

## 1. PURPOSE

The purpose of this policy is to provide direction and guidance on Council's use of closed circuit television (CCTV) systems in public places and at Council facilities to enhance public safety and assist in the prevention of crime.

## 2. INTRODUCTION

The objectives of this policy are to ensure that:

- CCTV systems are installed where there is an identified public safety or security need, and are installed for a lawful and proper purpose
- Council CCTV systems are compliant with relevant legislation and other laws
- Management of CCTV records/footage is appropriate, including in relation to use, retention, security, privacy, access, disclosure, storage and disposal
- There is appropriate and ongoing monitoring and evaluation of CCTV systems.

Amongst other relevant material, this Policy takes account of, and acknowledgement is given to, the *Victorian Ombudsman's Guidelines for Developing Closed Circuit Television policies for Victorian Public Sector bodies, November 2012*.

As well as being a general Policy document, this document includes the details of Council's CCTV audit and evaluation mechanisms and refers to the complaint handling process. The Policy therefore also acts as a CCTV Code of Practice for Council staff. Council staff working with CCTV systems will be expected to undertake their duties in accordance with this Policy.

## 3. SCOPE

This policy applies to all Council-owned CCTV systems installed in public places that have the purpose of surveillance.

## 4. PRINCIPLES

Council CCTV systems will be operated and managed in accordance with the following principles:

- All aspects will be operated and managed with integrity and will be compliant with the relevant legislation, standards, codes and guidelines as outlined in this Policy and otherwise in force from time to time
- All aspects will be operated and managed with due regard to the privacy and respect for the human rights of individual members of the public
- Monitoring and access to CCTV records/footage will be controlled and managed in accordance with the operating procedures of each system
- Each system will be monitored and periodically evaluated to ensure that the purposes and objectives of each system are being achieved.

## 4.1 Decision to Implement CCTV Systems

When making decisions on the development and implementation of CCTV systems, Council will utilise and take into account all relevant material, including the Department of Justice's CCTV Guide.

Any decision to implement a new (or retain an existing) CCTV system will be based on the purpose of the system and an assessment of the effectiveness of the system in achieving its purpose. The relevant use must be specifically stated for each system and such use must be in accordance with the IPP 1: Collection [Information Privacy Principles from the *Privacy and Data Protection Act 2014* (Vic)]. In accordance with IPP 2, any use for a purpose other than the primary purpose must be precluded or limited to exceptional circumstances, as approved by the Chief Executive Officer or Director Corporate Services and in accordance with the legislation.

Typically, CCTV systems must only be installed by Council for the following purposes:

- To improve actual and perceived levels of safety
- To reduce levels of graffiti and other forms of vandalism, damage or theft
- To reduce anti-social behaviour
- To reduce incidents of serious criminal offences.

Council will consult with relevant stakeholders prior to establishing a CCTV system. Victoria Police will be specifically consulted where the purpose of a CCTV system is to manage high crime locations and matters of public order or safety. Other stakeholders may include, for example, utility companies, private property owners and local traders.

## 4.2 Documentation of CCTV Management Systems

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 the Victoria Police, a private contracting company or a nominated member of Council staff.

The documentation for the management of a CCTV system will vary depending on the system. However, this will usually be via a Memorandum of Understanding (MOU), a Licence Agreement or a Standard Operating Procedures Manual.

A MOU with Victoria Police is required if the CCTV system is streamed to a Police facility, that is, where any part of the CCTV system or equipment is on Victoria Police premises or where members of Victoria Police have direct access to view or download footage. The MOU will address the key considerations listed above.

Where a Council CCTV system is operated and monitored by Council, Council will prepare a Standard Operating Procedures Manual that will cover the key considerations listed above. All MOUs, Licence Agreements and Standard Operating Procedures Manual will, ordinarily and subject to law, be confidential documents and will not be publically available.

### 4.3 Operation and Maintenance Manual and Training

For each CCTV system, Council will document an operation and maintenance manual. This will include the technical details of the system, including detailed design drawings, product specifications and warranty information. These will, ordinarily and subject to law, not be publically available documents.

When a new CCTV system is installed, Council will provide the operators of the system with the required training and support to accompany the operation and maintenance manual.

### 4.4 Signage

Council will advise the community of the presence of a CCTV system by installing appropriate signage to indicate that they are in an area of a CCTV system where they may be observed or recorded. Signage will be placed so as to comply with relevant Australian Standards in force and will comply with the following requirements:

- Signs will be placed at each main access to the CCTV coverage area members of the public are reasonably entitled to use and be monitored
- Signs will be prepared so as to be easily understood by members of the public, including people who are from non-English speaking backgrounds. Signs will include a mix of worded text and symbols
- Signs will be clearly visible, distinctive and located in areas with good lighting, placed within normal eye range and large enough so that any text can be read easily
- Signs will identify Council as the owner of the system
- Signs will include details of who to contact for any queries about the system
- Signs will be checked periodically for damage and theft, and replaced where required.

### 4.5 Collection of CCTV Data

The collection of CCTV data including details of how the CCTV data is recorded, monitored and responded to by CCTV operators is to be documented for each system in the respective MOU or Standard Operating Procedures Manual.

For Council CCTV systems in general public areas, the CCTV footage on digital media will be retained for 31 days unless otherwise downloaded for legal reasons. Where footage has been provided to a third party (e.g. Victoria Police) it will be the third party's responsibility to retain the records/footage in accordance with the disposal authority that covers their agency's functional responsibilities.

Council will ensure that its record keeping practices comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications and the *Public Records Act* 1973 (Victoria). In general, surveillance camera footage is temporary and may be destroyed when any relevant administrative use has concluded.

### 4.6 Requests to Access CCTV Records/Footage and Disclosure

Requests to access CCTV records/footage from the public or media will be managed differently depending on the CCTV system.

#### **Public Safety CCTV Systems - Victoria Police control access to and distribution of CCTV recordings**

Images generated from the CCTV System will be stored at the Horsham Police Station and may be accessed by members of Victoria Police, in accordance with CCTV Policies and the Law.

Victoria Police is not under any obligation to continuously monitor the CCTV system. Victoria Police may monitor the CCTV system at any time for specific events or police operations.

Details of any images or recordings taken by Victoria Police members or provided to the public or media will be recorded on a register which will be located at Horsham Police Station.

### **Corporate CCTV Systems - Council access to and distribution of CCTV recordings**

Unless authorised by the Director Corporate Services, no Council employee is to have access to the system to review or download images from the network. Council staff may request images to be provided to Council to support programs to improve the perceptions of safety in Horsham or as evidence to support Council investigation of incidents.

Any request for images by Council staff must be made using the HRCC Application to View or Obtain CCTV Recorded Images form.

Images are not to be made available to members of the public unless required under legislation. The CCTV system was not installed for this purpose.

If an application is made under the Freedom of Information (FOI) Act, then this will be processed through the normal FOI procedures. Further information on FOI applications is available on the Victoria Police or Council websites.

### **4.7 Privacy**

Council will balance the need for public safety against the right for privacy of members of the public. Council staff who use CCTV systems are required to act responsibly and consider the reasonable expectations of the privacy of individuals.

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### **4.9 Inappropriate Use and Complaint Management**

Council staff who work with CCTV systems are to comply with the requirements of this Policy. Where a Council staff member is in breach of this Policy, there will be an internal review and appropriate action will be taken.

Public complaints in relation to any aspect of a CCTV system relating to Council must be made in writing to the Chief Executive Officer at Horsham Rural City Council (email: [council@hrcc.vic.gov.au](mailto:council@hrcc.vic.gov.au))

Any member of the public who is dissatisfied with the outcome of their complaint to Council also has the right to complain to the Victorian Ombudsman using the following contact details: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au) Phone: (03) 9613 6222

Complaints that are made by members of the public to Council relating to the policies and procedures of Victoria Police or to members of Victoria Police may be referred to the:

- Officer in Charge, Horsham Police Station;
- Victoria Police Professional Standards Command; or
- (Assuming jurisdiction) The Independent Broad-Based Anti-Corruption Commission.

### 4.10 Governance, Evaluation and Monitoring

Council will undertake evaluation and regular reporting of the CCTV system against the objectives and purpose of the system and against documented performance standards.

The first evaluation of a new CCTV system will occur between 12 and 18 months following the full commissioning of the CCTV system.

Council will establish a CCTV Steering Committee chaired by a Council representative and consisting of representatives from Council staff and Victoria Police. The CCTV Steering Committee will be responsible to:

- Oversee the implementation of the CCTV system and its ongoing management
- Report on the management of CCTV systems
- Ensure adherence to the relevant MOU for each system, Council policies and the law
- Promote public confidence in CCTV systems by ensuring its operations are transparent and subject to public scrutiny
- Make recommendations to improve the integrity of CCTV systems
- Consider any recommendations of the Council Audit and Risk Committee.

The CCTV Steering Committee serves the purpose of a CCTV Audit Committee as defined in the CCTV MOU.

Council will undertake regular audits of its CCTV systems and appropriate action plans will be formulated to address any deficiencies.

## 5. COMMUNICATION

This policy is available on the Horsham Rural City Council website – [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au)

## 6. RESPONSIBILITY

**Policy Owner:** Manager Governance and Information

**7. DEFINITIONS**

Definition	Meaning
CCTV Records Footage	Any information that is recorded or unrecorded that is taken from a CCTV system including any data, still images or moving images.
CCTV Steering Committee	The committee established by Council to oversee the operation of a CCTV system.
<i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>	Makes it unlawful for public authorities to act in a way that is incompatible with human rights listed in the Charter, including the right not to have privacy arbitrarily interfered with. Requires any interference (such as through surveillance, recorded or unrecorded) to be demonstrably justifiable.
Corporate CCTV System	All Council-owned or Council-managed CCTV systems operating in public places and Council facilities except for the Public Safety CCTV system, as defined below.
Council Audit Committee	The Council committee for the ongoing management of audit related matters. A function of the committee will be to uphold the integrity of Council’s CCTV systems.
Council Risk Management Committee	The Council committee for the ongoing management of risk-related matters. A function of the committee will be to uphold the integrity of Council’s CCTV systems.
Department of Justice’s CCTV Guide	Guide to Developing CCTV for Public Safety in Victoria, Department of Justice, June 2018
<i>Evidence Act 2008 (Vic)</i>	Establishes the legal standard for the admissibility of evidence including CCTV records/footage.
FOI	Freedom of Information [in reference to the <i>Freedom of Information Act 1982 (Vic)</i> ]
<i>Freedom of Information Act 1982 (Vic)</i>	Provides the community with the right to request information about the activities of Council, including CCTV records/footage.
IPP	Information Privacy Principles [from the <i>Privacy and Data Protection Act 2014 (Vic)</i> ]
MOU	Memorandum of Understanding. Council and Victoria Police have a MOU relating to the operation of the Public Safety CCTV system.
Monitoring	Active Monitoring: Where CCTV monitors are actively viewed by operator and assessed and responded to in real time. Passive Monitoring: Where CCTV monitors are intermittently viewed by operators.
<i>Privacy Act 1988</i>	A Commonwealth Act of Parliament that establishes and regulates privacy principles for individuals, corporate entities and personal information.
<i>Privacy and Data Protection Act 2014 (Vic)</i>	Regulates the collection, use and disclosure of personal information (other than health information) about individuals, including surveillance-captured information that is recorded and which is person is potentially identifiable. This legislation is to be considered when determining: <ul style="list-style-type: none"> <li>• How to protect privacy of individuals</li> <li>• How to protect information which may confirm the identity of an individual, for example, vehicle licence plates</li> <li>• How records are to be discussed in accordance with the Information Privacy Principles from Schedule 1 of the Act</li> <li>• How CCTV footage will be protected from misuse, loss, unauthorised access, modification and disclosure.</li> </ul>
Public Place	Any place to which the public has access as of right or by invitation, whether expressed or implied and whether or not a charge is made for admission to the place. A public place relevant to Council can include, but is not limited to, public streets, public malls, shopping centres, Council car parks, open space parks or reserves, Council managed public buildings or areas.

Definition	Meaning
<i>Public Records Act 1973 (Vic)</i>	Provides requirements for the capture, access to, control, records management, storage and disposal of information. This legislation is to be considered when determining: <ul style="list-style-type: none"> <li>• The circumstances CCTV records/footage is considered a public record</li> <li>• How long public records must be kept</li> <li>• How public records must be maintained</li> <li>• How public records are to be disposed of.</li> </ul>
Public Safety CCTV System	Council-owned CCTV system generally operated in the Horsham CBD and adjoining areas, which is hosted in the Horsham Police Station.
<i>Private Security Act 2004 (Vic)</i>	Provides a requirement of being granted a private security licence is the successful completion of training in relation to each activity for which the licence is granted. This legislation is to be considered to ensure Council’s employees and contractors acting as a control room operator or monitoring CCTV meeting the licencing requirements.
<i>Surveillance Devices Act 2004</i>	A Commonwealth Act of Parliament that regulates the use of optical surveillance devices without warrant. This legislation is to be considered when determining: <ul style="list-style-type: none"> <li>• Whether Council is able to conduct surveillance</li> <li>• Limitations and constraints in the types of surveillance that may be conducted</li> <li>• Limitations on the use of surveillance material</li> </ul>

**8. SUPPORTING DOCUMENTS**

Document	Location
Guide to Developing CCTV for Public Safety in Victoria, Department of Justice, June 2018	<a href="http://www.crimeprevention.vic.gov.au/resources/cctv/">www.crimeprevention.vic.gov.au/resources/cctv/</a>
HRCC Application to View or Obtain CCTV Recorded Images	
HRCC Complaints Resolution Policy	Intranet, Website
HRCC Information Privacy Policy	Intranet, Website
HRCC Standard Operating Procedures CCTV	Intranet
MOU for the operation of CCTV Cameras in the Horsham CBD Between the State of Victoria as Represented by Victoria Police and Horsham Rural City Council	
Surveillance and Privacy Information Sheet, Privacy Victoria, March 2012	
Victorian Ombudsman’s Guidelines for Developing Closed Circuit Television policies for Victorian Public Sector bodies, November 2012	<a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>

**9. DOCUMENT CONTROL**

Version Number	Approval Date	Approval By	Amendment	Review Date
01	29 January 2019	Council	<ul style="list-style-type: none"> <li>• New Policy</li> </ul>	January 2022