

Information Bulletin

PT 406/10.14

Recommended guideline for the installation and use of Closed Circuit Television (CCTV) in Queensland buses



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Introduction

This information bulletin has been developed to help define the roles and responsibilities of persons involved in the management and use of CCTV in buses. Following this guideline should ensure that images are downloaded and handled in a manner that protects their admissibility into evidence while also protecting an individual's privacy.

These guidelines should not be interpreted as a legal requirement. This document is provided as a guide to industry and aims to provide a best practice approach.

Additional information relevant to the use of CCTV systems is contained in the following two information bulletins released by the Department of Transport and Main Roads:

- (1) [PT405/03.08 Recommended specifications for CCTV fitted in Queensland buses](#); and
- (2) [PT404/03.08 Recommended code of practice for the use of CCTV by operators of passenger transport services and infrastructure](#).

Definitions

Authorised purpose – for an image recording made by a CCTV fitted in a bus, means—

- the examination of a complaint relating to the bus, or an event that happened in or about the bus, where the examination is carried out by—
 - 1) the operator of the bus service that uses the bus or, if the operator is a corporation, an executive officer of the corporation; or
 - 2) an employee of the operator, acting under the direct and immediate supervision of the operator or the executive officer; or
- the examination of an image recording in relation to the investigation of, or prosecution of an offence or a possible offence committed in or about the bus; or
- another purpose relating to a police officer's performance of duties as a police officer; or
- the carrying out of work by a manufacturer or supplier of a CCTV to maintain, or address a failure in, a CCTV system.

Examples for paragraph (a) of matters that may be the subject of a complaint—

- *fare evasion*
- *lost property*
- *disorderly conduct*
- *offensive or nuisance behaviour*
- *theft or damage to property*
- *physical assaults not causing injury.*

Bus – means a motor vehicle with seating capacity for nine or more passengers (excluding the driver).

Closed Circuit Television (CCTV) – means a system (including all components) designed to record images of persons in or about a bus.

Download Technician – means the person authorised by the operator to conduct image downloads. The download technician may be required to attend court with the supplier's software to give evidence in relation to the download and to allow the court to satisfy itself with the integrity of the images. A download technician in most cases will be an employee of an operator.

Download Station – means a static or mobile facility for the retrieval of images from a CCTV.

Image Recording – means

- (a) any electronically stored information from which a recorded image is capable of being generated; and
- (b) any print-out or other reproduction of the recorded image.

Operator – means a person carrying on the business of providing a public passenger service, and includes a person carrying on the business of administering a bus service.

Privacy protocols – include general principles intended to maintain confidentiality of Image Recordings in accordance with the provisions of the *Commonwealth Privacy Act 1988*.

QPS – Queensland Police Service.

Supplier – includes the manufacturer and/or supplier and/or installer of a CCTV.

VIN – the 17 digit vehicle identification number as marked by the vehicle manufacturer.

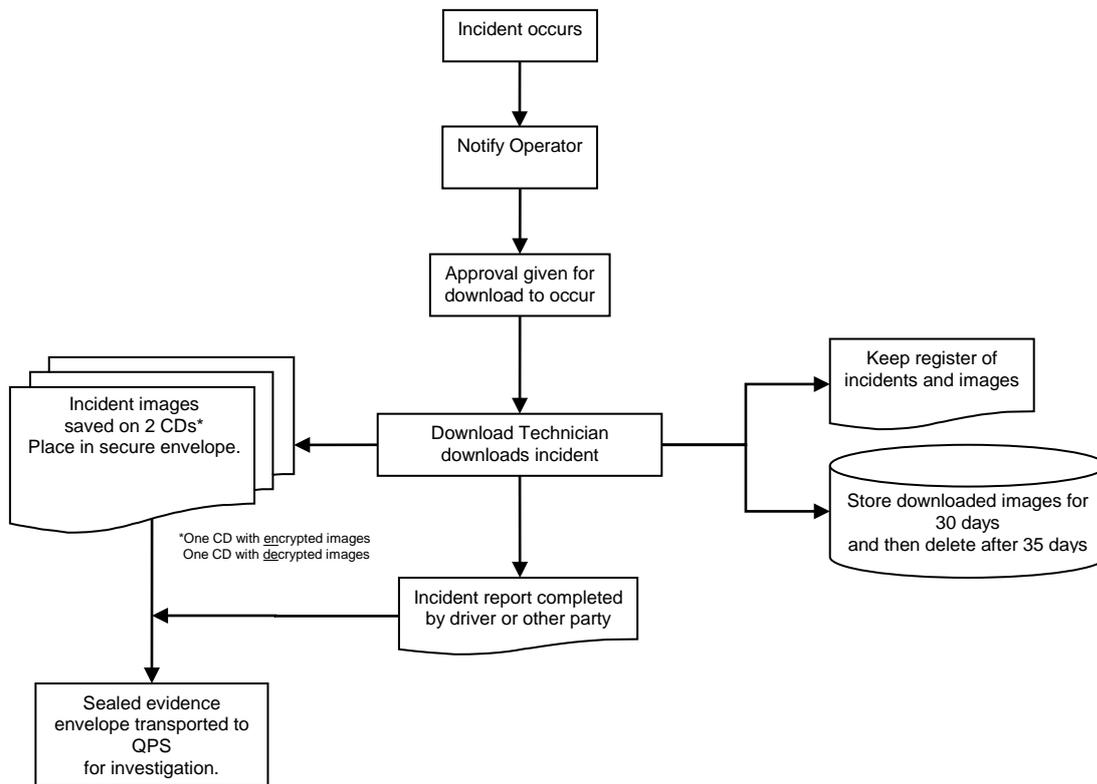
Outline of the use of CCTV in buses

The primary purpose of installing CCTV on buses is usually to deter property damage, criminal actions, and other anti-social behaviour. The deterrent value of any CCTV system is based on the assumption that would-be criminals are aware of the presence of CCTV. Therefore CCTV systems should be non-covert and public information should be displayed about the presence of CCTV.

Another purpose of CCTV is to provide a source of evidence for the investigation and resolution of criminal events and other incidents. CCTV systems should be capable of providing high quality images of incidents and persons involved in incidents. However, CCTV cannot provide guaranteed safety to drivers and passengers. People should always be attentive to their own personal safety.

An aim of the appropriate management of CCTV is to protect the privacy of individuals in a bus through controlling the access and use of CCTV images. Images should only be accessed and viewed for an authorised purpose. Provided that the images are to be used for an authorised purpose, a request for an image download can be made by any person.

The following chart is provided as an example where an incident has been reported to the Queensland Police Service (QPS) and a request is made for the images from the CCTV. The chart outlines the overall conceptual framework for image access, downloads and providing evidence to QPS.



Policy framework

It is recommended that bus operators develop procedures that are consistent with this guideline.

Privacy

The Department of Transport and Main Roads recommends that operators ensure that CCTV is used in a manner that protects the privacy of drivers and the public and in a way that is in accordance with the provisions of applicable law including the *Commonwealth Privacy Act 1988*. Operators should exercise discretion in the use of images from CCTV. Any image produced from a CCTV should not be reproduced in any form other than as permitted by law.

Complaints

All complaints from the public regarding CCTV should be responded to promptly and dealt with in a responsible and appropriate manner.

Issues identified by staff or others about a CCTV system's operation (for example, system failure) should be referred promptly to the operator, or person nominated by the operator, or CCTV supplier as required for appropriate and timely response.

Media

The public release of image recordings for the purpose of aiding a criminal investigation is the sole responsibility of the Queensland Police Service. Operators should not under any circumstances release image recordings to the media or other parties.

Roles, responsibilities and functions

It is recommended that operators ensure compliance with the following roles and responsibilities with regard to the use of CCTV systems on buses.

Drivers

In driving a bus fitted with a CCTV, it is the driver's responsibility to:

- Be competent in the operation of the CCTV and request additional training if required
- Check that the CCTV is operating correctly before commencing a shift (as shown by the system indicators), and regularly check that it continues to operate correctly during the shift
- Operate the CCTV in accordance with the supplier's and operator's instructions
- Report any malfunctions to the operator or responsible person immediately
- Report incidents promptly and when it is safe to do so
- Only request a download of images in the event of an incident
- Know how to arrange a download of images following an incident and
- Comply with the instructions of the operator or police in respect of the download of images from the CCTV.

Operator

Where the operator operates a bus fitted with a CCTV, it is recommended that the operator:

- Have a CCTV that conforms with the requirements and attributes set out in the Department of Transport and Main Roads ["Recommended Specifications for CCTV Fitted in Queensland Buses"](#) information bulletin
- Maintain the CCTV in a fully operational condition at all times
- Provide necessary facilities such as a Download Station for the authorised recovery of images from the CCTV
- Maintain and provide written procedures for staff about their responsibilities for the use of CCTV
- Ensure all drivers are competent in the operation of the CCTV and provide training to drivers if required or requested
- Maintain a register of drivers trained about their responsibilities for the use of CCTV and which confirm each driver as competent
- Nominate and train staff responsible to perform specific roles with regard to the operation, maintenance, and use of CCTV systems and image downloads
- Nominate a person in a senior position to approve in writing any download of images
- Advise the police as soon as reasonably possible of any serious incident and
- Develop and implement any additional procedures in the installation and use of CCTV.

Supplier

In providing CCTV, it is recommended that suppliers:

- Have persons who are involved in the sale, installation, servicing or maintenance of a CCTV that are competent and trained in these activities, including the purpose and main elements of applicable privacy protocols

- Advise relevant stakeholders of any material change to a prescribed or minimum function or feature of the CCTV or software
- Provide clear written instructions on the operation of their CCTV with each installation
- Provide directly, or make other arrangements, to ensure that there is an emergency 24 hour 7 days a week download facility available to recover images from buses fitted with the supplier's CCTV
- Provide directly, or make other arrangements, to ensure that there is an emergency mobile facility with the ability to respond to serious incidents at which the Queensland Police Service requires the onsite recovery of images from a bus
- Restrict access to proprietary software and hardware used to download images to prevent the unauthorised recovery of images
- Maintain a register of holders of the proprietary software and hardware used to download images and
- Develop and implement any additional procedures in the installation and use of CCTV.

Download stations

To facilitate the responsible download of images from CCTV, it is recommended that a download station should be established and operated to:

- Provide reliable facilities for downloading of images from CCTV
- Prevent the unauthorised use of images by restricting access to propriety software and hardware used to download images
- Ensure the activities of download technicians or other employees involved in image downloads are performed under the direction of the operator or their delegate
- Record the details of all images recovered in a download register
- Provide a secure environment to restrict access and prevent tampering or damage to a download register
- Save to one recordable compact disk (CD-R) all encrypted incident images and save to another recordable compact disk decrypted incident images. The use of read write compact disks (CD-RW) should not be permitted. Recordable DVD (DVD-R) disks are permitted
- Label the compact disks with the date of the incident, date of download and bus fleet number
- Ensure that the compact disk is retained at the download station and stored securely to prevent loss, unauthorised access or destruction
- Where an incident is being investigated by the police, enable evidence to be securely delivered to police
- Restrict access to downloaded images to only those people who need to have access to the images for authorised purposes
- Destroy all copies of image recordings associated with incident reports not less than 30 days, but not longer than 35, days after the date the images were downloaded
- Destroy all unnecessary copies of image recordings downloaded for service or maintenance not less than 30 days, but not longer than 35 days, after the date the images were downloaded. Note: Copies of images may be retained for warranty or test certification purposes only if the downloaded images were obtained from a bus that was not in service and not occupied by a member of the public at the time the images were captured and
- Support any additional procedures required by the operator about the installation and use of CCTV.

Queensland Police Service (QPS)

It is the responsibility of the QPS to:

- use images from CCTV to support the investigation and prosecution of offences committed in buses where necessary
- Follow QPS policy for requesting and conducting the download of images and
- Train QPS personnel in the receipt and handling of images from CCTV.

Where necessary, operators should notify investigating police about the operator's timeframes and protocols for the deletion or destruction of image recordings and downloads. Police should be advised to request within 30 days of the date of the image being recorded, any electronic copy of an additional image required to support an investigation or prosecution. Otherwise all electronic copies should be destroyed unless there is a reasonable expectation that a request from the QPS for additional images may still be forthcoming.

Image downloads

Images should only be retrieved from a CCTV for an authorised purpose and should not be retained by the driver, operator, supplier or installer.

It is strongly recommended that any person subject to an allegation or investigation (for example, the driver) not be involved in the procedure for image downloading or the handling of the images.

If the construction of the CCTV system allows, the memory module may be removed from the CCTV to aid in the download of images in a remote or secure area by a police officer, the download technician or other person authorised by the operator, using the appropriate specialised tools. A download register should be completed in accordance with these guidelines to record any download of images.

Removed memory modules are to be handled safely and securely to prevent damage, loss or theft.

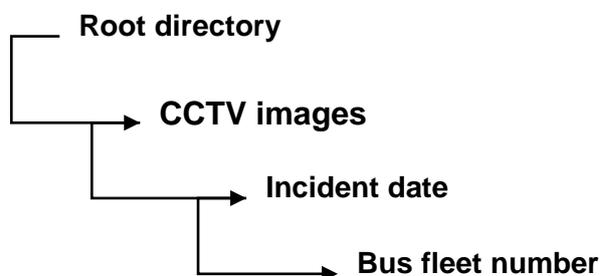
In instances where a person (for example, a driver or passenger) notifies the operator about an incident, the operator or a person authorised by the operator must consider and adjudicate on the matter. This may lead to a driver being instructed to take a bus to a nominated download station to enable images relating to the incident downloaded.

Where possible and appropriate, it is recommended that the person involved in reporting the incident be present to assist in deciding the beginning and end of the series of images relating to the incident.

The person authorised to download images should download the entire series of images relating to the incident. The encrypted and decrypted downloaded images should be saved to separate CD-R or DVD-R storage disks (not read write). These disks should be labelled with the date of the incident, date of download and bus fleet number or registration number. Copies of the images may be retained on the hard drive of the computer used for the download. However, all downloaded images should be managed in accordance with these guidelines.

Storage of images

It is recommended that where the images are stored temporarily on a computer hard drive they be saved under a directory structure similar to the following:



It is recommended that the "Incident Date" uses the format year-month-day of the incident. For example, the directory for downloads made on 6 June 2005, would be 20050606. The images would then be saved in subdirectories using the bus number.

An example of a directory path may be:

C:\CCTV images\20070202\B1234\

This method should facilitate easy identification of directories containing images approaching the required destruction date, and convenient reproduction of additional images if required by the police. It is recommended that the incident date be used in preference to the download date, where these vary, as future reference to the incident will most likely be made using the incident date and bus number.

Evidence envelope

It is recommended that specific evidence envelopes be used for incidents referred to the police or where the police have requested a download. Evidence envelopes should include the following items:

- One CD with encrypted images of the incident;
- One CD with decrypted images of the incident; and
- One copy of the record of the incident and information pertaining to the download (for example, a copy of information recorded in a download register).

It is recommended that evidence envelopes be of similar construction to secure courier envelopes. The evidence envelope should be securely transported to the police promptly. Where practicable, the evidence envelope should be given directly to the investigating police officer. In instances where the contents of the evidence envelope relate to allegations about a driver, then this driver must not be involved in the transporting of the envelope. The police should issue a receipt upon receiving the envelope, which should be retained by the operator.

Record keeping

The operator should ensure that written records are maintained about all image downloads. It is recommended that a download register be maintained and kept securely by the operator.

The details should include:

- Date, time and location of incident
- Bus registration number and/or fleet number and, if practicable, the vehicle's VIN
- CCTV serial number
- Name and position of person who approved the download
- Reason for download
- Time, date and location of the image download
- Name of person who performed the download
- Action taken with downloaded images
- Serial number of the evidence envelope (if used)
- Name and contact details of the person, if any, to whom the image recordings were given to
- Time, date and filename(s) of the images download. If there are many images, this can be achieved through a screen print of the file names
- Name and contact details of the person reporting the incident and
- Name of police officer requesting download (if applicable).

Images for testing, service and maintenance of a CCTV

Images may be retrieved from a CCTV for testing, service or maintenance. Generally, the images downloaded should be destroyed 35 days from the date the image was downloaded.

However, copies of images may be retained for warranty or test certification purposes. For these purposes, downloaded images should only be retained if the images were obtained from a bus that was not in service and not occupied by a member of the public at the time the images were captured.

Suppliers should develop procedures for testing, service and maintenance. Access to images downloaded during testing, service and maintenance should be strictly controlled, and limited to only those people who need to view the images as an integral part of their function in completing the works.

A written record should be maintained of all images retrieved for testing, service and maintenance.

Installation of CCTV

Installations should be carried out in accordance with manufacturer's instructions and relevant information bulletins issued by the Department of Transport and Main Roads.

Suppliers should develop procedures for the installation of CCTV in buses. The following could be used as a checklist for the development of those procedures:

- Install the CCTV in accordance with manufacturer's instructions and relevant Department of Transport and Main Roads information bulletins
- Fully test the operation of the CCTV, alignment of cameras, and verify functionality under low light conditions
- Ensure a connection point is readily accessible for routine testing of camera functionality, focus and alignment

- Provide training in the operation of the CCTV to the drivers and authorised staff and
- Provide written operating instructions to drivers.

Training

Operators should ensure that their drivers are competent in the operation of the CCTV installed in the operator's buses. It is recommended that an operator maintain a register of drivers who drive buses fitted with CCTV. The operator should certify in the register that the drivers are considered competent in being able to—

- Test that the CCTV system is working
- Recognise when the CCTV is not working
- Activate the emergency function and other similar functions that activate image capture
- Have images downloaded and
- Complete an incident report.

Audit

Operators should have a process whereby audits of their own systems and procedures for CCTV are conducted regularly.

Liability issues

Operators should be aware that a failure to adequately manage and use CCTV could potentially expose them to liability claims. This is especially so where the CCTV may not be functioning correctly or where a driver is not competent in its operation.

It is recommended that operators seek independent legal advice and develop procedures to ensure that they limit the opportunity for claims that may otherwise arise out of claims of negligence or breach of contract.