

Body Worn Camera and Recordings Policy

Information Management Unit, Governance Branch, Corporate Division

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29/10/2020	Tracy O'Bryan	Deputy-Director General (Corporate)	Review and endorse	Endorsement by email dated 29/10/2020

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Prepared by	Nicole Atkinson
Title	Director, Information Management unit
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Contact for enquiries and proposed changes

Officer	Position	Phone
Nicole Atkinson	Director, Information Management unit, Governance Branch	3066 7880

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Contents

1. Purpose	1
2. Policy statement	1
3. Objectives.....	1
4. Scope.....	2
5. Benefits	2
6. Applicability.....	3
7. Compliance.....	4
8. Roles and Responsibilities	5
9. Authorised Officer’s Responsibilities	6
10. Implementation and review.....	7
11. Definitions	8
12. Appendix A - Compliance	9

1. Purpose

This policy provides the governance arrangements and directions for all employees of the Department of Transport and Main Roads (TMR) in the use of TMR issued Body Worn Camera technology including the camera, related devices (as defined in Section 12. Definitions) and management of the information recorded.

2. Policy statement

TMR is legally obligated to ensure that the use of TMR Body Worn Camera technology and management of the recorded information across its full life cycle, is conducted compliantly, transparently and effectively.

This policy identifies Authorised Officers (as defined in Section 12. Definitions) as the only TMR employees permitted to use only TMR issued Body Worn Cameras to record, and only while undertaking compliance enforcement activities. Recordings must not be made using any other device.

Authorised Officers must remain aware of their obligations to ensure that TMR Body Worn Camera recorded information is only to be captured and able to be deleted in Evidence.com, using the Axon view and capture application for smart devices and in accordance with the *Information Privacy Act 2009*, TMR policies, guidelines, procedures and other relevant legislation.

All staff must complete the *Audio-Visual Recording Training module* in Accelerate. Authorised Officers must also complete the *Body Worn Camera Training – Authorised Officer module*. This training must be completed prior to using Body Worn Camera technology and remain current for the duration of the use of TMR Body Worn Cameras.

3. Objectives

The principle objective for using TMR Body Worn Cameras by Authorised Officers is to assist TMR to keep communities safe by upholding the law, preserving the peace, preventing and detecting crime and bringing people who offend to justice.

It is also the objective of this policy to ensure the secure and compliant management of information recorded by TMR Body Worn Cameras.

4. Scope

The scope of this policy includes:

- the secure management and use of TMR Body Worn Camera technology issued to Authorised Officers
- the transfer and capture of TMR Body Worn Camera information recordings
- the management of information transferred to 'others', trusted agencies, individuals and their agents
- the responsibility of all TMR employees to remain aware of and comply with this policy.

Devices and recordings by fixed or portable closed-circuit television (CCTV) or similar systems are *out of scope* for this policy.

Separate and approved business procedures must be developed and communicated to further inform the implementation of this policy.

Definitions of key terms are provided in Section 12. Definitions.

5. Benefits

Implementation of this policy supports TMR's commitment to Advance Queensland's Priorities for a responsive government and for keeping communities safe through the efficient capture and management of Body Worn Camera recordings, thus improving authorised access to TMR evidentiary recordings by the Queensland Police and others.

Body Worn Cameras will assist assurance, as far as reasonably practicable, for the personal safety of Authorised Officers undertaking their duties, reduce complaints and the time taken to resolve these against Authorised Officers and TMR.

The visibility of TMR Body Worn Cameras used by Authorised Officers and the information the cameras record will assist in the detection, prevention and prosecution of breaches of relevant legislation.

Awareness of this policy will improve interactions with the public and ensure Authorised Officers are clear about their responsibilities and reduce the risk of misuse of enforcement powers and promote transparent and effective compliance actions.

The implementation of this policy will also improve efficiency and effectiveness in digital evidence management and workflow.

6. Applicability

Only TMR employees who are Authorised Officers permitted to carry out enforcement activities may use TMR Body Worn Cameras to make recordings of their compliance activities in accordance with this policy, legislation at Appendix A, and on behalf of the Director-General, as Chief Executive Officer of TMR.

Authorised Officers are located within:

- Customer Service, Safety and Regulation Division, and
- TransLink Division

An Authorised Officer may only operate a TMR Body Worn Camera when:

- exercising a power under relevant legislation
- they are clearly identifiable as a TMR Authorised Officer, either by wearing a TMR uniform or by displaying their Authorised Officer identity card
- the recording may provide evidence which assists in the investigation of an offence or suspected offence
- conducting formal interviews
- directed to do so by a Queensland Police Officer, under the *Police Powers and Responsibilities Act 2000*.

Operation of a TMR Body Worn Camera is permitted:

- in overt recording, but not in covert activities
- for the purpose of recording formal interviews
- even if the person being recorded objects to the recording
- upon attendance at an incident not covered under legislation, listed in this policy and of a nature that the Queensland Police Service may become involved and require assistance for example, at a major traffic accident, for the purpose of collecting evidence to be provided to the Queensland Police Service.

6.1 Information Privacy

An Authorised Officer must:

- be acting in the lawful execution of their duties
- record only in places where they can lawfully exercise their delegated powers
- ensure personal information obtained only relates to the powers being exercised

All recordings remain the property of TMR when captured on TMR Body Worn Cameras in the execution of a TMR Authorised Officer's duties.

To meet the requirements of the *Information Privacy Act 2009* a privacy collection notice must be provided to all person's subject to a recording as soon as reasonably practical and prior to activation of a TMR Body Worn Camera. If it is not practicable to do this prior to activation, then the notice must be provided as soon as possible during or after activation. This notice must comply with related business procedures and the Information Privacy Principle 2, of the *Information Privacy Act 2009*.

Authorised Officers are to take all reasonable steps to ensure that individuals are made aware of the purpose for which they are being recorded, as set out in the relevant TMR business procedures and the *Information Privacy Act 2009*.

6.2 Human Rights

The *Human Rights Act 2019* states that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. To ensure the human rights of individuals, Authorised Officers will manage personal information in accordance with the Queensland *Information Privacy Act 2009* and this policy when recording, storing, using and sharing TMR Body Worn Camera recordings.

6.3 Aboriginal and Torres Strait Islander considerations

TMR recognises that there are a variety of cultural considerations which should be addressed in business procedures that take a localised approach and or are discussed with TMR's Cultural Heritage Unit. These considerations must always be taken when recording Aboriginal and Torres Strait Islander people, recording land subject to Native Title, sacred sites and traditions.

7. Compliance

When using, managing and storing TMR Body Worn Cameras and their recorded information, compliance is required with the governing artefacts listed at **Appendix A**.

Use of TMR Body Worn Cameras, including any information recorded, stored, used and or shared must only be used for the purpose that the information was collected. Information misuse may be a breach of legislation administered by TMR including but not limited to:

- *Transport Operations (Road Use Management) Act 1995*
- *Transport Infrastructure Act 1994*
- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Marine Safety) Act 1994*, and
- *Heavy Vehicle National Law*.

7.1 Information Misuse

Unauthorised access and or information misuse is prohibited and may be suspected corrupt conduct pursuant to the *Crime and Corruption Act 2001* and may be an offence under the *Criminal Code* and grounds for investigation by the Crime and Corruption Commission.

All TMR employees must report breaches or potential breaches of this policy to their supervisor as soon as they become aware. The supervisor should attempt to resolve the issue in accordance with policy and having regard to relevant legislation.

All allegations of suspected corrupt conduct, including but not limited to information misuse involving TMR Body Worn Cameras must be reported to the TMR Ethical Standards Unit for assessment to ensure personal statutory obligations are discharged by the Director-General.

Complaints made by a TMR employee about another may also be made in accordance with TMR's [Managing Employee Complaints Procedure](#), particularly section 9. *More information.*

8. Roles and Responsibilities

Authorised Officers and all other TMR employees are responsible for maintaining awareness of their directions under this policy.

TMR Body Worn Cameras and recordings remain the property of TMR, at all times.

The Director-General, is the Accountable Officer and the legal owner of all TMR assets, including TMR Body Worn Cameras and recorded information.

The below Information Asset Custodians are responsible to ensure that Authorised Officers are aware of their responsibilities under this policy and that the information recorded by TMR Body Worn Cameras is appropriately managed. These Custodians are also responsible to ensure operational business procedures are made available to TMR Authorised Officers on how to implement this policy.

The Information Asset Custodians responsible for TMR Body Worn Camera recordings are only located within the below Divisions:

- Deputy Director-General TransLink, and
- Deputy Director-General Customer Services, Safety and Regulation

Managers and Supervisors of Authorised Officers are responsible to ensure officers under their control comply with all requirements of this policy, that TMR Body Worn Cameras are registered in Evidence.com upon issue to and upon return by Authorised Officers, including the registering and formal transfer of a TMR Body Worn Camera to another Authorised Officer.

Access to and permissions for Evidence.com users must be detailed in business procedures.

9. Authorised Officer's Responsibilities

9.1 Mandatory training certification

All Authorised Officers must successfully complete the *Body Worn Camera Training – Authorised Officer* and *Audio-Visual Recording Training* modules in Accelerate prior to:

- issue of a Training Certificate
- provision of TMR Body Worn Camera technology, and
- accessing Evidence.com

9.2 Body Worn Camera

TMR Body Worn Cameras:

- are to be activated, used, managed and maintained in accordance with this policy, TMR business procedures and manufacturer's instructions
- must not be shared unless formally transferred to another Authorised Officer
- must be securely stored when not in use.

9.3 Management of information recorded

Information recorded by TMR Body Worn Cameras is information security classified as 'Sensitive', it must be managed in accordance with this policy and TMR business procedures.

All Queensland government agency systems which involve recording, capture, use and release of private personal information remain subject to the *Information Privacy Act 2009*.

Information:

- must only be disclosed to a third party in accordance with the relevant legislation that it was collected under and the *Information Privacy Act 2009*
- must only be viewed *in the field* by Queensland Police carrying out lawful activities, and TMR Authorised Officers who personally witnessed the recorded incident or conversation, and only using an authorised TMR Body Worn Camera
- may be viewed by Authorised Officers, Prosecutions Unit, training officers, Ethical Standards Unit, Right to Information Privacy and Complaints Unit or Legal Services Unit in the conduct of their duties and this viewing activity must be recorded to Evidence.com in the online audit trail
- recordings must be uploaded to Evidence.com as soon as practicable after an event, via the appropriate docking station and once successfully uploaded all information will be automatically deleted from TMR Body Worn Cameras
- must be captured in Evidence.com under an approved category as prescribed by TMR business procedures, with routine audits conducted to ensure compliance
- recorded and captured in Evidence.com in error must be notified to line managers and be deleted as soon as possible in accordance with business procedures. Functionality to delete recordings in TMR Body Worn Cameras is not enabled.

- recordings must be managed and captured in accordance with the TMR *Digital Recordings and Images Policy*, they must be securely deleted one year after being recorded. However, if copies of recordings are used to enforce compliance, provide evidence of actions and/or decisions then they must then be managed in accordance with the *TMR Records Management Policy* along with related records and evidence.
- is only to be released upon application and in compliance with relevant legislation or a court order or other lawful authority and the transfer must be administered in accordance with this policy and approved business procedures
- must be provided to the Ethical Standards Unit upon request, to assist with assessments of allegations of wrongdoing involving TMR officers to ascertain whether the alleged conduct involves suspected corrupt conduct or serious misconduct.

10. Implementation and review

This policy comes into effect from the date indicated by the authorising signatory.

TMR operational business procedures must be referred to for details on how to implement this policy.

This policy will be published on the TMR intranet and is administered by the Information Management unit within Governance Branch, Corporate Division.

The next review date will be as soon as practicable after the end of the period of two years from the date as indicated by the authorising signatory or as determined by an authorised delegate.

11. Definitions

Term	Explanation	Source
Accelerate	TMR's online learning platform.	Accessible via the TMR intranet home page. Go to https://learn.accelerate.tmr.qld.gov.au/totara/dashboard/
Authorised Officer	<p>Authorised Officers are those TMR employees lawfully appointed in writing as an authorised officer or authorised person or transit officer or shipping inspector or marine safety inspector under one or more of the following:</p> <ul style="list-style-type: none"> • section 282K or section 475A of the <i>Transport Infrastructure Act 1994</i> • section 20 of the <i>Transport Operations (Road Use Management) Act 1994</i> • section 481 of the <i>Heavy Vehicle National Law</i> • section 111 of the <i>Transport Operations (Passenger Transport Act) 1994</i> • section 157 of the <i>Transport Operations (Marine Safety) Act 1994</i> • section 72 of the <i>Transport Operations (Marine Pollution) Act 1995</i> • section 91 of the <i>Marine Safety (Domestic Commercial Vessel) National Law</i> 	<p><i>Heavy Vehicle National Law</i> <i>Marine Safety (Domestic Commercial Vessel) National Law</i> <i>Transport Infrastructure Act 1994</i> <i>Transport Operations (Marine Pollution) Act 1995</i> <i>Transport Operations (Marine Safety) Act 1994</i> <i>Transport Operations (Passenger Transport) Act 1994</i> <i>Transport Operations (Road Use Management) Act 1995</i></p>
Axon Public Safety Australia Pty Ltd	Supplier of TMR Body Worn Camera technology.	<i>TMR contract TMRICT19140</i>
Body Worn Camera	A departmentally issued, wearable camera system incorporating and audio and video recording device to be worn whilst performing duties.	<p><i>Crime and Corruption Commission, Queensland</i> https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Prevention-in-Focus-Body-worn-cameras-2018.pdf</p>
Body Worn Camera technology	This includes TMR issued cameras, related hardware, software, accessories, smart phone applications for viewing and capturing recordings, docks and other TMR supporting systems.	<i>TMR contract TMRICT19140</i>
Business procedures	Each TMR function will develop and publish their business specific procedures. Business procedures will provide detailed information on how to implement this policy, use TMR Body Worn Camera technology and Evidence.com.	<i>Procedures will be published and searchable via the TMR intranet.</i>
Custodian	The recognised officer responsible for implementing and maintaining an information asset according to the department's policies and standards to ensure compliant quality, security, integrity, consistency, privacy, confidentiality and accessibility.	<p><i>TMR Information Asset Custodianship Policy,</i> https://intranet.tmr.qld.gov.au/sites/SRU/Pages/Information-Asset-Custodianship-Policy.aspx</p>
Employee	Any TMR officer including permanent, temporary, full-time, part-time or casual, and any volunteer, student, contractor, consultant or person who works in any other capacity for TMR (this includes third party service providers).	<i>Public Service Act 2008, section 9</i>
Evidence.com	<p>TMR's digital evidence management system for the capture of recordings made on Body Worn Cameras.</p> <p>Hosted and supported by Axon Public Safety Australia Pty Ltd in Cloud / Data Centres located in Canberra and Sydney.</p>	<i>TMR contract TMRICT19140</i>
Information asset	<p>Any data, including metadata, that is collected, captured, uploaded, stored, accessed and/or released by a Body Worn Camera and/or in Evidence.com.</p> <p>This includes recordings and representations in electronic (digital), print, audio, video, photographic, image, graphical, cartographic, physical sample, textual or numerical form.</p>	<p><i>Queensland Government Enterprise Architecture: Information quality framework. QGEA Guideline. Refer page 6, as this link,</i> https://www.qgcio.qld.gov.au/data/assets/pdf_file/0020/5681/Information_quality_guideline_v1_0_0.pdf</p>
Personal information	Information from which a person's identity can reasonably be ascertained such as a visual image, a name, address, telephone number, student or pensioner number, etc.	section 12 of the Information Privacy Act 2009

12. Appendix A - Compliance

When using, managing and storing Body Worn Cameras and their recorded information, compliance is required with the following legislation and government policies:

- *Code of Conduct for the Queensland Public Service*, 1 January 2011
- *Invasion of Privacy Act 1971*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Public Records Act 2002*
- *Public Service Act 2008*
- *Crime and Corruption Act 2010*
- *Criminal Code*
- *Work Health and Safety Act 2011*
- *Anti-Discrimination Act 1991*
- *Disability Discrimination Act 1992 (Cth)*
- *Human Rights Act 2019*
- *Financial Accountability Act 2008*
- *Heavy Vehicle National Law*
- *Heavy Vehicle (Fatigue Management) National Regulation*
- *Heavy Vehicle (General) National Regulation*
- *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*
- *Heavy Vehicle (Registration) National Regulation*
- *Heavy Vehicle (Vehicle Standards) National Regulation*
- *Motor Accident Insurance Act 1994*
- *Motor Accident Insurance Regulation 2000*
- *State Penalties Enforcement Act 1999*
- *State Penalties Enforcement Regulation 2000*
- *Explosives Act 1999*
- *Explosive Regulation 2003*
- *Tow Truck Act 1973*
- *Tow Truck Regulation 2009*
- *Transport Infrastructure Act 1994*
- *Transport Infrastructure (Public Marine Facilities) Regulation 2011*
- *Transport Infrastructure (Rail) Regulation 2017*
- *Transport Infrastructure (Waterways Management) Regulation 2012*

- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Safety) Regulation 2016*
- *Transport Operations (Marine Pollution) Act 1995*
- *Transport Operations (Marine Pollution) Regulation 2018*
- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Passenger Transport) Regulation 2018*
- *Transport Operations (Passenger Transport) Standard 2010*
- *Transport Operations (Road Use Management) Act 1995*
- *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*
- *Transport Operations (Road Use Management – Dangerous Goods) Regulation 2018*
- *Transport Operations (Road Use Management – Vehicle Standards & Safety) Regulation 2010*
- *Transport Operations (Road Use Management – Driver Licencing) Regulation 2010*
- *Transport Operations (Road Use Management – Road Rules) Regulation 2009*
- *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*
- *Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (Cth)*
- *Queensland Government Information Security Classification Framework*
- *TMR Digital Recordings and Images Policy*
- *TMR Use of ICT Facilities and Devices Policy*
- *TMR Social Media Use Policy*