



Alameda-Contra Costa Transit District

Tempo Platform Camera Audit
Alameda-Contra Costa Transit District
Internal Audit Department
August 2023

Audit Objective



Alameda-Contra Costa Transit District

The primary objective of this audit was to evaluate compliance with policies and procedures outlined in Board Policy 411, which governs the utilization of Tempo Platform Cameras and associated data. The policy was developed around the same time as the Tempo cameras deployment in August 2020 and clearly defines authorized camera and data uses. Proper adherence to authorized camera use and other requirements contained in the policy were evaluated in this review.

Background

The Tempo Bus Rapid Transit project connects Uptown Oakland and San Leandro Transit Center and includes the construction of station platforms along the line and the installation of four stationary cameras per platform. The operational coverage of the Tempo Platform Cameras spans 24 hours a day, 7 days a week, 365 days a year, encompassing all Tempo platforms. Platform Cameras are intended to improve the safety and protection of AC Transit passengers and employees while on or approaching Tempo platforms, in addition to protecting District property on platforms, including but not limited to Ticket Vending Machines (TVMs), Communications Interface Cabinets (CIC), and Electrical Interface Cabinets (EIC). Additionally, the cameras are used for District criminal investigations and to protect against other illegal activities aimed at harming persons and property. In response to public concerns regarding the use of Camera data and privacy rights, Board Policy 411 is established to ensure the proper uses of Tempo Platform Cameras, the storage and retention of Camera data, and procedures related to requests for access to Camera data.

The policy designates critical roles to the “Camera Application Administrator” and “Camera IT System Administrator,” who are entrusted with overseeing access requests, ensuring authorized use, and maintaining accurate data access records. All internal and external video requests are forwarded to the Incident Review Department. Any other agencies other than the District and the Alameda County Sheriff’s County Office (ALCO) shall provide a court-ordered search warrant to obtain a video. Once the Incident Review department receives a request to obtain a video, the request is forwarded to the Legal department and the Protective Services Manager for approval to release the video. After the request is approved and the Incident Review Department receives the required documentation(s) from the requester, the video is uploaded to the Genetech Clearance system where the requester can view the video.



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Data collected by the Tempo Cameras will be stored for a maximum of 30 calendar days, except when requested by a subpoena, court order, an ongoing investigation, or another lawful request. Furthermore, it is explicitly outlined that the District is prohibited from collecting or utilizing facial recognition or other biometric data collection software without express approval by the Board of Directors.

Scope and Methodology

The audit scope included examining all 147 Tempo Platform video requests made from internal and external sources from the Tempo Platform camera's inception in August 2020 through August 2023.

The audit scope includes the following key areas:

- Review all Board Policies, related policies, procedures, and any relevant documents to establish a comprehensive understanding of requirements.
- Conduct interviews with key stakeholders, including the Camera Application Administrator, Camera IT System Administrator, and Incident Review Department staff.
- Evaluate the process for requesting, obtaining approvals, and accessing data from Tempo Platform Cameras, as specified in Board Policy.
- Obtain and examine Platform Camera Request documentation to ensure proper authorization, approval, and documentation with requirements outlined in the Board Policy.
- Ensure that only authorized individuals have access to the Platform Camera System.

We conducted this audit in accordance with the International Standards for Professional Practice of Internal Auditing. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Summary of Results



The Internal Audit department obtained and examined all 147 Tempo Platform Video requests from internal and external agencies from August 2020 through August 2023, as shown in **Figure 1**.

Figure 1. Total Video Requests

| | |
|----------------------------------------|------------|
| Oakland Police Department (OPD) | 84 |
| San Leandro Police Department (SLPD) | 17 |
| AC Transit | 23 |
| Alameda County Sheriff's Office (ALCO) | 23 |
| Other Agency | 0 |
| Total Video Requests | 147 |

Our audit showed that a more organized video request log and approval process needs to be developed. However, we also noted that all 147 of the Tempo Platform Video requests we examined were for authorized purposes as defined in Board Policy 411.

Audit Findings and Recommendations

1. Video Data Management

From the audit, we noted that AC Transit did not maintain an organized log to document the approval process for releasing video data. The Incident Review Department currently manages all video requests and supporting documents. The required documents related to each video request -- from the reason(s) for the request, to court-ordered search warrants and General Counsel or Protective Services department approval -- are stored as email attachments within a designated folder. Board Policy 411 states that the "Camera Application Administrator" shall be responsible for reviewing and responding to requests for access to camera data, ensuring that the camera data only be used for authorized purposes described in the policy, and maintaining a record of access to camera data including documentation of authorized use. Documenting each video request process is crucial in providing evidence of proper approvals and ensuring compliance with District requirements. The current process, a collection of various e-mail correspondence associated with each video request, lacks uniformity, sometimes containing the required elements for each request (i.e. date, requestor, reason for request, court orders and District authorization), however, often times lacking the necessary documentation to satisfy Board policy.



From the 147 video requests we reviewed, 101 were from the Oakland police (84) and San Leandro police (17) departments and thus requiring court-ordered search warrants. Of these 101 video requests, we could not find written evidence of Legal or Protective Services department approval on 42 (or 42%) of these requests. It is important that video requests requiring court-ordered search warrants are reviewed and properly approved by Legal or Protective Services to ensure that they were properly executed.

Recommendation:

We recommend that AC Transit establish a robust log management system to ensure video requests are properly documented and approved. This system should include provisions outlined in Board Policy 411 to record relevant details, such as the requester, the purpose of the request, the approver(s), and any required court order or search warrant. The existing approval process for the release of video data should be reviewed and a standardized procedure that clearly outlines the steps and individuals responsible for approving such requests should be implemented. This process should include verification of court orders or subpoenas, ensuring that all legal requirements are met before releasing any video data to the public. Regular monitoring should be conducted to ensure the logs are accurate and complete. The log should be available for presentation for all required audits, and an annual report should be prepared, identifying the types of data requests received and responded to, and the intended use of the requested data.