


COUNCIL POLICY

Closed Circuit Television (CCTV) in Public Places	Adopted By Council:	26/10/2017	
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	Directorate:	<u>Organisational Performance and Community Services</u> <u>Community and Regulatory Services</u>	
Responsible Officer:	<u>General Manager</u> <u>Organisational Performance and Community</u> <u>and Regulatory Services</u>		

CONTEXT

Closed Circuit Television (CCTV) ~~is~~ can be a valuable tool for Council to utilise for the management of our services, assets and facilities. CCTV systems may be installed at various locations on land and/or buildings which are owned or controlled by the Borough of Queenscliffe.

This policy has been developed in accordance with the *Surveillance Devices Act 1999*, the *Privacy and Data Protection Act 2014*, and other Acts, and has also taken into account the guiding principles as set out in the Victorian Information Commissioner's for Privacy and Data Protection, *Guiding Principles for lines to s* *Surveillance and privacy in the Victorian public sector (May 2022)*.

PURPOSE

The purpose of this policy is to provide direction and guidance to Council and Council officers for the installation, operation and management of Council owned CCTV systems. This policy aims to outline how and when Council will employ CCTV systems and provides an assurance to the community that personal privacy will be maintained in accordance with relevant legislation.

DEFINITIONS

Closed Circuit Television (CCTV)	means a surveillance system made of a camera or cameras that are connected through a closed circuit and footage is sent to a monitor and recorder.
Legitimate purpose	means the purpose must have a direct connection between Council's operations and the surveillance practice. The connection should not be trivial or incidental.
Public Place	For the purposes of installation and use of CCTV, the Victorian Law Reform Commission has identified that 'public place' means any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.

Surveillance means the deliberate or purposive observation or monitoring of a person, object or place.

POLICY

1. Decision to Implement CCTV Systems

In making decisions affected by this policy, Council will take into account all relevant material, including Australian Standards AS4806 2008 ~~and the Victorian Information Commissioner's for Data Privacy and Protection Guiding Principles for Surveillance~~ Guidelines to surveillance and privacy in the Victorian public sector ~~and the Department of Justice's Guide to Developing CCTV for Public Safety in Victoria.~~

Any decision to implement a new (or retain an existing) Council owned CCTV system will be based on the purpose of the system and Council's assessment of the effectiveness with which the system will meet the purpose.

Typically, Council will only employ CCTV Systems for the following purposes:

- To protect Council assets, in particular reduce levels of graffiti and other forms of vandalism;
- To improve actual and perceived levels of community safety; and
- To reduce incidents of criminal activity.

2. Key Considerations for CCTV Systems

There are a number of key considerations which Council must take into account when assessing the need for CCTV systems. These include, but are not limited to:

- Is surveillance necessary and for a legitimate purpose related to the activities of the Borough of Queenscliffe?
- Is the surveillance proportionate to the problem that has been identified?
- Do the benefits of surveillance substantially outweigh any intrusion on privacy?
- What are the establishment, operational and replacement costs?

3. What Information Is Collected

CCTV will only be optical or visual surveillance and may collect information such as vehicle identity. Council owned CCTV will be re-active and will involve recording and storing the footage captured by the cameras for viewing at a later date, if required.

4. How Is Information Used and Stored

Surveillance footage derived from Council owned CCTV is a public record item and is subject to the standard information management security procedures as outlines in the Public Records Office Victoria, General Retention and Disposal Authority guidelines.

Surveillance footage will be kept securely for at least 31 days and up to 90 days until its administrative use concludes and will be destroyed in compliance with the Australian Standards 4806. 1-2006. On the condition that surveillance data is required for law enforcement purposes it must be stored securely for 7 years following the conclusion of its administrative use before it can be destroyed.

~~Except when required by law, faces and vehicle registration will be pixilated prior to release.~~

5. Installation, Operation, Maintenance and Training

In most cases, Council CCTV systems in public places will be owned, installed and maintained by Council. The responsibility for the operation and monitoring of the system will typically be by a private contracting company or an Authorised Officer of Council.

Where a Council CCTV system is operated or monitored by a private contracting company, Council will enter into a Licence Agreement (or similar type of agreement) which will include terms regarding compliance with this policy and privacy legislation.

~~For each CCTV system, Council will document an operation and maintenance manual. When a new CCTV system is installed, Council will ensure operators of the system are adequately trained and have support to accompany the operation and maintenance manual.~~

6. Installation and Signage

Council will advise the public via relevant signage of the existence of a Council CCTV system at each main site entries (as a minimum). Signage shall comply with relevant Australian Standards and may include a mix of worded text and symbols.

Signage must clearly state what is under surveillance, why surveillance is necessary and will identify Council as the owner of the system.

7. Who is Permitted to Access the Information

Council's Manager Community & Regulatory Services and/or Privacy Officer ~~are~~s Council's initial contacts for all CCTV questions and enquiries.

Access to data collected from the CCTV system will be assessed in accordance with the 'Use and Disclosure' Privacy Principle as included in the Privacy and Data Protection Act 2014. A request to access data from any CCTV system ~~must~~may also be made through a Freedom of Information application in which case access will be assessed via Freedom of Information legislation.

Where a request for access has been made by Victoria Police, other law enforcement agencies or government authorities, a request needs to:

- Be written on the agency's letterhead or logo
- Be signed by an officer/staff member of the agency
- Indicate the level of priority the request should be given
- Identify the specific information being enquired about
- Cite the general nature of the offence being prevented, detected, investigated, prosecuted or punished
- Provide an assurance that the information will only be used for the purpose(s) for which it is being sought and will be secured against unauthorised disclosure, and
- Be dated and provide return contact details.

8. Complaints Process

Complaints regarding Council's CCTV use and/or operation will be handled in accordance with Council's CP035 Complaint Handling policy.

A person can make a complaint in a number of ways.

Mail: Borough of Queenscliffe, PO Box 93, Queenscliff Vic ~~3223~~3225

In person: Borough of Queenscliffe Municipal Offices, 50 Learmonth Street, Queenscliff
9am – 4.30pm Monday to Friday, excluding public holidays

Telephone: (03) 5258 1377

Email: info@queenscliffe.vic.gov.au

Website: <https://www.queenscliffe.vic.gov.au/Your-Council/Contact-uswww.queenscliffe.vic.gov.au/make-an-enquiry>

9. Evaluation and Monitoring

Council's internal Risk and Governance Committee will regularly review and undertake evaluation of its CCTV use to ensure that it is meeting the objectives it set out to achieve and is effective in doing so. ~~Evaluations will be conducted on a minimum 12 monthly basis, and e~~Changes will be made to the CCTV program as required.

If the objectives of using surveillance are not being met Council will reconsider its use, as personal information will only be collected if it is necessary. ~~Evaluations may be undertaken internally, but~~ Council's Risk & Governance Committee will be responsible for reporting any evaluation to Council's Audit & Risk Committee who in turn may recommend a report to Council.

CONTINUOUS IMPROVEMENT

This policy will be reviewed on a continuous basis, but as a minimum every ~~three~~four years from the date of adoption.

OTHER REFERENCES

Surveillance Devices Act 1999

Privacy and Data Protection Act 2014

Freedom of Information Act 1982

Public Records Act 1973

Charter of Human Rights and Responsibilities Act 2006

Council Policy CP035 Complaint Handling

AS4806 Set-2008 Australian Standard Closed Circuit Television (CCTV)

Guiding Principles for Surveillance~~Guidelines to surveillance and privacy in the Victorian public sector, Victorian Information Commissioner for Data Privacy and Protection, State Government of Victoria, May 2022~~17

Guide to Developing CCTV for Public Safety in Victoria, Department of Justice, State Government of Victoria, August 2011

General Retention and Disposal Authority guidelines, Public Records Office Victoria

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