

CCTV CODE OF PRACTICE

CITY OF PORT PHILLIP

August 2019



AMENDMENT RECORD

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1. INTRODUCTION

1. The City of Port Phillip aims to enhance safety within the City which includes through the appropriate application of Closed Circuit Television (CCTV) surveillance and monitoring systems.
2. The primary intention for CCTV systems is to support the role of Victoria Police to discourage and detect unlawful behaviour in public places.
3. This document details the Code of Practice that will be applied to the management of any public CCTV (Closed Circuit Television) installed and maintained by the Port Phillip Council. The system will be operated by and the footage will be owned by Victoria Police.
4. The installation of CCTV responds to feedback from Victoria Police, local traders, other council partners and our community. The installation of CCTV is part of a suite of crime prevention activities in the City.
5. The Program became operational in the Fitzroy Street trial commencing March 2017 and expanded to include Little Grey Street Precinct and the St Kilda Foreshore in 2018.

2. STATEMENT OF PURPOSE

6. The CCTV system will promote the utilisation of incident response, crime management, surveillance and other legitimate policing functions.
7. Public CCTV in Port Phillip is intended to provide an increased level of safety by providing surveillance of high pedestrian locations, congregation 'hot spots'.
8. This Code of Practice applies to the operation of public CCTV systems owned by the City of Port Phillip to record in public places and monitored by Victoria Police under the terms of a Memorandum of Understanding (MoU) between Victoria Police and the Port Phillip City Council.
9. The purposes of the Public CCTV Program are to:
 - assist in reducing crime levels
 - assist Police in determining response to criminal activity or activity that impact on people perception of safety within the municipality
 - assist in the detection and prosecution of offenders;
 - support and promote a safe City for all.
10. The Code of Practice will ensure that Council's Public CCTV Program is operates within applicable legislation and only for the purposes for which it is established while protecting the privacy and civil liberties of civilians.
11. The purpose and scope of the Public CCTV Program may be amended as subsequently determined in accordance with this Code of Practice.
12. The public interest in the operation of the Public CCTV Program will be recognised by ensuring the security and integrity of operational procedures.
13. Victoria Police may only use Council owned cameras under the public CCTV Program in accordance with the signed MoU.
14. The intended use of the cameras is to monitor individuals, groups or locations when the CCTV operator (Victoria Police) believes that an offence has been committed, is being committed, or is about to be committed in the monitored area.
15. The City of Port Phillip is determined to ensure that that cameras are used for their designated purpose and individual privacy is protected
16. Only authorised users are permitted to operate the public CCTV system and these users must comply with this Code of Practice, agreed operating protocols, and the Privacy and Data Protection Act 2014.

3. CCTV USE

17. Ownership of the program, responsibilities and accountability

City of Port Phillip

18. As owner of all public CCTV Systems Port Phillip City Council is responsible for compliance with the Policy and protection of interests of the public in relation to the CCTV and the effective operation and management of the Program.
19. Council is responsible for this Code of Practice and for ensuring compliance with the Code.
20. Council will provide information to the public on its website about the operation of the Public CCTV Program and about any proposed major amendment to the program or Code of Practice.
21. Council has given authority to Victoria Police, via a MoU, to operate the CCTV system in and around specific public places.
22. Council may request from Victoria Police the right of inspection of all CCTV facilities, procedural documentation, files, registers, records, and live or recorded material for analysis, maintenance or during reviews associated with the Public CCTV Program.
23. Council will
 - Manage all contracts for design, installation, servicing, maintenance and replacement of all CCTV equipment
 - Own the CCTV system infrastructure excluding the footage
 - Oversee monitoring by Victoria Police, review, auditing and evaluation of the Program
 - Work with Victoria Police and Council's contractor to ensure all responsible personnel are adequately trained

Victoria Police

24. Under the code of practice Victoria Police are under no obligation to, continually monitor the CCTV System.
25. As a partner to Council's Public CCTV Program, Victoria Police has agreed to act in accordance with this Code of Practice and the MoU.
26. Police monitoring will be carried out in accordance with CCTV policies and operational requirements, for specific command and control use, targeting specific crime operations, conducting any law enforcement function or activity or for dealing with such situations as, but not limited to, the following:
 - emergencies (for example fires and floods);
 - explosive incidents;
 - hazardous materials;
 - siege or hostage situations;
 - sporting or entertainment events;
 - crowd control;
 - terrorist incidents; and
 - any other incident which may impact on the safety, security, protection and wellbeing of the public
27. The Station Commander is responsible for the activities of Victoria Police staff and their use of the system. Victoria police are responsible for:
 - Operating the CCTV system
 - Ownership and management of the CCTV footage
 - Maintaining close liaison with the City of Port Phillip
 - Ensuring that use of the system by Victoria Police staff is professional and in accordance with the Victoria Police Manual and Code of Conduct
 - Review of third party requests for special privacy consideration in relation to sensitive sites
 - Notifying Council of any damage or fault with the system
 - The exchange of data in the precinct to assist the Council to evaluate the effectiveness of the CCTV System

CCTV Contractor(s)

28. The contractor(s) engaged by Council are authorised to provide camera equipment, information technology, training to police personnel and maintenance for the camera network. The Station Commander will ensure that the CCTV protocols are complied with and have day to day responsibility for the management of the operations of the CCTV system.

DATA PROTECTION – PRIVACY Principles

29. The Commissioner Guidelines to surveillance and privacy in the Victorian public-sector provides 12 Guiding principles for surveillance use. Council recognise that surveillance practices have the potential to impinge upon individuals' privacy if the appropriate steps are not taken to uphold this right. This code of practice responds directly to these principles as follows:

Principle 1

Surveillance use must always be necessary, proportionate and for a legitimate purpose related to the activities of the organisation.

- In keeping with the MOU with Victoria police the CCTV system will support only legitimate policing functions in the form of incident response, crime management and surveillance.
- Police will have sole use of the system and perform only functions that are necessary, proportionate and for a legitimate purpose related to the activities of crime prevention and investigation.
- All Council owned public CCTV systems will respond to identified issues where outcomes substantially outweigh any intrusion on privacy and are proportionate to the problem being addressed

Principle 2

Individuals are entitled to a reasonable expectation of privacy in public places.

- Council will take advice from Victoria Police and CCTV experts in relation to camera placement and where possible refrain from surveillance in places where individuals may reasonably expect to have a degree of privacy.
- Default (rest positions) of cameras will not be set on private property
- Victoria police will be available to members of the public, business owners and local services on a case by case basis within the camera precinct to explain the system and respond to privacy concerns
- Council will work with contractors to facilitate adjustments of the system when advised by Victoria Police to support privacy adjustments

Principle 3

Surveillance operators must assess the impact of the proposed surveillance before it is undertaken.

- Surveillance proposal and camera placements will be informed by crime statistic assessments, community feedback and be in-keeping with the advice of Victoria Police.
- The proposed installation or removal of CCTV cameras in public locations will be the subject of an initial written crime assessment and will be determined by the Public CCTV Program Steering Committee in consultation with relevant stakeholders.
- Any changes relating to the installation or removal of CCTV cameras will be approved by Council's Executive Group in consultation with Council. Such changes will also be reported bi-annually to Council's Audit Committee.
- The City of Port Phillip will provide clear and accessible information in relation to the operation of the Public CCTV Program. Communication will come in the form of signage informing community that

- cameras are operating in the area covered by the CCTV system
 - identify Council as the owner of the Public CCTV Program; and
 - provide a contact telephone number for enquiries relating to the CCTV cameras.
- Copies of the Code of Practice are made available to the public upon request and on Council's website.
 - Designated Council officer will be available to respond to community questions around the Public CCTV Program and its operation through the Diversity and Inclusion portfolio

Principle 4

Surveillance use must be consistent with applicable laws and standards.

- Council has entered a memorandum of understanding with Victoria police who have the legal authority under their own legislation to collect, use and disclose personal information for the purpose of a surveillance program.
- In addition to the Personal Data Protection Act, there are other pieces of Victorian legislation applicable to the port Phillip Public CCTV program. These include, but are not limited to:
 - Surveillance Devices Act 1999
 - Public Records Act 1973
 - Freedom of Information Act 1982
 - Charter of Human Rights and Responsibilities Act 2006.

Principle 5

Surveillance activities should be governed by policies, operating procedures and agreements.

- The CCTV Code of Conduct, the MOU between Council and Victoria police standard operational procedures provide internal policies and procedures for the operation of the program. These inform
 - how information captured by surveillance activities
 - the purpose of the surveillance program
 - what information is collected and how it is used and stored
 - who is permitted to access the information?
 - the roles that are responsible for the management of surveillance activities
 - the protocols to be followed for ensuring the security of information and for how long the information will be retained
 - who the appropriate contact is within the organisation, should staff or members of the public have questions about the program
 - processes for receiving complaints and managing privacy breaches.

Principle 6

Surveillance operators should undergo privacy training prior to use.

- Victoria police officers with authority to operate surveillance equipment, handle the information captured, or oversee a surveillance program will undergo privacy training.

Principle 7

Surveillance operators must take reasonable steps to inform individuals of the use of surveillance devices.

- Council will ensure that appropriate signage is placed on entry to the precinct and around the area under surveillance to inform individuals that they may be under observation.
- Signage informing community that
 - cameras are operating in the area covered by the CCTV system

- identify Council as the owner of the Public CCTV Program; and
- provide a contact telephone number for enquiries relating to the CCTV cameras.
- Copies of the Code of Practice
 - made available to the public upon request and on Council's website.
- Designated contact
 - A delegated officer will be available to respond to community questions around the Public CCTV Program and its operation through the Diversity and Inclusion portfolio

Principle 8

The right of individuals to access their personal information should be respected.

- Council recognise the intent of The Freedom of Information Act 1982 which covers individuals' right of access to information held about them by public sector organisations. Through the MOU with Victoria police it is understood that all requests to access information will be determined through the Victoria Police Freedom of Information processes in determining whether or not it is appropriate to provide individuals with access to the information they are seeking.
- Requests from the public relating to criminal matters will only be considered by the Station Commander, who will advise the applicant of the appropriate process.

Principle 9

Reasonable steps should be taken to secure equipment and protect information gathered through surveillance activities

- Council recognise that Data security is a critical component of any surveillance program. Access to the use of recorded material will only take place:
 - In compliance with the needs of Victoria Police in connection with the investigation of a crime
 - If necessary, for legal proceedings
 - When required by a duly authorised subpoena
 - Under the provisions of the Freedom of Information Act 1982
 - As otherwise required or permitted by law.
- Any incident or data downloaded from the CCTV System by Victoria Police will be managed in accordance with the Commissioner for Law Enforcement Data Security Act 2005 (CLEDS) standards and the Victoria Police Manual. Recorded material will not be sold or used for commercial purposes or the provision of entertainment. All requests for information regarding the CCTV System operations must be referred to the Station Commander as appropriate.

Principle 10

Disclosure of information gathered through surveillance activities should only occur where necessary for the stated purpose, or for a law enforcement purpose.

- Access application requests to Council relating to non-criminal matters will be referred by the Program manager to the Station Commander, who will advise the applicant of Victoria Police Freedom of Information processes.
- Monitoring Officers will not provide any information involving camera network operations to the media or to any person not authorised to receive it. Security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

Principle 11

Information gathered through surveillance activities should be deleted once it is no longer required.

- All recorded material will be treated according to legislation and standards, to provide continuity of evidence and to avoid contamination of evidence.
- Council staff involved in the Program will not have access to data and are required to adhere to the City of Port Phillip's internal policies and Code of Conduct.
- Recorded information will be kept on hard drive for a period no longer than 31 days.
- Footage removed under application may be kept for as long as required.

Principle 12

Effective review and audit mechanisms should be in place to ensure legal requirements and policies are complied with, and that the program is meeting its intended objectives.

- The City of Port Phillip has established a CCTV Program Steering Committee which meets bi-monthly to monitor the operation and effectiveness of the Program and identify opportunities for improvement.
 - Council is responsible for ensuring that the Public CCTV Program is evaluated to ensure that the program is meeting its aims and objectives.
 - The Manager of Diversity and Inclusion will oversee an evaluation of the Public CCTV Program every two years, to ensure that the operations of Council's public CCTV systems comply with the MOU, Code of Practice and CCTV Policy.
 - The evaluation identified in item b) will include:
 - Authorised Council officers
 - Authorised Council representatives, which may include consultants;
 - Inspector - SD1 Southern Metro Region Victoria Police
 - Station Commander St Kilda Police Station
 - Members of Council's Audit Group.
- The functions of the evaluation process will include:
 - To provide an independent and continuous review mechanism for the Program;
 - To identify and report any deviations from the Policy or procedures that come to notice;
 - Ensure that all Standard Operating Procedures are reviewed, consistent with all sites, approved by the Policy owner and communicated; and
 - To recommend actions that will safeguard and enhance the Public CCTV Program.
- The evaluation encompassing all sites will report on matters including:
 - Description of the system;
 - Purpose and objectives of the program;
 - Changes if any to the extent of the system;
 - Any major amendments to the Code of Practice;
 - Number and nature of any complaints;
 - Requests for copy of CCTV incident, daily check, and maintenance logs recorded material or photographs by Victoria Police and the assistance given to Victoria Police for detection of incidents and/or offenders;
 - Locations where additional cameras may be required, or where cameras should be removed;
 - Assessment of the impact upon crime (where directly evident);
 - Change in public perception of personal safety through an independent survey;
 - Assessment of system and any technology problems;

- Assessment of access request processes to ensure that
 - i. all requests are lodged,
 - ii. all requested information is stored in a central location at each of the sites;
- The results of the evaluation will be made available for public information upon request and on Council's website.
- The Audit undertaken will examine such matters as:
 - Complaints received, and responses provided;
 - Processes used to receive, assess and process access requests;
 - Whether the systems and processes utilised remain good practice; and • Procurement of CCTV.

MANAGEMENT OF COMMUNICATIONS ROOM

30. Only personnel trained and authorised by Victoria Police will operate any of the equipment located within the CCTV control room or other equipment associated with the CCTV system. Authorised and trained personnel of Victoria Police will be responsible for monitoring and operating the CCTV cameras and will act with the utmost probity. Use of the cameras will accord with the purposes and key objectives of the system and shall follow the CCTV protocols. Every individual with any responsibility under the terms of the CCTV protocols will be subject to Victoria Police discipline procedures. Any breach of the CCTV protocols or of any aspect of confidentiality will be dealt with in accordance with those procedures.

CONTROL AND OPERATION OF THE CAMERAS

31. Use of the cameras will be in accordance with the MOU for the operation of CCTV Cameras in public CCTV precincts.
32. Operation of the CCTV system will be in accordance with all Standard Operating Procedures (SOPs) and internal policies. Cameras will not intentionally be used to look into adjacent or nearby private residential property, unless it is explicitly for the purpose of following (in real time) alleged participants in a crime, which originated in the public domain. Any misuse will be treated as a breach to this Code. Authorised Victoria Police members with authority to access and operate the system will have access to the controls.
33. Approved contractor staff will have access to the communications room, with the authority of the Station Commander, to undertake installation, maintenance and testing of the system. Operators of the system will act in accordance with the highest standards of probity and in accordance with the CCTV protocols, the Victoria Police Manual and Code of Conduct. Control room operators will be made aware that all recordings are subject to routine evaluation and may need to justify their interest in a particular member of the public or premises.

ACCESS TO AND SECURITY OF THE COMMUNICATION ROOM

34. Access to the communication room will be restricted and protected from all unauthorised access. The media shall not have access to the CCTV System or Communication Room under any circumstances at any time. Only authorised Victoria Police personnel will be present within the communications room.

RECORDED MATERIAL

35. Council recognise that Data security is a critical component of any surveillance program
- Refer to [Data Protection Principles 8,9 & 10](#)

INCIDENTS

36. Incidents recorded by the Program will be categorised as follows:

- Low Level Incident. A low-level incident is a crime, incident, safety hazard, event, or suspicious activity that is adversely affecting, or may adversely affect public safety in a camera zone, or otherwise involves the Council and/or Police.
- Standard Incident. A 'standard incident' is any situation involving damage or injury to a person or property, or any situation where damage or injury to a person or property is threatened and/or where in the opinion of a Monitoring Officer, an illegal act is being committed, or there is a high degree of likelihood that an illegal act may be committed.
- Major Incident. A 'major incident' is any situation involving riots and serious public disorder, natural disaster, serious road or construction accidents within a camera zone, or otherwise involving large scale police operations.

ACCOUNTABILITY & EVALUATION

37. Council's Public CCTV Program will be evaluated bi-annually to ensure that the program is meeting its aims and objectives.

- Refer to [Data Protection Principle 12](#)

COMPLIANCE AUDIT

38. As part of the bi-annual evaluation process an audit committee will be formed to oversee the process and ensure all public CCTV systems are compliant with the policies of Council and the Victoria Police. The audit committee will have oversight of evaluation findings in particular:

- Divergence from the Code of Practice, Protocols and MOUs;
- Forming recommendations for further improvements
- Recommend actions to safeguard the Program from misuse and
- Request steps are undertaken by any party involved in the Program to rectify divergences from, or breaches to, the Code of Practice, protocols or MOUs.
- Refer to [Data Protection Principles 8,9 & 10](#)

COMPLAINTS

39. All matters of public complaint regarding the CCTV system presented to Council must be referred to the Program Manager in the first instance for investigation and response. The Program Manager will decide whether the complaint should be brought to the attention of the Station Commander. The Station Commander will then determine police response and if the Victoria police Freedom of Information Officer is engaged.

- Refer to [Data Protection Principles 8,9 & 10](#)

BREACHES OF THE CODE

40. The City of Port Phillip and Victoria Police have responsibility for ensuring that the Code of Practice is adhered to. The responsibility includes insuring that breaches of the code are investigated and remedied to the extent to which the breaches are within the ambit of the City of Port Phillip's power to remedy. All personnel involved in the Program have responsibility to adhere to the Code of Practice.

- Complaints in relation to any aspect of the management, operation or monitoring of the system may be made in writing to:

Manager Diversity and Inclusion
Private Bag 3
ST KILDA VIC 3182

41. The Information Privacy Act 2000 authorises the Victorian Privacy Commissioner to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy Victoria:

- Privacy Victoria GPO Box 5057 MELBOURNE 3001 Phone: 1300 666 444 Email: enquiries@privacy.vic.gov.au

COMMUNITY SAFETY PLAN STEERING COMMITTEE

42. The purpose of the Committee is to advise Council on new and emerging community safety issues aligned with the priorities in the Port Phillip's Community Safety Plan 2019 - 2023. The Committee seeks to guide, engage and promote strategic responses to community safety issues developed and implemented by Council, the community and key partners. The committee is also responsible for overseeing the integrity of the public CCTV systems in the municipality and ensuring they adhere to relevant policies and legislation.
43. The CCTV Program Steering Committee comprises of Council staff, Victoria Police members and relevant key stakeholders.

DEFINITIONS

Access application	A request by any person seeking to view CCTV images in Victoria Police possession, and to be submitted to Victoria Police for approval
Audit Committee	Independent Committee established to guide the bi-annual evaluation of the Public CCTV Program and compliance with procedures, protocols and codes of practice.
Authorised user	Users authorised by Victoria police to utilise CCTV systems in accordance with this Policy. Includes Victoria Police authorised users
CCTV incident, daily check, and maintenance logs	Documents available at all CCTV data storage locations which must be completed by an Authorised User in the event of: • an incident • maintenance and/or repairs, or • the disclosure of recorded images occurring
Public CCTV Program	The camera network and all its components including policies, protocols, codes of practice, standard operating procedures and management arrangements.
CCTV Program Steering Committee	Committee established by East Gippsland Shire Council and consisting of the Victoria Station Commander (or representative), Council's Manager Strategic Planning (or representative) and other EGSC officers and relevant stakeholders, to oversee the operation of the Public CCTV Program
CCTV System	The physical camera network including CCTV cameras, antennas, monitoring, recording equipment and data management equipment.
Contractors	Security representative authorised to provide camera equipment, information technology and maintenance for the camera network. May assist with training and maintenance
Control Room	Located at St Kilda Police Station and accessible via Police Headquarters Station, where Police may view real time CCTV footage.

MOU	Memorandum of Understanding - the formal agreement between Victoria Police and Port Phillip Council relating to the operation of the Public Space CCTV Surveillance Program
Program Manager	Council representative with designated responsibility to manage the public CCTV system and ongoing partnerships with Victoria Police in relation to public surveillance
Station Commander	Victoria Police representative who is the senior supervisor of the police facility hosting any part of the camera network, such as monitors, and/or digital recording equipment.
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 admission to the place. A 'public place' does not include a private place
Community Safety Plan Steering Committee	Comprised of key stakeholders established to advise Council on new and emerging community safety issues aligned with the priorities in the Port Phillip's Community Safety Plan 2019 - 2023. The committee is also responsible for overseeing the integrity of the public CCTV systems in the municipality and ensuring they adhere to relevant policies and legislation.

Acronyms

CCTV Closed Circuit Television camera

CLEDS Commissioner for Law Enforcement Data Security Act (2005)

FOI Freedom of Information

MOU Memorandum of Understanding

SOP Standard Operating Procedures

Acknowledgements

Council have drawn learnings from

- The Office of the Victorian Information Commissioner. Guidelines to surveillance and privacy in the Victorian public sector.
- East Gippsland Shire: Public space closed circuit television surveillance code of practice
- Wollongong Council: CCTV Code of Practice

APPENDIX 1 - CCTV Camera Locations

Fitzroy Street

1. the Upper Esplanade at the end of Fitzroy Street
2. corner of Acland Street and Fitzroy Street
3. opposite Park Street
4. two cameras at the corner of Jackson Street and Fitzroy Street
5. adjacent to tram stop 133, down from Canterbury Road
6. corner of Canterbury Road and Fitzroy street.

Little Grey Street precinct

7. corner of Fitzroy Street and Grey Street, St Kilda
8. corner of Grey Street and Little Grey Street, St Kilda
9. corner of Little Grey Street and George Lane, St Kilda
10. Little Grey Street, St Kilda
11. Grey Street, St Kilda (in between Jackson Street and Eildon Road, St Kilda)
12. corner of Grey Street and Burnett Street, St Kilda
13. corner of Dalgety Street and Princes Street, St Kilda
14. corner of Fitzroy Street and Princes Street, St Kilda

St Kilda Foreshore

15. north corner area of Sea Baths buildings
16. between south corner area of Sea Baths building and north of grass plaza
17. south of grass plaza to the north of Stokehouse building
18. south corner area of Donovans Restaurant to the north of tiered decking area
19. south of the tiered decking area to the north of Shakespeare Grove extension.
20. Foreshore facing Cavell Street and Shakespeare Grove.
21. St Kilda Life Saving Club facing the St Kilda Triangle carpark

Acland Street Precinct

22. Palais Theatre and Luna Park
23. Talbot Reserve
24. intersection of Acland Street and Carlisle Street
25. intersection of Acland Street and Shakespeare Grove
26. Acland Street Plaza.

APPENDIX 2 – CCTV Location Maps

