

Closed Circuit Television (CCTV) Policy in Public Places 2017 - 2021

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Introduction

Community safety is a high priority for the City of Maribyrnong. Key to this notion is the idea that a city that maintains livable places, community infrastructure and promotes social connections will lead to an improved quality of life for everyone. This Policy details the role that Closed Circuit Television (CCTV) surveillance systems can play in making the City of Maribyrnong a safer place for all.

Council's *Shared Approach to Safety in the City of Maribyrnong* outlines a partnership between Victoria Police and Maribyrnong City Council that aims to reduce crime and increase the safety of Maribyrnong. Council's approach to safety is underpinned by a strong commitment to crime prevention through environmental design (CPTED), including where appropriate, the application of CCTV surveillance systems. The Council recognises that CCTV is only one of a range of strategies that Council utilises with an aim to reduce crime. Other strategies include activating public space, appropriate lighting, natural surveillance, access control and signage.

The primary security use of CCTV is to discourage and or detect unlawful behaviour in or around council property and in partnership with Victoria Police in the Footscray Central Activity District.

The Policy is concerned with CCTV surveillance systems that are funded or managed by the City of Maribyrnong. This currently includes three distinct systems:

1. The City of Maribyrnong Public Safety CCTV Camera System
2. CCTV systems monitoring council owned or occupied Property
3. Mobile CCTV systems used to enforce local laws.

CCTV cameras under the City of Maribyrnong Public Safety CCTV Camera System were installed at locations in the Footscray Central Activity District determined on the basis of advice provided by the VIC Police and Council's Community Safety Reference Group, in 2011. The system currently consists of 32 cameras that provide a live feed to the Footscray Police Station.

The CCTV Policy 2017–2021 (The Policy) has been developed in consultation with the Victorian Police and key internal stakeholders. Amongst other relevant material, the Policy takes account of the Victorian Ombudsman's Guidelines for developing Closed Circuit Television policies for Victorian Public Sector Bodies, November 2012.

The Policy is not intended to guide the use of CCTV cameras used by other parties. This includes private land owners or businesses as well as tenants or licensees of Council land or buildings who install CCTV cameras in accordance with terms of leases and/or licenses with Council.

Definitions

Term	Definition
Authorised Personnel	Any delegated employees of the Council with responsibility for managing access to CCTV systems.
CCTV or Closed Circuit Television	A surveillance system made up if a camera or cameras that are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of camera(s), monitors, recorders, interconnecting hardware and support infrastructure.
CCTV Project Control Group	The committee established by Council to oversee the operation of a CCTV system
CCTV Operations	Means all aspects of CCTV surveillance management, use, recording, maintenance and access to recorded material
Council	Maribyrnong City Council
CPTED	Crime Prevention Through Environmental Design are a set of evidenced based principles that outline ways that environmental design can have positive crime reducing outcomes
Disclosure	Providing a third party (who is neither the City of Maribyrong nor the subject individual) with access to, or a copy of, recorded CCTV footage.
Fixed camera	A camera permanently fixed to a facility.
LoU	Letter of Understanding. In this Policy a LoU is between Council and the Victoria Police.
Mobile Camera Surveillance	A portable camera that can be relocated to various positions or temporarily placed in a position for a specified time for surveillance.
Use	Means providing another person in City of Maribryong (other than Authorised Personnel or the Manager, Property, Facilities, and Operations) with access to, or a copy of, recorded CCTV footage.

Related Council Policies/Strategies

Council Plan 2013-17

The Maribyrnong City Council Plan 2013–17 describes that Council’s primary objective is to promote and protect the wellbeing of our community. The Council’s vision for the city is:

“To promote and protect the wellbeing of our community and to achieve this, we commit to putting all of our people first”.

Safety is also a key issue that cuts across much of the Council Plan. For example, under the urban growth strategic objective, the Plan lists improving street lighting and the removal of graffiti as being important to the community. A key strategy identified under the Livability strategic objective is to “improve the city’s amenity to create safe, high quality and inviting public places and facilities for all.”

The Shared Approach to Safety in the City of Maribyrnong

The Shared Approach is a partnership between Victoria Police and Maribyrnong City Council that further highlights the Council's commitment to safety. The Shared Approach outlines a strong commitment to crime prevention through environmental design (CPTED) as well as a pledge to maintain and monitor the existing CCTV network in Footscray.

The Maribyrnong City Council Annual Community Survey Report 2015

Each year the Maribyrnong City Council publishes a Community Survey Report. Comparing data from the past decade, it shows that people's perceptions of safety have increased along with a decrease in overall crime within the City of Maribyrnong. Despite the overall increase in perceptions of safety, people still feel less safe at night compared to the day. The introduction of the CCTV camera system did not correspond with an increase in feeling safe.

The total number of all offences committed in Maribyrnong has declined by 40% over the last decade. During 2004–2005 a total of 15,866 crimes were recorded per 100,000 population in 2004-2005 compared to 9,242 in 2014-2015.

Related Legislation

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: 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 where a person is potentially identifiable. This legislation is to be considered when determining: 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

	<p>information. This legislations is to be considered when determining:</p> <p>The circumstances CCTV records/footage is considered a public record.</p> <p>How long public records must be kept.</p> <p>How public records must be maintained.</p> <p>How public records are to be disposed of.</p>
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.

Related Documents

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
- Surveillance and Privacy Information Sheet, Privacy Victoria, March 2012
- Crime Prevention & Community Safety, Community Crime Prevention Program - CCTV Information, http://www.police.vic.gov.au/content.asp?Document_ID=32487, updated 8 April 2016.

CCTV Policy 2017 – 2021

1) Policy Statement

Council is committed to contributing to community safety and to take efforts to reduce incidences of crime as supported by, *A Shared Approach to Safety in the City of Maribyrnong 2015-2017*, a partnership between Maribyrnong City Council and the Victoria Police.

Closed-Circuit Television (CCTV) is only one of a range of strategies that Council utilises to reduce incidences of crime and improve community safety. Other strategies include activating public space, community consultation, policy development and crime prevention through environmental design (CPTED).

Council's preferred approach is to consider options such as creating clear site lines, minimising concealed areas, installing appropriate lighting, and enhancing natural surveillance, increasing access control, and improving signage; ahead of the installation of CCTV.

Community safety involves the whole of the community taking action to ensure safe movements and connections in the City of Maribyrnong. This CCTV Policy provides Council with strategic direction and operational uniformity for the regulation and management of CCTV systems in public places.

2) Purpose

The purpose of the policy is to provide direction and guidance to the Council and Council officers when considering the introduction, revision or significant maintenance to CCTV cameras and systems in public places or on council managed property.

This policy aims to outline how and when Council will employ visual surveillance and the procedures that will ensure personal privacy is maintained. More specifically it aims to:

- 2.1 Guide Council's decisions about the introduction, revision or significant maintenance to CCTV cameras in public places.
- 2.2 Ensure that Council CCTV systems are compliant with relevant legislation and other statutory requirements.

3) Policy Principles

The policy is guided by the following key principles:

- 3.1 That a consistent, compliant and evidence-based framework for decision-making pertaining to Council's CCTV systems is good public policy. This includes regulation for the installation, monitoring, management, use, image capture, data retention and disposal of information of CCTV data and information.

- 3.2 That the prioritisation of crime prevention through good environmental design such as CPTED principles, place making, and social development is preferred ahead of the installation of CCTV systems.
- 3.3 That Council operated CCTV systems will operate fairly, within applicable law, and only for the purpose for which it is established or which is subsequently agreed in accordance with this policy.
- 3.4 That the CCTV policy will operate with due regard to the privacy and human rights of individual members of the public (which may include consideration of vulnerable groups or those accessing services).

4) Scope

This policy applies to all Council-owned CCTV systems installed in public places that have the purpose of surveillance. This includes those cameras in or on Council property, mobile surveillance cameras (both covert and overt) and those that make up the City of Maribyrnong Public Safety CCTV Camera System.

4.1 General Public Areas

Council owns and maintains CCTV systems which provide examples of the surveillance systems that are covered by this Policy in general public areas of the Footscray Central Activity District and on a number of Council Buildings.

4.2 Exclusions

This policy does not apply to the use of CCTV cameras used for:

- Capital works such as drain inspections and maintenance, or
- CCTV systems used by other parties such as local business or private owners.

5) Policy Implementation

5.1 Governance and key responsibilities

The CCTV Project Control Group will oversee the implementation, monitoring and review of this policy.

Council's Facilities and Maintenance Department will oversee and provide secretariat support to the Project Control Group and has primary responsibility for ensuring that the commitments and processes outlined in this policy are adhered to, including acting as the central point of contact for all requests for CCTV expansion, relocation, reduction, maintenance and upgrade.

5.2 Existing Systems

5.2.1 Upgrades

Technological advancements mean that CCTV hardware and software can quickly become outdated. Council will ensure that all CCTV cameras and other technical elements of the CCTV System are regularly maintained and meet the minimum technical standards outlined in the 6.0.1 Technical Specifications Document.

5.2.2 Extending the scope of existing systems

Any upgrades that extend the scope or function of the current system will require approval from the CCTV Project Control Group. Examples of extended function include, but are not limited to, providing access to the live data collected by Council cameras (other than the current Public Safety CCTV Camera System) to a third party, adding automated surveillance software limiting the need for human monitors or significantly and purposefully increasing the definition of cameras such that their field of view extends beyond what is currently achieved (ie. goes beyond replacement of a camera with equivalent accepted technology).

5.2.3 Mobile cameras

Council officers can use Mobile CCTV cameras provided that they comply with the relevant State and Commonwealth legislation. The burden for satisfying compliance falls on the Manager Facilities & Maintenance, the Manager Regulatory Services, and the Manager Governance & Customer Service.

Short-term use (in this case, less than four weeks in one location) of mobile cameras are at the discretion of the Manager Facilities & Maintenance and the Manager Regulatory Services. The 6.2 CCTV Decision Matrix will guide the process for application for short-term use through the Application Request Form for Temporary CCTV.

Use for periods of longer than four weeks requires approval from the CCTV Project Control Group, guided by the 6.2 CCTV Decision matrix.

5.2.4 Time-lapse cameras

Time-lapse cameras may be used by Council officers for up to two weeks in one location providing that the cameras are intended to monitor urban activity and not for security purposes.

Cameras must comply with the relevant State and Commonwealth legislation. The burden for satisfying compliance falls on the Manager Facilities & Maintenance, the Manager Regulatory Services, and the Manager Governance & Customer Service.

5.2.5 Malfunctioning and Decommissioned Cameras

All cameras used by Council must be operational in line with technical specifications. If a camera is malfunctioning or decommissioned it must be removed or made operational within 24 hours (public CCTV system) to 72 hours (internal system).

5.3 Future Systems

Establishing new CCTV systems can be complex and resource intensive. Before Council commits to new CCTV systems, including adding additional cameras to existing systems, the case for expansion should be clearly documented in a business case. This documentation (*see 6.2 Decision Matrix and Application for Permanent CCTV*) must prove to Council that similar crime prevention goals cannot be achieved through other means.

The CCTV Project Control Group is responsible for briefing the Council Executive Management Team (EMT) on the Case for Expansion (see 6.2 *Decision Matrix*) and seeking project approval along with the area of Council championing the request. If satisfied, a recommendation will be made to Council that will form part of the annual budget process.

The same principles and processes also apply to requests to relocate or reduce CCTV cameras within the existing system.

5.4 *CCTV Image Capture, Storage and Signage*

Camera footage derived from Council managed cameras is a public record item and is subject to the standard information management security procedures as outlined in the Public Records Office Victoria, General Retention and Disposal Authority guidelines.

Surveillance footage will be kept securely for 31 days and up to 90 days until its administrative use concludes and will be destroyed in compliance with the Australian Standards 4806. 1-2006. On the condition that surveillance data is required for law enforcement purposes it must be stored securely for 7 years following the conclusion of its administrative use before it can be destroyed.

Except when required by law, faces and vehicle registration will be pixilated prior to release.

Council will advise the public via relevant signage of the existence of a Council CCTV system in the local vicinity where it is located.

5.5 *Data Access*

Access to data collected from the CCTV system will be assessed in accordance with the 'Use and Disclosure' Privacy Principle as included in the Privacy and Data Protection Act 2014.

Where a request for access has been made by Victoria Police, other law enforcement agencies or government authorities, a request needs to:

- Be written on the agency's letterhead or logo
- Be signed by an officer/staff member of the agency
- Indicate the level of priority the request should be given
- Identify the specific information being enquired about
- Cite the general nature of the offence being prevented, detected, investigated, prosecuted or punished
- Provide an assurance that the information will only be used for the purpose(s) for which it is being sought and will be secured against unauthorised disclosure, and
- Be dated and provide return contact details.

Data that is live streamed to police is covered under the Letter of Understanding between Maribyrnong City Council and Victoria Police.

In certain situations Council is compelled by law to provide access to CCTV footage. The Governance Unit should be notified of all summons, subpoenas or court orders received. A summons/subpoena/court order must be completed correctly and any documentation should be provided directly to the Court or Tribunal and not to the parties directly.

Internal access CCTV footage will be restricted to Council's CEO, EMT and Manager level officers with responsibility for managing buildings or services, restricted to footage directly relevant to the management of that building or service. The Manager Governance & Customer Service and officers responsible for the operation of CCTV will also have access to CCTV data when required.

Where a request is made by someone other than Victoria Police, other law enforcement agencies or government authorities or pursuant to a summons/subpoena/court order, the request will be considered in accordance with the Freedom of Information Act 1982 (FOI Act).

If an individual requests access to CCTV footage, and the footage shows only that individual, it may be able to be released administratively, outside the FOI process.

Requests to access CCTV records will be managed differently depending on the CCTV system.

For requests to access CCTV footage from the Footscray Public CCTV system, please contact Victoria Police:

Victoria Police – Footscray Stations
Phone: 03 8398 9800
Address: 66 Hyde Street, Footscray, Victoria 3011

Requests for to access CCTV footage relating to Maribyrnong City Council managed buildings and facilities:

Manager Governance & Customer Service
Phone: 03 9688 0200
Address: PO Box 58, Footscray, Victoria 3011

If an application is made under the FOI Act, then this will be processed through Victoria Police or Council's normal FOI procedures, depending on which CCTV system the data relates to. 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
GPO Box 913, Melbourne 3001
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
Maribyrnong City Council
Po Box 58, Footscray 3011
Phone: 03 9688 0200
Email: email@maribyrnong.vic.gov.au
Website: www.maribyrnong.vic.gov.au

5.6 Monitoring

Procedural manuals should be prepared to cover the management and reporting functions including the auditing of compliance with the documented requirements. The manuals should cover all aspects of the system including checking equipment, data access, and maintenance schedules.

5.7 Policy Conflicts

The current policy has authority over other Council policies and plans as they relate to mobile CCTV cameras and CCTV cameras uses on or in Council managed properties. However, if a policy conflict exists concerning the current Policy and the operation of the 32 CCTV cameras outlined in the Letter of Understanding between the Council and the Victorian Police, the principles outlined in the Letter of Understanding take priority.

5.8 Review

The policy will be reviewed four years from the date of approval. At this time, the current policy and the Letter of Understanding outlining the operation of the Public Safety CCTV system should be considered for inclusion into one overarching Policy.

6) Supporting Documentation

In order to assist the implementation of the CCTV Policy the following supporting documentation will be developed and used.

6.1 Minimum Technical Specifications Document - Manager Facilities & Maintenance

The Technical Specifications Document outlines a minimum set of technical standards in line with relevant industry standards that equipment used in Council CCTV systems must reach. The technical specifications document includes a reasonable life expectancy for various elements of the CCTV system and suggests a plan for future upgrades based on industry standards and changing technology.

6.2 Decision Matrix (A Case for Expansion) – CCTV Project Control Group

A request for CCTV Application Form must be completed every time a new CCTV system is considered or when an upgrade to an existing system is proposed that extends its function beyond its current capabilities.

The question should not be whether CCTV cameras are required but what are the inherent property and personal risks, their likelihood and consequences, and evaluating what treatments would act as an effective control for those identified risks.

A business case for expansion will be informed by the completion of the CCTV Application Request Form.

It includes the following:

- A comprehensive appraisal of the severity, frequency and location of the incidence being targeted
- A detailed explanation outlining the case for CCTV
- Evidence that CCTV is necessary to accomplish the outlined objectives.
- Evidence that the objectives outlined cannot be achieved by other means.
- A Social Impact Assessment.

6.3 Operation Manuals - Manager of Facilities & Maintenance

Operation manuals to support this policy will be completed following endorsement of the policy and include:

- CCTV management and reporting functions;
- CCTV Auditing and mapping asset numbers;
- Compliance and Maintenance Schedule.