



Alameda-Contra Costa Transit District

Tempo Platform Camera Follow-Up Audit
Alameda-Contra Costa Transit District
Internal Audit Department
August 2024



Alameda-Contra Costa Transit District

Audit Objective

The primary objective of this audit was to follow-up on recommendations made in our August 2023 Tempo Platform Camera audit and since that original audit, to evaluate compliance with policies and procedures outlined in Board Policy 411, which governs the utilization of Tempo Platform Cameras.

Background

An internal audit of the Tempo Platform Cameras was last conducted in August 2023, its purpose was to evaluate compliance with Board Policy 411 – Tempo Platform Camera Use. The August 2023 audit examined all Tempo video requests made and granted from the Tempo Platform Camera system's inception in August 2020 through August 2023. The audit concluded that all Tempo camera data/video requests from outside law enforcement agencies were properly obtained with authorized court orders. However, the audit also reported that a more organized request log and approval process needed to be developed. Additionally, annual reports identifying the types of data requests made and their intended use, needed to be prepared and submitted.

The design and construction of the Bus Rapid Transit project (Tempo), which connects Uptown Oakland and San Leandro Transit Center, includes 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, District purposes include use for District criminal investigations and to address illegal activity to protect against harm to persons and property. In response to public concerns regarding the use of Camera data and privacy rights, Board Policy 411 was 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.



Alameda-Contra Costa Transit District

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 order or 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 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.

Data collected by the Tempo Cameras are stored for a maximum of 30 calendar days, except when requested by a subpoena, court order, an ongoing investigation, or other 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 following-up on audit recommendations from the August 2023 report to see that they were satisfactorily resolved. Also, examining all Tempo Platform requests made from August 2023 to August 2024 to ensure compliance with Board Policy 411 requirements.

The audit scope includes the following key areas:

- Review the Board Policy, 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.



Alameda-Contra Costa Transit District

- 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.

Audit Findings and Recommendations from (prior) August 2023 Audit:

1. Lack of 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 approvals -- 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 authorization and ensuring compliance with legal 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.

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.

Summary of August 2024 Audit Follow-Up

We believe that the prior audit recommendation has been **satisfactorily resolved.**

The Internal Audit department obtained and examined all 62 Tempo Platform Video requests from internal and external agencies from the August 2023 to August 2024, a summary of these requests is shown in **Figure 1** below.

Figure 1. Total Video Requests

Oakland Police Department (OPD)	27
San Leandro Police Department (SLPD)	1
AC Transit	18
Alameda County Sheriff's Office (ACSO)	12
Other Agency (FBI, Richmond PD & Attorneys)	4
Total Video Requests	62

Our audit showed that all Platform video requests made from August 2023 to August 2024 were properly approved and those requests made from outside law enforcement agencies contained properly authorized court orders.



Alameda-Contra Costa Transit District

Additionally, standardized procedures to review and approve Tempo Platform video requests have been developed and implemented. The Incident Investigation department receives all Platform video requests and receives approval from Legal for their release to outside law enforcement agencies. Legal also reviews and approves all court orders obtained from outside law enforcement agencies to ensure compliance with Board policy. The Incident Investigation department is also now producing annual reports showing the types of data requests received and responded to, and the intended use of the requested data. These reports are now ready for submission.