



Public Space Closed Circuit Television Surveillance Policy

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Purpose

To protect people and assets within the **Shire** in the most effective manner possible including, where necessary, through the appropriate installation and operation of Closed Circuit Television (CCTV) surveillance and monitoring systems.

The primary purpose for installing CCTV is to discourage and detect unlawful behaviour in and around Council property and in **public spaces**, resulting in enhanced safety and security for citizens and assets within East Gippsland Shire.

This Policy will ensure that Council's CCTV program operates fairly, within applicable legislation, only for the purposes for which it is established and with due regard to the privacy and human rights of individual members of the public and **Council officers**.

Scope

This policy applies to all East Gippsland Shire Council **staff** and authorised CCTV program equipment users, including any Contracted Security Company.

Policy Statement

Installation of CCTV cameras in public spaces is determined through consultation between relevant stakeholders and the East Gippsland Shire Council **CCTV Program Steering Committee** and approved by the Executive Group of Council.

CCTV surveillance and monitoring systems installed in or around Council owned or managed property must be approved by Council's Executive Group.

Implementation of this policy is guided by a Code of Practice that applies to the operation of CCTV installed to record in public spaces, monitored by Victoria Police and a **Memorandum of Understanding** between East Gippsland Shire Council and Victoria Police. This Policy and the Code of Practice ensure the effective and ethical management of CCTV equipment, and that recorded information is appropriately managed by **Authorised Users** and Victoria Police **Authorised Administrators**.

All CCTV system installations will comply with the following:

- Adequate signage will be installed to inform the public that CCTV is being used in or around a particular area.
- A memorandum of understanding will be maintained with Victoria Police to enable Victoria Police to access certain CCTV recorded information.
- All CCTV controls and data storage devices will be located within a secure area.
- Data will be securely destroyed after 31 days, in accordance with an approved destruction procedure, unless an investigation is in progress. Where an investigation is in progress, recorded data will be retained in accordance with the Public Record Office Retention and Disposal Authority 10/14 and destroyed seven years after the case resolution.
- Access to CCTV controls and recording devices will be restricted to Authorised Users.
- Written applications for use or viewing of recorded information will be subject to review and approval by Director Corporate or the **Victoria Police Officer in Charge**,

depending on whether the relevant information is held by East Gippsland Shire Council or Victoria Police, respectively.

The use and operation of the CCTV program and its compliance with the Policy purpose and Code of Practice will be subject to evaluation by the CCTV Program Steering Committee, and reviewed by Council's Audit and Risk Committee on an annual basis. Finalised review outcomes will be made available to the public via the East Gippsland Shire Council website, or upon request.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

| Party / Parties | Roles and Responsibilities |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Audit and Risk Committee | Annually review the use, operation and compliance with this policy and the CCTV Code of Practice. |
| Authorised Administrator | Senior Victoria Police officers authorised by the Officer in Charge to download and extract footage from the public space CCTV network at the request of the Officer in Charge. |
| Authorised User | <p>Victoria Police authorised users are authorised by the Officer in Charge to monitor live and review recorded footage in accordance with this Policy and the Memorandum of Understanding between Victoria Police and East Gippsland Shire Council. Victoria Police authorised users cannot download or extract footage and must request approval from the Officer in Charge who, if satisfied, will request Authorised Administrators to download the footage.</p> <p>In certain circumstances Council officers may be authorised as Authorised Users of the public space system. Council officers will be the exclusive Authorised Users with respect to CCTV monitoring equipment within and round Council property (Corporate CCTV). They will be authorised by Executive Group and will be required to utilise CCTV systems in accordance with this Policy.</p> |
| CCTV Program Steering Committee | Comprised of representatives of East Gippsland Shire Council, relevant stakeholders and Victoria Police. Responsible for overseeing the Public Space CCTV program. |
| Contracted Security Company | Supplies/installs/maintains CCTV equipment in compliance with this policy and the CCTV Code of Practice. Assists with system training. |
| Director Corporate | <p>Policy Owner. Overall responsibility for the effective and ethical management of equipment and for ensuring that recorded information is appropriately maintained by East Gippsland Shire Council Authorised Users.</p> <p>Reviews and determines applications for access to recorded images held by East Gippsland Shire Council.</p> |
| Executive Group | Responsible for the assessment and approval of CCTV Program equipment installation requests in and around East Gippsland Shire Council managed property and public spaces. |

| | |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Governance and Compliance Coordinator | Receives and processes applications for access to recorded information in East Gippsland Shire Council possession for Director Corporate's approval. Assists the CCTV Project Steering Committee with the preparation of annual CCTV Program Review report for presentation to East Gippsland Shire Council Audit and Risk Committee. |
| Manager Information Services | Responsible for overseeing the installation of approved CCTV monitoring equipment within and around East Gippsland Shire Council property. Responsible for the effective and ethical management of CCTV equipment and systems and for ensuring that recorded information is appropriately maintained by East Gippsland Shire Council Authorised Users. Oversees contracted security company providers to the CCTV program. |
| Manager Place and Community Strategy | Prepares statistical analysis and public survey data for the Public Space CCTV Surveillance Program annual report to be presented to East Gippsland Shire Council's Audit and Risk Committee. Serves as the primary East Gippsland Shire Council representative on the CCTV Project Steering Committee. |
| Victoria Police Officer in Charge | Responsible for overseeing the effective and ethical management of CCTV equipment and recorded information operated or held by Victoria Police. Reviews and determines all applications for access from members of the public and Authorised Users to recorded information in Victoria Police possession. Nominates Authorised Users and Authorised Administrators. The only officer who can approve Authorised Administrators to download and extract footage from the public space CCTV network. |

References and Supporting Documents

Applicable Legislation:

Commonwealth Surveillance Devices Act 2004
Commissioner for Law Enforcement Data Security Act 2005
Evidence Act 2008
Freedom of Information Act 1982
Human Rights and Responsibilities Act 2006
Privacy and Data Protection Act 2014
Private Security Act 2004
Public Records Act 1973
Surveillance Devices Act 1999
Surveillance Devices Regulations 2006

Applicable Policy and Procedure:

East Gippsland Shire Council Plan 2017-2021
 Identifies public health and safety as a key function of Council; indicating that Council will aim to "deliver services, programs and projects that protect the health and safety of East Gippslanders and minimise risks associated with public health and safety."

Public Space Closed Circuit Television Surveillance Code of Practice

Information Communications Technology (ICT) Acceptable Use Policy
Information Management (Records) Policy
Information Privacy Policy
Customer Response Policy
Complaints Management Policy
Complaints Management Procedure

Supporting Documents:

Guidelines to surveillance and privacy in the Victorian public sector (May 2017)
Victoria Police CCTV System Management of CCTV footage Protocol
Victoria Police Technical Guidelines for CCTV Systems
Victoria Police CCTV System Communication and Liaison Protocol
Victorian Ombudsman – Closed Circuit Television in Public Places Guidelines (November 2012)
Australian Standards;

- 4806.1-2006 CCTV Part 1: Closed Circuit Television (CCTV) Management and Operation
- 4806.2-2006 CCTV Part 2: Application guidelines
- 4806.3-2006 CCTV Part 3: PAL signal timings and levels
- 4806.4-2008 CCTV Part 4: Remote video

Memorandum of Understanding Agreement with Victoria Police
Public Records Office Victoria (PROV) advice and QSA Managing Closed Circuit Television Records Guideline
Guide to Developing CCTV for Public Safety in Victoria, A community crime prevention initiative. Victorian Government – Department of Justice, August 2011.

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with this policy will be handled in accordance with applicable privacy legislation and will be used only for the purposes consistent with this policy.

Personal information about an individual held by East Gippsland Shire Council must only be used to carry out the primary or directly related secondary purpose of collection. Furthermore, East Gippsland Shire Council must not collect personal information unless the information is necessary for one or more of its functions.

Individuals have the right to make a complaint to the Victorian Privacy Commissioner if they believe their privacy has been breached.

The Public Space Closed Circuit Television Surveillance Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of the *Human Rights Responsibilities Act 2006*.

East Gippsland Shire Council is the owner of the CCTV systems and any questions or queries may be addressed in writing to:

CCTV Program
 Director Corporate
 East Gippsland Shire Council
 PO Box 1618
 BAIRNSDALE VIC 3875

All correspondence will be handled in accordance with the East Gippsland Shire Council Customer Response Policy, available from www.eastgippsland.vic.gov.au

Definitions

| Term | Meaning |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authorised Administrator | Senior Victoria Police officers authorised by the Officer in Charge to download and extract footage from the public space CCTV system. |
| Authorised User | Users authorised to utilise CCTV systems, including Victoria Police |
| CCTV Program Steering Committee | Committee established by East Gippsland Shire Council and consisting of the Victoria Police Officer in Charge (or representative), East Gippsland Shire Council Manager Place and Community Strategy (or representative), Council officers and relevant stakeholders, to oversee the operation of the CCTV program. |
| Contractor | Person or company engaged to undertake works for Council, including service providers / service partners |
| Council | East Gippsland Shire Council |
| Council officer | A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council. |
| Memorandum of Understanding | Formal agreement between Victoria Police and East Gippsland Shire Council in relation to the operation of the Public Space CCTV Surveillance program |
| Public Space | Any place to which the public has access as of right or by invitation, whether express or implied and where no charge is made for the admission to the place. A 'public space' does not include a private place. |
| Victoria Police Officer in Charge | Officer in Charge, Bairnsdale Police Station (or nominated representative) as the Victoria Police representative who is the senior supervisor of the Bairnsdale Police Station hosting components of the CCTV network. |
| Shire | The geographic area of East Gippsland Shire Council. |
| Staff | All staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors. |

Revision History and Review

| Version Control | Approved Amended Rescinded | Date Effective | Approved By | ECM Document Reference | Summary of Changes |
|-----------------|----------------------------|----------------|-------------|------------------------|----------------------------------------------------|
| 1 | Approved | August 2014 | Council | 5910115 | |
| 2 | Approved | December 2017 | Council | 7425624 | |
| 3 | Approved | February 2019 | Council | 7804390 | Updated to reflect VAGO CCTV audit recommendations |