

Guidelines for the use of security cameras in New South Wales taxis.

New South Wales Department of Transport
Transport Safety Bureau

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Guidelines for the use of security cameras in taxis in New South Wales

1. BACKGROUND

Following amendments to the *Passenger Transport (Taxi-cab Services) Regulation 2001*, taxi Operators in New South Wales may elect to have Security Camera Systems installed in their taxis, provided that those system meet the requirements as specified by the Director-General from time to time. These guidelines have been developed to define the roles and responsibilities of stakeholders in the implementation and management of Security Cameras in taxis. This is to ensure that images are downloaded and handled in a manner that protects their admissibility into evidence, and to protect an individual's right to privacy.

2. DEFINITIONS

Authorised Purpose – in relation to the use of a video recording made by a security camera system, means the purpose of, or any purpose in connection with, investigation of or prosecution of, or in the issue of a penalty notice in respect of, an offence committed in or about a taxi-cab.

Download Station – means a facility, static or mobile, for the retrieval of images from a security camera system.

Director-General – means the Director-General of the NSW Department of Transport.

Driver – means the person who holds an authority to drive a taxi.

Less Serious Incident – means any incident other than a Serious Incident, including fare evasion, disorderly conduct, or offensive behaviour, theft of property, or damage to property.

Network – shall mean an organisation as defined in Section 29A of the Passenger Transport Act 1990.

Operator – means the person who owns or leases the taxi.

Privacy Protocols – include general principles intended to maintain confidentiality of Recorded Materials.

Program Complaints – include issues relating to the misuse of Security Camera Systems, and/or implementation of Departmental policy relating to the use of Security Camera Systems;

Recorded Materials – includes any video recording or printed copies of images in which a member of the public can be seen.

Security Camera System – means a system that records images of persons in or about a taxi-cab.

Security Liaison Officer – means a person appointed by a Network for the purposes of acting as a point of communication between Stakeholders in relation to matters concerning security camera systems installed in vehicles operated through the Network.

Security Safeguards – includes physical, administrative and procedural measures employed for the purpose of protecting video recordings against misplacement and/or against use for unauthorised purposes.

Serious Incident – means any incident involving a physical assault, sexual assault, murder, robbery and attempted robbery.

Stakeholders – includes the Department of Transport, New South Wales Police Service, Security Camera System Suppliers, Download Stations, Networks, Operators, and Drivers.

Supplier – includes the manufacturer and/or installer of a security camera system.

Technical Compliance – include issues relating to the equipment and system components of Security Camera Systems, such as location of cameras, maintenance issues, and operational matters.

Video Recording - includes any electronically stored information from which a recorded image can be reproduced or generated.

3. POLICY FRAMEWORK

3.1 GENERAL

The Department of Transport has adopted a number of policies to support the implementation of security cameras in taxis. Taxi Networks and Equipment suppliers are responsible for developing internal procedures consistent with, and in support of, the following policies:

- Privacy;
- Complaints; and
- Media.

The Department may vary or add to this policy framework from time-to-time, and upon doing so will issue a revision to these guidelines.

3.2 PRIVACY POLICY

3.2.1 General

The purpose of this policy is to ensure that the taxi-cab network adopts and follows a set of privacy guidelines through which measures are established and enforced for breaches of privacy.

This policy aims to protect the privacy of members of the public by establishing appropriate use of the Security Camera System by those associated with the system, in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

3.2.2 Privacy Policy Statement

It is Department of Transport policy that Security Camera Systems be used in a manner that protects the privacy of Drivers and the public. All taxi-network staff, suppliers and installers associated with Security Camera Systems shall at all times follow documented privacy protocols and exercise discretion in the use of images from Security Camera Systems in accordance with the Regulation and policy requirements. Any image produced from a Security Camera System shall not be reproduced in any form other than as authorised by these guidelines.

3.3 COMPLAINTS POLICY

3.3.1 General

The purpose of this policy is to ensure that authorised personnel deal with all complaints relating to Security Camera Systems in a timely manner.

3.3.2 Complaints Policy

It is Department of Transport policy that all complaints relating to Security Camera Systems are responded to promptly and dealt with in a responsible and appropriate manner. Where a taxi-cab network or taxi-cab operator becomes aware of a complaint relating to a Security Camera System, the complaint shall be referred to the Program Complaints Officer within the Department as soon as practicable of becoming aware of the complaint. Technical Compliance issues are to be directed to and actioned by the taxi-cab network Security Liaison Officer or equipment Supplier as appropriate.

All Program Complaints are to be directed to the Manager, Passenger Security, Transport Safety Bureau, NSW Department of Transport. Alternatively, the Privacy and Personal Information Protection Act 1998, authorises the Privacy Commissioner to receive and investigate complaints about alleged violations of privacy.

3.4 MEDIA POLICY

It is recommended that all requests for information from any media representative should be directed to the Department's Public Affairs Manager.

The release of recorded material for the purpose of aiding an investigation is the sole responsibility of the Police Service. Under no circumstances is any taxi-cab network, taxi-cab operator, Security Camera System supplier, installer or Departmental Officer to release any Recorded Materials to the media.

4. ROLES AND RESPONSIBILITIES OF STAKEHOLDERS

4.1 DRIVERS

In driving a taxi-cab fitted with a security camera system, it is the Driver's responsibility to:

- Be competent in the operation of the Security Camera System, and request additional training if required;

- Know how to arrange for the download of images following an incident and the resetting of the camera system reset when required;
- Ensure that the system 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;
- Not drive a taxi where the Security Camera System is not functioning correctly (i.e. Not take any fares until it is repaired or reset);
- Operate the system in accordance with the supplier's instructions;
- Report any malfunctions to the operator or network immediately;
- Report all security related incidents immediately it is safe to do so. All serious incidents are to be reported to the nearest police station as soon as is practicable. An exception to this is for theft of property or damage to property. These can be reported to police by calling the Police Assistance Line on 131 444 at any time of the day or night;
- Only request a download of images following an incident in which the images requested will be provided to police to support an investigation into the incident;
- Following an incident, comply with the instructions of police in respect of the download of images from the system;
- Deliver copies of the printed images in the sealed evidence envelope to the nearest police station as soon as practicable after a download;
- Not open or otherwise tamper with the evidence envelope before delivering it to the nearest police station.

4.2 OPERATOR

In operating a taxi-cab it is the Operator's responsibility to ensure that the taxi is fitted with security devices, pursuant to the Passenger Transport (Taxi-cab Services) Regulation 2001. Where the Operator operates a taxi fitted with a Security Camera System, it is the Operator's responsibility to:

- Ensure that the taxi is fitted with only a Security Camera System that meets the specification in accordance with the requirements of the *Passenger Transport (Taxi-cab Services) Regulation 2001*;
- Maintain the Security Camera System in a fully functional condition at all times;
- Not allow the taxi to be operated if the Security Camera System is malfunctioning in any way or the memory is full;
- Make arrangements for the download of images, as well as the servicing and reset of systems in accordance with these guidelines, and make such arrangements known to all Drivers of taxis operated by them.

- Ensure that internal and external signage must be strategically located to clearly indicate to passengers that they will be photographed and their conversations may be recorded;
- Develop and implement any additional procedures to facilitate compliance with these guidelines;
- Ensure that the Network and the Department are notified of the details of all Security Camera Systems installed in the Operator's taxi(s) and/or transferred between taxis (Taxi number, VIN, Camera Brand / Model, Camera Serial Number, Date installed);
- Arrange training for Drivers in the use of the Security Camera System;
- Ensure all Drivers are competent in the operation of the Security Camera System, and provide additional training to Drivers if required or requested;
- Maintain a register of Drivers trained on Security Camera Systems in the Operator's taxi(s) and confirm each as competent;

4.3 NETWORK

In providing services to taxi-cabs fitted with Security Camera Systems, it is the Network's responsibility to:

- Nominate a Security Liaison Officer;
- Develop and implement any additional procedures to facilitate compliance with these guidelines;
- Ensure that the relevant requirements of Schedule 1 of the *Passenger Transport (Taxi-cab Services) Regulation 2001* are satisfied;
- Advise Operators of any breaches of these guidelines by a Driver working for the Operator;
- Ensure that there is a 24 hour download facility available to recover images from taxis fitted with the Supplier's camera system;
- Ensure that there is a mobile facility with the ability to respond to serious incidents where police require the onsite recovery of images from a taxi;
- Ensure that its Operators make arrangements for the download of images, as well as the servicing and reset of systems in accordance with these guidelines;
- Provide advice to Driver's as to the location of download stations;
- Maintain a register of taxis fitted with Security Camera Systems, including registration number of vehicle and brand of camera.

4.4 SUPPLIER

In providing Security Camera Systems to taxi-cabs, it is the Supplier's responsibility to:

- Submit to the Department a statement of compliance certifying that the Safety Camera System meets the requirements of the *Passenger Transport (Taxi-cab Services) Regulation 2001*;
- If required by the Department, submit a Safety Camera System for independent compliance testing prior to offering for sale for installation in taxis in NSW;
- Advise all stakeholders of any material change to a prescribed or minimum function or feature of the Security Camera System and/or software;
- Supply and install only authorised systems that meet the specified requirements;
- Develop and implement any additional procedures to facilitate compliance with these guidelines;
- Maintain a register of the details of all Security Camera Systems installed in taxis and/or transferred between taxis (Taxi number, VIN, Camera Brand / Model, Camera Serial Number, Date installed) **See Note 1.**;
- Advise the Network and the Department of the details of all Security Camera Systems installed in taxis and/or transferred between taxis (Taxi number, VIN, Camera Brand / Model, Camera Serial Number, Date installed) **See Note 1.**;
- Ensure that persons who are directly involved in the sale, installation, servicing or maintenance of Security Camera Systems comply with the licensing requirements pursuant to the *Security Industry Act 1997* (as amended). Advice in this regard should be sought from the New South Wales Police Service's Security Industry Registry;
- Provide clear written instructions on the operation of their Security Camera System with each installation;
- Provide directly, or make other arrangements, to ensure that there is a 24 hour download facility available to recover images from taxis fitted with the Supplier's camera system;
- Provide directly, or make other arrangements, to ensure that there is a mobile facility with the ability to respond to serious incidents where police require the onsite recovery of images from a taxi;
- Restrict access to proprietary software used to download images to prevent the unauthorised recovery of images;
- Make available to the Department of Transport and the New South Wales Police Service a copy of the current version of software to facilitate download of images for auditing and investigation purposes.

Note 1 – Not applicable where Networks or their installation providers install Security Camera Systems.

4.5 DOWNLOAD STATION

In providing services for the download of images from Security Camera Systems to taxi-cabs, it is the Download Station's responsibility to:

- Provide reliable facilities for downloading of images from Security Camera Systems;
- Develop and implement any additional procedures to facilitate compliance with these guidelines;
- Download images as requested by a Driver, authorised officer of the Department of Transport, or police officer, where such request complies with these guidelines;
- Record details of the images recovered in a "download register" at the Download Station and provide a copy of the details to the Driver. The details shall include:
 - Taxi number;
 - Incident report number;
 - Date, time and location of download;
 - Name of download technician;
 - Reason for download (installation, test, service, Less Serious Incident, serious incident);
 - Name and contact details of the person requesting the download;
 - Details of images downloaded (date / time / filename);
- Action to be taken (Incident report / Police report);
- Save to a removable storage disk all incident images;
- Label the removable storage disk with the Date of the Incident, Date of Download, Taxi number, and Security Incident Report Number;
- Ensure that the removal disk is retained by the Download Station and stored securely to prevent loss, unauthorised access or destruction;
- Print one (1) only copy of the images that afford the best opportunity to identify the offender. As a guide, this may be two to four images of each offender;
- Request that the Driver completes a Security Incident Report Form and inserts one copy of the Incident Report into the Department of Transport's evidence envelope;
- ***Insert a "Digital Image Release Form" request form into the evidence envelope. This form is to be completed by the investigating police officer within 30 days of the incident in order to obtain all downloaded images;***

- Complete all relevant sections of the evidence envelope in handwriting, and give the envelope to the Driver for delivery to the police station;
- Mail the duplicate of the DOT Security Incident Report Form in an envelope marked 'Confidential', to:

The Manager, Passenger Security, Transport Safety Bureau
 New South Wales Department of Transport
 GPO Box 1620
 Sydney NSW 2001
- Restrict access to downloaded images to only those people who need to have access to the images for authorised purposes;
- Ensure that a "Digital Image Release Form" or a subpoena is provided by police prior to the handing over of the removal disk;
- Destroy all copies of Recorded Material associated with incident reports within 30 days of the date that the image was captured in accordance with Schedule 1, Clause 5, of the Regulation;
- Destroy all unnecessary copies of Recorded Material downloaded for service or maintenance as soon as practicable after the download, in accordance with these guidelines, and within 30 days of the date of image capture. **Note – Copies of images may be retained for warranty or test certification purposes only if the downloaded images were obtained from a taxi that was not in service and not occupied by a member of the public at the time the images were captured.**

4.6 INSPECTION STATIONS

It is the responsibility of Approved Taxi Inspection Stations to:

- Test the operation of the Security Camera System as part of the routine inspection process as advised by the Department;
- Identify taxis fitted with Security Camera Systems that do not meet the specification, or are otherwise faulty;
- Issue notices of non-compliance in accordance with the Department's instructions.

4.7 NSW POLICE SERVICE

It is the responsibility of the New South Wales Police Service to:

- Utilise images from Security Camera Systems to support the investigation and prosecution of offences committed in taxis;
- Request within 30 days of the date of the image an electronic copy of any image required to support an investigation or prosecution, otherwise all electronic copies will be destroyed pursuant to the *Passenger Transport (Taxi-cab Services) Regulation 2001*;

- Ensure that “Digital Image Release Form’ or a subpoena is provided to the Download Station when requesting digital images, copies of images or additional printed images;
- Develop Standard Operating Procedures for requesting the download of images at the scene of a crime, where the circumstances prevent the taxi from being taken to a download station;
- Train police personnel in the receipt and handling of images from Security Camera Systems in taxis;
- Destroy all copies of Recorded Material in accordance with these guidelines, and within 30 days of the date that the image was captured **where it is no longer required for investigation and/or prosecution.**

4.8 DEPARTMENT OF TRANSPORT

It is the responsibility of the Department of Transport to:

- Facilitate the implementation of Security Camera Systems in taxis;
- Monitor stakeholder compliance with these guidelines;
- Refine these guidelines in consultation with stakeholders, as required from time-to-time;
- Facilitate communication between stakeholders on matters related to Security Camera Systems in taxis;
- Provide resources it deems necessary to facilitate reporting and compliance with these guidelines (i.e. Security Incident Report Forms, Evidence Envelopes, etc).

5. INSTALLATION OF SYSTEMS

Installations shall be carried out in accordance with manufacturer’s instructions and in compliance with the specification at Annex A of these guidelines. Where there is any discrepancy between the manufacturer’s instructions and the specification, the requirement of the specification shall take precedence.

Suppliers and installers of taxi Security Camera Systems shall be licensed pursuant to the *Security Industry Act 1997*, and shall provide evidence of licensing to any stakeholder, upon request.

It is the responsibility of suppliers and installers to develop their own procedures for the installation of Security Camera Systems in taxis, in order to facilitate compliance with these guidelines. The following should be used as a checklist for the development of those procedures:

- Install the system in accordance with manufacturer’s instructions and in compliance with the specification;
- Fully test the operation of the system, 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 by a Taxi Inspection Station or Department of Transport Officer;
- Complete an Installation Advice Form and forward/provide copies to the Operator, Network, and Transport Safety Bureau. This form should also be completed when Security Camera Systems are transferred between taxis. (The advice should include the taxi number, VIN, Camera Brand / Model, Camera Serial Number, Date installed);
- Provide training in the operation of the system to the Driver of the taxi;
- Provide written operating instructions to the Driver;
- Destroy all images downloaded and/or printed during installation, in accordance with these guidelines.

6. TRAINING

It is the responsibility of Operators to ensure that the Drivers of their taxis are competent in the operation of the Security Camera System, as well as other security devices installed in the taxi.

Operators shall liaise with Networks or equipment Suppliers to ensure that training in the operation of Security Camera Systems is provided as part of PIN number training for new Drivers.

Operation of the Security Camera System has been included in the Occupational Health and Safety module of the TAXICARE Professional Foundation Program, and all training should be consistent with the relevant elements of that module, and conducted using competency based training principles.

The Driver must be certified by the Operator as competent in being able to:-

- Test that the camera is working,
- Recognise the camera is not working,
- Take a manual photo,
- “Block” the most recent photos,
- Have the camera reset or serviced (Where and how),
- Have images downloaded to make a police report (Where and how).

The Operator is required to maintain a register of all Drivers that operate their taxi(s) fitted with Security Camera Systems, and this register must be made available to the Department of Transport upon request.

7. TESTING, SERVICING AND MAINTENANCE

It is the responsibility of Drivers and Operators to maintain Security Camera Systems in fully working order. Networks are obligated under the *Passenger Transport (Taxi-cab Services) Regulation 2001* to ensure that arrangements for the downloading, handling, storage and destruction of images are compliant.

Notwithstanding the above obligations, Authorised Taxi Inspection Stations are required to verify the functionality of the Security Camera System as part of routine inspections.

Where a Security Camera System requires servicing or maintenance, Operators shall make arrangements to have the system restored to functionality as soon as practicable. The taxi shall not be operated without the Security Camera System in fully functioning order.

8. TRANSFER OF SYSTEMS

It is acknowledged that Security Camera Systems may be transferred between taxis for a variety of reasons. The same procedures as per Section 5 apply, however, the taxi number and VIN noted of the vehicle from which the system was removed should be detailed on the Installation Report form under the heading of 'Installer's additional notes'.

9. SIGNAGE

9.1 GENERAL

Schedule 1, Clause 3, of the *Passenger Transport (Taxi-cab Services) Regulation 2001* requires that:

The operator of a taxi-cab must ensure that signs are conspicuously placed within and on the outside of a taxi-cab that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the taxi-cab.

Figure 1 below shows a sample sticker that is deemed compliant with the above requirement. These stickers should be placed in multiple positions inside and outside the taxi such that they are visible from all seated positions and from all approaches.



Figure 1 – Sample compliant sticker

The recommended size of the sticker is nominally 150 mm x 50 mm, printed in black on a vivid yellow background (PMS Y13). Care should be taken to ensure that the stickers suitable for internal and external use, and are printed using inks that are resistant to ultra-violet light to prevent premature fading.

9.2 MAINTENANCE

It is reasonable to expect that in normal operation, some of the stickers may become soiled, faded or worn. Operators are required to ensure that stickers are replaced when necessary to maintain the high level of visibility required to meet the requirements of the *Passenger Transport (Taxi-cab Services) Regulation 2001* and the *Workplace Video Surveillance Act 1998*.

10. IMAGE RETRIEVAL

10.1 GENERAL

Images should only be retrieved from a taxi Security Camera System for “authorised purposes”, and shall not be retained by the Driver, Operator, Network, Supplier or Installer contrary to the requirements of the *Passenger Transport (Taxi-cab Services) Regulation 2001*.

10.2 TESTING, SERVICE AND MAINTENANCE

Images may be retrieved from a Security Camera System for testing, service or maintenance. Generally, the images downloaded and/or printed shall be destroyed as soon as practicable after the works are completed, and in all cases destroyed within 30 days of the date of image capture and in accordance with the requirements of these guidelines.

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

Suppliers shall develop procedures for testing, service and maintenance to ensure compliance with these guidelines and the regulation. Access to images downloaded during testing, service and maintenance shall 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 log shall be maintained of all images retrieved for testing, service and maintenance. The details shall include:

- Taxi number,
- Date, time and location of download,
- Name of download technician,
- Reason for download (installation, test, service, maintenance, software upgrade, etc),
- Name and contact details of the person requesting the download,
- Details of images downloaded (date / time / filename),
- Action to be taken (no action),
- Date / time / method of destruction or reason for retention.

10.3 LESS SERIOUS INCIDENT

It is acknowledged that dependant upon the nature of the incident the first contact following a Less Serious Incident may be the Network, the Operator, a Download Station, or the Police.

Where a Driver notifies the Network or Operator of a Less Serious Incident, the recipient of the notification shall advise the Driver to take the taxi to a nominated download station as soon as practicable, to have the images relating to the incident downloaded. Where a Driver elects not to have images downloaded, it is recommended that the incident still be reported to police. Incidents involving the theft or loss of property or damage to property may be reported by calling the Police Assistance Line on 131 444.

Upon presentation of the taxi to a Download Station, it is recommended that the Driver involved in the incident be present to assist in deciding the beginning and end of the series of images relating to the incident, and in selecting which images should be printed to accompany the incident report for the police.

The Download Technician shall download the entire series of images relating to the incident, and print one (1) copy of each image that affords the best opportunity to identify the offender(s).

The downloaded images must be saved to a removable storage disk, and that disk labelled with the date of the incident, date of download, taxi number, and security incident report number. Copies of the images may be retained on the hard drive of the computer used for the download, however, all downloaded images must be destroyed in accordance with these guidelines and within 30 days of that date of image capture.

10.4 SERIOUS INCIDENT

A serious incident may require that images be downloaded at the scene, or that images be downloaded without the assistance of the Driver. Where a Driver is the victim of a serious incident, or a Network is made aware that a Driver has been the victim of a serious incident, Police are to be notified immediately it is safe to do so.

Where a Driver is able to do so, and after having sought approval from the Police, the Driver shall take the taxi to a nominated download station as soon as practicable, to have the images relating to the incident downloaded.

Upon presentation of the taxi to a Download Station, it is recommended that the Driver involved in the incident be present to assist in deciding the beginning and end of the series of images relating to the incident, and in selecting which images should be printed to accompany the incident report for the police.

Where a Download Technician is required to download images at the scene or otherwise under the instructions of police, the following guidelines also apply.

The Download Technician shall download the entire series of images relating to the incident, and print one (1) copy of each image that affords the best opportunity to identify the offender(s). Where a police officer requires additional copies of images following a Serious Incident, the Download Technician may print more than one copy of any nominated images, provided that the details of each are logged and all copies given to the requesting officer.

The downloaded images must be saved to a removable storage disk, and that disk labelled with the date of the incident, date of download, taxi number, and security incident report number. Copies of the images may be retained on the hard drive of the computer used for the download, however, all downloaded images must be destroyed in accordance with these guidelines and within 30 days of that date of image capture.

10.5 ALL RECORDED DISKS

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

```
<Root Directory>
    <Security Camera Images>
        <Date>
            <Taxi Number>
```

<Date> uses the format <year-month-day> of the incident. For example, the directory for downloads made on 6 June 2000, would be <20000606>. The images would then be saved in subdirectories using the taxi number.

An example of a directory path may be:

```
C:\security camera images\20000606\T3125\
```

This will facilitate easy identification of directories containing images approaching the required destruction date, and convenient reproduction of additional images where required by 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 taxi number.

The Download Technician shall record details of the images recovered in the log maintained for the purpose at the Download Station. The details shall include:

- Taxi number,
- Incident report number,
- Date, time and location of download,
- Name of download technician,
- Reason for download (Serious Incident),
- Name and contact details of the person requesting the download,
- Details of images downloaded (date / time / filename),
- Action to be taken (Incident report / Police report / no action);

- Date / time and method of destruction (when destroyed).

10.6 PRINTED IMAGES

It is acknowledged that in attempting to print a copy of the images that afford the best opportunity to identify the offender(s), a number of images may be printed that are subsequently not required.

One (1) copy of each image that affords the best opportunity to identify the offender(s) is to be placed in the evidence envelope, along with the incident report form and given to the Driver to give to the police. Where a police officer is directly receiving copies of images from the Download Technician at the scene or at the Download Station, it is not essential that the images be handed over in a sealed evidence envelope.

All other printed images are to be destroyed immediately, in accordance with these guidelines. Under no circumstances are any copies of the printed images to be retained by the Download Technician, nor are any copies of images to be given to the Driver other than in the sealed evidence envelope.

10.7 ELECTRONIC COPIES

Following a serious incident, investigating police may require a copy of downloaded images on disk. To obtain these images, police must provide a ‘Digital Image Release Form’ or a subpoena. For police to view the images without the manufacturer’s software, it will be necessary for copies of the images to be saved on the removable disk to be given to police, in an industry standard bitmap format.

Copies of the original image files in the manufacturer’s format must also be saved to the same disk, so that a comparison of the images may be made in court in any future proceedings, should this be required. (NB: The Download Technician may be required to attend court with the manufacturer’s software to give evidence in relation to the download and to allow the court to satisfy itself with the integrity of the images).

Where a police officer requests electronic copies of images, the removable disk to be given to the police shall have a label affixed to it carrying the following information:

- Disk number (unique number);
- Taxi number;
- Incident report number;
- Date copy made.

The following details shall be recorded in a disk register maintained by the download station for the purpose of recording the transfer of recorded images to police or DoT officers:

- Disk number;
- Taxi number;
- Incident report number;
- Date copy made;
- Name of download technician;
- Name, rank and badge number of the police officer receiving the disk;
- Work location and contact telephone number of the police officer receiving the disk;
- List of all filenames saved to the disk.

It is noted that the “Digital Image Release Form” should be filed along with the disk register.

10.8 AUDIT

In accordance with Section 55A of the Passenger Transport Act, authorised officers of the Department of Transport may require a copy of images from a Download Station to be provided on disk. It will be necessary for copies of the images to be saved in both an industry standard bitmap format and in the original manufacturer’s format.

Where a Departmental officer requests electronic copies of images, the removable disk to be given to the officer shall have a label affixed to it carrying the following information:

- Disk number (unique number);
- Taxi number;
- Incident report number (if applicable);
- Date copy made.

The following details shall be recorded in a disk register maintained by the download station for the purpose of recording the transfer of recorded images to police or DoT officers:

- Disk number;
- Taxi number;
- Incident report number (if applicable);
- Date copy made;
- Name of download technician;
- Name of the Departmental officer receiving the disk;

- Work location and contact telephone number of the officer receiving the disk;
- List of all filenames saved to the disk.

11. HANDLING AND STORAGE OF IMAGES

11.1 GENERAL

All recorded material must be protected against unauthorised access, alteration, disclosure, and against accidental loss or destruction. Access to manufacturer's proprietary software must be strictly controlled to prevent the unauthorised viewing, recovery or reproduction of images. It is the responsibility of stakeholders to develop procedures that afford the level of protection necessary to meet the requirements of these guidelines, pursuant to the *Passenger Transport (Taxi-cab Services) Regulation 2001*.

Access to recorded material is to be restricted to only those persons who need to examine images for authorised purposes.

11.2 ACCESS TO PRINTED IMAGES

There are only limited circumstances where any copies of printed images may be required to be stored, by other than investigating police. Where copies of printed images are required for service or compliance purposes, and in accordance with these guidelines, the images shall be stored in sealed envelopes, and locked in a secure container when not in use.

Printed images shall not be left unattended, and shall only be transported within envelopes to prevent accidental viewing of the images by unauthorised persons. Any Driver receiving copies of images in an evidence envelope along with an incident report, shall take the images in the envelope directly to a police station and shall not open the envelope nor leave it unattended in the taxi.

11.3 ACCESS TO RECORDED IMAGES

Manufacturer's software shall be password protected to prevent the unauthorised viewing, recovery, or reproduction of images. Where recorded images are stored on the hard drive of a computer, access to the images shall be protected by password, such that they cannot be viewed, copied, printed, or otherwise reproduced by any unauthorised person.

Removable disks on which images are recorded should be stored in locked fire resistant containers, when not in use. All recorded images shall be destroyed within 30 days of the date of capture, and in accordance with these guidelines.

12. DESTRUCTION OF RECORDED MATERIAL

In accordance with the requirements of Schedule 1, Clause 5 of the *Passenger Transport (Taxi-cab Services) Regulation 2001*, Recorded Material must be disposed of in an appropriate manner "within 30 days after the recording was made".

Where the recorded material is required for authorised purposes, it may be disposed of by giving it to a police officer or an authorised officer of the Department of Transport. Any copies of images required for authorised purposes that are not disposed of in this manner, and Recorded Materials not required for authorised purposes shall be disposed of in the following manner:

- Ideally, printed copies of images shall be shredded into pieces not exceeding 5mm x 12mm and disposed of through recycling or other waste disposal service.
- Electronically recorded copies shall be deleted from the media on which they are stored.
- Any copy automatically saved to a “recycle bin” shall be similarly deleted from the “recycle bin”.

A record of image disposal shall be maintained to facilitate an audit of the process.

13. NOTIFICATIONS

Any stakeholder who becomes aware of any act, omission, circumstance, or occurrence which directly or indirectly adversely affects, or is likely to adversely affect, the operation of security cameras in taxis should notify the Department of Transport as soon as practicable.

14. DOCUMENTATION

A number of forms are to be used in the operation and management of security cameras in taxis. Samples of relevant documents are included as annexes to these guidelines.

15. LIABILITY ISSUES

Networks and Operators should be aware that a failure to adhere to these guidelines could potentially expose them to liability claims. This is especially so where the Security Camera System may not be functioning correctly, or the Driver is not competent in its operation.

It is recommended that Networks and 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.

16. COMPLAINTS

16.1 TECHNICAL COMPLIANCE

Issues relating to the equipment and system components of Security Camera Systems, such as location of cameras, maintenance issues, and operational matters are to be reported to the Security Liaison Officer of the taxi-cab network or the equipment Supplier as appropriate.

16.2 PROGRAM COMPLAINTS

Any complaints relating to the misuse of Security Camera Systems, and/or implementation of Departmental policy relating to the use of Security Camera Systems are to be referred to the Manager, Passenger Security, Transport Safety Bureau, NSW Department of Transport.

16.3 PRIVACY COMPLAINTS

In accordance with the requirements of the *Privacy and Personal Information Act 1998*, if a complaint indicates that an information protection principle has been breached, the Department of Transport will conduct an investigation into the circumstances of the complaint.

Where the complainant is dissatisfied with the outcome of the Departmental investigation, the matter may be referred to the NSW Privacy Commissioner to investigate complaints about alleged violations of privacy.

17. RELEVANT LEGISLATION & REGULATIONS

17.1 PASSENGER TRANSPORT (TAXI-CAB SERVICES) REGULATION 2001

17.1.1 General

The following is a summary of the provisions in Passenger Transport (Taxi-cab Services) Regulation relevant to Security Cameras Systems in taxis. For more information, it will be necessary to refer to the actual Regulation.

Clause 14(1) – The operator of a taxi in the Metropolitan, Newcastle or Wollongong transport districts or with in the City of Gosford or the Wyong local government area that is attached to a network, must ensure the taxi-cab is fitted with either an approved driver protection screen or approved security camera system.

Clause 14(3) – A person must not deliberately interfere with an approved security camera system in such a manner as to prevent or impeded the proper working of the system.

Schedule 1 Clause 2 -A person must not use a recording made by a Security Camera System for a purpose other than an authorised purpose.

Schedule 1 Clause 3 - The operator of a taxi-cab must ensure that signs are conspicuously placed on the outside of a taxi-cab advising persons that they may be under video surveillance while in or about the taxi-cab.

Schedule 1 Clause 4 - The operator of a taxi-cab network must cause measures to be taken to ensure that video recordings made by a security camera system are protected against misplacement and against use for unauthorised purposes. The Director General may also specify reasonable safeguards in this regard.

Schedule 1 Clause 5 - The operator of a taxi-cab network must cause any video recording made by a security camera system to be disposed of in accordance with sub-clause (2) within 30 days after the recording was made.

17.2 WORKPLACE VIDEO SURVEILLANCE ACT 1998 NO 52

The *Workplace Video Surveillance Act 1998* makes it an offence to carry out unauthorised covert surveillance in a workplace, which under the definitions provided includes a taxi-cab. If the provisions of the specification for security cameras systems for taxis are correctly followed, the system will fall outside the definition of covert, and thus not be impacted by the requirements of this Act.

Operators must be careful to ensure that the following provisions are installed and maintained with respect to taxis fitted with Security Camera Systems:-

- All drivers are made aware that a taxi they are to drive is fitted with a camera. Such notification should be in writing.
- At least one of the signs within the taxi, pursuant to clause 4 of the security camera systems specification, must be clearly visible to the driver when seated.

17.3 SECURITY INDUSTRY ACT 1997 NO 157

The *Security Industry Act 1997* requires that “A person must not carry on a security activity unless the person is the holder of a licence authorising the person to carry on the activity”. Within the definitions of the Act, installing, maintaining, repairing or servicing security camera systems in taxis constitutes a “security activity” and it is a requirement that any persons undertaking these works holds an appropriate security licence. Some exemptions to this requirement are provided by the Security Industry Regulation 1998.

It should also be noted that the same Act may requires those who sell security equipment to hold an appropriate security licence, and Operators should only purchase systems from licensed suppliers.

Specific advice on the requirements of the Security Industry Act and Regulation can be obtained from the Police Service’s Security Industry Registry.

18. REFERENCES

1. *Passenger Transport (Taxi-cab Services) Regulation 2001*
2. *Security Industry Act 1997 No 157*
3. *Workplace Video Surveillance Act 1998 No 52*
4. *Privacy and Personal Information Protection Act 1998*
5. *New South Wales Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places, NSW Attorney General’s Department, 2000.*
6. <http://www.lawlink.nsw.gov.au/pc.nsf/pages/index> - Web site of the New South Wales Privacy Commissioner.

19. CONTACTS

The Manager, Passenger Security
Transport Safety Bureau
Department of Transport
GPO Box 1620
Sydney NSW 2001
Phone: (02) 9268 2878
Fax: (02) 9268 2839

New South Wales Police Service
Security Industry Registry
Locked Bag 5099
Parramatta NSW 2124
Phone: 1300 362 001
Fax: 1300 362066

New South Wales Privacy Commissioner
Level 17 201 Elizabeth Street Sydney
PO Box A2122
SYDNEY SOUTH NSW A1235
Phone: (02) 9268 5588
Fax: (02) 9268 5501

Crime Prevention Division
NSW Attorney General's Department
Level 19, Goodsell Building
8-12 Chifley Square
SYDNEY NSW 2000
Phone: (02) 92288307
Fax: (02) 92288559

**PASSENGER TRANSPORT (TAXI-CAB SERVICES) REGULATION 2001
ORDER PURSUANT TO CLAUSE 14 - SECURITY CAMERA SYSTEMS
FOR TAXIS**

This specification establishes the minimum requirements for a security camera system to be fitted in a taxi for the purpose of recording images of persons in or about a taxi.

1. The system shall have a minimum of two cameras, one providing a view of the taxi driver and passengers when seated the inside the vehicle (“internal camera”), and one providing a view of any person standing at the driver’s door / window (“external camera”).
2. The system shall be powered whenever the vehicle is being hired or available for hire, whether occupied by a passenger or not.
3. The internal camera shall be readily visible to passengers in the vehicle as a deterrent. The external camera may be concealed or otherwise not be identifiable to passengers. Both cameras shall be mounted in such a manner so as to readily prevent mis-alignment of the field of view, except in the case of a vehicle accident or other severe impact.
4. The installation of the camera system shall not affect the compliance of the taxi with all relevant requirements of the Road Transport (Vehicle Registration) Regulation 1998 and the Australian Design Rules.
5. The internal camera housing(s) shall not have any sharp edges and shall be positioned such that passengers or drivers of any height cannot come into contact with the housings during normal operations.
6. The cameras and all system components shall be installed in a manner which does not interfere with the driver’s vision or view of mirrors or otherwise normal operation of the vehicle.
7. The system shall not interfere with any other systems on board the taxi, and shall itself not be affected by any sources of interference likely to be encountered in the taxi.
8. The driver shall have a visual indicator showing when the system is operational and when there is a malfunction, which should not be readily identifiable as part of the camera system by any passengers. This indicator shall incorporate the following minimum features:-
 - Normal display state – Green image capture LED not illuminated
 - Valid image capture – Green LED flash (not less than 250ms)
 - Memory full (post alarm) – Oscillating Red / Green LED flashes (not less than 250ms) until memory reset
 - System fault – Oscillating Red LED flashing until fault cleared.

9. Where a system is fitted with an indicator to show that it is on, this indicator shall be separate to those described in requirement 8, and/or of a different colour to avoid any possible confusion on the part of drivers using the system.
10. The system shall be designed and installed such that the system may be easily tested by the operator or an authorised officer to ensure that all features are operating and that images are being recorded as prescribed.
11. All system components shall be resistant to vandalism and/or degradation of the recorded image by intentional or accidental damage to the recording unit.
12. The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the normal operation of taxis.
13. All system components shall be easily interchangeable in the event of failure or damage.
14. The system shall be capable of recording a minimum of 300 images during normal operation, i.e. without activation of an alarm condition.
15. As a minimum requirement, a number of images from both cameras shall be stored when the taxi starts and ends a journey, and images from the internal camera shall be stored during a journey.
16. A minimum of five images shall be taken at one second intervals from each camera when a door, including the driver's door, is opened or closed.
17. A minimum of three images shall be taken at one second intervals from each camera when the brake pedal is depressed. To conserve memory, multiple activations of the brake pedal within a thirty (30) second period may be treated as a single activation. Alternatively, where system memory allocation may cause this function to impinge on the availability of images recorded from other triggers, a minimum of five (5) images shall be taken from each camera at one (1) second intervals when the taxi meter is activated or stopped, and from the internal camera at a rate of not less than one (1) image every thirty (30) seconds during the first ten (10) minutes of the journey.
18. The system shall be interfaced to the security device prescribed by clause 12 of the Regulation such that images are recorded by the system if the M13 alarm is activated by the driver. Upon activation of the security device, the images from the most recent trip are to be retained in such a manner as to prevent overwriting of those images by any manual or automatic triggers which may follow the activation of the security device. The balance of memory is to be filled with images at a rate of not less than one (1) image per second from each camera, or where the total memory of the system exceeds the minimum requirement of three hundred (300) images, a minimum of two hundred and fifty (250) images shall be recorded in the prescribed manner following activation of the security device.
19. It shall be possible to change timing and parameters without changing components.

20. The driver shall be able to initiate the recording of images separate to the automatic triggers and activation of the security device. The system shall incorporate a feature which allows the images manually captured to be stored separately or otherwise be recoverable without having to activate the security device.
21. All occupants of the vehicle are to be clearly seen in the captured images taken from the internal camera.
22. The resolution and clarity of the recorded image from the internal camera shall be maintained under a range of lighting conditions from darkness (no light in the visible spectrum) through to bright sunlight.
23. The camera lenses shall have an auto iris or electronic iris facility such that image clarity is not adversely affected by light fluctuations.
24. The system shall have battery backup separate from the vehicle battery or use other memory technology which ensures full image retention for a minimum of seven days after the normal power source is removed.
25. Images from the recorder shall be capable of being recovered following submersion to a depth of six metres.
26. The recorder shall be constructed and/or installed in such a manner so that following a vehicle fire, all stored images shall be readily recoverable.
27. The recorder shall be impact resistant, sufficient to withstand a typical car accident or striking with a large, heavy object such as a suitcase.
28. All stored images shall be secured in a way to prevent unauthorised access.
29. It shall be possible to determine if the image has been manipulated in any way. This may be done by using signature encryption.
30. Image storage media shall only be able to be removed from the taxi by authorised persons, however, such authorised removal and exchange shall be easily facilitated by the system.
31. Images recovered from the system shall be able to be printed on a standard laser printer using proprietary software, and copies of images shall be able to be saved or exported in industry standard formats.
32. There shall be no requirement to change storage medium during a taxi-cab hiring.
33. All recorded images shall be time, date and taxi specific, with details shown on the image and/or encrypted within the image file. It shall be possible to determine from a recorded image file the time and date at which the image was taken and the registration number of the taxi in which it was taken.
34. The recording system shall be configured such that the recording medium will automatically commence rerecording once the medium has reached its recording capacity. The oldest images shall be overwritten first.
35. The camera shall use an interline transfer CCD image sensor with a minimum resolution of 330 TVL (H).

36. The resolution of the recorded images in playback shall be at least equivalent to 240 TVL (H).
37. The camera lenses shall be capable of maintaining images in focus at any distance from the lens between 500 mm and 10 m.
38. The system shall be fully operational with an input voltage of between 10 and 15 volts DC, and be protected against reverse voltage, short circuits and high voltage transients likely to be encountered in the vehicle's electrical system.
39. The operation of the system shall not be adversely affected by lower voltages likely to be encountered when the engine of the vehicle is started.
40. The system should be capable of transmitting images when the security device is activated to a remote network base where the taxi network has the capacity to receive the images.
41. In areas where taxis are fitted with Vehicle Tracking Devices, the camera system shall have the capability of recording the latitude and longitude information from the Vehicle Tracking Device onto the recorded image.
42. The system shall be supported by a twenty-four hour download facility to recover images from taxis fitted with an approved camera system. This support shall also include a mobile facility with the ability to respond to serious incidents where police require the recovery of images from a taxi with an approved camera system.

21. ANNEX B – SECURITY INCIDENT REPORT FORM

TRANSPORT SECURITY INCIDENT REPORT

Please print clearly and include as much detail as possible.

No. 05402

Transport Type	<input type="checkbox"/> STA Bus <input type="checkbox"/> STA Ferry	<input type="checkbox"/> Bus/ Coach Company Name	<input type="checkbox"/> Taxi Radio Network
Type of Incident	<input type="checkbox"/> Assault <input type="checkbox"/> Passenger <input type="checkbox"/> Employee <input type="checkbox"/> Vandalism <input type="checkbox"/> Graffiti <input type="checkbox"/> Fare Evasion <input type="checkbox"/> Member of the Public <input type="checkbox"/> Offensive Behaviour <input type="checkbox"/> Theft <input type="checkbox"/> Other (specify)		
	Time of Incident		Date of Incident
	Location of Incident		
	Cross Street (if applicable)		Route No. Run No.
Summary of Incident	Destination		
	Vehicle No./Vessel Name		
	<i>(If insufficient space, attach additional sheets - not security reports)</i>		
Police Report	Station Advised		Officer's Name
	Time		Date
Victim Details <i>(for theft or damage - give details of owner)</i>	Family Name		Given Names
	Address		Date of Birth
Nature of Injury	Description of Injury		
	Family Name		Given Names
Witness Details	Home Address		Age
	Post Code		Home Phone Work Phone
Offender/ Suspect Description <i>(use additional forms if there is more than one offender or suspect)</i>	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		
	Build <input type="checkbox"/> Thin <input type="checkbox"/> Medium <input type="checkbox"/> Solid <input type="checkbox"/> Fat	Complexion <input type="checkbox"/> Fair <input type="checkbox"/> Medium <input type="checkbox"/> Olive <input type="checkbox"/> Dark	<input type="checkbox"/> Ruddy <input type="checkbox"/> Tanned <input type="checkbox"/> Freckled <input type="checkbox"/> Acne
	Eyes <input type="checkbox"/> Brown <input type="checkbox"/> Blue/Grey <input type="checkbox"/> Green/Hazel		Hair <input type="checkbox"/> Brown <input type="checkbox"/> Black <input type="checkbox"/> Fair <input type="checkbox"/> Red
	Appearance <input type="checkbox"/> Caucasian <input type="checkbox"/> Aboriginal <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Asian		Age/Height (estimate) Age _____ Height (Mtrs) _____
Offender/ Suspect Name <i>(if known)</i>	Family Name		Given Names
	Home Address		Date of Birth
	Post Code Home Phone Work Phone		
Vandalism/ Graffiti Details	Description of Damage		Description of Tags <i>(use summary section if more space needed)</i>
	Estimate of Value \$		
Signature	Name (PRINT) _____		Signature _____
	Work Location		Date _____
Office Use Only	Sent By (name)		Date Entered
	Date		Entered By
	Date Entered		Reference No.

SECURITY CAMERA IN TAXIS - EVIDENCE ENVELOPE

Security Incident number _____

Taxi Network _____

Taxi number _____

Drivers name _____

Driver's accreditation number _____

Time of Downloading _____

Date of Downloading _____

Contents (please tick) Disk Image print Security Incident Report
Police Image Request Form

I certify that this envelope has been sealed by me and the evidence contained inside has not been handled by another person.

Signature of Downloading Agent _____

Name of Downloading Agent _____

Address of Downloading Agent _____

Contact phone number _____

INFORMATION FOR TAXI DRIVERS

1. **Do not open** or unseal this envelope.
2. Take to nearest police station.
3. Note the following information for your records
 - Security Incident number.
 - Police station you delivered this envelope too.
 - Name of police officer envelope given too.



NEW SOUTH WALES DEPARTMENT OF TRANSPORT

SECURITY CAMERA INSTALLATION REPORT

No. **0000001**

This form should be completed for taxis being installed for the first time with security camera system or for existing camera systems that are being upgraded. The attached form should be completed immediately after the installation of a security camera system.

The original white copy should be forwarded to the to the Transport Safety Bureau at G.P.O. Box 1620, SYDNEY 2001. The green and yellow copies are to be forwarded to the appropriate radio network. Please provide weekly returns on all installations. Should you require further advice please contact (02) 9268 2966.

Installer: Date:

Camera Brand:

Model Type: Serial Number:

Taxi Number: VIN:

Taxi Operator's Name:

Taxi Operator's Accreditation Number:

Affiliated Radio Network:

Does the taxi have a driver protection screen fitted?

Installer's additional notes:

.....

.....

25. ANNEX F – POLICE IMAGE REQUEST FORM

REQUEST FOR DIGITAL IMAGES/DIGITAL COPIES

The following incident occurred in the vicinity of the (*identified area*) and has been digitally recorded by security cameras operating in taxi T_____.

Notes:

1. That all digital images will be destroyed at the download facility after 30 days of the **date of the incident**.
2. Please ensure that full details of the responsible network/download station are recorded.
3. The original master digital images are encrypted and can only be reviewed with the camera supplier’s software. Encrypted and industry standard bitmap format copies will be saved on the same disk, so that a comparison of the images may be made in court in any future proceedings, should this be required.

Taxi number	
Incident report number	
Alleged incident	
Location of incident	
Date/Time	
Master Disk Number	
COPS Event Number	
Requesting Officer (Print)	Signature:
Rank and Registered Number	
Station/Branch	
Collecting Officer (Print)	Signature:
Rank and Registered Number	Disk Number:

- I acknowledge that I am responsible for ensuring that the Master Digital Images are used for official Police purposes.

Responsible Officer (Print)	Date/Time
-----------------------------	-----------

Supplied is a blank disk to record the original master disk. This copy will be used for investigation purposes only. Please hold the original until a digital image release form and subpoena from the court is forwarded.

Exhibit Reference Number is.....
(Please Print)
(Signature)
 Date.....

Note: Blue coloured Exhibit Receipt Form is to be attached to this Requisition Form by Police Officer in charge of the matter.