

**DATA PROTECTION ACT 2002
SUPERVISORY POWERS OF THE DATA PROTECTION SUPERVISOR
ENFORCEMENT NOTICE - VARIATION**

DATED 13 June 2013

This Notice varies the Enforcement Notice dated 23 November 2012.

To: Department of Community, Culture and Leisure

of: 2nd Floor
Illiam Dhone House
2 Circular Road
Douglas
Isleof Man
IM1 1PG

1. This notice varies the Enforcement Notice dated 23 November 2012 by replacing paragraph 23 as follows:

23. In view of the matters referred to above, the Supervisor hereby gives notice that, in exercise of his powers under section 36 of the Act, he requires that the data controller shall:

1. (a) Ensure that appropriately sized and worded fair processing notices are placed in a prominent position on the interior of all buses where interior surveillance systems are in use.

(b) These notices must be clearly visible to passengers and must be able to be easily read by such persons.
2. (a) Ensure that appropriately sized and worded fair processing notices are placed in a prominent position on the exterior of all buses where exterior surveillance systems are in use.

(b) These notices must be clearly visible to pedestrians and persons in other vehicles and must be able to be easily read by such persons.

(c) The external fair processing notices must clearly advise data subjects that images of members of the public outside the vehicle are being processed
3. Ensure that further information is made available to data subjects to enable processing in respect of them to be fair, for example by making the information, including sample images, available by other means such as via the data controller's website.

4. Ensure that all images recorded by external surveillance cameras are consistent with the data controller's published specifications, which currently state:

"Forward facing cameras have been positioned to ensure optimum images are obtained to ensure public and driver safety and will be set to a 15 m view.

The rear view camera has been positioned to act as a driver safety aid with a field view of 5m to ensure driver and public safety as a driver aid.

Side facing cameras are calibrated to ensure a field is sufficient of a cars width plus sufficient view to enable images to be captured from bus shelters when the bus is stationery."

The data controller shall inform the Supervisor of any proposed change to the published specification.

24. Failure to comply with an Enforcement Notice

Section 43(1) states:

"A person who fails to comply with an enforcement notice ... is guilty of an offence"

Section 55(2) states:

"A person guilty of an offence under any provision of this Act other than paragraph 12 of Schedule 8 is liable —

(a) on summary conviction, to a fine not exceeding £5,000, or

(b) on conviction on information, to a fine."

25. Right of Appeal

There is a right of appeal against this Enforcement Notice to the Data Protection Tribunal. Information about appeals is set out in Annex 1.

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Notice is served. If your notice of appeal is late, the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Dated the 19th June 2013

Signed:

Iain McDonald
Data Protection Supervisor, PO Box 69, Douglas, IM99 1EQ