

CCTV Surveillance Policy



Moreland
City Council

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Responsible Department	Business Transformation (Branch – Information Technology)

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2 INTRODUCTION

This policy provides guidance relating to the assessment, installation and management of Council's public safety and corporate closed-circuit television (CCTV) systems. This policy:

- Provides a framework to inform and guide the operation of Council's CCTV systems;
- Ensures Council's CCTV systems are managed in accordance with relevant legislation and reviewed against industry best practice;
- Ensures CCTV systems have appropriate audit, assurance and reporting systems, supported by a formal complaint handling process; and
- Ensures Council staff working with CCTV systems undertake their duties in accordance with this Policy.

3 CONTEXT

3.1 Background

Corporate CCTV systems have been used across a range of Council sites for many years. These systems are primarily used to protect Council staff, assets and services.

Public Safety CCTV systems are used to monitor public places where there is a perceived risk of criminal or antisocial behaviour. These systems are usually installed and monitored in partnership with the Victoria Police. Council installed a Public Safety CCTV system in 2014 along Sydney Road in partnership with the Victoria Police and State Government. Council officers do not have access to this CCTV system and usage is governed through a Memorandum of Understanding with Victoria Police.

This policy strives to centralise the management of both Corporate and Public Safety CCTV systems across Council.

3.2 Scope

This policy applies to:

- Council's Corporate CCTV and Public Safety CCTV systems;
- Council officers, contractors and visitors to Council sites.

This policy does not apply to:

- mobile body-worn cameras, which are typically used for enforcement by authorised officers of Council in their delegated tasks or for personal safety;
- Unmanned aerial vehicles (drones);
- Smart City technology such as camera-based systems used to collect deidentified data such as car park usage, traffic patterns, people movement, etc;
- Private CCTV, for which households and businesses should refer to security experts or the Australia and New Zealand Police Recommendations for CCTV Systems for guidance.

3.3 Research

In September 2018, the Victorian Auditor General's Office (VAGO) released [Security and Privacy of Surveillance Technologies in Public Places](#) which highlighted the need for councils to manage CCTV systems and ensure compliance with privacy requirements, especially relating to the potential impact on the privacy of individuals. The Privacy and Data Protection Act 2014 sets out Information Privacy Principles (IPP) that apply when public sector agencies, including councils, collect personal information that enables individuals to be identified, such as the images captured by CCTV systems.

Research on the effectiveness of Public Safety CCTV for crime prevention is inconclusive. Some evidence suggests CCTV is effective in preventing property crimes, particularly vehicle crimes in car parks¹. However, recent research based on the experience across Australian councils using CCTV for reducing offences against individuals, including personal crime, violent crime and public order offences is less clear with no consistent evidence to support CCTV use in deterring these types of crimes².

Although some people claim they would feel safer with CCTV cameras, there is little evidence to indicate that feelings of safety are increased when CCTV systems are installed³. The benefits of CCTV may fade over time and introducing CCTV systems may displace crime rather than reduce it. CCTV systems can also negatively impact perceptions of crime, signalling that the area is unsafe⁴.

Political pressure to install CCTV systems can entrap councils into substantive ongoing investment in their camera networks⁵.

An increasing number of councils are electing not to install public safety CCTV, believing that footage used to gather forensic evidence for criminal prosecutions or improve police response times is a law enforcement responsibility⁶.

4 POLICY DETAILS

4.1 Guiding Principles

The following principles guide Council decisions in relation to CCTV:

- Strategies to enhance actual and perceived levels of safety should be holistic, prioritising crime prevention through environmental design, place making and community development approaches over the installation of public safety CCTV systems.
- Community safety is a shared responsibility between all levels of government, business and community members.
- An objective, evidence-based assessment will be applied to the installation, use and review of corporate and public safety CCTV systems.
- CCTV systems will have clearly identified objectives, review mechanisms and be used in a manner which is consistent with their intended purpose.
- CCTV systems will be compliant with relevant legislation and best practice guidelines including ensuring due regard to privacy and upholding human rights.
- Council has a consistent approach in the application and management of CCTV systems and supporting infrastructure, supported by relevant operating processes and procedures.

¹ Piza, E.L., B.C. Welsh, D.P. Farrington, and A.L. Thomas. 2018. *CCTV and Crime Prevention: A New Systematic Review and Meta-Analysis*. Stockholm: Swedish National Council for Crime Prevention.

² Metcalfe, L., Morgan, A., & Garner, C. (2020). Local Government Public Space CCTV Systems in Australia. *Crime Prevention and Community Safety*, 22(3), 210-222

³ IFEC Global (2020) *Role of CCTV Cameras: Public, Privacy and Protection*, (April 2020). See also, Wells, Allard, and Wilson. (2006). *Crime and CCTV in Australia: Understanding the Relationship*.

⁴ Welsh, B.C., and D.P. Farrington. 2009. Public Area CCTV and Crime Prevention: An Updated Systematic Review and Meta-Analysis. *Justice Quarterly* 26 (4): 716–745.

⁵ Wilson, D., and A. Sutton. 2003. *Open Street CCTV in Australia*. Canberra: Australian Institute of Criminology.

⁶ Yarra City Council (<https://www.yarracity.vic.gov.au/the-area/community-safety-and-wellbeing/cctv>), Glen Eira City Council (<https://www.gleneira.vic.gov.au/about-council/our-organisation/council-legislation-and-policies/our-cctv-cameras>), etc.

4.2 Policy Statement

Council may install and operate corporate CCTV systems in Council buildings, infrastructure and land for the purposes of asset and staff protection and may use CCTV in and around Council facilities as part of delivering services to the community.

Council will prioritise crime prevention through environmental design, place making and community development over the installation of CCTV systems. Environmental design principles to optimise the physical environment may include appropriate lighting and providing clear sightlines to maximise visibility.

Property owners, residents, businesses and State or Federal government agencies are responsible for applying appropriate crime prevention and protection approaches to their properties, in accordance with relevant laws, standards and government guidelines.

Council will not install permanent public safety CCTV systems. Council may consider the use of public security CCTV systems in specific contexts for a given period, supported by a strong evidence base with clear objectives, timeframes, whole-of-life financial costing and community consultation.

Ongoing support for any public security CCTV system beyond the initial term is at Council's discretion based on evidence justifying the value delivered to the community and the reasons Council should be responsible for ongoing support of the platform rather than another State, Federal or commercial entity.

The cost to Council to install and maintain CCTV cameras needs to be assessed against the objectives of the system and the most effective use of Council resources.

Council does not support the use of CCTV in public spaces where individuals could have a reasonable expectation of privacy, such as change rooms and public toilets.

4.3 Public Security CCTV

Requests for public security CCTV systems will be presented to Council for approval and must demonstrate the following criteria:

- CCTV will be effective in resolving the issue,
- Less privacy-invasive alternatives have been considered or trialled but will not be effective in resolving the issue,
- CCTV is a proportionate response to the issue,
- Affected stakeholders are in support of the use of CCTV,
- The CCTV proposal complies with relevant laws and standards, and
- An appropriate management and resourcing plan and lifecycle for the CCTV system is proposed.

Public security CCTV systems will be governed by a Memorandum of Understanding (MoU) between Council and Victoria Police. The MoU outlines the role, responsibilities and objectives of each party and the circumstances under which Victoria Police will monitor, and respond to CCTV footage, as well as how they can access and use recorded footage.

Entering into an MoU does not obligate Council to maintain the public security CCTV system in perpetuity. If the platform needs significant expenditure to be upgraded or if a procurement threshold requires Council to go to market, Council approval will be required. The recommendation must justify why Council should be responsible for the ongoing maintenance rather than a State, Federal or commercial entity and how the system delivers value to the community.

Requests to view public security CCTV footage must be made to Victoria Police, as Council does not have access to the system.

4.4 Corporate CCTV

4.4.1 Installation

Applications for new corporate CCTV systems must be approved by the CCTV Review Committee prior to installation. Applications require a Privacy Impact Assessment to be undertaken by the Responsible Officer, with guidance from Council's Privacy Officer.

4.4.2 Governance

The Director Business Transformation has primary responsibility for ensuring compliance with this policy and all relevant legislation. Operational responsibility is delegated to the CCTV Review Committee.

The committee will:

- Maintain appropriate records including the CCTV System Register, CCTV Application Forms and site-specific CCTV Operating Procedures;
- Make decisions regarding the installation and decommissioning of any CCTV system;
- Ensure compliance with this policy and any relevant legislation through various assurance activities;
- Conduct an annual review of site-based CCTV Operating Procedures; and
- Review this policy and suggest amendments to ensure compliance with relevant legislation.

The CCTV Review Committee will report to the Audit and Risk Committee on an annual basis, noting:

- Changes to the CCTV System Register;
- The number of requests for footage per requestor, and whether the request was made via Freedom of Information;
- The number of complaints received;
- Significant or proposed changes to the CCTV environment.

To ensure compliance with privacy regulations, site-specific CCTV Operating Procedures will be maintained in Council's document management system and referenced in the CCTV System Register.

Signs advising that CCTV cameras are operating will be displayed in locations as deemed appropriate by the CCTV Review Committee. The signs will specify whether footage is being recorded and/or monitored and provide contact information.

Council may provide footage from corporate CCTV systems in response to a formal request from Victoria Police or other statutory body, which will be logged in the CCTV Access Register. Footage will not be provided an external party for any other purpose.

Internal requests to review footage must be logged in the CCTV Access Register by the appropriate Council officer. This register is available for review by the CCTV Review Committee.

Lessees and licensees must receive written consent from Council prior to installing CCTV systems. Requests by lessees and licensees will be reviewed by the CCTV Review Committee in line with this Policy.

4.4.3 Security, Storage and Access

Access to CCTV footage is restricted to officers who have completed privacy training and who are identified in the CCTV System Register.

CCTV monitors will be located in secure areas that are not visible by non-authorised Council staff or members of the public. It is the Responsible Officer's responsibility to understand the privacy requirements and minimise any opportunity for inadvertent viewing by others.

Council's CCTV recording systems will be stored securely, away from main work areas in order to provide appropriate physical protection for storing data and avoiding system failure.

Access controls for CCTV systems include restricting user and administrative access, enforced use of secure passwords and performing periodic access reviews.

CCTV systems will be patched on a regular basis to reduce the risk of security vulnerabilities.

Inappropriate use of the CCTV system and any privacy breaches will be reported to the CCTV Review Committee for investigation in accordance with Council's Privacy Policy and captured in the CCTV System Register. Council's Audit and Risk Committee will be notified of any breach and the action taken to address such breaches.

The retention of and access to recorded material is solely for the purposes outlined in this policy or by applicable legislation.

As recorded footage is only available for a limited duration, requests to access footage must be raised as soon as possible. Council provides no assurance regarding the availability of footage.

Requests to access footage must be made using the CCTV Access Request form, justifying the rationale for each request. Responsible Officers are authorised to download and view footage after written authorisation is provided by the Director Business Transformation or their delegate.

Footage may be disclosed to Victoria Police in accordance with IPP 2 'Use and Disclosure', or as otherwise authorised by legislation.

4.4.4 Maintenance

Maintenance of Council's CCTV systems is outlined in the site-specific CCTV Operating Procedures. These activities include:

- Quarterly diagnostic checks and visual inspections of cameras, recorders and signage;
- Annual maintenance including:
 - Cameras checked for cracks, damage and physical stability;
 - Memory cards checked;
 - Communication between devices is checked;
 - Cabinets are secured and locked;
 - Software controlling the system is up to date and is functioning as intended;
 - Backup management systems (if installed) are functioning; and
 - Any defects identified in the checks are scheduled for repair and undertaken as quickly as practicable.

Staff and contractors undertaking any of the above activities must be aware of this policy and have signed a confidentiality agreement prior to accessing the systems to undertake maintenance works.

4.5 Complaints

Complaints in relation to the management or operation of Council's CCTV systems may be made in writing to:

Chief Executive Officer
Moreland City Council
90 Bell Street Coburg VIC
Email: mail@moreland.vic.gov.au
Telephone: (03) 9240 1111

The Chief Executive Officer will refer all complaints to the CCTV Review Committee for investigation.

Complaints in relation to privacy should be made to Council's Privacy Officer in accordance with Council's Privacy Policy. Alternatively, a complaint can be made in writing to the Victorian Information Commissioner:

Office of the Victorian Information Commissioner
 PO Box 24274
 Melbourne VIC 3001
 Email: enquiries@ovic.vic.gov.au

Council will fully cooperate with the investigation of any complaint received from the Victorian Information Commissioner.

5 ROLES AND RESPONSIBILITIES

Party/parties	Roles and responsibilities	Timelines
CEO	<ul style="list-style-type: none"> Compliance with this policy and legislation. Nominated contact for CCTV complaints. 	<ul style="list-style-type: none"> Ongoing As Required
Director Business Transformation	<ul style="list-style-type: none"> Compliance with this policy and legislation. Review and approve CCTV Access Request Forms. 	<ul style="list-style-type: none"> Ongoing As required
CCTV Review Committee	<ul style="list-style-type: none"> Monitor, evaluate and review Council's CCTV systems to ensure operational compliance with this policy and legislation 	<ul style="list-style-type: none"> Meetings as defined the committee Terms of Reference. Annual report to the Audit Committee.
Privacy Officer	<ul style="list-style-type: none"> Review Privacy Impact Assessments for CCTV systems. 	<ul style="list-style-type: none"> As required
Audit & Risk Committee	<ul style="list-style-type: none"> Ensure the CCTV Review Committee is operating in accordance with this policy and its Terms of Reference. 	<ul style="list-style-type: none"> Annually
Responsible Officer	<ul style="list-style-type: none"> Council staff member involved in the management of a corporate CCTV system. 	<ul style="list-style-type: none"> As required

6 DEFINITIONS

Term	Definition
CCTV	Closed Circuit Television (CCTV) system which consists of cameras, monitors, recorders, interconnecting hardware and supporting infrastructure.
CCTV Access Register	Central register of access requests for CCTV footage with links to CCTV Application Requests forms.
CCTV Access Request Form	Form to be completed when requesting access to corporate CCTV footage.

Term	Definition
CCTV Application Form	Form to be completed when requesting a new corporate CCTV system.
CCTV Operating Procedures	Site-specific operational procedures for each corporate CCTV system.
CCTV System Register	Central register of Council's CCTV systems which contains links to CCTV Operating Procedure documents and CCTV Application Forms.
Corporate CCTV	Council owned and operated CCTV used to protect Council staff, assets and services.
Data	Data from a CCTV system including records, film footage, recording, still images or live feeds.
IPP	Information Privacy Principles, set out in Schedule 1 of the Privacy and Data Protection Act 2014 (Vic).
Public Safety CCTV	CCTV systems used to monitor public places where there is a perceived risk of criminal or antisocial behaviour. These systems are usually installed and monitored in partnership with the Victoria Police.

7 ASSOCIATED DOCUMENTS

Relevant industry standards and guidelines include:

- AS4806 CCTV Standards
- *Guide to Developing CCTV for Public Safety in Victoria - A community crime prevention initiative*, Department of Justice 2018 Closed Circuit Television in Public Places – Guidelines
- *Guidelines for developing Closed Circuit Television policies for Victorian Public-Sector Bodies*, Victorian Ombudsman, November 2012
- *Guidelines to Surveillance and Privacy in the Victorian Public Sector*, Office of the Victorian Information Commissioner, May 2018
- *Safer Design Guidelines for Victoria*, Department of Sustainability and Environment & Crime Prevention Victoria 2005
- *Security of Surveillance Technologies in Public Places*, Victorian Auditor General Office, September 2018.

Relevant Acts, Legislation and Standards include:

- Surveillance Devices Act 2004
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Public Records Act 1973 (Vic)
- Freedom of Information Act 1982 (Vic)
- Information Privacy Act 2000 (Vic)
- Commonwealth Privacy Act 1988 (Cth)
- Privacy and Data Protection Act 2014 (Vic)

- Evidence Act 2008 (Vic)

Local Government Act 2020 Principles relevant to this policy include:

- Governance Principle (b) - Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- Governance Principle (e) - Innovation and continuous improvement is to be pursued;
- Public Transparency Principle (b) - Council information must be publicly available unless the information is confidential by virtue of this Act or any other Act; or public availability of the information would be contrary to the public interest;
- Service Performance Principle (e) - service delivery must include a fair and effective process for considering and responding to complaints about service provision.