



# CCTV in Council Buildings Policy 2019

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## Purpose

The purpose of this Policy is to ensure appropriate use and operation of Closed Circuit Television (CCTV) equipment in:

- Council occupied buildings
- buildings owned, managed or leased by Council including South Melbourne Market.

## Outcomes

This policy is expected to:

- Ensure proactive management of CCTV at Council owned and managed facilities.
- Provide a decision-making framework to help manage and respond to CCTV requests at Council.
- Provide robust security governance with clear roles and responsibilities.
- Provide information and guidance about security controls.

## Definitions

Table 1: Definitions of terms

Term	Definition
<b>CCTV</b>	Closed Circuit Television
<b>CCTV records/footage</b>	Any information that is recorded or unrecorded that is taken from a CCTV system including any data, still images or moving footage
<b>CCTV System</b>	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the camera is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
<b>CoPP</b>	The City of Port Phillip
<b>SMM</b>	South Melbourne Market
<b>Security Expert</b>	A security and risk professional competent, licenced and qualified in line with Australian Standards for security services.
<b>Committee of Management (CoM)</b>	Where Council is appointed pursuant to <i>Section 14 Crown Lands (Reserves) Act 1978</i> to administer the reserved Crown land.

Term	Definition
<b>Guidelines to surveillance and privacy in the Victorian public Sector</b>	Guidelines issued May 2017 by the Commissioner for Privacy and Data Protection designed to consider best practice for overt surveillance activities in public places.
<b>Public Place</b>	Any place to which the public have access to by right or by invitation, whether expressed or implied, and whether or not a charge is made for admission to the place.
<b>Authorised CCTV Officer</b>	CoPP staff who are designated as being responsible for the operation of the CCTV equipment.
<b>Tenant</b>	An entity that occupies land or a building pursuant to a lease or licence.

## Responsibilities

Table 2: Responsibilities of roles

Role	Responsibility
<b>Building Safety and Security Committee</b>	Oversee the implementation of the CCTV in Council Buildings Policy and review the mechanisms in place to comply with the Policy.
<b>General Manager Customer, Operations and Infrastructure</b>	Accountable for high level decision making and approval of security outcomes relating to CCTV.
<b>Executive Manager, Property and Assets</b>	Accountable for the security management system and providing adequate resources to ensure effective management of CCTV across Council facilities.
<b>Leadership Network</b>	Responsible for liaising with tenants (in their area of responsibility) regarding the installation of CCTV and providing support to Assets to ensure ongoing compliance with a tenant’s compliance related to relevant legislation.
<b>Facilities Assurance Lead (Security Advisor)</b>	Responsible for the CoPP security management system and providing advice regarding the installation of CCTV systems.
<b>Head of Property and Workplace Operations</b>	Responsible for the management of Deed of Consents entered into by Council and a tenant and the ongoing management of the CCTV aspects of lease agreements.
<b>Authorised CCTV Officer</b>	Responsible for carrying out specific tasks in the operation or management of CCTV systems.
<b>Tenants</b>	Responsible for ensuring adherence to Council’s policies and procedures related to CCTV. Also responsible for the ongoing management and operation of CCTV at the tenanted sites.

## Scope

The Policy applies to all CCTV systems installed in:

- Council occupied buildings, including South Melbourne Market
- Buildings leased by Council
- Crown buildings where Council is the Committee of Management (COM). The Policy does not apply to crime prevention CCTV for monitoring the public realm on St Kilda Foreshore, or similar.

## Guiding Principles

In considering the installation and operation of CCTV, Council will balance the objectives, such as deterring vandalism, against the potential for interference with the privacy of persons filmed, such as misuse of the CCTV footage. Each application will be assessed on a case by case basis.

CCTV systems will only be approved for installation and operation in Council buildings to:

- act as a deterrent to criminal behaviour
- provide evidence to support the prosecution of criminal behaviour
- improve actual and perceived levels of safety.
- reduce levels of graffiti and other forms of vandalism.
- reduce anti-social behaviour.
- assist in mitigating Occupational Health and Safety (OH&S) risks and reviewing serious incidents
- monitor adherence to specific restrictions, such as parking.

All requests for implementation of CCTV in Council Buildings must be approved by Council's Security Advisor prior to installation.

Council will consider the installation of CCTV during redevelopment, major renewal or upgrade works at Council facilities.

## Policy

In reviewing the management and operations of existing CCTV systems or assessing an application of new CCTV infrastructure, the following shall be considered:

### Purpose of CCTV

Installation and operation of CCTV must always be necessary, proportionate and for a legitimate purpose relating to the activities of Council or approved tenants.

Applicants requesting CCTV must be able to clearly define the problem they are trying to solve through the use of CCTV and why the use is necessary to address that problem.



## Protection of Privacy

Individuals are entitled to a reasonable expectation of privacy in facilities. Council and tenants must refrain from using surveillance in places where individuals may reasonably expect to have some degree of privacy such as changerooms and public toilets.

Installation of CCTV must be informed by a security expert to ensure the quality of data and positioning of cameras is appropriate and specific to the objective.

## Community Consultation

Council's Security Advisor must assess the impact on the proposed CCTV installation before it is undertaken. Community consultation should be undertaken where CCTV coverage includes public space.

## Compliance with Legislation

Operation of CCTV must be consistent with applicable laws and standards. The Privacy and Data Protection Act 2014 (PDPA) is the default legislation, which means that where the Local Government Act 1989 is silent on information handling, Council and tenants will be required to comply with the PDPA.

## Governance

Operation of CCTV shall be governed by policies, operating procedures and agreements.

The policies and procedures must include as a minimum:

- the purpose of the CCTV installation
- what information is collected and how is it used and stored
- who is permitted to access the information
- the roles that are responsible for the management of the CCTV system
- the protocols to be followed for ensuring the security of information
- how long will the information be retained
- relevant legislation that governs the surveillance programme
- who the appropriate contact is within the organisation, should staff or members of the public have questions about the CCTV system
- processes for reviewing complaints and managing privacy breaches
- where CCTV systems are managed by tenants, the operating model regarding the management of CCTV, which must meet the preferred standard as described above.

Complaints relating to any aspect of a CCTV system must be made in writing, via post or email, to Council's Security Advisor.



## Privacy Training

Authorised CCTV Officers shall undergo privacy training prior to utilising and accessing data captured by CCTV systems. Training for staff is critical for ensuring that they are aware of information handling obligations under the PDPA and relevant policies.

Council staff must complete the *Privacy Awareness E-Learning Module* and complete a CCTV induction prior to accessing CCTV data.

Training is also available from the [Office of the Victorian Information Commissioner](#) (OVIC).

## CCTV Signage

Council and tenants shall take reasonable steps to inform individuals of the use of surveillance devices. Signage should include the following:

- clearly state CCTV is operating within the site
- the purpose for which the information is collected
- how individuals can seek access to the collected information

Signage must be located before the CCTV surveillance starts, to enable individuals to make a choice about whether to enter the areas under surveillance.

## Right to Access Information

The right of individuals to access their personal information must be respected. Council's Security Advisor or an Authorised CCTV Officer must seek to accommodate an individual's access request to the extent possible.

## Security of Equipment and Information

Reasonable steps shall be taken to secure equipment and protect information gathered through CCTV systems. Data security is a critical component of the operational management of CCTV.

Reasonable security involves:

- identification of the information assets
- determining the value of the information
- identifying any risks to the information
- applying security measures to protect the information
- managing risks across the information lifecycle.

## Disclosure of Information

Disclosure of information gathered through CCTV systems must only occur where necessary for the stated purpose, or for a law enforcement purpose. Personal information collected for one purpose should not then be used or disclosed for another purpose.



Council or tenants shall only disclose information in a way that is consistent with the notice provided to individuals. Information can be disclosed for law enforcement purposes where the organisation suspects unlawful activity.

Where a copy of electronic data is provided to a third party, such as Victoria Police, it will be the third parties responsibility to retain the record in accordance with the disposal authority that covers their agency's functional responsibilities.

Disclosure of information must only occur in accordance with *Privacy Principle 6*.

CCTV systems managed by Council will be governed by Council's *CCTV in Council Buildings Operational Procedure*.

CCTV systems managed by tenants within Council buildings shall be governed by the tenants own operational procedure, subject to approval by Council's Security Advisor.

The SMM CCTV system shall be governed by the *SMM CCTV Operational Procedure*.

## Deletion of Information

Information gathered through CCTV systems must be deleted once it is no longer required. When reviewing an application for the installation of a CCTV system, Council will consider what processes to put in place to destroy personal information once it is no longer required.

Recorded material should only be retained for 31 days, unless it is the subject of an application, and will be overwritten as per a system cleansing cycle.

## Review and Audit

Effective review and audit mechanisms must be in place to ensure legal requirements and the relevant policies are complied with, and that CCTV is being used in line with the intended objectives.

Council must have mechanisms to review and evaluate the operations and management of all CCTV systems within Council buildings. This is to ensure CCTV is meeting the objectives applicants set out to achieve and its effectiveness in doing so.

These mechanisms include an:

- annual review of adherence to operational procedures
- external auditor engaged by Council to review compliance at any time.

## Deed of Consent

If an application for CCTV is approved, Council and the tenant must execute an agreement for the installation and operation of the CCTV equipment in the form of a *Deed of Consent*.

The applicant must agree to this Policy and subsequent *Deed of Consent* prior to the installation and operation of the CCTV system.



## Relevant policy, regulations or legislation

### City of Port Phillip

- Protective Security Policy
- CCTV in Council Buildings Operational Procedure
- South Melbourne Market CCTV Operational Procedure
- Deed of Consent - CCTV System
- Building CCTV Footage Request Form
- Protective Security Policy
- Health and Safety Policy
- Risk Management Policy
- Risk Management Framework

### Legislation

- Privacy and Data Protection Act 2014
- Privacy Act 1988 (Cth)
- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017
- Local Government Act 1989
- Surveillance Devices Act 1999
- Freedom of Information Act 1982
- Evidence Act 2008
- Charter of Human Rights and Responsibilities Act 2006

### Standards and Guidance

- ISO 31000:2018 - Risk Management Guidelines
- AS4806.1 – Closed Circuit Television (Part 1) Operation and Management
- AS4806.2 – Closed Circuit Television (Part 2) Application Guidelines
- Guidelines to Surveillance and Privacy in the Victorian Public Sector
- Australia-New Zealand Counter-Terrorism Committee Active Shooter Guidelines for Places of Mass Gatherings 2013
- Australia-New Zealand Counter-Terrorism Committee: *Australia's Strategy for Protecting Crowded Places from Terrorism 2017*
- Crime Prevention Victoria: *Safer Design Guidelines for Victoria 2005*
- Parliament Victoria (Drugs and Crime Committee): *Inquiry into the Application of Safer Design Principles and Crime Prevention Through Environmental Design 2013*