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Australian Government
Australian Customs Service

INSTRUCTION AND GUIDELINE

Airport CCTV Incident Response *20 July 2007*

THIS INSTRUCTION AND GUIDELINE REFERS TO:
PRACTICE STATEMENT NO: 2007/03 Customs Operational Closed Circuit Television (CCTV) System
PUBLISHED DATE: 23 October 2007
AVAILABILITY: INTERNAL

INTERNAL USE ONLY

BCS CLASSIFICATION: *(heading based on business classification rules for search purposes)*
FILE NUMBER:

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SUBJECT: Response to Incidents Relating to CCTV

PURPOSE: Provide CCTV processes to follow §47E(d), s37(2)(b) [REDACTED] at airports.

OWNER: National Director Passengers

CATEGORY: Operational Procedures (OP)

CONTACT: Passenger Response Policy Ph: 02 6275 §47E(d), s37(2)(b)

The electronic version published on the intranet is the current Practice Statement.

SUMMARY OF MAIN POINTS

This document outlines the process to be followed by control room officers in response to various incidents within the airport environment. It provides the initial actions to be taken in response to these incidents, which can be expanded upon by individual airports to suit local circumstances.

INTRODUCTION

It is important to the operation of Customs CCTV at airports that response to major incidents is handled in a consistent and comprehensive manner. §47E(d), s37(2)(b) [REDACTED]

[REDACTED] The incidents included in this scope are §47E(d), s37(2)(b) [REDACTED].

Australian Standard AS 4806.1-2006 provides the recommended standard in relation to CCTV management and operation. Within this standard, it is recommended that incident protocols be clearly defined to ensure accurate monitoring of an event and to minimise the risk of loss of pertinent information. Customs have undertaken to align their CCTV system and protocols with the requirements of AS 4806.1.

INSTRUCTIONS AND GUIDELINES

§47E(d), s37(2)(b) [REDACTED]

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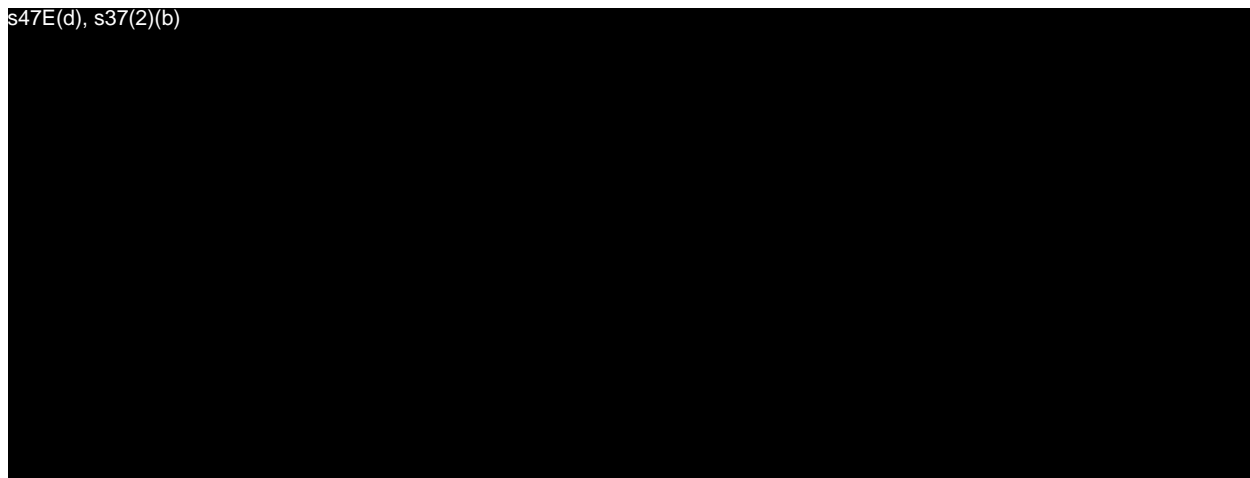
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s47E(d), s37(2)(b)

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RELATED POLICIES AND REFERENCES

PRACTICE STATEMENTS

PS 2007/03 Customs Operational Closed Circuit Television (CCTV) System

CONSULTATION

INTERNAL

The following internal stakeholders have been consulted in the development of this Instruction and Guideline:

- Airport Operations North
- Airport Operations South
- Research and Development
- Enforcement Operations

APPROVAL

Approved on 6 October 2007 by:

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Jan Dorrington
National Director Passengers Division

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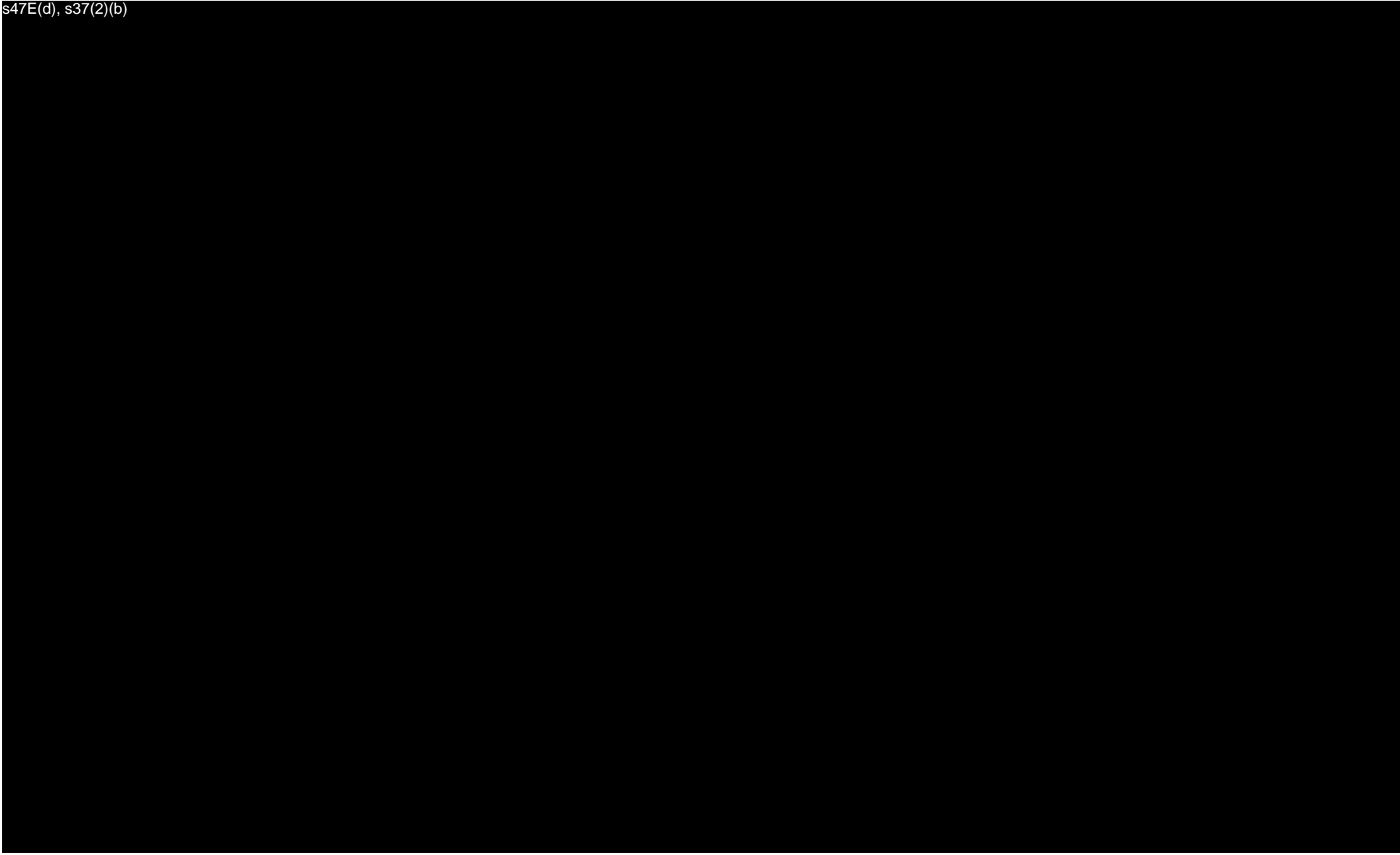
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Incident Reporting Log Book

s47E(d), s37(2)(b)



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Australian Government
**Australian Customs and
 Border Protection Service**

INSTRUCTIONS AND GUIDELINES

Electronic Recording of External Search, Baggage Examination and Record of Interview in Airports

August 2009

This Instruction & Guideline refers to Practice Statement:

2008/37 Traveller Intervention and Response

Published date:	26 August 2009
Availability:	Internal only
Subject:	Electronic Recording of External Search, Baggage Examination and Record of Interview
Purpose:	To inform staff of the procedures for use of Electronic Recording equipment.
Owner:	National Director Passengers Division
Category:	Operational Procedures
Contact:	Passenger Policy Ph: 02 6275 s22(1)
Review Period:	Three years
<i>The electronic version published on the intranet is the current Instruction and Guideline.</i>	

Summary of main points

This Instruction and Guideline provides detailed information about the procedures for electronic recording of an external search under subsection 219RAA(1) of the *Customs Act 1901* (Customs Act), or a baggage examination or Record of Interview (ROI) under section 23V of the *Crimes Act 1914* (Crimes Act).

This Instruction and Guideline applies to staff in:

Passengers

Enforcement Operations

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1 Introduction

1.1 Overview

Digital audio/video recording systems using DVD and CD technology are used by Customs and Border Protection for electronic recording of an external search, baggage examination or Record of Interview (ROI). Previously, audiotapes and videocassettes, commonly known as the "triple deck recording system" were used for recording purposes and this system is still used in some airports.

Section 23V of the Crimes Act provides that for a confession or admission to be admissible in a Court, it must have been tape recorded where it is reasonably practicable to do so. In any other case, a written record must be made. The written record must be read back to the person to record any errors or omissions and a taped recording should be made of the reading. This section of the Crimes Act applies to, among other procedures, a baggage examination and an ROI.

In the case of an external search, subsection 219RAA(1) of the Customs Act requires that a Customs officer must inform the detainee prior to any external search being conducted that:

- a videotape or other electronic recording of the search may be made;
- such a record could be used in evidence against the detainee in Court; and
- a copy of the record will be provided to the detainee as soon as practicable.

This document provides Instructions and Guidelines on the electronic recording of external searches, baggage examinations and ROIs, and the management, storage and destruction of DVDs and CDs. It is designed to complement other Instructions and Guidelines, specifically *Detention and Search, Baggage Examination* and *Customs Investigations*.

1.2 Responsibilities

1.2.1 Passenger Operations

Passenger Operations Branch is responsible for the initial procurement of electronic recording equipment and the administration and management of the contract between Customs and Border Protection and the equipment supplier. Future purchases of recording equipment identified by airports will be co-ordinated through Passenger Operations.

The Director, Passenger Policy, is responsible for maintenance of the national Instructions and Guidelines relating to electronic recordings.

1.2.2 Airport Operations

Airport Operations is responsible for the day-to-day upkeep of search and interview rooms and maintenance of equipment at their airport.

Airport Operations is responsible for the purchase of consumable items from the appropriate supplier. They are also responsible for the secure storage of consumables and recorded information. Duty Managers will be responsible for any access to stored recorded information.

1.3 Search Rooms

Search rooms should be prepared at start of shift. The date/time clock on the equipment should be accurate.

s47E(d), s37(2)(b)

Each search room will have a small lockable cabinet that contains resources

s47E(d), s37(2)(b)

. The search room should also have a hands-free telephone for interpreter use.

s47E(d), s37(2)(b)

The room should be searched prior to the traveller or interviewee entering and officers should be conscious of their own and the traveller/interviewee's health and safety.

All recording equipment should be clearly visible to the traveller/interviewee and positioned so that anyone entering or leaving the room can be recorded.

s47E(d), s37(2)(b)

s47E(d), s37(2)(b)

In rooms that do not have activity lights outside the doors a "Quiet - Interview in Progress" sign should be fitted on the external face of the door.

1.4 Security

Customs and Border Protection officers have access to, and maintain custody of, a considerable amount of privileged and sensitive material and information. As such, officers must follow these Instructions and Guidelines to protect the property and documents resulting from electronic recording of an external search, baggage examination and ROI.

Such documentation or recordings may need to be shared with other government departments and must be done in accordance with section 16 of the *Customs Administration Act 1985* (Customs Administration Act) and the provisions of the *Privacy Act 1988* (Privacy Act). Further detail on information sharing can be found in Practice Statement 2008/29 on Disclosure of Information.

2 External Search

2.1 Overview

A person may be detained for an external search in a number of cases:

- when a person has refused to submit to a frisk search; or
- when a person has refused to produce for Customs and Border Protection inspection things found as a result of a frisk search; or
- when a detention officer suspects on reasonable grounds that a person is unlawfully carrying prohibited goods on his or her person.

Further detail on external search procedures can be found in the Instruction and Guideline on Detention and Search.

2.2 Consent to an external search

Where equipment is available, the invitation to consent to an external search and the explanation of the detainee's rights by Customs and Border Protection must be electronically recorded. The consent (or non consent) of the detainee must also be recorded.

If the detainee consents only to the external search, but not the recording of the search, Customs and Border Protection regards this as not consenting to the external search. In the absence of consent, an application may be made to a Justice of the Peace (JP) or, in certain circumstances, an authorised officer (that is, a Customs and Border Protection officer authorised in writing by the CEO to exercise the powers or perform the functions of an authorised officer under a particular section) who may:

- order the external search;
- order the external search and authorise electronic recording of the search; or
- order that the detainee be released immediately.

It is advisable to continue to record the detainee while waiting for the JP or authorised officer. Recording should be suspended on their arrival.

If the JP or authorised officer orders the search and authorises recording, the officer should re-commence recording and explain the pause on the DVD/CD.

If the JP or authorised officer orders the search not to proceed, the officer should hand the detainee's copy of the DVD to the traveller and have them sign the receipt (Attachment C). Seal the Master copies of the DVD and CD and secure them s47E(d)

Further detail on obtaining consent for an external search can be found in the Instruction and Guideline on *Detention and Search*.

2.3 Person "in need of protection"

The detainee may be identified as a person "in need of protection". For the purposes of the Customs Act "in need of protection" means a person under 18 years of age or someone who is mentally or physically incapable of managing his/her affairs. It does not matter whether this incapability is temporary or permanent. Special procedures and protections apply to these persons.

As soon as a detainee has been identified as being "in need of protection", an application for his/her detention for external search must be made to a Justice of the Peace or, in certain circumstances, an authorised officer. An order that an external search proceed will also order the search must be carried out in the presence of:

- the detainee's legal guardian; or
- a specified person (not being a Customs and Border Protection or a police officer) who is capable of representing the detainee's interests in relation to the search.

It is advisable to continue to record the detainee while waiting for the legal guardian or specified person. If the DVD/CD is stopped, then when the legal guardian or specified person arrives, the DVD/CD should recommence with the pause explained.

Further detail on persons "in need of protection" for the purposes of external search can be found in the Instruction and Guideline on Detention and Search.

2.4 Interpreter

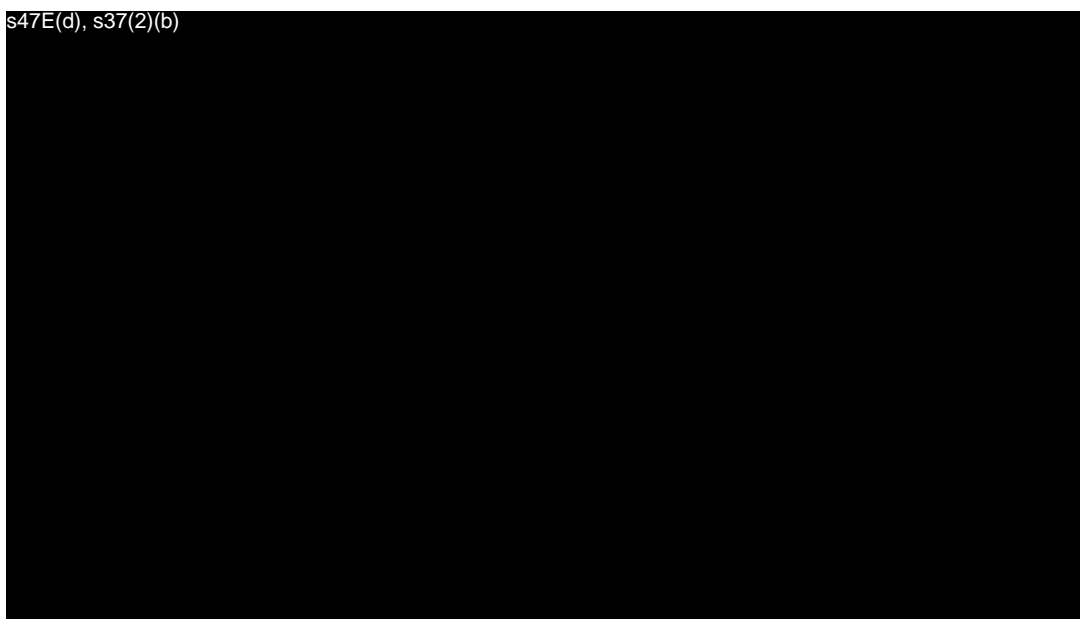
The need for an interpreter should be established prior to entering the search room. If an interpreter is not available to attend, then the Telephone Interpreter Service (TIS) should be contacted.

It is advisable to continue to record the traveller while waiting for the interpreter. If the DVD/CD is stopped when the interpreter arrives, the DVD/CD recording should recommence with the pause explained.


2.5 Sequence for electronic recording of External Search

If a detention officer (that is, a Customs and Border Protection officer declared by the CEO in writing to be a detention officer under section 219ZA) considers an external search is appropriate because they suspect on reasonable grounds that a person is unlawfully carrying prohibited goods, these steps should be followed:

s47E(d), s37(2)(b)



s47E(d), s37(2)(b)



2.6 Post recording

On completion of the search:

1. Label all DVDs/CDs using a permanent marker (see section 5.4);
2. Place copyright label on the DVDs/CDs;
3. Seal Master DVD and Master Audio CD with a Customs and Border Protection seal;
4. Detainee signs for second copy of the DVD on the 'Notice to Persons Examined/Interviewed' (Attachment C);
5. Take a photocopy of the receipt and provide to the detainee;
6. Retain the original receipt for the file;
7. Complete notebook entries and other statistical and information reporting requirements;
8. Complete Register of Electronic Records (Attachment D - control document for all electronic records collected);
9. If in attendance AFP/Investigations Branch officers sign for 2nd copy of CD on the Register of Electronic Records (Attachment D);
10. Secure remaining DVDs/CDs s47E(d) [REDACTED].

3 Baggage examination

3.1 Overview

Customs and Border Protection officers investigating Commonwealth offences are to use the electronic recording equipment provided for this purpose to ensure compliance with the admissibility provisions of section 23V of the Crimes Act.

Section 23V states that where a person is being questioned as a suspect (whether under arrest or not) and he/she makes a confession or admission to an investigating official, that confession or admission is inadmissible unless it was made in certain circumstances. The circumstances for admissibility are that an electronic recording must be made where it is reasonably practicable to do so. In any other case, a written record must be made. The written record must subsequently be read back to the person in the language used by him/her during questioning, and the person must be given the opportunity to draw attention to any errors or omissions. An electronic recording must be made of the reading. Before the written record is read, an explanation must be given in accordance with the form in the Schedule to the Crimes Act (Attachment E).

Where an admission is made and the questioning is not being recorded, the officer should cease questioning and the examination until the person and goods can be moved to an examination area where Customs and Border Protection can record the remainder of the examination. If the officer reaches a reasonable belief that the person has committed a Commonwealth offence, the officer may no longer rely upon their powers of questioning under section 195 of the Customs Act. The person is a 'protected suspect' and must be cautioned and provided their Part 1C rights under the Crimes Act before questioning may continue. This conversation must be recorded on the electronic record before proceeding with further questioning and the examination.

If the officer has not reached a reasonable belief that the person has committed a Commonwealth offence, any questioning must be about Customs issues to do with a person's travel and their goods (permissible under section 195 of the Customs Act).

Further detail on baggage examination procedures and Part 1C of the Crimes Act and protected suspects can be found in the Instruction and Guideline *Baggage Exam*.

3.2 Sequence for electronic recording of baggage examination

If, during a baggage examination, an officer forms a suspicion that an offence may have been committed, the officer must immediately advise their supervisor of the possible offence so the supervisor can consider moving to a recorded baggage examination. If the decision is made to complete a recorded baggage examination these steps should be followed:

1. Suspend the baggage examination at the bench and advise the traveller that the examination will be moved to a discrete room and recorded;
2. Invite the traveller to be present during the recorded examination, advising them that they are not being detained and that they are not under arrest (unless a decision has been made to detain or to make an arrest);
3. Switch video/audio equipment on and place blank DVDs and CDs in the equipment;
4. Move the traveller's effects (and the traveller if they accept the invitation) into the search room;

5. Commence recording of the baggage examination;
6. Notify the traveller that conversation is now being electronically recorded;
7. Commence preamble formalities according to normal record of interview procedure;
8. State the DVD/CD title, place, date, time and traveller's name;
9. State the purpose/role and Customs User ID of any other officer present;
10. If an interpreter is present they should be identified and then the interpreter should state their full name, employer and qualifications;
11. If any other person is present, they must be identified and give their name and reason for being in the room;
12. If the search has already located prohibited goods or drugs and the officer believes the person has committed a Commonwealth offence they must be cautioned and provided with their rights under Part 1C of the Crimes Act and this must be electronically recorded;
13. Adopt any relevant answers to questions and events that took place at the baggage bench – this must be done prior to continuing the baggage examination;
14. If step 12 does not apply, resume the baggage examination and section 195 questioning if the officer still suspects the person may have committed a Commonwealth offence;
15. Any interruptions, suspensions, resumptions or outside noises must be explained for the benefit of the DVD/CD;
16. Continue recording until handover of traveller and prohibited goods to AFP/ Investigations Branch or release of the traveller;
17. If the AFP/Investigations Branch officers attend and enter the room they must state their names, occupation and the time for the recording and determine when to stop recording; and
18. If the person is to be detained for an external search in accordance with Part XII of the Customs Act please refer to the Instruction and Guidelines on *Detention and Search* and section 2 of this document.

3.3 Quarantine Offences

If undeclared quarantine goods are located the officer must question the traveller to establish the elements of an offence against subsection 67(1) of the *Quarantine Act 1908*.

For quarantine matters audio-only recording meets the minimum legislative requirements, however audio/video recording is recommended. The attendance by the traveller to a recorded baggage examination is voluntary unless the person is under arrest or has been detained.

3.4 Interpreter or Interview Friend

Interpreter:

The need for an interpreter should be established prior to entering the interview room. If an interpreter is not available to attend, the Telephone Interpreter Service (TIS) should be contacted. Alternatively the case officer or interviewing officer could arrange a convenient time for the person to return for a ROI to be conducted with an interpreter present. For further information refer to section 4.2.

Interview Friend:

If the person is (or states they are) an Aboriginal person or a Torres Strait Islander the officer should contact Aboriginal Legal Aid. The ROI and electronic recording

should not commence unless an interview friend is present or the suspect expresses and voluntarily waives his or her right to have a friend present.

An interview friend in regards to Aboriginal people and Torres Strait Islanders is:

- (a) a relative or other person chosen by the person; or
- (b) a legal practitioner acting for the person; or
- (c) a representative of an Aboriginal legal aid organisational; or
- (d) a person whose name is included in the relevant list maintained under subsection 23J(1) of the Crimes Act.

If the person is (or the officer believes on reasonable grounds that the person is) under 18 the ROI and electronic recording should not commence unless an interview friend is present. In this case interview friend means:

- (a) a parent or guardian of the person or a legal practitioner acting for the person; or
- (b) if none of the previously mentioned persons is available – a relative or friend of the person who is acceptable to the person; or
- (c) If the person is an Aboriginal person or a Torres Strait islander and none of the previously mentioned persons is available – a person whose name is included in the relevant list maintained under subsection 23J(1) of the Crimes Act; or
- (d) if no person covered by paragraph (a), (b) or (c) is available – an independent person.

If a person is not an Aboriginal person or Torres Strait Islander and is not under 18, officers are not obliged to allow or ensure an interview friend is present during a Baggage Exam/ROI. Section 23G of the Crimes Act only provides that a person has the right to communicate with a friend or relative to inform that friend or relative of his or her whereabouts and as soon as practicable, the officer is to give the person reasonable facilities to enable the person to do so. Note that this does not affect the right of a protected suspect to have a legal practitioner attend the questioning.

It is advisable to continue to record the person while waiting for the interpreter or interview friend. If the DVD/CD is stopped, it should be recommenced with the pause explained when the interpreter or interview friend arrives.

3.5 External Search during Baggage Examination

If, during a baggage examination, an officer suspects on reasonable grounds that the person may be unlawfully carrying prohibited goods on their body, and that person has been detained for an external search under Division 1B of Part XII of the Customs Act, a separate recording of the external search must be made to that of the baggage examination record. The external search should only be conducted at the end of the baggage examination unless an incident arises that for evidential reasons prevents this from occurring.

Where available, a second interview room should be arranged for recording an external search in accordance with part 2 of this Instruction and Guideline.

If the baggage examination has not finished the interviewing officer should state on record that the baggage examination is to be suspended for the purposes of conducting an external search. The detainee is then to be escorted to the second interview room for the recorded external search to be conducted.

The recording of the baggage examination is to continue while the detainee is out of the room. All belongings are to remain as left by the detainee and are not to be removed or examined.

If the recorded external search is negative, the traveller must be escorted back to the baggage examination interview room for completion of the baggage exam.

The interviewing officer must commence preamble formalities according to normal record of interview procedure and adopt the external search and events that took place.

Note: If a second interview room cannot be arranged, the baggage examination recording must be suspended. The interviewing officer must state that the interview is being suspended for the purpose of conducting an external search which will be recorded separately to the baggage examination. Upon completion of the external search, the baggage examination will continue on a second recording. The DVD/CD is to be stopped and post recording procedures are to take place according to section 3.7 of this instruction and guideline. Post recording procedures can be performed for all recordings at the end of the final baggage examination recording.

3.6 Baggage Examination to a Record of Interview.

A recorded baggage examination can develop into a ROI. If, when conducting a recorded baggage examination, the interviewing officer has reasonable grounds to suspect that the person has committed an offence, the interviewing officer can, while conducting the baggage examination, conduct a ROI simultaneously. This must be done in accordance with the instructions and guidelines on ROI.

3.7 Post recording

On completion of the examination:

1. Label all DVDs/CDs using a permanent marker (see section 5.4);
2. Place copyright label on the DVDs/CDs;
3. Seal Master DVD and Master Audio CD with a Customs and Border Protection seal;
4. Traveller signs for second copy of the CD on the receipt for CD/DVD form (Attachment C);
5. Take a photocopy and provide to the traveller;
6. Retain the original receipt for the file;
7. Complete notebook entries and other statistical and information reporting requirements;
8. Complete Register of Electronic Records (Attachment D - control document for all electronic records collected);
9. If involved, AFP/Investigations Branch officers sign for 2nd copy of CD on the Register of Electronic Records (Attachment D); and any evidence that is to be handed over to the AFP/Investigations Branch should be listed on an evidence transfer form;
10. Secure remaining DVDs/CDs in s47E(d).

Unlike the post recording procedures in relation to an external search, the traveller is to be given the second copy of the audio CD only. A copy of the audio recording must be given to the traveller or their legal representative within 7 days of the recording (paragraph 23V(2)(a) of the Crimes Act). If both a video and audio recording are made, the traveller or their legal representative is to be informed that an opportunity will be provided, on request, for viewing the video recording (paragraph 23V(2)(b) of the Crimes Act).

4 Record of Interview (ROI)

4.1 Overview

As outlined in the previous section on baggage examination, section 23V of the Crimes Act provides that, for a confession or admission to be admissible in a Court, an electronic recording must be made where it is reasonably practicable to do so. For this reason, a record of interview must always be recorded (see section 3.1).

A ROI should be conducted for:

- prohibited goods (other than narcotics) found during a baggage examination or personal search;
- unauthorised entry into a place in relation to which a sign is displayed under subsection 234AA(1) of the Customs Act (Customs Controlled Area) by an airport/airline employee or member of the public (subsection 234A(1));
- unauthorised use of cameras and sound recording devices (including mobile phones) (subsection 234AB(1));
- false declaration given by a person (subparagraph 234(1)(d)(i)); or
- assault of a Customs and Border Protection officer (subsection 210(1A)).

A ROI should not be conducted for offences that fall under the Memorandum of Understanding (MOU) between Customs and Border Protection and the Australian Federal Police. s47E(d), s37(2)(b)

Further detail on ROI procedures can be found in the Instruction and Guideline on Customs Investigations.

4.2 Interpreter or Interview Friend

Interpreter:

The need for an interpreter should be established prior to entering the interview room. If an interpreter is not available to attend, the Telephone Interpreter Service (TIS) should be contacted. Alternatively, unless the person has been detained, the case officer or interviewing officer could arrange a convenient time for the person to return for a ROI to be conducted with an interpreter present.

If the offence is a serious, non-terrorism, offence (that is, a Commonwealth offence that is punishable by imprisonment for a period exceeding 12 months) an application can be made, under section 23D of the Crimes Act, to a magistrate for an extension of the investigation period. The investigation period may be extended for a period not exceeding 8 hours, and must not be extended more than once. The application must satisfy the magistrate that the offence is a serious offence; that further detention is necessary to preserve or obtain evidence or to complete the investigation into the offence or into another serious offence; that the investigation into the offence is being conducted properly and without delay; and that the person, or their legal representative, has been given the opportunity to make representations about the application. This extension may allow for an interpreter to be appointed.

If the offence alleged to have been committed is minor, the case officer must obtain the person's address, phone number and the details of the person's next of kin,

relative or friend. The officer must provide the person with a contact number for the case officer. After the person has departed, the case officer should contact TIS by telephone on 131450 and formally request an interpreter on the nominated date agreed previously with the person. TIS may ask for the request to be made in writing.

Interview Friend:

If the person is (or states they are) an Aboriginal person or a Torres Strait Islander the officer should contact Aboriginal Legal Aid. The ROI and electronic recording should not commence unless an interview friend is present or the person expressly and voluntarily waives his or her right to have a friend present.

An interview friend in regards to Aboriginal people and Torres Strait Islanders is:

- (e) a relative or other person chosen by the person; or
- (f) a legal practitioner acting for the person; or
- (g) a representative of an Aboriginal legal aid organisational; or
- (h) a person whose name is included in the relevant list maintained under subsection 23J(1) of the Crimes Act.

If the person is (or the officer believes on reasonable grounds that the person is) under 18 the ROI and electronic recording should not commence unless an interview friend is present. In this case interview friend means:

- (a) parent or guardian of the person or a legal practitioner acting for the person; or
- (b) if none of the previously mentioned persons are available – a relative or friend of the person who is acceptable to the person; or
- (c) if the person is an Aboriginal person or a Torres Strait islander and none of the previously mentioned persons are available – a person whose name is included in the relevant list maintained under subsection 23J(1) of the Crimes Act; or
- (d) if no person covered by paragraph (a), (b) or (c) is available – an independent person.

If a person is not an Aboriginal person or Torres Strait Islander and is not under 18,, officers are not obliged to allow or ensure an interview friend is present during a ROI. Section 23G of the Crimes Act only provides that a person has the right to communicate with a friend or relative to inform that friend or relative of his or her whereabouts and, as soon as practicable, the officer is to give the person reasonable facilities to enable the person to do so. Note that this does not affect the right of a protected suspect to have a legal practitioner attend the questioning.

4.3 Person declines to be interviewed

If the person declines to be interviewed and the offence is one for which there is no power of detention or arrest, the person is free to leave at any time. If the person wants to depart before an interview takes place they are to be advised that Customs and Border Protection may choose to proceed with a prosecution and, if so, they will receive a Court Attendance Notice.

4.4 Sequence for electronic recording of ROI

Once it has been determined that a ROI should be conducted, the supervisor will act as the case officer (officer in charge) and take the following steps:

1. Suspend the baggage examination or questioning and advise the person they will be moved to a discrete room;
2. Explain to the person a ROI will be conducted and advise them that a copy of the audio recording of the ROI will be given to them on completion;
3. Switch video/audio equipment on and place blank DVDs and CDs in the equipment
4. Move the person and any effects to the search room;
5. Commence recording of ROI;
6. Commence preamble formalities according to normal record of interview procedure;
7. State the DVD/CD title, place, date, time and person's name;
8. State the purpose/role and Customs User ID of any other officer present;
9. If an interpreter is present they should be identified and the interpreter should state their full name, employer and qualifications;
10. If any other person is present, they must be identified and give their name and reason for being in the room;
11. If the search has already located prohibited goods or drugs and/or the officer believes the person has committed a Commonwealth offence they must be cautioned and provided with their rights under Part 1C of the Crimes Act and this must be electronically recorded;
12. Commence questioning in accordance with relevant Instructions and Guidelines on ROI; and
13. Any interruptions, suspensions, resumptions or outside noises must be explained for the benefit of the DVD/CD.

4.5 Post recording

On completion of the interview:

1. Label all DVDs/CDs using a permanent marker (see section 5.4);
2. Place copyright label on the DVDs/CDs;
3. Seal Master DVD and Master Audio CD with a Customs and Border Protection seal;
4. Person signs for second copy of the CD on the receipt for CD/DVD form (Attachment C);
5. Take a photocopy and provide to the person;
6. Retain the original receipt for the file;
7. Complete notebook entries and other statistical and information reporting requirements;
8. Complete Register of Electronic Records (Attachment D - control document for all electronic records collected); and
9. Secure remaining DVDs/CDs in s47E(d) .

Unlike the post recording procedures in relation to an external search, the person is to be given the second copy of the audio CD only. A copy of the recording must be given to the person or their legal representative within 7 days of the recording (paragraph 23V(2)(a) of the Crimes Act). If both a video and audio recording are made, a copy of the audio CD is to be given to the person or their legal representative within 7 days, and the person or their legal representative is to be informed that an opportunity will be provided, on request, for viewing the video recording (paragraph 23V(2)(b) of the Crimes Act).

5 DVDs and CDs

5.1 Overview

A new set of DVDs and CDs should be used for each examination/search/interview. Read only DVDs/CDs must be used instead of re-writable DVDs/CDs.

Both DVDs and CDs are referred to as either the Master or second copies. As equipment records both video and audio information simultaneously both Master and second copies are 'originals'.

All DVDs and CDs are treated similar to exhibits for the purpose of security and should be stored s47E(d).

5.2 Replacement of Expired DVD/CD

A DVD or CD may expire before a required attendee arrives or before an examination, search or interview is completed. The following steps describe the procedure for changing DVDs/CDs:

1. Automatic alarm will sound on the equipment when the time remaining on the DVD or CD is about to expire;
2. Notify the detainee/traveller/interviewee what the alarm means and note the time before stopping the recording of the system that has alarmed (audio or video);
3. Remove the DVD/CD and ensure they are labelled appropriately;
4. Place new unused DVD/CD in the equipment;
5. Introduce all present, state place, date and time and identify the DVD/CD as part two;
6. Describe your actions as you change either the DVD/CD for the purpose of the other recording; and
7. On completion ensure the second DVD or CD is marked as part two.

5.3 Equipment Malfunction

Following an equipment malfunction, explain the problem on the recording if possible. It may only be a DVD malfunction not a CD, or it may just be the monitor or a camera malfunction. In the case of malfunction:

1. Notify the detainee/traveller/interviewee what has happened and note the time before stopping the recording;
2. Remove the DVDs/CDs and ensure they are labelled appropriately;
3. Contact the supervisor who will decide whether to proceed with equipment;
4. If problem is identified and rectified, place new DVDs/CDs in the equipment;
5. Introduce all present, place, date and time and identify the second DVD/CD as part two;
6. Describe your actions for the purpose of the other recording;
7. On completion ensure the second DVD or CD is marked as part two; and
8. If problem cannot be rectified then proceed with contemporaneous notes.

5.4 Identification / Labelling

Each DVD and CD must have a disk label to allow identification and labelling. Marking of DVDs and CDs with a permanent marker is as follows:

- place of detention, interview and/or search;
- flight number detainee/traveller arrived/departed on (if applicable);
- relevant officer's Customs User ID;
- signature of officer in charge;
- Detention Register number (for external search); and
- Part/sequence number (1 of 2, 2 of 2, etc – if required).

After marking place a copyright label on DVD/CD.

5.5 Distribution

5.5.1 Master copy

The Master copy of the DVD is the copy admitted in Court as an exhibit. The Master copy of the CD is considered the Customs and Border Protection working copy.

The Master DVD and CD should be sealed separately in their hard plastic cover in the presence of the detainee/traveller/interviewee. Either a round Customs and Border Protection seal or numbered evidence silver sticker seal can be used before securely storing the DVD and CD §47E(d).

If a Court directs that any part of the DVD record be edited, a full transcript of the event will be required with any inadmissible portions clearly marked. The Register of Electronic Records must be updated and, following editing, the Master copy is then resealed and returned §47E(d).

5.5.2 Second copy

The second copy is used for:

- Detainee/traveller/interviewee copy;
- investigating agency copy;
- evidential review;
- transcript preparation;
- approved copying; and
- investigation of complaints.

If the detainee/traveller/interviewee refuses to sign the receipt (Attachment C) Customs and Border Protection must still provide them with a copy of the DVD/CD. The officer should note the refusal on the receipt and have a witness endorse the notation.

If the detainee/traveller/interviewee refuses to sign the receipt and refuses to take the DVD/CD, mark their copy of the DVD/CD accordingly and store with the Master copy.

5.5.3 Distribution Summary

A summary of the distribution of DVDs and CDs and the relevant legislative reference is outlined below:

External Search- subsection 219RAA(1) of the Customs Act

DVD1 (drive 2) = Customs and Border Protection Master Copy (able to be copied if necessary for the use of an investigating agency)

DVD2 (drive 4) = Detainee Copy

Audio CD1 (drive 1) = Customs and Border Protection Working Copy

Audio CD2 (drive 3) = Investigating Agency Copy

Baggage Examination- paragraphs 23V(2)(a) and (b) of the Crimes Act

DVD1 (drive 2) = Customs and Border Protection Master Copy

DVD2 (drive 4) = Customs and Border Protection Working Copy (able to be copied if necessary for the use of an investigating agency)

Audio CD1 (drive 1) = Customs and Border Protection Working Copy (able to be copied if necessary for the use of an investigating agency)

Audio CD2 (drive 3) = Traveller Copy (*Note: A copy of the DVD should not be provided to the traveller, however, Customs and Border Protection must allow the traveller or their legal representative to view the DVD on request. A copy of the DVD should be provided if the traveller was also detained for an external search.*)

Record of Interview- paragraphs 23V(2)(a) and (b) of the Crimes Act

DVD1 (drive 2) = Customs and Border Protection Master Copy

DVD2 (drive 4) = Customs and Border Protection Working Copy (able to be copied if necessary for the use of an investigating agency)

Audio CD1 (drive 1) = Customs and Border Protection Working Copy (able to be copied if necessary for the use of an investigating agency)

Audio CD2 (drive 3) = Interviewee Copy (*Note: A copy of the DVD should not be provided to the interviewee, however, Customs and Border Protection must allow the interviewee or their legal representative to view the DVD on request.*)

5.6 Storage

All personal search, baggage examination and ROI DVDs and CDs held by Customs and Border Protection should be treated similar to exhibits.

In addition regulation 176B of the *Customs Regulations 1926* (Customs Regulations) directs that records of external searches must be securely stored. Further, the Privacy Act requires that all records containing personal information must be reasonably guarded against loss and unauthorised access, use, modification or disclosure.

s47E(d), s37(2)(b)

DVDs and CDs must be secured in the locker with a register showing the details of the officer releasing/returning the DVD/CD. The Register of Electronic Records (Attachment D) also records any person and agency taking the record, the reason for access and destruction details. This is for audit and internal check reasons and is also required under regulation 176B of the Customs Regulations.

The responsibility for the access and control of DVDs and CDs s47E(d) rests with either the duty manager or shift supervisor.

5.7 Destruction

5.7.1 General

The destruction of all DVDs and CDs is to be done via an approved shredder only. Methods of destruction such as directly re-recording over the devices or burning the devices must never be used.

DVDs and CDs must be destroyed 12 months after the date of recording if relevant proceedings have not been instituted or have been discontinued.

A witness to the destruction of the electronic recording must initial the Register of Electronic Records (Attachment D).

5.7.2 External Search

In the case of external search, section 219RAF of the Customs Act provides further detail on when an electronic recording of an external search must be destroyed and under what circumstances, including:

- DVDs and CDs must be destroyed as soon as practicable 12 months after the date of recording if relevant proceedings have not been initiated or have been discontinued;
- Customs and Border Protection or the Director of Public Prosecutions (DPP) may apply to a magistrate to extend the period of 12 months if there are special reasons for doing so; and
- DVDs and CDs must be destroyed as soon as practicable if the detainee is found to have committed a relevant offence but no conviction is recorded or is

acquitted of a relevant offence and no appeal is lodged/confirmed, unless there is another relevant investigation or proceeding against the detainee.

A witness to the destruction of the electronic recording must initial the Register of Electronic Records (Attachment D).

5.8 Viewing

DVDs can only be viewed for authorised purposes.

When any DVD is removed from s47E(d) for viewing duty managers or shift supervisors should ensure the Register of Electronic Records details are completed (Attachment D).

5.8.1 Customs and Border Protection Officers

Customs and Border Protection officers required to give evidence in Court may have reason to review the DVD to refresh their memory prior to attending Court.

Viewing of the recording of an external search should be restricted to officers of the same sex as the detainee.

Officers authorised to view DVDs should only do so on Customs and Border Protection premises and viewing should be of the second copy rather than the Master copy.

5.8.2 Customs Legal Unit and the Australian Government Solicitor

Customs Legal Unit and/or the Australian Government Solicitor may need to view the DVD of a search/examination/interview where relevant proceedings have been instituted against the detainee/traveller/interviewee. In some cases it may be necessary to view the second copy held by the AFP or Investigations Branch.

5.8.3 Court

In Court proceedings the Master DVD will be available for viewing.

5.8.4 External Organisations and Individuals

An external organisation or individual may request to view or be provided with a copy of the DVD recording of an external search, baggage examination or ROI. This may occur following an individual traveller complaint or during the investigation of a traveller complaint by the Commonwealth Ombudsman or the Human Rights and Equal Opportunity Commission.

All requests from external organisations or individuals will be directed to the National Manager Airport Operations North, Airport Operations South or Passenger Operations. A written request stating reasons for either viewing, or a copy, is required by Customs and Border Protection. Any direction to arrange viewing or make copies should be followed using the second copy. Note that the Customs Administration Act and the Privacy Act apply in relation to any disclosure. Further detail on information sharing can be found in Practice Statement 2008/29 on Disclosure of Information.

5.8.5 Prints

Requests for prints of video frame/s must be in writing stating the reason for requiring a print. An Airport Operations Director/Manager may authorise a print to be made and arrange the release of the second copy for that purpose.

Any prints produced should be endorsed on the back with:

- detainee/traveller/interviewee's name;
- date of detention/examination/interview; and
- detention search register number if applicable.

5.9 Making copies

Copies of the Master DVD are rarely made. This DVD should remain in its original state and be available to be produced unaltered in Court proceedings.

If the second copy recording is held by the AFP or Investigations Branch, a written request for a copy will be forwarded to the case officer handling the proceedings/investigation to decide whether to copy or not.

If the second copy DVD is damaged, destroyed, lost or otherwise unobtainable, approval to make a copy from the Master must be sought from the Airport Operations Director/Manager before a copy can be made.

If a detainee/traveller/interviewee or their legal representative requests copies of recordings, they should be directed to the National Manager Airport Operations North, Airport Operations South or Passenger Operations. A written request stating reasons for a copy is required by Customs and Border Protection. Any direction to make copies must be followed using the second copy where possible.

When any DVD is removed from s47E(d) for copying, duty managers/shift supervisors should ensure the Register of Electronic Records details are completed (Attachment D). For continuity and evidential purposes, officers making a copy of the Master DVD must record the movement and copying of a DVD in their notebook. An official statement must be made regarding the events involved in the copying of the DVD.

5.10 Transcription

A transcript of the DVD/CD need not always be made. A summary or synopsis may be made by Customs and Border Protection or the AFP where relevant proceedings are instituted against the detainee/traveller/interviewee.

If a transcript is made, a copy of the transcript must be available to the person or his/her legal representative within 7 days after the preparation of the transcript.

A transcript will be made by either Customs and Border Protection or the AFP where the DPP makes a specific request or a magistrate or judge orders a transcript be made. The area within Customs and Border Protection responsible for making the transcript will be the area holding the Working Copy.

When any DVD/CD is removed from s47E(d) [REDACTED] for transcribing purposes duty managers/shift supervisors should ensure the Register of Electronic Records details are completed (Attachment D). The Working copy, not the Master copy, should be used for transcription.

Related Policies and References

- *Customs Act 1901*
- *Customs Administration Act 1985*
- *Customs Regulations 1926*
- *Crimes Act 1914*
- *Privacy Act 1988*
- *Freedom of Information Act 1982*
- *Quarantine Act 1908*

Practice Statements:

- Traveller Intervention and Response
- Disclosure of Information

Other Instructions & Guidelines

- Baggage Examination
- Detention and Search
- Customs Investigations

Key Roles and Responsibilities

Customs and Border Protection policy responsibility rests with the Passenger Policy Section of Passenger Operations Branch, Passengers Division.

The Director Passenger Policy is responsible for the preparation and dissemination of policy and practices in relation to the function. Airport Operations North and South are responsible for ensuring the efficient and effective delivery of the function in the eight international airports while Enforcement Operations Branch is responsible for delivery of the function at minor airports and seaports.

Consultation

Internal

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines.

- Airport Operations North
- Airport Operations South
- Strategic Development Passengers
- Customs Legal Unit

- Enforcement Operations
- Investigations

Approval

Approved on	23 August 2009	(signature)
By	Jan Dorrington National Director Passengers Division	
Review Period	Three years	

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Australian Government
**Australian Customs and
 Border Protection Service**

INSTRUCTIONS AND GUIDELINES

Airport CCTV Data Handling February 2011

This Instruction & Guideline refers to Practice Statement: 2007/03 Customs Operational Closed Circuit Television (CCTV) System

Published date:	19 April 2011
Availability:	Internal only
Subject:	CCTV Data Handling and Release of CCTV Information to other Government Agencies.
Purpose:	Provide instruction and guidance in relation to correct CCTV data handling procedures, including the release of CCTV information and recorded media to other government agencies.
Owner:	National Director Passengers
Category:	Operational Procedures (OP)
Contact:	Director Passenger Policy (02) 6275 s22(1)

The electronic version published on the intranet is the current Instruction and Guideline.

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IN-CONFIDENCE**Summary of main points**

This Instructions and Guidelines is written in two parts; Part A outlines broad provisions in relation to CCTV data handling; and Part B details policy and procedural guidance for the release of CCTV information to other government agencies in accordance with Section 16 of the Customs Administration Act 1985.

This I&G applies to staff in:

- All Customs and Border Protection CCTV Control Rooms, Air Border Security (ABS) offices, or other locations such as the Airports National Monitoring and Analysis Centre (ANMAC) that facilitate the operation of the Customs and Border Protection CCTV system.

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IN-CONFIDENCE**1. INTRODUCTION**

- 1.1 Given the sensitive nature of CCTV data, clear guidelines are required for the correct handling and storage of CCTV data, including privacy considerations and the destruction of CCTV data.
- 1.2 Release of CCTV data externally is a sensitive and must only occur in accordance with policy and legislative requirements. Section 16 of the Customs Administrative Act 1985 sets the framework for the release of Customs and Border Protection information to other agencies.

2. PART A – CCTV DATA HANDLING

Privacy

- 2.1 Due to the sensitive nature of camera surveillance, management of the national CCTV network must be in accordance with existing legal frameworks and must be maintained with a high standard of integrity and accountability at all times. The following privacy principles apply:
- Officers must treat all information gathered through CCTV as sensitive and make themselves fully conversant with relevant policy regarding the handling and release of any information, recorded or otherwise, *obtained through the CCTV system*;
 - Recorded images must be collected through lawful means in accordance with the Privacy Act 1998;
 - Recorded images must be retained for enforcement and regulatory evidentiary purposes or at the request of intelligence agencies. All other recorded images must be overwritten in accordance with system requirements; and
 - CCTV data must only be used by other law enforcement and regulatory agencies for the purposes of investigating whether an offence has been committed against the law of the Commonwealth of Australia or a territory or for the performance of its functions on the understanding that it will not be disclosed or further produced except where required or permitted by law.

Disclosure of Information

- 2.2 Disclosure of information must be in accordance with:
- Section 16 of the Customs Administration Act 1985
 - Freedom of information Act 1982; and
 - Section 70 of the Crimes Act.
- 2.3 Under no circumstances should CCTV data be released from any control room or Air Border Security (ABS) room or other place without the appropriate approval and documentary handover as per procedures outlined in Part B of this Instruction and Guideline

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IN-CONFIDENCE**Requests from External Agencies**

- 2.4 Customs and Border Protection can not mutually share camera feeds with any other port authority or agency, except where there is a legislative requirement or a formal agreement (e.g. Memorandum of Understanding) in place.
- 2.5 The CCTV system will be available to other appropriate/relevant law enforcement agencies for tasks on a needs and priority basis subject to release of information being in accordance with the provisions of Section 16 of the Customs Administration Act 1985. External clients are required to lodge taskings requests in the same manner as internal requests.
- 2.6 The Authorising officer is to complete the *Authority to Disclose Protected Information – General* form B277 (Attachment B). The Authorising Officer must be satisfied that an undertaking has been provided (list of agencies that have provided an undertaking is available on the Customs and Border Protection Intranet –s47E(d) [REDACTED]). Once complete, the Authorising Officer is to hand the *Authority to Disclose Protected Information – General* and *Request for CCTV Information (external agency)* forms to a CCTV operator for action.
- 2.7 The B277 form does not need to be completed if an ongoing authorisation is in place, authorising the disclosure to the recipient agency. The list of ongoing authorisations can be found on the Customs and Border Protection Intranet. s47E(d) [REDACTED]

CCTV camera sharing with non-government agencies

- 2.8 The CCTV cameras can also be shared through legal contracts or formal agreements with Airport Owners/Operators based on the following conditions:
- Feeds will only be provided from fixed cameras in non-sensitive areas of Customs and Border Protection controlled area at airports.
 - Non-sensitive areas include all areas except the entry and outwards control points and the secondary examination areas
 - Recording and disclosure of CCTV data to third parties will not be permitted under any circumstances
- 2.9 To obtain access to cameras owned by airport operator/owner, the following questions need to be answered before requesting access.
- Is the camera operationally critical to Customs and Border Protection?
 - Will a fixed camera be sufficient for our purposes?
- 2.10 Any queries or requests regarding CCTV camera sharing or access should be directed to Technology and Enforcement Capability Branch and Passenger Enabling Operations Branch.

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IN-CONFIDENCE**Evidentiary Requirements**

- 2.11 When an incident or offence has occurred and there is a requirement to preserve CCTV data for evidentiary purposes, the following steps should be followed:
- Identify relevant recorded images on the Digital Video Recorder (DVR);
 - Ensure that the required data is not over recorded while arrangements to save the data are being made. §47E(d) [REDACTED]
[REDACTED]
[REDACTED];
 - Transfer digital data from the hard drive to a removable medium, such as a DVD or CD, in a format that allows accurate replay and production of the CCTV data. Two copies should be made – one being a master copy and the other a working copy. The master copy is retained for accountability and audit purposes;
 - If not using an already labelled DVD/CD, label all DVDs/CDs and tapes with the information contained in the sample template at *Attachment D*. This can be by hand, sticker or other label.
 - Record details in the relevant register;
 - Release of CCTV data must occur in accordance with s16 of the Customs Administration Act 1985; and
 - Master copies of CCTV data must be stored in accordance with the provisions of the Australian Customs Security Handbook.
- 2.12 Further details in relation to the above points can be found within this document.

Removable Storage Media

- 2.13 Removable media is storage media that can be easily removed from a CCTV system and is designed for removal. Examples include portable hard disks (including hard disk caddies), DVDs, CDs, floppy disks, tapes, smartcards, flashcards and thumb drives.
- 2.14 All removable computer disks, tapes, portable memory devices and digital photographs are to be marked conspicuously to indicate the security classification of the stored data. Current policy states that unless otherwise specified, all portable CCTV storage media must be marked with a PROTECTED security classification (refer to the *Airport CCTV Data Security Classification Instructions and Guidelines*).
- 2.15 Removable storage media must also be marked with the following caution (See *Attachment D* for copy of the template):
- This disc is made available to the recipient for the performance of the recipient's functions in investigating whether an offence has been committed against a law of the Australian Commonwealth or an Australian State or Territory.

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This information is disclosed on the understanding that it will not be used or further disclosed except for the purpose for which it was provided by Customs and Border Protection or otherwise as required or authorised by law¹.

- 2.16 Removable media containing classified information must be stored in accordance with the *Australian Customs and Border Protection Security Handbook* requirements for information of that classification. The required class of container is determined by the classification of the information on the media and the physical security standard of the area in which the container is located. The effective classification level of the media may be reduced by the use of appropriate encryption. Refer to the *Airport CCTV Data Security Classification Instructions and Guidelines*.

Managing Digital Video Recordings

- 2.17 The digital CCTV system uses storage devices in the form of hard disk drives for the direct storage of video files. Due to the limited capacity of hard drives, data stored on hard drives is automatically overwritten after a preset time. Prior to CCTV data being overwritten, some or all of the recorded images may be transferred to portable storage media on a case-by-case basis.
- 2.18 There are several types of recording medium suitable for use in copying digital video images from fixed hard drives:
1. Magnetic tape, including conventional VHS videotape or Super VHS (SVHS) videotape.
 2. Non-reusable removable medium or WORM (Write Only Read Many) medium includes:
 - CD±R;
 - DVD±R.
 3. Reusable, removable, non-tape media, memory cards include:
 - Portable Hard Drives;
 - CD±R;
 - DVD±R.
- 2.19 For reasons of security and data integrity only media such as DVD+R and CD+R should be used for creating copies, unless there is a specific reason to use other forms of recording media and permission from the relevant Supervisor, Manager or Duty Manager has been received.

Copy to DVD or CD

- 2.20 In order to preserve CCTV data indefinitely it must be copied on to portable recording media, generally DVD±R or CD±R. Once the data has been successfully copied onto DVD±R or CD±R the original data on the local drive of the Site Manager PC should be deleted. Where CCTV data is used for evidentiary purposes, two copies should be made. For routine inquiries or review purposes only one copy may be required.

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- 2.21 The first copy is to be identified as the master copy and will be labelled and treated as such. A working copy is usually produced simultaneously, or immediately after the master is produced. The working copy is the version that will be used as part of an investigation and to assist in the preparation of the prosecution file.
- 2.22 Transfer to DVD or CD should be carried out as soon as possible to reduce the time and opportunity for alteration to original images stored on the hard drive. For evidentiary purposes 'bit for bit' copies such as master and working copies are regarded as the same as original CCTV data stored on a hard drive. This does not remove the necessity to protect the master as an exhibit.
- 2.23 §47E(d), §37(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]

Creating Master and Working Copies

- 2.24 The Master copy should be:
- On Write Once Read Many (WORM) removable media;
 - Labelled as MASTER Copy, including date and time of recording and camera details (as per the template provided in *Attachment D*)
 - Stored in a form and manner, with software if required, so that the images may be viewed in the future;
 - Placed in a suitable protective case, sealed and retained in secure storage in accordance with exhibit protocols; and
 - Copied in the same format as it was first captured on original hard drive.
- 2.25 The master copy should not be used, except to produce additional working copies when no working copies are available to copy, or by order of the court to establish authenticity.
- 2.26 The working copies should be:
- On WORM removable media;
 - Where possible, made at the same time as the master copy, either directly from the hard drive or made at a later time from the master copy;
 - Labelled as WORKING Copy and include date and time of recording and camera details;
 - Stored in a form and manner, with software if required, so that the images may be viewed in the future; and
 - Copied in the same format as it was first captured on original hard drive.

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Handling DVDs and CDs

- 2.27 Digital media should be stored in clean environments, avoiding strong light and chemical contamination. Office environments are generally suitable for the storage of DVDs and CDs. Allowing DVDs and CDs to become dirty or scratched damages the media and can affect the integrity of the data stored on these disks.

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IN-CONFIDENCE**3. PART B – RELEASE OF INFORMATION TO OTHER GOVERNMENT AGENCIES**

Request by External Agency

- 3.1 A *Request for CCTV Information (external agency)* form B1203 (NOV/2010) (*Attachment A*) is completed by a requesting agency and submitted to an Authorising Officer (Supervisor/Team Leader/Duty Manager responsible for the CCTV).
- 3.2 If the agency requesting the information is an agency with which Customs and Border Protection has an ongoing authorisation, the request can be submitted either through the *Request for CCTV Information (external agency)* form or directly to the Authorising Officer who will complete the form on their behalf.
- 3.3 In order to complete the *Request for CCTV Information (external agency)* form on behalf of the recipient agency the following details are required:
- Details of the request: [*insert type, e.g. Reason for request, incident, location*]
 - Media type: [*insert type, e.g. Tape, DVD, photo*]
 - Requesting agency: [*insert type, e.g. Australian Federal Police, Australian Crime Commission*]
 - Requesting officer details: [*insert name*].
- 3.4 The Authorising Officer is to complete the *Authority to Disclose Protected Information – General* form B277, (*Attachment B*). The Authorising Officer must be satisfied that an undertaking has been provided (list of agencies that have provided an undertaking is available on the Customs and Border Protection intranet – s47E(d) [REDACTED])
- Once complete, the Authorising Officer is to hand the *Authority to Disclose Protected Information – General* and *Request for CCTV Information (external agency)* forms to a CCTV operator for action.
- 3.5 The B277 form does not need to be completed if an ongoing authorisation is in place, authorising the disclosure to the recipient agency. The list of ongoing authorisations can be found on the Customs and Border Protection Intranet. - s47E(d) [REDACTED]

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- 3.6 Once the completed forms have been received the CCTV operator is to capture the requested information and record it to the required medium (e.g. Tape, DVD, or printed hard copy).
- 3.7 The Tape/DVD/photo is to be endorsed with the following statement and information:

“This document is made available to [insert agency] for the purposes of investigating whether an offence has been committed against a law of the Commonwealth or a Territory or for the performance of its functions on the understanding that it will not be disclosed or further produced except when required or permitted by law.”

- Person recording the information [Insert person’s initials]
- Person provided to:[Insert Requesting person’s initials]
- Subject: [insert subject]
- Date: [insert date]
- Security classification marking on the disk or photo

Release of Media

- 3.8 The media is to be placed in an envelope, sealed with a Customs and Border Protection seal and endorsed with the following information on the front of the envelope:
- Person provided to:[Insert requesting person’s name]
 - Subject: [insert subject]
 - Date: [insert date]
- 3.9 Place the envelope containing the media in the control room safe until it is collected by the requesting person or their nominated person. The identity of the requesting officer or nominated person must be verified by sighting the officer’s identification pass. Release of media to a nominated officer should only occur when previously advised by the requesting officer or confirmed directly with the requesting officer. The Issuing agency and identification number are to be recorded in the Control Room Release of Information Log Book.

Record Keeping

- 3.10 The following details of the requested information are to be entered in the relevant log book (*Attachment C*):
- Date of request: [insert date]
 - Format e.g. Tape, DVD, CD or photograph: [insert format type]
 - Releasing Officer: [insert name]

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- 3.11 Agencies that have an ongoing authorisation to disclose with Customs and Border Protection are still required to have their request details recorded in the relevant log book and their request kept on file.
- 3.12 The Log book reference number for the request is to be inserted into the *Request for CCTV Information (external agency)* form.
- 3.13 Attach the *Request for CCTV Information (external agency)* form to the *Authority to Disclose Protected Information – General form* (if required – refer to paragraph 3.6 above) and file under the corresponding month in the Request for CCTV Information folder.
- 3.14 When the recipient arrives to collect the media, complete the entry in the Release of Information Log Book including:
- Date of collection: [insert date]
 - Collector's name and agency: [insert details]
 - Collector's signature: [insert signature]
 - Customs and Border Protection releasing officer: [insert name]

Compliance and Efficiency Reporting

- 3.15 On a fortnightly basis, the Authorising Officer is to conduct a compliance check of the Release of Information Log book and Request for CCTV Information folder. This is to ensure that information is being correctly recorded, all details in the log book and request forms are being recorded entirely, and that no requests are outstanding.
- 3.16 In the event that discrepancies are identified through this check, it must be reported to the Airport Manager. The Airport Manager then makes a determination as to whether the discrepancy should be further reported and the appropriate remedial action to be taken.

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- 2007/03 Customs Operational Closed Circuit Television (CCTV) System
- 2008/29 Disclosure of Information
- 2008/40 Record Keeping

Other Instructions & Guidelines

- Airport CCTV Data Security Classification Instructions and Guidelines
- Release of Airport CCTV Information to Government Agencies Instructions and Guidelines

Other References

- Section 16 of the Customs Administration Act 1985
- Privacy Act 1988
- Freedom of Information Act 1982
- Section 70 of the Crimes Act
- Australian Customs Security Handbook

Consultation**Internal**

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines.

- IT Security
- Passenger Enabling Operations
- Airport Operations North
- Airport Operations South
- Technology and Enforcement Capability Branch
- Airport National Monitoring and Analysis Centre (ANMAC)

Approval

Approved on	(date)	(signature)
By	Jan Dorrington National Director Passengers	
Review Period	Two years	

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Attachment A – Request for CCTV Information (External Agency)

Australian Government Australian Customs and Border Protection Service		Log Book No. <input type="text"/>	
Request For CCTV Information (external agency)			
FREEDOM OF INFORMATION ACT If a request under the FOI Act is received for access to this document, or an extract from this document, please consult the Australian Customs and Border Protection Service, FOI Section, Canberra, ACT.		PRIVACY ACT The provisions of the Privacy Act should be complied with by anyone handling personal information contained within this document.	
CUSTOMS ADMINISTRATION ACT Officers are advised that information requested / provided may be subject to the provisions of Section 15 of the Customs Administration Act.			
Urgency of Request considering your actual operational requirements. Please tick one of the following Routine <input type="checkbox"/> (action within 3 Days) Priority <input type="checkbox"/> (action within 1 Days) Immediate <input type="checkbox"/> (action within 2 hours)			
Details of Request			
Date of incident & Location		<input type="text"/>	
Flight No.		<input type="text"/>	
Alert No. (if applicable)		<input type="text"/>	
Passenger name (if applicable)	First Name	Last Name	<input type="text"/>
Reason for Request		<input type="text"/>	
Media Format Required			
CD copy of digital video footage/photograph		<input type="checkbox"/>	
Flight No.		<input type="checkbox"/>	
Alert No. (if applicable)		<input type="checkbox"/>	
Requesting Officer		Collecting Officer (if different to requesting officer)	
Full Name	<input type="text"/>	Full Name	<input type="text"/>
Agency	<input type="text"/>	Agency	<input type="text"/>
Card/Badge No.	<input type="text"/>	Card/Badge No.	<input type="text"/>
Contact Phone No.	<input type="text"/>	Contact Phone No.	<input type="text"/>
Signature	<input type="text"/>	Signature	<input type="text"/>
Customs and Border Protection Delegate (Customs level 3 or above)			
Full Name	<input type="text"/>	Full Name	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/> / <input type="text"/> / <input type="text"/>


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IN-CONFIDENCE**Attachment B – Authority to Disclose Protected Information - General**

	Australian Government Australian Customs and Border Protection Service	Authority to Disclose Protected Information – General
Use this form to authorise disclosures of information to Commonwealth, State, Territory or overseas agencies.		
PART A		
<p>1. Name and location of the recipient of the protected information:¹</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>2. The protected information to be disclosed is: <i>(describe)</i></p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>3. Purpose for which protected information is to be disclosed:²</p> <div style="border: 1px solid black; height: 25px; width: 100%;"></div> <p>4. Does the information to be disclosed include personal information?³ Please tick selection.</p> <p> <input type="checkbox"/> No <input type="checkbox"/> Yes 3 <i>If yes, you must complete Part B of this form.</i> </p>		
<p>I, <input style="width: 150px;" type="text"/>, pursuant to section 16 of the <i>Customs Administration Act 1985</i>, <small>(name of delegate of the CEO)⁴</small></p> <p>authorise <input style="width: 150px;" type="text"/> to disclose the information described above to the <small>(name of person making disclosure)</small></p> <p>recipient identified above subject to these conditions: <i>(specify conditions (if any) that govern this disclosure)</i></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <p><input type="checkbox"/> I am satisfied that the recipient has undertaken not to use or further disclose the information except for the purpose(s) described above, or otherwise as required or authorised by law.</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p style="text-align: center;"> Signature of delegate Date </p>		
<p>¹ Must be a person acting on behalf of a Commonwealth, State or Territory agency or a foreign country or international organisation. Note that where disclosures are to be made to a foreign country or international organisation the disclosure must be in accordance with an agreement.</p> <p>² This must relate to the functions of the recipient agency. It is not sufficient to merely say that the information was requested by the agency. For disclosures to foreign countries or international organisations, the purpose must relate to an agreement in place between the Commonwealth and the recipient – you must identify that agreement.</p> <p>³ 'Personal Information' means any information or an opinion that identifies a person. It does not have to be true, and it does not have to be written down.</p> <p>⁴ Customs Officers of level 3 and above have been delegated this power.</p>		

B277 (JULY 2006)

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PART B – PERSONAL INFORMATION ONLY

5. The person to whom the information relates has consented to the disclosure:

No – Go to Question 6 Yes – Give a reference to record of consent:

6. If the person to whom the information relates has not consented to the disclosure then indicate the purpose(s) for the which the information is to be disclosed:⁹

(a) the administration or enforcement of a law of the Commonwealth, or a Territory or of another country that relates to:

(i) criminal law; or

(ii) a law imposing a pecuniary penalty or providing for the forfeiture of property.

(b) in relation to a law referred to in (a), the prevention of crime, or the detection or analysis of criminal conduct, in respect of that law.

* (c) the administration or enforcement of a law of a State that relates to:

(i) criminal law; or

(ii) a law imposing a pecuniary penalty or providing for the forfeiture of property.

* (d) in relation to a law referred to in (c), the prevention of crime, or the detection or analysis of criminal conduct, in respect of that law.

(e) a purpose relating to the protection of public health, or the prevention or elimination of risks to the life or safety of an individual or group of individuals.

* (ea) the collection and verification of statistics for the purposes of the *Census and Statistics Act 1905* and the performance of the functions of the Australian Bureau of Statistics as set out in section 6 of the *Australian Bureau of Statistics Act 1975*.

(f) the protection of the public revenue of the Commonwealth, a Territory or another country.

* (g) the protection of the public revenue of a State.

* (h) a purpose relating to a law of customs.

(i) a purpose relating to immigration, quarantine or border control between Australia and another country.

* (ia) a purpose relating to the performance of functions under section 17 of the *Australian Secret Intelligence Organisation Act 1979*.

* (ib) a purpose relating to the performance of functions under section 6 of the *Intelligence Services Act 2001*.

(j) the administration or enforcement of laws with respect to commerce:

(i) between a State and another State; or

(ii) between a State and a Territory; or

(iii) between a Territory and another Territory; or

(iv) between Australia and another country.

* (k) the administration or enforcement of laws with respect to commerce within a State.

* Purposes marked * may not be used to authorise the disclosure of personal information to foreign countries or international organisations.

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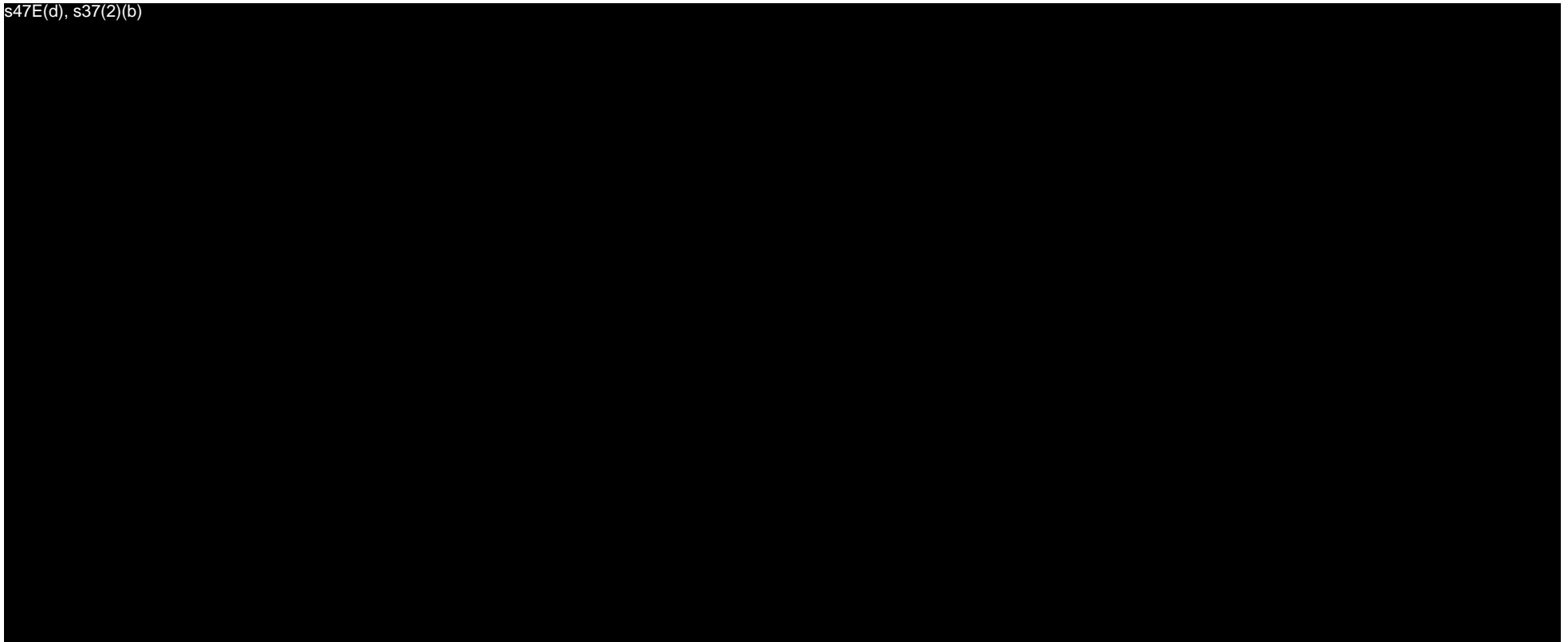


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**Australian Customs and
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Attachment C – Control Room Release of Information Log Book

Control Room Release of Information Log Book

s47E(d), s37(2)(b)



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Attachment D – Sample label template

PROTECTED



Australian Government
Australian Customs and Border Protection Service

Recipient: _____

Subject: _____

Log Reference No. _____ Disc _____ of _____

Task no. _____ Date of Footage _____

Date of Release _____

CCTV FOOTAGE

This disc is made available to the recipient for the performance of the recipient's functions in investigating whether an offence has been committed against a law of the Australian Commonwealth or an Australian State or Territory.

This information is disclosed on the understanding that it will not be used or further disclosed except for the purpose for which it was provided by Customs and Border Protection or otherwise as required or authorised by law.

PROTECTED

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