



GUIDANCE FOR TAXI ORGANISATIONS ON AUDIO RECORDING

Recently, some taxi organisations suggested that they might use their new taxi cameras to make audio recordings of conversations, as well as video recordings, for safety purposes. We had concerns about this proposal.

While those organisations have changed their minds for now, this is an issue that other taxi organisations are likely to face in the future. So we have decided to issue this guidance note to help taxi organisations to identify and manage the privacy risks of audio recording.

Should I use the audio function on my taxi camera?

Audio recordings of taxi passengers raise much more significant privacy issues than video recordings without audio. Basically, making audio recordings could put a taxi organisation at real risk of breaching the Privacy Act 1993. This is mainly because it's difficult to justify why audio recording is needed on top of video recording. But there are some other issues too. Audio recording is more intrusive than video recording people because you will collect much more information about them.

So we advise taxis **not** to use audio recording unless they are sure that they have successfully managed the privacy issues.

What questions do I have to be able to answer?

If you want to use audio recording in a taxi, you need to think about these questions:

- Why do you want to use audio recording in your taxis?
- Why do you think that audio recording is really necessary to achieve this purpose?
- How will you let passengers know that you are audio recording conversations?
- What will your passengers think? And what will your drivers think? Aren't they likely to find audio recording very intrusive (eg capturing personal or business conversations)?
- How will you make sure that the audio recordings are securely protected, given that audio recordings are more sensitive than video recordings?
- How long will you keep the audio recordings?
- Who might be able to get access to the audio recordings and when?

Privacy issue	What you need to think about
Why do you want to make audio recordings in taxis?	<ul style="list-style-type: none"> • Be very clear about the problem or problems that you're trying to address.
Is audio recording necessary?	<ul style="list-style-type: none"> • Ask yourself whether audio recording will really help to fix the problem you want to address (eg safety risks). • Think about whether there is another way that you could

	address the problem (eg is video recording enough).
How will you let passengers know that you are audio recording?	<p>You will need to put up clear signs in all taxis to tell passengers that:</p> <ul style="list-style-type: none"> • Audio recording, as well as video recording, is taking place • What the audio recordings will be used for • Who might listen to the audio recordings, or get copies of them.
How do you deal with the fact that many people will see audio recording as very intrusive?	<ul style="list-style-type: none"> • Audio recording is more intrusive than video recording people because you will collect much more information about them. • There is a big difference between a driver overhearing a conversation, and a camera recording that conversation so that others can listen to it later. • Many drivers also use their cabs as personal transport for them and their families. When will the audio recording be on and what types of conversations will it capture? • Is your reason for using audio recordings strong enough to offset how intrusive the collection will be?
Can you store audio recordings even more securely than video footage and restrict access to them even more?	<ul style="list-style-type: none"> • The risk of audio recordings being misused is much higher than with video recordings. • The type of information collected may also be much more sensitive (eg personal conversations). • So you need to safeguard the information particularly strongly. • How would your organisation make sure audio recordings get the high security they need?
How long will you keep the information?	<ul style="list-style-type: none"> • You must not keep the audio recordings for longer than you need them. • So you need to ask how long you will need to keep the audio recordings. • Also, make sure the recordings are securely destroyed when you don't need them anymore.
Who can get access to the audio recordings?	<ul style="list-style-type: none"> • Make sure you know who will have access to the audio recordings and have a plan to handle requests for access properly. • Know what you'll say if a passenger or a driver wants to access audio recordings of their conversations. • And know how you'll handle requests from others, such as the Police.

How do I contact the Privacy Commissioner for advice?

Talk to us if you've got questions and let us know if you're thinking of audio recording in your taxis. We can't give you legal advice as such, but we can point you in the right direction.

Our free enquiries line is 0800 803 909, or email enquiries@privacy.org.nz.

Our website may also help you. For example, we've got guidance about use of CCTV, which will have more detail about the kind of issues to think about for both video and audio recordings. The guidance can be found on our website at www.privacy.org.nz (just search under "CCTV") along with other information about privacy issues.

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