

TRANSPORT NSW

Guidelines for the Use of Taxi Security Cameras in New South Wales

(Pursuant to Schedule 1, Passenger Transport Regulation 2007)

July, 2010

Transport Services Division
16-18 Wentworth Street
(Locked Bag 5085)
Parramatta NSW 2124
Tel: 9689 8888
Fax: 9689 8813
www.transport.nsw.gov.au

Contents

1. BACKGROUND.....	4
2. DEFINITIONS.....	4
3. POLICY FRAMEWORK.....	5
3.1 GENERAL.....	5
3.2 PRIVACY POLICY	6
3.2.1 <i>General</i>	<i>6</i>
3.2.2 <i>Privacy Policy Statement</i>	<i>6</i>
3.3 COMPLAINTS POLICY	6
3.3.1 <i>General</i>	<i>6</i>
3.3.2 <i>Complaints Policy.....</i>	<i>6</i>
3.4 MEDIA POLICY	6
4. ROLES AND RESPONSIBILITIES OF OPERATORS	7
5. ROLES AND RESPONSIBILITIES OF DRIVERS	8
6. ROLES AND RESPONSIBILITIES OF NETWORKS.....	8
7. ADDITIONAL ROLES AND RESPONSIBILITIES OF OPERATORS WITH NO NETWORKS	8
8. TRAINING.....	9
9. TESTING, SERVICING AND MAINTENANCE.....	9
10. SIGNS	9
10.1 GENERAL.....	9
10.2 MAINTENANCE.....	10
11. IMAGE RETRIEVAL	10
11.1 GENERAL.....	10
11.2 TESTING, SERVICE AND MAINTENANCE.....	10
11.3 LESS SERIOUS INCIDENT.....	11
11.4 SERIOUS INCIDENT	11
11.5 ALL RECORDED DISKS	12
11.6 PRINTED IMAGES.....	13
11.7 ELECTRONIC COPIES	13
11.8 AUDIT.....	14
12. HANDLING AND STORAGE OF IMAGES	14
12.1 GENERAL.....	14
12.2 ACCESS TO PRINTED IMAGES.....	14
12.3 ACCESS TO RECORDED IMAGES.....	15
13. DESTRUCTION OF RECORDED MATERIAL.....	15
14. NOTIFICATIONS.....	15
15. LIABILITY ISSUES	15
16. COMPLAINTS	16
16.1 TECHNICAL COMPLIANCE.....	16
16.2 PROGRAM COMPLAINTS.....	16
16.3 PRIVACY COMPLAINTS	16

17. RELEVANT LEGISLATION	16
17.1 PASSENGER TRANSPORT REGULATION 2007.....	16
17.2 WORKPLACE SURVEILLANCE ACT 2005.....	17
17.3 SECURITY INDUSTRY ACT 1997	17
18. REFERENCES	18
19. CONTACTS.....	18
20. ANNEX A – EVIDENCE ENVELOPE	19
21. ANNEX B – SAMPLE DOWNLOAD REGISTER.....	21

1. BACKGROUND

The Passenger Transport Regulation 2007 requires that taxi operators must ensure that their taxis are fitted with an approved security camera system.

Transport NSW (TNSW) has developed these Guidelines to assist taxi operators in ensuring the proper use and functioning of security camera systems. The guidelines define the roles and responsibilities of relevant parties in the implementation and management of security cameras in taxis, and 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 officer – a person appointed by the Director-General to exercise the functions of an authorised officer under the Passenger Transport Act 1990 and the Passenger Transport Regulation 2007.

Authorised Purpose – in relation to the use of a video recording made by a security camera system, means an activity referred to in section 18 (a) – (d) of the Workplace Surveillance Act 2005; the prosecution of, or the issue of a penalty notice in respect of, an offence under the Act, the Regulation or the Crimes Act 1900 committed in or about a taxi; ensuring an operator's compliance with the operator's conditions of accreditation; ensuring a driver's compliance with the driver's conditions of authorisation; or ensuring a passenger's compliance with any approved scheme of subsidised travel (as referred to under section 39 of the Transport Administration Act 1998).

Director-General – the Director-General, Transport NSW.

Download Station – a facility, static or mobile, for the retrieval of images from a security camera system, such facility being provided by a network or its appointee but, in the case of a taxi's licensed area of operation within which there is no authorised network, means the accredited operator of the taxi concerned or his appointee.

Download Technician – the authorised network or its appointee but, in the case of a taxi's licensed area of operation within which there is no authorised network, means the accredited operator of the taxi concerned or his appointee.

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

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

Network – an organisation as defined in section 29A of the Passenger Transport Act 1990 but, in the case of a taxi's licensed area of operation within which there is no authorised network, means the accredited operator of the taxi concerned.

Operator – the person who operates the taxi under the authority of a licence.

Regulation – the Passenger Transport Regulation 2007.

Privacy Protocols – include general principles intended to maintain confidentiality of recorded material.

Program Complaints – include issues relating to the misuse of security camera systems, and/or implementation of NSWTI policy relating to the use of security camera systems.

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

Relevant parties – includes Transport NSW, Police Force, security camera system suppliers, download stations, networks, operators, and drivers.

Removable Storage Disk – includes a USB mass storage device and other similar removable storage media.

Security camera system – a system that records images of persons in or about a taxi.

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

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

Technical Compliance – includes 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

NSWTI 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.

3.2 PRIVACY POLICY

3.2.1 General

The purpose of this policy is to ensure that the taxi 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 NSWTI policy that security camera systems be used in a manner that protects the privacy of drivers and the public. 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 NSWTI 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 network or taxi operator becomes aware of a complaint relating to a security camera system, the complaint shall be referred to the Manager, Compliance, Transport NSW, as soon as practicable after becoming aware of the complaint. Technical compliance issues are to be directed to and actioned by the taxi network or equipment supplier as appropriate.

3.4 MEDIA POLICY

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

The release of recorded material for any purpose is the sole responsibility of the Police Force or an authorised officer of Transport NSW. Under no circumstances is any taxi network, taxi operator, security camera system supplier or installer to release any recorded material to the media.

4. ROLES AND RESPONSIBILITIES OF OPERATORS

In operating a taxi it is the operator's responsibility to ensure that the taxi is fitted with security devices, pursuant to the Regulation. 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 Regulation;
- Advise the network (if there is an authorised taxi network within the taxi's licensed area of operation) of the make and model of camera installed and provide it with a copy of the current version of software to facilitate the download of images;
- 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 is 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;
- 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.
- Provide directly, or make other arrangements, if there is no authorised taxi network within the taxi's licensed area of operation, 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 on-site recovery of images from a taxi;
- Restrict access to proprietary software used to download images to prevent the unauthorised recovery of images;
- When requested by Transport NSW or the Police Force, make available a copy of the current version of software to facilitate the download of images for auditing and investigation purposes.
- Ensure that the removable storage disk is retained by the download station and stored securely to prevent loss, unauthorised access or destruction;
- Ensure that only one set of the images that afford the best opportunity to identify the offender is printed. As a guide, this may be two to four images of each offender;
- Ensure that either an electronic copy of the images, or the images themselves, are inserted into the evidence envelope (Annex B);
- Arrange for all relevant sections of the evidence envelope to be completed in handwriting, and require drivers to deliver sealed envelopes to a Police station;
- Restrict access to downloaded images to only those people who need to have access to the images for authorised purposes.

5. ROLES AND RESPONSIBILITIES OF DRIVERS

- Be competent in the operation of the security camera system, and request additional training if required;
- Ensure that the system is operating properly before commencing a shift (as shown by the system indicators), and regularly check that it continues to operate properly during the shift (and sign the worksheet);
- Not drive a taxi as a public passenger vehicle where the security camera system is not functioning properly (i.e. not take any fares until it is repaired or reset);
- Operate the system in accordance with any instructions given to him;
- Report any malfunctions to the operator 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. Less serious incidents involving the theft or loss of, or damage to, property may be reported to police by calling the Police Assistance Line on 131 444;
- Only seek a download of images following an incident in which the images will be provided to police to support an investigation into the incident;
- Know how to arrange for the download of images following an incident and the resetting of the camera system when required;
- Following an incident, comply with the instructions of police in respect of the download of images from the system;
- Deliver electronic copies of the images or 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.

6. ROLES AND RESPONSIBILITIES OF NETWORKS

- Ensure they satisfy the relevant requirements of the Regulation (cl. 174(c) and Sch. 1);
- Advise operators of any breach of these Guidelines by a driver working for a network;
- Ensure that the network is able to download images 24 hours a day from any camera in a taxi connected to the network, using software provided for this purpose by the operator of the taxi concerned, or appoint a download technician to do so;
- Ensure that all operators are aware of the network's download arrangements;
- Ensure that there is a mobile facility with the ability to respond to serious incidents where police require the on-site recovery of images from a taxi security camera system;
- Ensure that all their drivers are familiar with the network's download arrangements;
- Ensure that, for taxis required to have vehicle tracking devices, the network has a digital map screen able to graphically display on a suitable map, the speed, heading and position of the taxi with a horizontal position accuracy of 10 metres, 95% of the time.

7. ADDITIONAL ROLES AND RESPONSIBILITIES OF OPERATORS WITH NO NETWORKS

- Ensure that the operator is able to download images 24 hours a day from any camera in a taxi managed by the operator, or appoint a download technician to do so;

- Ensure that there is a mobile facility with the ability to respond to serious incidents where police require the on-site recovery of images from a taxi security camera system;
- Ensure that the drivers of all taxis managed by the operator are familiar with the operator's download arrangements.

8. 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 radio log-on training for new drivers.

Operation of the security camera system has been included in the Occupational Health and Safety module of the TAXICARE course, 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 that the camera is not working,
- Take a manual photo, if such facility is available,
- "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).

9. TESTING, SERVICING AND MAINTENANCE

It is the responsibility of operators to maintain security camera systems in full working order. Networks are obligated under the Regulation 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 proper working 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 full functioning order.

10. SIGNS

10.1 GENERAL

Clause 3 of Schedule 1 to the Regulation requires that:

“The operator of a ... taxi service must ensure that signs are conspicuously placed within and on the outside of a ... taxi (as appropriate) that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the ... taxi concerned.”

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.

10.2 MAINTENANCE

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 Regulation, the Workplace Surveillance Act 2005 and the Surveillance Devices Act 2007.

11. IMAGE RETRIEVAL

11.1 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 Regulation. Authorised purposes include the prosecution of persons committing crimes in or near the taxi and ensuring compliance by drivers with their authorisation conditions.

11.2 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 for such purposes shall be destroyed as soon as practicable after the work is 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.

Recording of images downloaded

A log shall be maintained by networks, operators or their appointees 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.

11.3 LESS SERIOUS INCIDENT

It is acknowledged that dependent 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 for the Police.

The Download Technician should download the entire series of images relating to the incident, and print one 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 Police report number (if already reported). 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.

11.4 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 should download the entire series of images relating to the incident, and print one 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.

11.5 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 8 August 2008, would be <20080808>. The images would then be saved in subdirectories using the taxi number.

An example of a directory path may be:

C:\security camera images\20090909\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 should 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).

11.6 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 copy of each image that affords the best opportunity to identify the offender(s) is to be placed in the evidence envelope, 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.

11.7 ELECTRONIC COPIES

Following a serious incident, investigating Police may require a copy of downloaded images on disk. 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 as to the integrity of the images.)

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 an authorised officer:

- Disk number;
- Taxi number;
- Police report number (if already reported);
- 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.

11.8 AUDIT

Authorised officers of Transport NSW 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 an authorised 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 Transport NSW officers:

- Disk number;
- Taxi number;
- Incident report number (if applicable);
- Date copy made;
- Name of download technician;
- Name and position of the NSWTI officer receiving the disk;
- Work location and contact telephone number of the officer receiving the disk;
- List of all filenames saved to the disk.

12. HANDLING AND STORAGE OF IMAGES

12.1 GENERAL

All recorded material must be protected against unauthorised access, alteration, disclosure, and against accidental loss or destruction. Access to the manufacturer's proprietary software must be strictly controlled to prevent the unauthorised viewing, recovery or reproduction of images. It is the responsibility of relevant parties to develop procedures that afford the level of protection necessary to meet the requirements of these Guidelines, pursuant to the Passenger Transport Regulation 2007.

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

12.2 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.

12.3 ACCESS TO RECORDED IMAGES

Manufacturers' software shall be password (obtainable from the camera supplier) 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 steel containers, drawers or cabinets when not in use. All recorded images shall be destroyed within 30 days of the date of capture, and in accordance with these Guidelines.

13. DESTRUCTION OF RECORDED MATERIAL

In accordance with the requirements of clause 5 of Schedule 1 to the Regulation, 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 Transport NSW. Any copies of images required for authorised purposes that are not disposed of in this manner, and recorded material 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 5 mm x 12 mm and disposed of through recycling or other waste disposal services.
- 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.

14. NOTIFICATIONS

Any person 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 NSWTI as soon as practicable.

15. LIABILITY ISSUES

Operators should be aware that a failure to adhere to these Guidelines could potentially expose them to prosecution and 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. Drivers should be aware that Occupational Health & Safety legislation makes it an offence to interfere with or misuse the security camera or any other safety equipment in the taxi.

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 by the taxi operator to the taxi 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 Transport NSW policy relating to the use of security camera systems are to be referred to the Manager, Compliance, Transport NSW.

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, NSWTI will conduct an investigation into the circumstances of the complaint.

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

17. RELEVANT LEGISLATION

17.1 PASSENGER TRANSPORT REGULATION 2007

The following is a summary of the provisions in the Passenger Transport Regulation relevant to security cameras systems in taxis. For more information, it will be necessary to refer to the actual Regulation.

Clause 114(1) – The operator of a taxi who is connected to a taxi network and operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area must ensure the taxi is fitted with an approved security camera system from 1 March 2008.

Clause 114(2) – Operators not in the areas mentioned above must ensure that the taxi is fitted with an approved security camera system from 1 September 2008.

Clause 114(3) – A person must not deliberately interfere with an approved security camera system in such a manner as to prevent or impede 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 must ensure that signs are conspicuously placed on the outside of a taxi advising persons that they may be under video surveillance while in or about the taxi.

Schedule 1 Clause 4 -- The operator of a taxi 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 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 SURVEILLANCE ACT 2005

The Workplace Surveillance Act 2005 makes it an offence to carry out unauthorised covert surveillance in a workplace, which includes a taxi. If the provisions of the specification for security camera systems for taxis are correctly followed, the system will fall outside the definition of covert.

Operators must be careful to ensure that they comply with all relevant provisions of that Act, particularly:

- All drivers are given at least fourteen days' notice that a taxi they are to drive is fitted with a camera. Such notification must be in writing.
- If the taxi already has a camera fitted when the driver is first engaged as a bailee the driver must be notified at the time they are engaged as a bailee.
- At least one of the signs within the taxi (pursuant to clause 3 of Schedule 1 to the Passenger Transport Regulation 2007) must be clearly visible to the driver when seated or be placed on the driver's door and be visible as they enter the taxi.

17.3 SECURITY INDUSTRY ACT 1997

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". Installing, maintaining, repairing or servicing security camera systems in a taxi, other than by the operator of the taxi, constitutes a "security activity" and it is a requirement that any person, other than the taxi operator, undertaking these works holds an appropriate security licence. Nevertheless, the downloading or printing of images from a camera is not a "security activity".

It should also be noted that the same Act 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 the Regulation thereunder can be obtained from the Police Force's Security Industry Registry.

18. REFERENCES

1. Passenger Transport Regulation 2007
2. Security Industry Act 1997
3. Workplace Surveillance Act 2005
4. Privacy and Personal Information Protection Act 1998
5. Surveillance Devices Act 2007
6. <http://www.lawlink.nsw.gov.au/pc.nsf/pages/index> - Web site of the New South Wales Privacy Commissioner.

19. CONTACTS

The Manager, Compliance
Transport NSW
Locked Bag 5085
PARRAMATTA NSW 2124
Phone: 9689 8861
Fax: 9689 8875

New South Wales Police Force
Security Industry Registry
Locked Bag 5099
PARRAMATTA NSW 2124
Phone: 1300 362 001
Fax: 1300 362 066

New South Wales Privacy Commissioner
Level 17 201 Elizabeth Street
PO Box A2122
SYDNEY SOUTH NSW A1235
Phone: 9268 8585
Fax: 9268 8577

Director-General
Transport NSW

20. ANNEX A – EVIDENCE ENVELOPE – FRONT SIDE

(The following information is to be printed/typed/written on the front of the envelope and given to the Police with the images sealed inside)

SECURITY CAMERA IN TAXIS - EVIDENCE ENVELOPE

Police report number (if applicable) _____

Taxi Network (if applicable) _____

Taxi registration number _____

Driver's name _____

Driver's authorisation number _____

Time of Downloading _____

Date of Downloading _____

Contents (please tick) Disk Plug/Memory stick Image print

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

Signature of Download Technician _____

Name of Download Technician _____

Address of Download Technician _____

Contact phone number _____

EVIDENCE ENVELOPE – REVERSE SIDE

(The following information is to be printed/typed/written on the back of the envelope and given to the Police with the images sealed inside)

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
 - Police report number.
 - Police station you delivered this envelope to.
 - Name of Police officer envelope given to.

