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Factsheet

PDPC ISSUES ADVISORY GUIDELINES ON IN-VEHICLE RECORDINGS USED IN TRANSPORT SERVICES FOR HIRE

It is common practice today for transport services for hire (e.g. taxi services, private hire car services, and private charter bus services) to deploy In-Vehicle Recording Devices (IVRDs). In general, images, audio recordings and/or video recordings of identifiable individuals captured by IVRDs in transport vehicles for hire may contain personal data. For example, the image or voice of an individual that can identify him or her is considered personal data.

2 Organisations that use IVRDs to capture personal data are required to comply with provisions under the Personal Data Protection Act (PDPA). Accordingly, they must put in place the necessary policies and practices to meet these obligations. Where organisations lease vehicles to drivers¹ who provide transport services for hire, they should ensure that their drivers are aware of and exercise proper data protection practices involving the collection, use and disclosure of personal data captured by IVRDs.

3 To provide organisations with greater clarity on specific requirements and obligations under the PDPA, the Personal Data Protection Commission (PDPC) has published a set of advisory guidelines, which were developed in consultation with the Land Transport Authority (LTA). The guidelines also take into consideration feedback from taxi and car rental companies, the National Private Hire Vehicles' Association, the National Taxi Association and the Vehicle Rental Association through a series of closed-door consultation sessions.

KEY REQUIREMENTS

¹ Where a driver records, stores or retrieves personal data in the in-vehicle recording on behalf of and for the purposes of the organisation leasing the vehicle pursuant to a contract, he/she will be considered a data intermediary and will only be subject to the Protection and Retention Limitation Obligations of the PDPA. This means that the driver is responsible for ensuring that he/she make reasonable security arrangements to protect the personal data in his/her possession or under his/her control to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks and only retains the in-vehicle recording if there are any legal or business purposes to retain it.

- 4 When collecting personal data via IVRDs, organisations must:
- (a) Notify individuals of the purposes for collecting, using and disclosing their personal data captured by IVRDs. For example, a prominent notice should be placed on the passenger door and/or in the vehicle such that individuals are made aware, prior to boarding the vehicle, that IVRDs are deployed in the vehicle and the purpose of deployment;
 - (b) Ensure that they collect, use or disclose personal data only for purposes that are reasonable. For example, to ensure the safety and security of the driver and the passengers or to deter fare evasion;
 - (c) Cease the use or disclosure of individuals' personal data in the in-vehicle recording upon withdrawal of consent by the individual after using the transport service, although they need not delete the recording upon withdrawal of consent, and may retain it if there are any legal or business purposes;
 - (d) Grant individuals access to the personal data in their possession or control and provide information about how such personal data has, or may have been used or disclosed by the organisation in the past year, unless the burden or expense incurred for providing access would be unreasonable; and
 - (e) Make reasonable security arrangements to protect the personal data captured by the IVRDs to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

5 In addition to the advisory guidelines, PDPC and LTA have jointly produced an accompanying A5-sized handbook, which illustrates common scenarios of transport services for hire and highlights key data protection obligations for organisations and drivers. Hardcopies of the handbook have been distributed to drivers through the car rental/taxi companies and associations.

The guidelines can be found on www.pdpc.gov.sg/ag. The brochure for drivers is also available on www.pdpc.gov.sg/resources/for-organisations.

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

About Personal Data Protection Commission

The PDPC administers the Personal Data Protection Act 2012 (PDPA) in Singapore, which aims to safeguard individuals' personal data against misuse and promote proper management of personal data in organisations. The PDPA enhances Singapore's competitiveness and strengthens our position as a trusted business hub, putting Singapore on par with the growing list of countries with data protection laws. For more information, please visit www.pdpc.gov.sg.

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