

Visual Surveillance Devices

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Approval by:	Council	Responsible Officer:	Director – Corporate Services
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1. Purpose

The Policy purpose is to:

- Ensure the effective, appropriate and lawful use of visual surveillance devices owned by Knox City Council in public places and/or installed on Council owned or managed infrastructure;
- Inform and provide direction for Council’s decision making in relation to the product selection, installation, use, maintenance, and data management of any fixed and mobile visual surveillance devices and systems; in accordance with best practice, relevant legislation and other laws;
- Provide guidance for the use and management of data, its retention, security, privacy access, disclosure, storage and disposal of data;
- Ensure appropriate audit, monitoring, evaluation, reporting systems and complaint handling processes; and
- Ensure Council staff working with visual surveillance devices and systems undertake their duties in accordance with this Policy and any relevant procedures (including Site Specific Operating Procedures).

This Policy should be read in conjunction with the Visual Surveillance Device Procedure.

2. Context

Knox City Council acknowledges that there has been considerable uptake in the Council and community use of surveillance devices in public places and Council owned facilities.

Council owned visual surveillance devices and systems fall into three main categories:

- *Corporate Surveillance Devices and Systems* installed in public spaces, on council facilities and land. These systems are managed and monitored by council employees or contractors. This includes but is not limited to Council offices, pools, libraries, arts centres, public toilets, sporting grounds, community and child care centres, and waste management facilities;
- *Public Safety CCTV Systems* installed in public places that are monitored and managed by Victoria Police. Knox City Council has one Public Safety CCTV System located in Boronia with cameras linked to monitors at Boronia Police Station; and
- *Mobile camera devices* operated and managed by council employees or contractors. This includes dash cams, aerial vehicles, and body cameras.

From time to time, third parties (such as a community groups or sporting clubs) may also install visual surveillance devices in Council owned and/or managed facilities and/or land they occupy under a lease or licence. These devices are owned and managed by the licensee or tenant.

2.1 Use of visual surveillance devices

The use of visual surveillance devices can be a contentious community issue when used in public places in relation to concerns for privacy versus the perceived benefits for community safety. To respond to these issues, Council requires a policy and procedure that enables appropriate management and clear, consistent and coordinated approaches.

Visual surveillance devices are used within the community and by Council to:

- Support and implement broader crime prevention and reduction strategies in an identified location;
- Enhance actual and perceived safety and security for staff and users of Council facilities;
- Discourage damage and vandalism of Council assets;
- Detect and manage any illegal activities occurring on Council facilities and land such as illegal rubbish dumping and graffiti;
- Support the administration and enforcement of local laws and other legislation;
- Enhance site security and security for equipment at Council construction sites;
- Detect public safety issues;
- Support Council in its legislated responsibilities and operational business such as aerial mapping for fire prevention;
- Monitor the use of Council land and assets such as a count of users on walking tracks or bike paths;
- Assist with traffic planning and road management such as traffic counts on local roads;
- Enhance Council's biodiversity activities, such as wildlife monitoring and pest animal control in local bushland and parks;
- Monitor any unauthorised access to 'staff only' areas; and
- Record and promote Council events.

Public Safety CCTV Systems are used to:

- Support Victoria Police operations and response; and
- Assist Victoria Police for criminal prosecution.

2.2 Visual surveillance devices and crime prevention

Research indicates that visual surveillance devices and Public Safety CCTV Systems on their own may do little to address crime prevention and must be used with a suite of other crime prevention strategies, tailored to the specific local issues and context to enhance effectiveness. Effectiveness of visual surveillance devices may vary depending upon things such as the monitoring regime, quality of equipment, fit for purpose and appropriate maintenance.

The visible presence of surveillance devices can enhance perceptions of safety within the community, which can be constructive in developing public confidence and reducing the fear of crime. Public Safety CCTV Systems should only be applied where other Crime Prevention through Environmental Design (CPTED) principles have been implemented.

3. Scope

This Policy applies to all:

- Council owned and operated visual surveillance devices including body worn cameras, aerial vehicles, photographic cameras and video cameras deployed for surveillance purposes;
- Council employees, Councillors, contractors, lessees and tenants;
- Corporate surveillance systems installed, used or maintained by Council; whether passively or actively monitored or retrospectively reviewed;
- Public Safety CCTV Systems owned by Council but operated and monitored by Victoria Police;
- Visual surveillance devices installed by third parties on Council land and property; and
- Recordings and data obtained as a result of the use of any other visual surveillance device or system owned, installed, used or maintained by Council.

This Policy does not apply to surveillance devices owned, installed and operated by private residents or businesses on private property.

4. References

4.1 Community and Council Plan 2017-2021

- Goal 4 – We are safe and secure:
 - Strategy 4.3 – Maintain and manage the safety of the natural and built environment.
- Goal 8 – We have confidence in decision making:
 - Strategy 8.1 – Build, strengthen and promote good governance practices across government and community organisations.

4.2 Relevant Legislation

- Surveillance Devices Act 1999 (Vic).
- Freedom of Information Act 1982 (Vic).
- Evidence Act 2008 (Vic).
- Public Records Act 1973 (Vic).
- Privacy & Data Protection Act 2014 (Vic).
- Information Privacy Act 2000 (Vic).

4.3 Charter of Human Rights and Responsibilities Act 2006 (Vic)

This Policy has been assessed against the rights contained within the Charter of Human Rights and Responsibilities 2006 and is deemed to be compatible with the Charter.

It is acknowledged that the operation of visual surveillance devices may impact upon an individual's right to privacy and this Policy consequently requires an assessment of whether devices may interfere with that protected right and if so, whether they do so in a manner which is reasonable, proportionate and demonstrably justified.

4.4 Related Council Policies

- Asset Management Policy.
- Employee Code of Conduct.
- Corporate Records Policy.
- Corporate Records Disposal Policy.
- Occupational Health & Safety Policy.
- Risk Management Policy.
- Privacy and Data Protection Policy.
- Engagement Policy.

4.5 Related Council Plans and Procedures

- Knox Visual Surveillance Devices Procedure.
- Outdoor Camera Counters (OCC) Procedure.
- Body Worn Camera Procedure.

4.6 Public Documents

In developing this Policy, Council referred to the following public documents:

- Commissioner for Privacy and Data Protection Guidelines to Surveillance and Privacy in the Victorian Public Sector, May 2017.
- Victorian Auditor General Office (VAGO) report Security of Surveillance Technologies in Public Places, September 2018.
- Victorian Government Guide to developing CCTV for public safety in Victoria, June 2018.

5. Definitions

Definitions of terms used in this Policy and explanations of any abbreviations and acronyms:

CCTV	Closed Circuit Television.
CCTV Surveillance System	A surveillance system in which a number of cameras operate individually and/or collectively connected through a closed circuit. CCTV Systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
Visual Surveillance Device Central Register	Central record of all information and relevant data pertaining to the location, operations and management of any Council owned and operated surveillance device or installed by a Third Party on Council facilities or land.
Council	Knox City Council.
Council employee / Council staff member	Any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Knox City Council.
Council facilities and land	Any facility or land owned by Council or with designated management to Council.

Data	Data obtained from a surveillance device or system including (but not limited to) records, film footage, recording, audio files, still images or live feeds and associated metadata.
IPP / Information Privacy Principle	A series of privacy principles contained Schedule 1 of the Privacy and Data Protection Act 2014 (Vic).
Monitoring	Active Monitoring: footage is actively viewed by operators and assessed and responded to in real time. Passive Monitoring: footage is intermittently observed by operators. Retrospective Monitoring: footage is reviewed after an incident.
PIA / Privacy Impact Assessment Statement	A statement designed to evaluate compliance with IPPs and identify potential privacy risks and risk mitigation strategies.
Public Place	Any place as defined in Section 3 of the Summary Offences Act 1966 to which the public has access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place. A public place can include, but is not limited to, public street, public parks, public transport, railway stations, shopping centres, sports and recreation centres and grounds, schools, church, public halls, libraries, government buildings and office reception areas.
Responsible Officer	Council staff directly involved and trained in the management and operation of visual surveillance devices or systems.
Visual Surveillance Device	A device capable of capturing and/or monitoring footage of an activity, location and/or asset. Types of surveillance cameras include, but are not limited to fixed cameras, mobile cameras, body worn video cameras, dash cameras and covert cameras.

6. Council Policy

Council values that Knox is a safe place to live, and community members are proud to freely enjoy their local streets, parks and public places. From time to time, the installation of surveillance devices may be considered for public safety, security, protection of assets and to inform Council planning and operations.

Council is committed to full compliance with its legal obligations when installing, operating and managing surveillance cameras in public places and Council owned or managed facilities. Any decision to implement a new (or retain an existing) visual surveillance device or system must be consistent with the requirements of this Policy.

This Policy applies to all Council owned visual surveillance devices and systems, where there are items related only to Public Safety CCTV Systems this will be specified.

Visual surveillance devices and systems will be installed, operated and managed in accordance with the following:

6.1 Use of visual surveillance devices

Visual surveillance devices and systems must only be used for proper and lawful purposes and will at all times comply with relevant State and Federal Legislation and Guidelines (refer to section 4.2)

Council visual surveillance devices and systems:

- 6.1.1 Should only be utilised where surveillance is a viable means to achieve its purpose or reasonably related second purpose;
- 6.1.2 Must meet their intended purpose and only be used for that purpose;

- 6.1.3 Are not recommended as an isolated response to addressing public safety and asset protection issues and should be part of a multi-faceted response and range of strategies, such as CPTED, to support community safety initiatives in public places and facility management; and
- 6.1.4 Should not be installed for the primary purpose of recording or monitoring the daily activities of Council employees or for the primary purpose of assessing employee performance (exemptions may apply in areas where high risk activities or cashiering services are performed, in areas where valuable items, equipment or objects are stored or cameras are used for staff safety).

6.2 Approval and installation

The processes for considering and approving visual surveillance devices are detailed in the Visual Surveillance Device Procedures and Body Worn Camera Procedures. The detail and requirements for each proposal may vary depending on if the application is for a mobile device, Corporate or Public Safety CCTV System and whether it is a permanent, temporary, fixed or mobile installation.

Applications subject to the Procedure document, should include:

- 6.2.1 The intended purpose of the device with clear objectives and desired outcomes;
- 6.2.2 An outline of why surveillance is considered necessary and why alternative methods are considered insufficient;
- 6.2.3 Consideration of a range of strategies to support the intended purpose of the surveillance device;
- 6.2.4 Governance, monitoring, operating and reporting arrangements;
- 6.2.5 Identification of persons using the device and training that will be provided;
- 6.2.6 Consideration of impacts on the public, residents, staff, individuals and groups and include a Privacy Impact Statement and a Human Rights Assessment;
- 6.2.7 Where applicable, references to existing Privacy Impact Statements;
- 6.2.8 Capital and lifecycle costs of the surveillance device including additional resource requirements or savings; and
- 6.2.9 Operational process implications of the use of the surveillance device.

Further to the above, proposals may also be required to provide:

- 6.2.10 An evaluation framework to identify benefits of the device; and
- 6.2.11 Details of community consultation undertaken regarding the potential installation.

The purchase of new Public Safety CCTV Systems will require Council approval prior to installation and use. Council will only consider, support and install a Public Safety CCTV System monitored by Victoria Police where:

- It forms part of a suite of community safety initiatives; and
- The costs of installation and management (including surveillance) are fully funded by other parties.

All other proposals for the installation and use of visual surveillance devices will be subject to approval by the Director Corporate Services.

Knox City Council's visual surveillance devices and systems may only be considered and installed for proper and lawful purposes in accordance with Council Policy and legislation.

6.3 Ownership, operation and management of devices

- 6.3.1 A central register of all surveillance devices, their locations and camera manager will be maintained by Governance on behalf of Knox Surveillance Committee. The Central Register will include all Council owned devices and those installed by third parties on Council owned and/or managed buildings and facilities;
- 6.3.2 Site Specific Operating Procedures will be developed to provide detailed instruction on all aspects of the operation and management of visual surveillance devices. The Site Specific Operational Procedures will ensure privacy of individuals is protected; surveillance devices are used for their designated purpose only, compliance with the Policy, and consistency of practice. Site Specific Operating Procedures are to be developed in accordance with the format detailed in the Visual Surveillance Device Procedures;
- 6.3.3 Where Council owns the land/building where the device is to be installed but leases the property to a third party, ownership, operation and management of the surveillance device will be detailed in a Memorandum of Understanding with said third party;
- 6.3.4 In the case of 6.3.3 above, obligations for the proper management and maintenance of the surveillance devices and compliance with all relevant legislation shall rest with the device owner; and
- 6.3.5 Where a Public Safety CCTV System is installed it will be subject to a Memorandum of Understanding between Victoria Police and Council. The operation, monitoring and management of the Public Safety CCTV System will at all times remain the responsibility of Victoria Police and Council will at all times remain the owner of the system and have responsibility for maintenance.

6.4 Responsibilities and Accountability

6.4.1 Director of Corporate Services

Council's Director of Corporate Services has prime responsibility for the administration of this policy. This includes ensuring the organisation has appropriate processes in place to:

- Monitor compliance with Council's Policy and Procedures, and with relevant legislation; and
- Investigate and respond to identified breaches of Council Policy or Procedure, or of relevant legislation.

6.4.2 Knox Visual Surveillance Devices Committee

The Knox Visual Surveillance Devices Committee will:

- Assess and make recommendations regarding applications for the installation and decommissioning of visual surveillance devices and systems;
- Monitor compliance with Council Policy and legislation including through, audits and annual reporting;
- Conduct an annual review of all Site Specific Operational Procedures and endorse variations or amendments;
- Review this Policy and make necessary amendments; and
- Present an annual operations report for the Executive Management Team.

The Committee has the right of inspection of all visual surveillance device systems, procedural documentation, files, registers and records.

Membership of the Knox Visual Surveillance Devices Committee will include:

- Director Corporate Services (Ex Officio);
- Coordinator IT Services;
- Coordinator Governance;
- Coordinator Facilities;

- Coordinator Community Laws; and
- Coordinator Community Access, Equity and Safety.

From time to time the committee will take advice from Council officers or may co-opt temporary members as appropriate; such as Coordinator of Prosecutions for matters relating to prosecutions, Property Services for matters of tenancy agreements and People and Culture for OHS and human resources matters.

6.4.3 Council's Responsible Officers

Responsible Officers are formally designated Council staff whom have a role in the operation and/or management of visual surveillance device/s as part of their position. Responsible Officers will be detailed in the Site Specific Operational Procedures for each surveillance device and will include the technical, operational and/or management aspect/s of visual surveillance devices they oversee or perform pertaining to a mobile device or a site where a Council surveillance device or system operates.

All Council staff, Responsible Officers and Committees involved in the installation, use, and maintenance of any visual surveillance devices and systems will be aware of and act in accordance with their obligations under the Privacy and Data Protection Act 2014, internal Policy and other relevant legislation.

6.4.4 Authorised Police Officers

Authorised Police Officers will oversee the technical and operational matters pertaining to a Public Safety CCTV System.

6.5 Security, storage and retention of data

6.5.1 Council will ensure that access to equipment and data is secure to prevent unauthorised access;

6.5.2 for CCTV Surveillance Systems:

- All Council owned surveillance recording equipment will be securely stored and housed in racks or cabinets that are segregated from the main work area and designed to provide physical and climatic protection; and
- Live feed monitors will be located in secure areas not visible by non-authorised staff, Police Officers or members of the public;

6.5.3 Access to Council's Visual Surveillance Devices, and storage areas will be restricted to Responsible Officers and the Knox Surveillance Committee;

6.5.4 Access to Public Safety CCTV Systems storage areas will be restricted to authorised Police Officers and Knox Surveillance Committee; and

6.5.5 All recorded data will be held securely for a specified period (typically a minimum of to 30 days) unless required in relation to the investigation of a crime, court proceeding or Freedom of Information (FOI) application.

6.6 Access to data

Council will take all reasonable steps to protect data gathered through visual surveillance devices or systems in public places from misuse or inappropriate disclosure.

Access to data will comply with the Visual Surveillance Device Procedure or Body Worn Camera Procedure.

These procedures document requirements for access control lists, secure passwords and written authorisation for Responsible Officers.

Police and other law enforcement agency access to data from Council's Visual Surveillance Devices and systems will be on a case by case basis and subject to relevant provisions of the Privacy and Data Protection Act or as otherwise authorised by law.

Requests by members of the public to view data or records must be made in accordance with the Freedom of Information Act 1982.

6.7 Maintenance

Maintenance of Council's visual surveillance devices will be undertaken in accordance with the Visual Surveillance Device Procedure, Site Specific Operating Procedures or the Body Worn Camera Procedure.

To ensure the adequate maintenance of Council owned CCTV and surveillance equipment, a suitable maintenance or warranty agreement should be considered when procuring equipment.

Regular and proactive maintenance is important to maintain and prolong the life and effectiveness of the equipment.

Information Technology (IT) where practical and unless specified otherwise, will perform the monitoring of system health for visual surveillance devices installed at Council owned and operated facilities and land.

This includes but is not limited to:

- Disk Storage space;
- Network Connectivity; and
- Data backup and recovery.

6.8 Auditing and Reporting

Responsible Officers are required to maintain a log book to record any incidents, requests for information and complaints related to Council's surveillance devices or systems. They must notify the Knox Surveillance Committee of any incident and/or request for data within 72 hours.

The Knox Surveillance Committee is required to report on an annual basis detailing:

- 6.8.1 The sites of all Council owned surveillance devices and systems including any Public Safety CCTV System, surveillance devices operating in Council buildings and land operated under a lease or licence agreement - noting any changes to this list or replacement of equipment;
- 6.8.2 The number of incidents requiring review or access to data made by Council or enforcement agencies;
- 6.8.3 The number of requests under FOI for access to data including the number of times and type of data that has been released;
- 6.8.4 The number of complaints; and
- 6.8.5 A summary of maintenance issues or any changes to the maintenance regime.

The annual report will be made publically available on Council's website. To inform the report, Responsible Officers are required to provide a quarterly and annual report to Knox Surveillance Committee using the reporting proforma in the Visual Surveillance Devices Procedure.

A compliance audit will be conducted by Knox Surveillance Committee annually. This audit will cover all Council owned devices and systems including Public Safety CCTV Systems subject to a Memorandum of Understanding (MOU) with Victoria Police. The audit will review compliance against the Policy parameters and make recommendations for future improvements. This audit will be presented to Council's Executive Management Team.

6.9 Inappropriate Use and Breach of Policy

Failure to comply with this policy, associated procedures or guidelines, or relevant legislation may constitute misconduct under Council's Disciplinary Policy and may be considered in accordance with the Disciplinary Policy and Disciplinary Procedure.

7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this Policy. Where an update does not materially alter this Policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this Policy, it must be considered by Council.