

CCTV CAMERA POLICY

Policy Reference No.	POL/256
File No.	HCC15/874
Strategic Objective	4.2 Create community pride through a well-designed and maintained city
Adopted by Council	27 November 2017
Re-Adopted	28 June 2021
Date for Review	June 2026
Responsible Officer	Manager City Safety
Department	City Safety

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1 DEFINITIONS AND ABBREVIATIONS

CCTV	Closed Circuit Television.
CCTV Camera System:	A surveillance system in which a number of cameras are connected through a closed circuit. The data taken by the cameras is sent to a television monitor or recorder. CCTV camera systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
CCTV data	Any information that is recorded or unrecorded that is taken from a CCTV system including any footage, recordings, still images or moving images.
Council	Hume City Council.
FOI	Freedom of Information (in reference to the Freedom of Information Act 1982 (Vic)).
IPP	Information Privacy Principles (from Schedule 1 of the Privacy and Data Protection Act 2014 (Vic)).
MOU	Memorandum of Understanding.
PROV	Public Record Office Victoria.
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.

2 PURPOSE

- 2.1 The purpose of Council's CCTV Camera policy is to provide a suitable framework to inform and guide decision making on the implementation, installation, data management and operation of any fixed and non-fixed CCTV camera system.
- 2.2 This Policy will ensure that Council's CCTV Camera Systems are operated fairly, within applicable legislation, only for the purposes for which they are established and with due regard to the privacy and human rights of individual members of the public and Council officers.

3 SCOPE

- 3.1 This Policy applies to all Council owned and operated CCTV systems installed in public places.
- 3.2 The Policy does not apply to CCTV cameras on private land where the data is not captured or controlled by Council.

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4 OBJECTIVE

- 4.1 The objectives of this Policy are:
- 4.1.1 To ensure all CCTV camera systems are compliant with relevant legislation:
 - 4.1.2 To ensure CCTV camera systems are installed only where there is an identified safety or security need, and are installed for a lawful and proper purpose:
 - 4.1.3 To ensure a clear evidence-based approach is consistently applied to CCTV camera system installation:
 - 4.1.4 To ensure the management of CCTV data is appropriate, in relation to use, retention, security, privacy, access, disclosure, storage and disposal.
- 4.2 The objectives of installing CCTV camera systems include:
- 4.2.1 Capturing breaches of legislation and aid successful criminal prosecutions e.g. littering and illegal dumping;
 - 4.2.2 Preventing fraud and theft e.g. in service areas where money is handled;
 - 4.2.3 Protecting staff/customers in public areas within and adjacent to Council buildings;
 - 4.2.4 Protecting Council assets e.g. vandalism, graffiti; damage and theft;
 - 4.2.5 Providing evidence for the assessing of any claims that Council is party to; and
 - 4.2.6 Enhancing community safety and prevent crime.

5 POLICY IMPLEMENTATION

5.1 Privacy

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

5.2 Decision to Implement CCTV Systems

- 5.2.1 When considering implementing CCTV systems, the CCTV Steering Committee will base the decision on the purpose and objectives of this Policy and take into account all relevant material, including the Department of Justice's CCTV Guide.
- 5.2.2 Any decision to implement a new or retain or upgrade an existing CCTV camera system will be based on the purpose of the system and an assessment of the effectiveness of the system in achieving its purpose. The purpose must be specifically stated for each system and such use must be in accordance with IPP 1 and IPP 2 in relation to collection, use and disclosure of the information.
- 5.2.3 Where Council has outsourced the operation and monitoring of a camera system, Council will enter into a written agreement with the contractor agreeing to comply with this Policy and the requirements of the Privacy and Data Protection Act 2014.
- 5.2.4 All CCTV systems shall comply with Councils Policies in particular in relation to privacy and third party access.
- 5.2.5 Council will consult with relevant stakeholders prior to installing or upgrading a CCTV camera system. Victoria Police will be specifically consulted where the

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purpose of a CCTV system is to manage high crime locations and matters of public order or safety.

5.2.6 When installing or upgrading a CCTV camera system, the system must meet the minimum technical requirements as per Council's CCTV Standard Operating Procedures. All new or replacement cameras must be operationally consistent with the technical specifications in those procedures.

5.2.7 Where Council leases property to another organisation, that organisation may install their own CCTV cameras in accordance with their lease and any legislative requirements.

5.3 Documentation of CCTV Management Systems

5.3.1 In most cases, Council CCTV camera systems in public places will be owned, installed and maintained by Council. The responsibility for the operation and monitoring of the system will be addressed on a case by case basis depending on the circumstance and need but will usually sit with the relevant Manager of the facility/service.

5.3.2 A MOU will be established with a third party where data from a Council CCTV system is streamed directly to their premises and where their members have direct access to view and/or download data.

5.3.3 Where a Council CCTV system is operated and monitored by Council, Council has a Standard Operating Procedure.

5.4 Signage

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

- a) Signs will be placed at each main access to the CCTV coverage area:
- b) 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:
- c) 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:
- d) Signs will identify Council as the owner of the system:
- e) Signs will include details of who to contact for any queries about the system:
- f) Signs will be checked periodically for damage and theft and replaced where required.

5.5 Collection of CCTV Data

5.5.1 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.

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- 5.5.2 Data collected by any CCTV camera for the purposes of enforcement shall be stored securely in a centralised location. Any evidence obtained and retained shall be in accordance with the Evidence Act 2008 and associated standards and guidance material.
- 5.5.3 For CCTV camera systems in general public areas, the CCTV data will be retained for at least 30 days unless otherwise downloaded in accordance with this Policy. Where data has been provided to a third party (e.g. Victoria Police) it will be the third party's responsibility to retain the data in accordance with the PROV standards.
- 5.5.4 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). As such, surveillance footage is classified as temporary, meaning it can be destroyed after its administrative use has ended.
- 5.5.5 In accordance with IPP 4 relating to data security, Council's are required to take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose.
- 5.5.6 Documentation of all data downloaded or disclosed shall be recorded in Council's electronic records management system.
- 5.6 Requests to Access CCTV Data and Disclosure
- 5.6.1 Requests to access CCTV data from the public or media will be managed in accordance with the IPP's of the Privacy and Data Protection Act 2014 and the Freedom of Information Act 1982.
- 5.6.2 Corporate CCTV Systems - Council access to and use of CCTV data.
- All access to and disclosure of data must be in accordance with the IPP's in the Privacy and Data Protection Act 2014.
 - Access to the data collected shall be restricted to Council's CEO, Director Corporate Services, Manager Governance, Coordinator Public Health, Privacy Officer, FOI Officer, Council's IS Department and any external person conducting an internal/external fraud investigation/audit as approved by Council's Chief Executive Officer or Director.
 - The Manager Governance may authorise any other person to access the CCTV data for an authorised purpose. A record of staff authorised to view CCTV data will be maintained by the Manager responsible for the CCTV Camera System and a record of staff authorised to view CCTV data will be kept.
 - Authorisation will only be given to staff who need to view the CCTV data for the purpose with which the data is collected. This authorisation may be ongoing, or for a designated period of time depending on the purpose of the data being collected.
 - In accordance with IPP 2, Council will only disclose CCTV data to a third party in accordance with the purpose of the data collection.
 - Collected data will only be disclosed to law enforcement or government agencies i.e. (Victoria Police, Worksafe, Environmental Protection

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Authority etc.), in accordance with the Privacy and Data Protection Act 2014. That agency must retain footage in accordance with the relevant legislation and PROV.

- g) Any request for data that is not an enforcement agency shall be made in accordance with the Freedom of Information Act 1982.
- h) Information regarding Council Freedom of Information requests is available on Council's Internet website and enquiries can be made to:
- i) Freedom of Information Officer
Hume City Council
PO Box 119
DALLAS VIC 3047
Email: contactus@hume.vic.gov.au

5.7 Training

All Council employees who use CCTV systems will undertake the training on privacy and understand the contents of this Policy, including the legislative requirements to ensure that the requirements of privacy are understood.

5.8 Inappropriate Use and Complaint Management

5.8.1 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, Council will address the breach as per Council's Disciplinary Policy.

5.8.2 Any public complaints in relation to any aspect of a CCTV system relating to Council must be made in writing to:

Manager Governance
Hume City Council
PO Box 119
DALLAS VIC 3047

or

by email attention to the Manager Governance at –
contactus@hume.vic.gov.au

5.9 Governance, Evaluation and Monitoring

5.9.1 Council will undertake evaluation and regular reporting of the CCTV camera systems against the objectives and purpose of each system.

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

5.9.3 The CCTV Steering Committee will be responsible for:

- a) Developing procedures in relation to the implementation and management of CCTV camera systems.
- b) Overseeing the implementation of new CCTV camera systems and their ongoing management.
- c) Developing an agreed monitoring and evaluation framework to ensure the objectives of the Parties under the relevant MOU or SOP are being achieved.

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- d) Considering any recommendations of Council's Audit and Risk Committee and any internal and external audits.

5.9.4 Council will undertake regular audits of its CCTV systems and appropriate action plans will be formulated to address any deficiencies. These audits will occur at least every 3 years.

6 RELATED DOCUMENTS

6.1 Legislative requirements

Charter of Human Rights and Responsibilities, 2006

Evidence Act 2008

Freedom of Information Act 1982

Local Government Act 1989

Local Government Act 2020

Privacy Act, 1988 (Cth)

Privacy and Data Protection Act

Public Records Act 1973

Surveillance Devices Act 1999

6.2 Policies

Asset Management Policy

CCTV Camera Standard Operating Procedures

Community Engagement Framework

Community Safety Action Plan 2015 - 2019

Disciplinary Policy

Employee Code of Conduct

Graffiti Management Plan

Hume City Council and Victoria Police Memorandum of Understanding for Sunbury Town Centre CCTV System

Hume Social Justice Charter 2014

Information Privacy and Health Records **Policy**

IT Policy - Information Security Policy Framework

Public Lighting Policy

Risk Management Policy

Social Impact Assessment Planning Policy

Social Justice Charter and Bill of Rights Policy

Third Party Access Policy

6.3 Other supporting information

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- 6.3.1 AS 4806.1 – 2006 (R2015): Closed-Circuit Television (CCTV) - Part 1: Management and Operation Code of Practice
- 6.3.2 AS 4806.2 – 2006 (R2015): Closed-Circuit Television (CCTV) - Part 2: Application Guidelines
- 6.3.3 Guide to developing CCTV for Public Safety in Victoria, Department of Justice and Regulation, June 2018
- 6.3.4 Guidelines for developing Closed Circuit Television policies for Victorian Public Sector Bodies', Victoria Ombudsman's Office, 2012
- 6.3.5 Guidelines to surveillance and privacy in the Victorian public sector, Commissioner for Privacy and Data Protection (CPDP), May 2017
- 6.3.6 Surveillance and Privacy Information Sheet, Office of the Victorian Privacy Commissioner, March 2012
- 6.3.7 Surveillance in a Public Place, Victorian Law Reform Commissioner, August 2010

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