile cases in recent years of child sexual exploitation as well as on going safeguarding issues for passengers such as children, vulnerable adults, lone females etc. Clear identification of

licensed vehicles has therefore been highlighted over the last few years as being key to passenger peace of mind that the vehicle is legitimate. It is also a fact that in law, a vehicle once licensed is always licensed. This will apply whether it is being used for hire and reward or for personal use. As such only the holder of a Torbay dual drivers licence may drive the vehicle at any time. A clear door sign will therefore assist with clear identification and enforcement as to who the driver is at any given time.

### Implications

- General:** The Licensing Authority is empowered to set reasonable conditions. This change is deemed to be reasonable for public safety reasons and will undergo full consultation. There are no perceived implications to putting this additional requirement in place.
- There are no clear implications either in not putting this in place although best practice would suggest that it is an appropriate and reasonable requirement.
- Cost:** Any costs associated with door signs will be met by the licence holders (approximately £25 per pair) and as such this is cost neutral for the Licensing Authority.
- There is a possibility that the Licensing Authority will need to purchase an A3 printer for production of the door signs, although templates and software for this will be provided by the current supplier for vehicle licence plates and driver badges. The cost of the printer (circa £1000) will again be met by the trade on cost recovery basis and again cost neutral to the Licensing Authority.
- Legal:** There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to defend given that due process had been followed and strong reasons exist for implementation.

### Closed Circuit Television CCTV (14.44 to 14.48 and Appendix J)

The stance under the current policy is that CCTV is permitted but not required by the Licensing Authority. The proposal is that there should be no change to that position. However, the section has been changed to clarify the position for any person who wishes to install a CCTV system in their vehicle. There is also a proposed new appendix (Appendix K) that highlights the Data Protection requirements in the event that a driver or vehicle proprietor wishes to install a CCTV system.

### Livery (14.49 and Appendix D)

- Action:** A recommended change in the policy to implement a livery policy. Currently there is no such policy.
- There are effectively two options relating to livery, which if in agreement is considered a matter for Members to decide upon the most appropriate option. In short this would be a decision between all Hackney Carriages (apart from



renewal of an existing vehicles) licensed after the implementation date of the policy being required to be either:

- a) White in colour; or
- b) White in colour with a vinyl wrapped boot and bonnet in a different colour

If the decision is to opt for option a) then there will also be a requirement that no private hire vehicle (from the same date) will be permitted to be white.

In all cases, existing licensed vehicles will be required to conform to the new policy when at any time the vehicle is replaced i.e. at the end of its 10 year life or sooner should the owner purchase a new vehicle.

**Reason:** There are two main reasons for this change; firstly, it creates (in time) a uniform Hackney Carriage fleet that is easily recognisable and portrays a professional image of Torbay. Secondly, It promotes customer confidence and safety, where in addition to door stickers (as above) the vehicle looks like a Hackney Carriage and reduces any risk of mistakes or 'imposter' vehicles (either unlicensed entirely or licensed by other authorities but plying unlawfully in the Torbay area). Therefore this is also a factor that improves matters around safeguarding.

#### Implications

**General:** There are no obvious implications to making either change. It is likely to improve the image of the Hackney Carriage fleet making them uniform in appearance rather than just a row of parked cars.

**Cost:** There are no cost implications with either option for the Licensing Authority.

With option a) there are also no cost implications for vehicle owners over and above the outlay of a new vehicle. However, this outlay will not be required until a vehicle is due to be replaced at the end of its licensed life (or sooner but only if the vehicle becomes not fit for purpose or the owner decides to change it).

With option b) there is an additional cost of vinyl wrapping. This cost would be met by the vehicle owner and at current prices this would be in the region of £300 per vehicle in total.

**Legal:** There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to defend given that due process had been followed and strong reasons exist for implementation.

#### **Grant and renewal of Vehicle Licences** (paragraph 15)

This has been updated to include the requirements for vehicle compliance testing (as above) and to remove the paragraph relating to WAV's (again as above).

### **Private Hire Operators** (paragraphs 16 and 17)

This clarifies the position relating to operator licences and adds new paragraphs at 16.2 and 16.3 relating to the options for acceptance of bookings.

Paragraph 17.2 reflects the recent change in law that requires an operator licence to be issued for 5 years (rather than 1 year as at present).

### **Alcohol and Drug Related Offences** (Appendix A Paragraph 6)

No major change, however, with drug driving also becoming an issue in modern times, this has been updated to include drug and alcohol offences, rather than simply alcohol as at present.

### **Pending Investigation** (Appendix A Paragraph 10)

The existing paragraph has been enhanced with two more detailed paragraphs relating to police bail and police action. This clarifies expectations and potential action by the Licensing Authority, making it clearer for licence holders. There are no changes to substance of the policy in this regard.

### **Conduct of Drivers** (Appendix B)

New addition to the policy, please see above under the same heading 'conduct of drivers'.

### **Vehicle Specification, Standards and Schedule of Conditions** (Appendix D)

Action: Removed introductory paragraph relating to colour differential in view of the suggested livery policy.

**Conditions:** Added new conditions for both Hackney Carriage and private hire vehicles in order to clarify the distinction between the two types of licensed vehicle. This section also clarifies the fact that conditions pertaining to colour, type and design of vehicle will be staged with regard to existing licensed vehicles.

**Wheelchair Accessible Vehicles (WAV's):** Currently, there is no set specific criteria or conditions for these vehicles. This section has been added in order to clarify the requirements and conditions relating to WAV'S.

**Livery Policy:** Already highlighted above.

**Engine Size and Type:** Updated to take account of advances in engineering over recent years and to make allowance for greener and less polluting vehicles.

**Seating:** Updated with more current information regarding seat belts particularly with regard to children being carried in a licensed vehicle.

**Fire Extinguisher:** This has been update to make it more current.

**Inspection and vehicle Checks:** A duty for the vehicle licence holder to ensure that the vehicle is submitted for compliance testing has been added. The section on vehicle checks has also been expanded to identify how an unfit vehicle will be dealt with.

**Rank Discipline:** This section has been added to provide expectations relating to the use of ranks.

Reasons: Some of these changes are covered in the main policy as referred to above. However, in cases where no previous explanation has been given the reasoning is as follows:

**WAV's** – It is essential that the Licensing authority should give guidance over the type of WAV's and equipment within them and the corresponding use of WAV's. The safety and comfort of all passengers is paramount, however, there is an added responsibility, when carrying a disabled passenger. This added responsibility may relate to the type and quality of equipment, the access and egress to the vehicle, the safe carriage of a passenger and a raft of other factors. This can only be effectively controlled with a clear guide as to expectations and rules around the use of WAV's and associated equipment and by ensuring that the appropriate equipment is carried in the vehicle at all times.

**Engine size and type** – Vehicle engineering is evolving all the time. As a result of this, the current condition that states a minimum cubic capacity of 1400cc has become outdated. This is because there are now higher performing and more powerful engines of a lesser cubic capacity than most 1400cc engines that were in production five years ago. A reduction in the permitted cubic capacity alone however, is not sufficient as not all lesser capacity engines are of an appropriate standard, therefore, the condition now takes account of the break horse power (BHP) of the vehicle.

By taking account of BHP as well as cubic capacity, this also allows room for a calculation relating to hybrid and/or purely electric vehicles. Electric engines (and the electric element of a hybrid engine) are measured in Kilowatts (KW). Whilst there is no conversion from cubic capacity to KW, there is a conversion from KW to BHP and vice versa.

This therefore, allows for a standard measurement across the board for a similar power standard of vehicle to be submitted for licensing whether petrol, diesel, hybrid or electric.

The conversion factor between KW and BHP in the suggested conditions as been rounded and is therefore at the closest whole figure. The conversion factor is:

$$1 \text{ KW} = 1.34 \text{ BHP}$$

In making allowance for electric (or an electric element) vehicles, it is important to ensure for reason of comfort, convenience and personal safety, that a customer journey is uninterrupted. For this reason the condition has been added to require a driver to ensure that in the case of an electric

vehicle, the vehicle is only made available for hire if it has sufficient charge to complete the required journey.

**Rank Discipline** – There are occasions when the ranks become clogged and sometimes this is because vehicles are left unattended or simply because they do not move forward when there is space to do so.

This is added in the main for safety reasons in that it will limit any queuing on the highway and illegal parking. However, it is also to promote increased courtesy amongst all drivers. This clearly is not to suggest that courtesy does not currently exist, however, there are occasions where some driver may be less thoughtful than others.

### Implications

**General:** There are no perceived implications from any of these proposed changes.

The conditions relating to WAV's are mainly to ensure compliance with legislation and the rank discipline is a current requirement, however, it is now being formalised in policy.

With regard to the engine size and capacity changes, this is expected to be a positive change in all regards. It will almost certainly be welcomed by the trade as it increases their option of available vehicles, many of which will be cheaper to run. It should be welcome to most members of the public, as it promotes the use of greener and less polluting vehicles and it also fits in with the Council's wider greener and clean air agenda.

**Cost:** There are no cost implications either to the Licensing Authority or to the trade (save for one aspect of livery as already covered above).

Vehicle owners will only be subject to WAV conditions if they choose to purchase a WAV vehicle and in such cases they are required by law to have the specialist equipment available.

The change in engine capacity, may even open the door to the availability of lower priced vehicles.

**Legal:** There is always a possibility of judicial review against a policy or an unlawful or unjustified condition. However, full public consultation will give opportunity for all opinions to be considered and as such the risk is very minimal. In the event that there were a challenge the council would be in a strong position to defend given that due process had been followed and strong reasons exist for implementation.

### **Fares Increase Procedure** (Appendix H)

This section has not been altered per se, it is merely updated to clarify that it only applies to Hackney Carriage vehicles and to provide a little more information as to how the process should be instigated.

### **CCTV** (Appendix K)

CCTV has already been covered (above) in the section of this document that relates to the main policy. However, a new appendix has been added by way of guidance for any vehicle owner/operator that chooses to install a CCTV system in their vehicle.

There are no expected implications to this addition, whether general, cost or legal as this is not related to a requirement of the Licensing Authority and merely highlights the legal position and requirements of the Information commission with regard to operation and use of such systems.