



# Surveillance Use Policy

## BART Closed Circuit Television (CCTV)

BART Maintenance & Engineering

**ME-BCCTV-SUP-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



## Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

### A. Purpose

*This section should include: The purpose(s) that the surveillance technology is intended to advance.*

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Act as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aid in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, road way accidents and harassment.
- Investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collect passenger and transport data to monitor and support network planning objectives and initiatives.

#### Location of cameras

The cameras are generally installed, but not limited to, the following locations:

- Stations (including all areas for ingress and egress)
- Parking Lots and Structures
- Public areas of BART facilities
- Joint use area's
- BART Board Room
- Revenue Vehicles

#### Location of cameras not included

- District wide capital improvement projects contracted to third party
- Secure areas not accessible to the public.

### B. Authorized Use

*This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.*

The CCTV security cameras and the images/video they capture shall be used for BART business purposes only, including the uses identified in Section 1 of this Policy, and not for personal use or other non-BART uses. The use of the security cameras shall be 24 hours a day, 7 days per week, and 365 days per year within all San Francisco Bay Area Rapid Transit District properties and adjacent properties not owned by BART where the image is captured during normal surveillance of BART property. The security cameras and their recordings shall be used in a lawful manner. The cameras shall not be used in areas where there is a reasonable expectation

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of privacy, such as restrooms, and shall not be used to harass, intimidate, or discriminate against any individual or group.

For purposes of this Use Policy, BART business shall include use for BART administrative, civil, and criminal investigations and monitoring activity to protect against harm to persons or property. It shall be permissible for data collected from the cameras to be used for the following public safety and BART investigation purposes:

- To assist in identifying and preventing threats to persons and property.
- To assist in identifying, apprehending, and prosecuting offenders.
- To assist in gathering evidence for administrative, civil, and criminal investigations and court actions.
- To help public safety personnel respond to emergency events.
- To assist in investigating and resolving staff and customer complaints and/or issues relating to conduct of the public or employees

BART management shall be permitted to review images or video footage to protect BART's technology equipment, assets, and electronic information; and to respond to law enforcement inquiries, to investigate complaints by employees and customers, and to provide local law enforcement authorities with images or video clips of potential illegal or suspicious activity. BART staff will adhere to the District's Safe Transit Policy.

### **C. Data Collection**

*This section should include: The information that can be collected by the surveillance technology.*

BART's CCTV system shall collect and record audio, video and still photography images.

### **D. Data Access**

*This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

Access to live images and live video footage shall be restricted to:

- All persons designated by the BART Police Department as video surveillance system users
- BART personnel involved in the operation, installation and maintenance of the CCTV system.
- Operational Control Center - OCC
- Customer Access
- Office of Independent Police Auditor
- Station Agents
- Operations Planning
- BART Management

### **E. Data Protection**

*This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

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BART shall maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

### **F. Data Retention**

*This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.*

BART shall retain/stored data collected from the CCTV system per BART Policy 707.

#### **707.1.5 VIDEO STORAGE CAPABILITY**

Structure and facility images captured from the video surveillance system will automatically be downloaded onto a secure data storage system where they will be stored based on the systems' design and recording capabilities before being overwritten by new data; which varies from seven (7) to thirty (30) days. The design of some legacy camera systems in District facilities will only record video when the camera is being actively monitored by an authorized user.

Train car video recorders store images for two (2) to seven (7) days before being overwritten. This video image storage time frame is based on the various recording systems design, capabilities, and District resources.

### **G. Public Access**

*This section should include: How collected information can be requested by members of the public, including criminal defendants.*

BART shall grant Public access to data collected from the CCTV system per BART Policy 707.

#### **707.1.8 RELEASE OF VIDEO IMAGES TO THE GENERAL PUBLIC**

All video images/data shall be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Department employees shall not release any information, including capabilities regarding the Districts CCTV systems to the public without prior authorization from the Chief of Police, or the appropriate designee. Personnel shall not release the Video Recovery Personnel telephone number or email address to members of the public.

#### **707.1.9 REQUESTS FOR VIDEO IMAGES FROM THE MEMBERS OF THE PUBLIC**

Persons that have a subpoena or preservation letter, and are interested in requesting video footage, shall be directed to the Department's Records Division during normal business hours, or via fax at 510-464-7089.

Persons that do not have a subpoena or preservation letter and are interested in requesting video footage are to be directed to the District Secretary's Office at 510-464-6000 or via fax at 510-464-6011.

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### **H. Third Party Data Sharing**

*This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

- In response to subpoenas issued by the defendant
- Pursuant to a Court Order
- Criminal Investigations by Law Enforcement Agencies
- Staff will adhere to the District's Safe Transit Policy.

### **I. Training**

*This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.*

Training for access and administration of the BART CCTV system will be provided by BART internal staff and where necessary related service providers. Training will be limited to staff assigned to the operation, installation, maintenance and administration of the BART CCTV System.

### **J. Auditing and Oversight**

*This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.*

The BART Police Department shall oversee the BART CCTV System to ensure compliance with the Policy, designate personnel who shall have access to the camera system and ensure that access to the data complies with this Policy.

A log shall be maintained that records when access to image/video data is requested. This shall include the date, time, data record accessed, and staff member involved.