

Information Bulletin

PT 404/10.14

A recommended code of practice for the use of Closed Circuit Television (CCTV) by operators of passenger transport services and infrastructure



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Part 1 – Introduction

1 Definitions

Closed Circuit Television (CCTV) – means a television system intended for only a limited number of viewers, as opposed to Broadcast TV (Damjanovski, V (1995), CCTV, CCTV Labs, Sydney, p320). This definition is inclusive of recording equipment (analogue or digital), display equipment, transmission systems, transmission media, and interface control.

Control room – means a secure, centralised monitoring room which allows monitoring of near live camera systems across a wide geographically disparate area.

Operator – means a person carrying on the business of providing a public passenger service as defined under the *Transport Operations (Passenger Transport) Act 1994* and also includes a person providing infrastructure (including premises) for passenger use in connection with a public passenger service.

Recorded images – means images captured by the CCTV systems used by an operator.

2 Purpose

The purpose of this information bulletin is to provide operators of passenger transport services and associated infrastructure a recommended code of practice for the use of CCTV systems on vehicles and infrastructure.

This Code provides a framework for operators to develop Standard Operating Procedures for their CCTV systems. Use of this Code will help operators ensure that they have in place the procedures and protocols necessary to assure the appropriate use of CCTV systems, protect against possible misuse, and emphasise respect for privacy of the individual.

3 Related material

- 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) [PT406/03.08 Recommended guideline for the installation and use of CCTV in Queensland buses](#).
- It is recommended that these information bulletins be read by operators in conjunction with this document.
- CCTV systems should also comply with:
 - Australian Standard 4806.1 – Closed Circuit Television (CCTV), Part 1: Management and Operation; and
 - the National Code of Practice for CCTV Systems for the Mass Passenger Transport Sector, approved by the Council of Australian Governments.
- The Transport Portfolio Code of Practice for Closed Circuit Television Systems sets out principles that have been largely adopted in this document. The Portfolio Code of Practice applies to all CCTV systems operated by the Queensland Government's transport portfolio.

- The transport portfolio includes: Department of Transport and Main Roads (including Maritime Safety Queensland), Queensland Motorways Limited, and transport focussed Government Owned Corporations (GOC's) including regional port authorities, the Port of Brisbane Corporation, the Ports Corporation of Queensland, and Queensland Rail.

4 Background

A rising public acceptance of closed circuit television (CCTV) systems and advances in technology has seen an increased use of CCTV as a tool for addressing public safety issues. CCTV systems are being used in a number of ways by operators including:

- assisting in the protection of public transport passengers
- providing a level of security for staff with face to face public contact
- monitoring passenger and driver behaviour
- resolving issues and complaints involving drivers or passengers (particularly school children)
- deterring vandalism, criminal behaviour and other anti-social behaviour and
- providing enhanced security of assets, including vehicles and equipment.

Research suggests CCTV can be an effective strategy in addressing property incidents and some forms of assault and robbery.

The use of CCTV systems to provide safe transport options helps to fulfil the government's priorities in relation to the provision of safer and more supportive communities and a better quality of life.

5 CCTV framework

This Code of Practice provides a framework for operators to develop Standard Operating Procedures for their CCTV systems.

CCTV systems are to be managed in accordance with all relevant laws. The systems should also comply with:

- Australian Standard 4806.1 – Closed Circuit Television (CCTV), Part 1: Management and Operation Code of Practice; and
- the National Code of Practice for CCTV Systems for the Mass Passenger Transport Sector, approved by the Council of Australian Governments.

It is recommended that CCTV systems should comply with the key principles defined by this Code of Practice and be supported by relevant Standard Operating Procedures adopted by each operator. In some instances, CCTV systems may be operated from a control room. While the broad principles of this Code of Practice apply to all CCTV systems, this Code also includes a separate principle devoted specifically to the use of control rooms.

For a third party to access to a CCTV system, a formal written agreement should be established between the operator and the third party. The principles of this Code should be operational and apply to the agreement.

6 Operating environment

CCTV systems are intended to provide an increased level of safety and security for staff, passengers and assets. CCTV systems should only be used for the following purposes and be operated within this Code of Practice at all times to—

- Extend the feeling of safety for staff and passengers by providing a safer environment for the travelling public, reducing the fear of possible incidents and facilitating an effective response in emergency situations.
- Provide better security for the protection of assets by preventing, deterring and detecting incidents, criminal damage and anti-social behaviour.
- Allow monitoring of situations, enabling incidents and potential incidents to be identified and assessed, and assist with the identification of persons involved in incidents including criminal damage, public disorder, road traffic accidents, harassment and other anti-social or dangerous behaviour.
- Provide evidence for use in criminal and civil actions in the courts or in other disciplinary proceedings and
- Assist in other emergency services.

CCTV systems should be operated with respect for people's privacy, and their right to conduct or engage in lawful activities and should be used in the following way—

- Recording and retention of images should be undertaken fairly and lawfully
- Recorded images should only be used in accordance with the purpose for which the CCTV system was installed, unless these images are required by a law enforcement agency
- People should be made aware through various mechanisms that they are subject to CCTV surveillance, unless the system is being used for criminal investigation or an investigation under Commonwealth or State legislation
- The CCTV system should only be used to identify incidents occurring within a defined operational area and it should not be used to record outside its operational requirements and
- People should be made aware that the operator is accountable for the operation of the CCTV system.

Any use of the system or of the materials produced, that is frivolous or for private purposes, or is otherwise inconsistent with the principles of this Code is to be considered an act of misconduct.

7 Data protection – privacy

CCTV systems must be operated in accordance with any applicable privacy provisions. In particular, the National Privacy Principles (the NPPs) provided for under the *Privacy Act 1988 (Commonwealth)* may apply to operators. The NPPs set out how private sector organisations should collect, use, keep secure and disclose personal information.

8 Code review

The Code of Practice and Standard Operating Procedures should be reviewed by the operator at least every 12 months.

Part 2 - Principles

Key principles of operation for this CCTV Code of Practice

Principle 1 – Purpose

- 1.1 The CCTV system will be operated within applicable law and only for the purposes for which it was established. These purposes may include:
- assisting in the protection of passengers
 - providing a level of security for staff with face to face public contact
 - monitoring passenger and driver behaviour
 - resolving issues and complaints involving drivers or passengers (particularly school children)
 - deterring vandalism, property incidents, assaults, robbery and other criminal or anti-social behaviour and
 - providing enhanced security of assets, including vehicles and equipment.

Principle 2 – Public interest

- 2.1 With the exception of matters under investigation by Commonwealth and State law enforcement agencies, the CCTV system should be operated with due regard to the privacy and civil liberties of individual members of the public and staff.

In relation to privacy requirements, CCTV systems must adhere to all Commonwealth and State legislation and any applicable enforceable guideline covering the operation or use of a CCTV system. The adoption of all of the principles of this Code and the development of supporting operating procedures recognising privacy, security and integrity in the use of images will assist in ensuring that the public interest has been recognised.

2.2 Signage

Appropriate signage must exist to inform the public that a CCTV system is operating. This signage should be easily visible to all passengers.

2.3 Complaints

Operators should have in place an effective complaints mechanism so that members of the public can be assured that privacy complaints, investigations and subsequent outcomes will be dealt with appropriately.

Principle 3 – Responsibilities and accountabilities

- 3.1 Operators have primary responsibility for their business's compliance with the purposes of this Code of Practice, the maintenance, management and security of the CCTV system, and the protection of the interests of the public in relation to the system.
- 3.2 The operator's responsibilities include maintenance of a register of CCTV installations, determining operational hours, and accountability for the effective operation and management of the CCTV system.
- 3.3 The operator should, on an annual basis, conduct a review of the CCTV system against the Code and relevant Standard Operating Procedures.
- 3.4 The operator should ensure that all staff within their organisation involved in the recording, observation and capture of images are informed of their responsibility to act in an ethical and lawful manner as required by the relevant sections of the *Criminal Code Act 1899*. If evidence is provided that an individual or individuals are using the system inappropriately, the operator should take appropriate measures to eliminate or minimise the risk of reoccurrence.

Principle 4 – Recorded imagery

- 4.1 The operator should establish Standard Operating Procedures and supporting systems that will prescribe how the operator's organisation will monitor and supervise the retention, storage and destruction of recorded images.
- 4.2 Staff assigned to view and examine recorded images should be made aware of operating procedures for the handling of such material. The operating procedures should be developed in consideration of this Code and any evidentiary requirements that are considered appropriate.
- 4.3 Information (that is images, time and date stamps and other identifying material) recorded should be accurate, relevant, and not exceed that necessary to fulfil the purpose of the CCTV system.
- 4.4 The Standard Operating Procedures should detail the circumstances permitting the reproduction of imagery from a video tape, compact disc, and so on.

Principle 5 – Responsibility to ensure CCTV System is maintained and operational

- 5.1 The operator's Standard Operating Procedures should detail a schedule for the checking of recording equipment to ensure the equipment is in good working order. A library of tapes, spare tapes, compact discs and computer discs should be maintained, sufficient for the operator's operating purposes.

Principle 6 – Contact with Police

- 6.1 The operator's Standard Operating Procedures should detail a protocol covering the release of imagery to law enforcement agencies. The release of images should be supported by adequate documentation detailing the reasons for release.

Principle 7 – Duty of care

- 7.1 Staff using CCTV systems have a responsibility to report incidents or emergencies requiring a response to police or emergency services. Staff should also advise the operator of all such incidents as soon as possible.

Principle 8 – Breaches of this code

- 8.1 The operator has prime responsibility for ensuring adherence to this Code of Practice. The operator is also responsible for ensuring that breaches of this Code are investigated and remedied where such breaches are within the scope of their power to remedy.

Principle 9 – Security of CCTV equipment

- 9.1 Staff using CCTV equipment should meet high standards of probity, as approved by the operator, and should perform their duties in accordance with relevant Standard Operating Procedures. Appropriate security measures must be taken to protect against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- 9.2 Security of CCTV equipment should be undertaken in a manner consistent with:
- (a) the need for physical protection from environmental and operational hazards;
 - (b) operational and maintenance access requirements; and
 - (c) the need to protect against the risk of unauthorised access and subsequent inappropriate usage.

This security may incorporate physical, administrative or electronic measures, for example, equipment racks, authorisation procedures, electronic passwords, encryption.

Principle 10 – Control rooms (where applicable)

- 10.1 Personnel monitoring a CCTV system from a control room should be made aware of operating procedures for the CCTV system. The operating procedures are to be developed in consideration of this Code of Practice and any other standard operating procedures approved by the operator.
- 10.2 Persons assigned to monitoring and operating CCTV systems from a control room must not utilise the systems in an inappropriate manner. If evidence is provided that an individual or individuals are using the system inappropriately, the operator should take appropriate measures to eliminate or minimise the risk of reoccurrence.
- 10.3 The operator should endeavour to ensure that all staff who have access to the control room are of appropriate character and probity.

Information

The information contained in this bulletin has been produced as a guide.