



Closed Circuit Television (CCTV) in Public Places POLICY

Whitehorse City Council

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Contents

DEFINITIONS	3
1 Policy Definitions.....	3
PURPOSE AND OBJECTIVES	3
2 Purpose	3
3 Objectives.....	4
SCOPE	4
4 Scope of Policy	4
POLICY.....	4
5 Network Principles	4
6 Decision to Implement CCTV Systems.....	5
7 Key Considerations for CCTV Systems	5
8 Documentation of CCTV Management Systems	6
9 Operation and Maintenance Manual and Training	6
10 Signage.....	6
11 Collection of CCTV Data	7
12 Requests to Access CCTV Records/Footage and Disclosure	7
13 Privacy	8
14 Inappropriate Use and Complaint Management.....	8
15 Governance Evaluation and Monitoring.....	9
RELATED DOCUMENTS.....	9
16 Council Documents	9
17 Legislation	10
18 Other Reference Material	11
RESPONSIBILITY.....	11
19 Responsible Officer.....	11
REVIEW	11
20 Requirement to Review Policy	11

DEFINITIONS

1 Policy Definitions

CCTV	Closed circuit television.
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.
CCTV system	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
Council	Whitehorse City Council
Council Audit & Risk Committee	The Council committee for the ongoing management of audit and risk related matters. A function of the committee will be to uphold the integrity of Council CCTV systems.
Department of Justice's <i>CCTV Guide</i>	<i>Guide to Developing CCTV for Public Safety in Victoria</i> , Department of Justice, August 2011
FOI	Freedom of Information (in reference to the <i>Freedom of Information Act 1982 (Vic)</i>)
IPP	Information Privacy Principles (from Schedule 1 of the <i>Information Privacy Act 2000 (Vic)</i>)
MOU	Memorandum of Understanding. In this Policy a MOU is between Council and the Victoria Police.
Public place	<p>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.</p> <p>A public place relevant to Council can include, but is not limited to, public streets, public malls, shopping centres, Council carparks, open space parks or reserves, Council managed public buildings or areas.</p>

PURPOSE AND OBJECTIVES

2 Purpose

The purpose of this Policy is to assist Council to regulate the operation and management of Council-owned CCTV systems which have been (or which in the future may be) installed for use in public places.

The Policy enables Council to fairly, appropriately and reasonably perform its functions and exercise its powers in connection with public place surveillance throughout the Whitehorse municipality.

Amongst other relevant material, the 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.

The Policy will be freely available to Council staff and the public generally by being included on Council's Internet website and a hard copy can be provided on request.

As well as being a general Policy document, the Policy includes the detail of Council's CCTV audit and evaluation mechanisms and its complaint handling process. The Policy is intended to act as a CCTV code of practice for Council staff. Additionally, those members of Council staff working with Council CCTV systems will be expected to undertake their duties in accordance with the Policy.

3 Objectives

The objectives of this Policy are:

- To ensure Council CCTV systems are compliant with relevant legislation and other laws;
- To ensure that CCTV systems are installed for a lawful and proper purpose;
- To ensure that management of CCTV records/footage is appropriate, including in relation to use, retention, security, privacy, access, disclosure, storage and disposal; and
- To ensure there is appropriate and ongoing monitoring and evaluation of CCTV systems.

SCOPE

4 Scope of Policy

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

The following list of Council-owned CCTV systems provides examples of the surveillance systems that are covered by this Policy. It is not intended to be a comprehensive list and systems in use may be added to or removed from the list from time to time as Council considers appropriate.

General public areas

- Box Hill Mall and Laneways – includes coverage of sections of Main Street, Market Street, Birds Lane, Bamfords Lane and Hodges Lane, Box Hill. This system is owned and maintained by Council. The system is operated and monitored by private security contractors employed by Federations Centres (previously Centro);
- Mitcham Area – includes coverage of sections of Britannia Mall, Whitehorse Road and the Council multi-level carpark, Mitcham. This system is owned and maintained by Council. The system is operated and monitored by the Victoria Police at the Nunawading Police Station; and
- Box Hill Area – includes coverage of areas in and around Box Hill Gardens, Box Hill Hospital and Box Hill Tafe. This system is owned and maintained by Council. The system is operated and monitored by the Victoria Police at the Box Hill Police Station.

Council-managed buildings

All these systems are owned, maintained, operated and monitored by Council staff or its contractors.

- Whitehorse Waste Transfer Centre – 638-648 Burwood Highway, Vermont South;
- Aqualink Box Hill – Surrey Drive, Box Hill;
- Aqualink Nunawading – Fraser Place, Forest Hill;
- Whitehorse Operations Centre – 1 Ailsa Street, Box Hill South; and
- Nunawading Civic Centre – 379-397 Whitehorse Road, Nunawading.

The Policy does not apply to CCTV systems used for Council offices for Council employees where public access is restricted. The Policy also does not apply to CCTV systems that are used by Council staff or its contractors for drainage inspections.

POLICY

5 Network 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 all 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 operating procedures of each system;
- Each system will be regularly monitored and evaluated to ensure that the purposes and objectives of each system are being achieved; and
- The public will be provided with clear and easily accessible information in relation to the operation of CCTV systems, including processes to request or to view CCTV records/footage.

6 Decision to Implement CCTV Systems

Council will, in making decisions affected by this Policy, utilise and take into account all relevant material, including the Department of Justice's *CCTV Guide*, in the development and implementation of a CCTV system. As stated below, a key consideration in the decision process is the whole of life-cycle costs for a new system.

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 for which the system will meet the 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 Schedule 1 of the *Information Privacy Act 2000* (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 determined by Council 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;
- To reduce anti-social behaviour; and
- To reduce incidents of serious criminal offences.

Council will consult with its community, the wider public and other relevant stakeholders prior to establishing a CCTV system. The Victoria Police will be specifically consulted where the purpose of a CCTV system in a public place is to manage high crime locations and matters of public order or safety. Council will otherwise consult with such other stakeholders as required in relation to the performance of a particular function. This may include utility companies, private property owners and local traders.

Council-owned CCTV systems will not be installed in isolation and will only be used as part of a range of strategies to support community safety initiatives in public places.

7 Key Considerations for CCTV Systems

There are a number of key considerations which Council must address for each CCTV system (as they are detailed in the Department of Justice's *CCTV Guide* and as otherwise considered by Council to be relevant). These include, but are not limited to, the following:

- What are the establishment, operational and replacement costs (whole of life-cycle costs)?
- Who owns the CCTV system components?
- Who is responsible for CCTV system maintenance and renewal?
- Who is responsible for the operation and monitoring of the CCTV system?
- Who owns and manages the CCTV records/footage?
- How will access to the CCTV records/footage be controlled?
- What are the technical requirements of the CCTV system?

8 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 the Victoria Police will be required if the CCTV system is streamed to a police facility, that is, where any part of the CCTV system or equipment is on the Victoria Police premises or where members of the Victoria Police have direct access to view or download footage. The MOU will address the key considerations listed above. Examples of CCTV systems where Council has a MOU with the Victoria Police include the Mitcham Area CCTV system and the Box Hill Area CCTV system.

Where a Council CCTV system is operated and monitored by a private contracting company, Council will enter into a Licence Agreement (or similar type of agreement) that will cover the key considerations listed above. An example of a CCTV system where Council has a Licence Agreement with a private contracting company is the Box Hill Mall and Laneways CCTV system. A Licence Agreement (or similar type of agreement) will also be required if any CCTV system equipment is to be installed on (or within) any privately-owned or -controlled property.

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 Manuals will, ordinarily and subject to law, be confidential documents and will not be publically available.

9 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 documents will be relevant to the ongoing maintenance of the system. 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.

10 Signage

Council will advise the community 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 from time to time and will comply with the following requirements:

- Signs will be placed at each main access to the CCTV coverage area where the 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; and
- Signs will be checked regularly for damage and theft, and replaced where required.

11 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, Licence Agreement 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 (Vic)*. In general, surveillance camera footage is temporary and may be destroyed when any relevant administrative use has concluded.

12 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. Provided below is a list of CCTV systems and who the media or public should contact in the first instance if they would like access to CCTV records/footage.

Mitcham Area CCTV system

Contact Nunawading Police Station
Address: 401 Whitehorse Road, Nunawading
Phone: (03) 9871 4111

Box Hill Mall and Laneways CCTV system

Contact Box Hill Police Station
Address: 1 Kangerong Road, Box Hill
Phone (03) 8892 3200

Box Hill Area CCTV system

Contact Box Hill Police Station

Council-managed buildings

Contact Whitehorse City Council – phone (03) 9262 6333 – the relevant contact officer will depend on the system.

In accordance with IPP 2, Council will generally only disclose CCTV records/footage to a third party in accordance with the primary purpose of collection. Council will take reasonable steps to protect information gathered through CCTV systems in public places from misuse and inappropriate disclosure.

If an application is made under the Freedom of Information (FOI) Act, then this will be processed through the Council's normal FOI procedures. A FOI application fee will be payable on requests to either Victoria Police or Council.

Enquiries in relation to Victoria Police Freedom of Information can be made to:

Freedom of Information Office
Victoria Police
637 Flinders Street
DOCKLANDS VIC 3008
Phone: (03) 9247 6801
Email: foi@police.vic.gov.au
Website: www.police.vic.gov.au

Information regarding Council Freedom of Information requests is available on Council's Internet website and enquiries can be made to:

Freedom of Information Officer
Whitehorse City Council
Locked Bag 2
Nunawading Delivery Centre VIC 3131
Phone: (03) 9262 6333
Email: customer.service@whitehorse.vic.gov.au
Website: www.whitehorse.vic.gov.au

13 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. All Council staff 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. Information gathered by Council as a result of a CCTV system will only be shared with its staff on a need to know basis. Council staff should also refer to Privacy Victoria's *Surveillance and Information Sheet* and Council's *Information Privacy Policy* for more information.

14 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.

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

Chief Executive Officer
Whitehorse City Council
Locked Bag 2
Nunawading Delivery Centre VIC 3131

Or by email attention to the Chief Executive Officer at:
customer.service@whitehorse.vic.gov.au

Any member of the public that 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:

Victorian Ombudsman
Level 9, 459 Collins Street (North Tower)
Melbourne Victoria 3000
Email: ombudvic@ombudsman.vic.gov.au
Phone: (03) 9613 6222

Any 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:

- Representative of Victoria Police;
- Officer in Charge for the Police Station (e.g. Nunawading Police Station or Box Hill Police Station);
- Victoria Police Professional Standards Command; or
- (Assuming jurisdiction) The Independent Broad-Based Anti-Corruption Commission.

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

For Council CCTV systems in general public areas, Council will establish a CCTV Steering Committee that is chaired by a Council representative and will consist 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;
- Develop an agreed monitoring and evaluation framework to ensure the objectives of the Parties under the relevant MOU are being achieved; and
- Consider any recommendations of the Council Audit & Risk Committee.

The Council Audit & Risk Committee has the responsibility to uphold the integrity of Council CCTV systems. This Committee serves the purpose of a CCTV Audit Committee as defined in various CCTV MOUs. The Council Audit & Risk Committee will be responsible to:

- 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; and
- Make recommendations to improve the integrity of CCTV systems.

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

The function of the Council Audit & Risk Committee will be undertaken by Council's Risk Management Committee (or other alternative Committee as determined by Council's Executive Management Team). The Risk Management Committee comprises of Council's Executive Management Team (Chief Executive Officer and General Managers), Council's Manager Compliance and Council's Risk and Insurance Coordinator.

RELATED DOCUMENTS

16 Council Documents

This Policy is supplemented by a number of Council documents that relate to CCTV systems that include, but are not limited to, the following:

- Memoranda of Understanding (MOUs) for CCTV systems e.g. MOU for Mitcham Area (Britannia Mall) and MOU for Box Hill Area;
- Licence Agreements for CCTV systems e.g. Licence Agreement for Box Hill Mall and Laneways with CPT Manager Limited (Centro) and Licence Agreements with various property owners to locate CCTV equipment on or within private property;
- Standard Operating Procedure Manuals developed for various CCTV systems;
- Operations and maintenance manuals developed for various CCTV systems;
- Council's Information Privacy Policy; and

- Council's Corporate Information Management Policy.

The implementation of Council CCTV systems supports the objectives, role and functions of Council under the Local Government Act 1989 (Vic) and the goals and objectives of the following Council strategic documents:

- Whitehorse City Council, Council Plan 2013-2017
- Whitehorse City Council, Municipal Public Health and Wellbeing Plan 2013-2017

17 Legislation

Council CCTV systems are to be operated and managed in accordance with all relevant Commonwealth and State legislation. The list below is not complete and is a guide only because legislation continually changes and new legislation is continually being applied.

Commonwealth	
Privacy Act 1988	Establishes and regulates privacy principles for individuals, corporate entities and personal information.
Surveillance Devices Act 2004	Regulates the use of optical surveillance devices without warrant. This legislation is to be considered when determining: <ul style="list-style-type: none"> • Whether Council is able to conduct surveillance. • Limitations and constraints in the types of surveillance that may be conducted. • Limitations on the use of surveillance material.
State of Victoria	
Information Privacy Act 2000	Regulates the collection, use and disclosure of 'personal information' (other than health information) about individuals, including surveillance-captured information that is recorded and which a person is potentially identifiable. This legislation is to be considered when determining: <ul style="list-style-type: none"> • How to protect privacy of individuals. • How to protect information which may confirm the identity of an individual, for example vehicle licence plates. • How records are to be disclosed in accordance with the Information Privacy Principles from Schedule 1 of the Act. • How CCTV footage will be protected from misuse, loss, unauthorised access, modification and disclosure.
Public Records Act 1973	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"> • The circumstances CCTV records/footage is considered a public record. • How long public records must be kept. • How public records must be maintained. • How public records are to be disposed of.
Private Security Act 2004	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 meet the licensing requirements.
Charter of Human Rights and Responsibilities Act 2006 (the Charter)	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.
Freedom of Information Act 1982	Provides the community with the right to request information about the activities of Council, including CCTV records/footage.
Evidence Act 2008	Establishes the legal standard for the admissibility of evidence including CCTV records/footage.

18 Other Reference Material

Council will ensure that the CCTV systems are to be operated and managed in accordance with all relevant industry standards and guidelines including, but not limited to:

- AS4806 Set-2008 Australian Standard Closed circuit television (CCTV);
- *Guide to Developing CCTV for Public Safety in Victoria*, the Department of Justice, August 2011;
- *Surveillance in Public Places, Final Report 18*, the Victorian Law Reform Commission, May 2010; and
- *Surveillance and Privacy Information Sheet*, Privacy Victoria, March 2012.

RESPONSIBILITY

19 Responsible Officer

General Manager City Development

REVIEW

20 Requirement to Review Policy

This policy is to be reviewed no later than 23 June 2017 (every 3 years).