

# Surveillance Systems Policy

A policy is the guiding principle that helps the organisation to take logical decisions. It is a set of common rules to inform decisions and behaviours and commonly has supporting procedures and guidelines.

## Purpose

Like many organisations, the City of Darebin installs surveillance systems in public places and in Council owned properties to help protect the public, staff and Council's assets. In owning and operating surveillance systems, the City of Darebin acknowledges its responsibility to comply with all relevant laws, standards and best practice procedures and protocols.

The purpose of this policy is to:

- Provide a governance framework that helps guide decision making and implementation in relation to the use of surveillance systems.
- Ensure the effective, appropriate and lawful use of visual surveillance devices owned by the City of Darebin in public places and/or installed on Council owned or managed land, buildings and other infrastructure;
- Ensure that surveillance devices are only installed to improve staff and community safety and to protect Council's assets and facilities;
- Inform and provide direction for Council's decision making in relation to the 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
- Prescribe roles and responsibilities in accessing and managing surveillance systems.

## Relationship to community safety

Surveillance systems are recognised as one possible intervention to help enhance community safety and security. In considering whether surveillance is necessary, legitimate and proportionate to the issue to be addressed, Council will consider other available strategies, design measures and interventions. Council's Community Development and Wellbeing team can assist to provide guidance on appropriate strategies depending on the safety objectives and context of the situation.

The purpose of this policy is not to recommend surveillance as a measure to address community safety, but rather to provide a governance framework that outlines principles to be considered determining whether surveillance is an appropriate solution and the guidelines for installing and operating surveillance.

<p><b>Context</b></p>	<p>Surveillance devices are used by Council to:</p> <ul style="list-style-type: none"> <li>• Enhance actual and perceived safety and security for staff and users of Council facilities through deterrence;</li> <li>• Support and implement broader crime prevention and reduction strategies in identified locations;</li> <li>• Discourage damage and vandalism of Council assets;</li> <li>• Detect and manage any illegal activities occurring on Council facilities and land such as illegal rubbish dumping and graffiti;</li> <li>• Support the administration and enforcement of local laws and other legislation;</li> <li>• Monitor any unauthorised access to ‘staff only’ areas and;</li> <li>• Enhance public safety by supporting Victoria Police operations, responses and criminal prosecutions.</li> </ul>
<p><b>Scope</b></p>	<p>This policy applies to all Council owned visual surveillance systems. This includes all systems installed, operated or monitored by, or on behalf of Council, in and around Council land, buildings and facilities and public spaces for the purposes of staff and community safety, security and asset protection.</p> <p>The policy applies to all employees, contractors, tenants, building users and volunteers of Council.</p> <p>Most commonly, this policy relates to recorded CCTV as the most likely form of visual surveillance. Other recorded and live surveillance systems may also be considered by Council and are subject to the requirements of this policy.</p> <p><b>Policy exclusions</b></p> <p>The following matters are excluded from this policy:</p> <ul style="list-style-type: none"> <li>• Mobile cameras such as dash cams and body worn video cameras that are generally used for Council activities associated with enforcement by authorised officers in their delegated tasks or for personal safety;</li> <li>• Camera systems used for research purposes such as monitoring pedestrian or vehicle movements in public space;</li> <li>• Camera systems installed on Council land by law enforcement agencies such as fixed or mobile road safety cameras;</li> <li>• Capital works and asset inspection cameras such as drain inspections and maintenance;</li> <li>• Unmanned aerial vehicles such as drones and communications surveillance;</li> <li>• Time lapse cameras or construction progress monitoring installed for marketing purposes and;</li> <li>• Surveillance systems used by third parties such as local business or private owners.</li> </ul>

	<p><b>Surveillance systems installed by leases or licence holders</b></p> <p>Surveillance systems installed by lease or licence holders of Council land or buildings may be installed as a separate site safety or security measure. However, any such system requires Council's written approval and whilst the responsibility for these systems lies with the lease or licence holder, full compliance with this policy is required for all proposed installations.</p>
<p><b>Definitions and Abbreviations</b></p>	<p><b>Alleged serious misconduct</b> means a suspected incident of serious wrongful, improper or unlawful behaviour</p> <p><b>Authorised data access officers</b> means employees of the Council with responsibility for managing access to CCTV surveillance systems delegated by the General Manager Operations and Capital.</p> <p><b>CCTV</b> means Closed Circuit Television</p> <p><b>Council</b> means Darebin City Council</p> <p><b>Council Buildings &amp; Facilities</b> means any Council civic facility or Council managed public building or facility for use by Council staff or the public.</p> <p><b>Data</b> means data obtained by Council from CCTV Surveillance Systems including (but not limited to) records, film footage, recording, still images or live feeds.</p> <p><b>Digital Video Recorder (DVR)</b> means an electronic device that records surveillance data</p> <p><b>Law enforcement</b> means Victoria Police or any other law enforcement agency</p> <p><b>MOU</b> means Memorandum Of Understanding. In this policy a MOU is between Council and the Victoria Policy.</p> <p><b>Public space</b> means any place to which the public has access as of or right or by invitation, whether expressed or implied or whether or not a change is made for the admission to the place. A public place relevant to Council can include but is not limited to, public streets, public malls, shopping centres, Council carparks, open space parks and reserves and Council managed buildings or areas.</p> <p><b>Register of authorised data access officers</b> means the register maintained by Council of authorised persons to access camera surveillance systems or data.</p> <p><b>Surveillance system</b> means any Council owned or operated surveillance systems in which a number of cameras operate individually and /or collectively through a closed circuit with the footage taken by the cameras sent to monitored or recording devices CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and supporting infrastructure.</p> <p><b>Surveillance system central register</b> means the central record of all information and relevant data pertaining to the operations and management of any Council owned or operated CCTV Surveillance System.</p>

**Policy Statement(s)**

**1. Principles guiding the use of surveillance systems**

The following principles guide decision making relation to the installation, use and access of surveillance systems across Council.

The installation, use or access of data from surveillance systems should:

- Be necessary, proportionate and for a legitimate purpose related to the activities of the organisation;
- Be in the public interest, with the view to protecting the safety of people or assets;
- Respect the privacy of individuals who are entitled to a reasonable expectation of privacy when in public places
- Adhere to relevant laws and standards; and
- Be managed with operating procedures that ensure transparency in process, consistency in application and security of data.

The installation, use or access of data from surveillance systems should not:

- Be used for purposes other than those listed in this policy.
- Be shared in any way that is not consistent with this policy.
- Be intrusive to individual privacy.
- Be stored for any longer than as required by this policy or governing laws and regulations.

**2. Purpose of surveillance**

The purpose of surveillance devices is to help:

- Improve actual and perceived levels of safety;
- Deter and reduce the incidence of anti-social behaviour.
- Deter and reduce the incidence of crime.
- Improve the operational and investigative capacity of law enforcement agencies.

The purpose of surveillance devices is not to:

- Monitor attendance.
- Inform research.
- Capture marketing or promotional material.

### 3. Installation of surveillance systems

#### *Deciding to install surveillance systems*

In considering to install surveillance systems in public places or at Council facilities, the following principles must be considered:

- Will surveillance achieve a legitimate Council objective?
- Is the installation of surveillance proportionate to the risk trying to be addressed?
- Is it possible that the proposal may be perceived to impinge upon privacy or human rights?
- Are there viable alternatives to surveillance?
- Is the proposal to install surveillance consistent with all relevant laws and legislation?
- Which stakeholders should be consulted on the proposal?
- How will data be collected and stored?
- What are the costs and benefits of surveillance?
- What are the upfront and whole of life maintenance and renewal costs associated with the system?
- What resources are available to managing the assets ongoing?

#### *Guidelines for locating and installing surveillance systems*

In making decisions as to how and where to install surveillance systems, the following guidelines should be adhered to:

- Surveillance devices must be fitted in locations appropriate to achieve the purpose of installation and to optimise the functional performance of the device.
- Surveillance coverage areas must not include amenities or changerooms under any circumstances.
- Surveillance coverage must not unreasonably look over residential properties.
- Council will seek advice and guidance on technical system and hardware requirements.
- Affected stakeholders should be consulted and provide endorsement of proposed locations before any works proceed.
- Site specific operating procedures and manuals must be maintained on site at all locations where surveillance systems are installed.
- Council will maintain a surveillance system central register of all sites fitted with surveillance devices.

### *Signage*

Signage must be installed at all locations where surveillance systems are in use. Signage must:

- Advise users of the space that the location is under surveillance;
- Be clearly visible and placed in the main coverage area where it is reasonably likely that users of the space will observe the signage;
- Be easily understood by all members of public, using words and symbols to convey the intent;
- Be compliant with the requirements of the Disability Discrimination Act 1992 to ensure accessibility for all members of the community;
- Identify Council as the owner of the surveillance system and;
- Include details of who to contact if there are any questions regarding the system.

## **4. Surveillance data**

### *Accessing surveillance data*

Data from surveillance systems will only be accessed by authorised data access officers or agents of Council for the following purposes:

- To investigate a suspected crime.
- To investigate alleged serious misconduct (as defined).

### *Governance arrangements for accessing surveillance data*

Requests to access surveillance data will be governed according to the role of the applicant.

#### Council officers or agents of Council

Requests to access surveillance data must be made in line with the surveillance systems internal operating procedures.

#### Victoria Police or other law enforcement agencies

Data relating to an incident may be disclosed to Victoria Police as authorised by law. Access to Council's surveillance systems by Victoria Police is considered under an MoU.

#### Public

Any requests by members of the public to view data/records of incidents must be done through the Freedom of Information (FOI) process, as is required to access any Council record.

*Authorised access to surveillance data*

To ensure the highest standards of probity and confidentiality access to monitors and recording equipment will be restricted to Authorised Data Access officers who have:

- Been delegated responsibility by the General Manager Operations and Capital;
- Undertaken appropriate privacy training;
- Signed a confidentiality agreement;
- Provide evidence of a current Working with Children Check and National Criminal History Check and;
- Have been appropriately trained and identified in each site-specific operating procedure.

Authorised data access officers may be internal Council officers employed by Council, or third-party contractors engaged by Council to provide a specialist service. All parties are subject to the above requirements.

*Storage and retention of data*

The retention of, and access to, recorded material will be only for the purposed use provided for in this policy or applicable legislation. Council will take reasonable steps to ensure the proper and secure storage of all surveillance data and to prevent misuse or unauthorised disclosure by:

- Only storing data securely for a maximum period of 30 days, unless required in relation to the investigation of a crime, court proceedings, or Freedom of Information (FOI) application.
- After 30 days all footage, automatically recording over and removing data from the system unless required in relation to the investigation of a crime and/or for court proceedings.
- Regularly changing passwords and reviewing systems and processes to maintain probity;
- Locating all network, digital recording and monitoring equipment in secure areas, segregated from main gathering areas where possible.
- Where footage has been provided to a third party (e.g. Victoria Police) it will be the third party's responsibility to retain the records/footage in accordance with the agencies disposal authority that covers their agencies functional responsibilities.

## 5. Oversight and accountability

### *Audit Committee*

The Council Audit Committee provides oversight of Council's implementation of the policy to ensure that its principles are upheld with integrity. Annual reports will be tabled detailing:

- An overview of applications to access surveillance data;
- Any breaches of the policy;
- Details of any complaints received pertaining to the use of surveillance systems;
- Any changes to legislation and regulations that may impact the operation of this policy; and
- Any recommendations to improve the integrity of surveillance systems.

### *Privacy breaches*

Any alleged privacy breach (inadvertent or deliberate) must be reported to Council's Privacy Officer for investigation. Any investigation will be conducted in accordance with Council's Privacy Policy and once complete a report will be prepared by Council's Privacy officer outlining the cause of the breach and options for rectifications to mitigate future issues.

Privacy Officer

City of Darebin

PO Box 91, Preston VIC 3072

Telephone: 8470 8888

E-mail: [Privacy.Officer@darebin.vic.gov.au](mailto:Privacy.Officer@darebin.vic.gov.au)

### *Complaints*

Council takes the protection of privacy seriously. Enquires and complaints in relation to any aspects of the management or operations of CCTV systems may be made in writing to:

Chief Executive Officer

Darebin City Council

PO Box 91

Preston VIC 3072

Email: [mailbox@darebin.vic.gov.au](mailto:mailbox@darebin.vic.gov.au)

Alternatively, complaints can be made in writing to the Victorian Information Commissioner to:

Office of the Victorian Information Commissioner Po Box 24274

Melbourne Victoria 3001

Email: [enquires@vic.vic.gov.au](mailto:enquires@vic.vic.gov.au)

<b>Responsibilities</b>	<p><b>How are individuals responsible for the success of the policy?</b></p> <p>All employees are expected to read and understand this policy. Any Council officer or agent of Council seeking to install surveillance systems or access surveillance data must comply with all provisions of this policy.</p> <p><b>How are managers responsible for the success of the policy?</b></p> <p>All t Managers are expected to understand, effectively implement and demonstrate a positive commitment to the policy.</p>		
<b>Organisational Values</b>	<p>Council's organisational values enable and support the effective design and application of this policy by guiding staff in the course of their work.</p> <table border="1" data-bbox="496 784 1522 1364"> <tr> <td data-bbox="496 784 1007 1364"> <p><b>We Make a Difference:</b> We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.</p> <p><b>We are Accountable:</b> We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p> <p><b>We are Collaborative:</b> We are united by a common purpose to serve the community. We work together, connecting within our teams and across the organisation. We are inclusive and collaborative. We are one.</p> </td> <td data-bbox="1010 784 1522 1364"> <p><b>We have Integrity:</b> We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We're honest. We walk the talk.</p> <p><b>We show Respect:</b> We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another's contributions and treat people fairly. We look after each other.</p> <p><b>We are Creative:</b> We are bold, courageous and innovative. We try new things, experiment and continuously improve. We are open-minded, creative and forward-thinking. We are leaders.</p> </td> </tr> </table>	<p><b>We Make a Difference:</b> We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.</p> <p><b>We are Accountable:</b> We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p> <p><b>We are Collaborative:</b> We are united by a common purpose to serve the community. We work together, connecting within our teams and across the organisation. We are inclusive and collaborative. We are one.</p>	<p><b>We have Integrity:</b> We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We're honest. We walk the talk.</p> <p><b>We show Respect:</b> We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another's contributions and treat people fairly. We look after each other.</p> <p><b>We are Creative:</b> We are bold, courageous and innovative. We try new things, experiment and continuously improve. We are open-minded, creative and forward-thinking. We are leaders.</p>
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<b>Breach of Policy</b>	<p>Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.</p>		

## GOVERNANCE

<b>Parent Strategy/ Plan</b>	<p>Nil</p>
<b>Related Documents</b>	<p>The following internal plans, strategies and guidelines relate to this policy:</p> <ul style="list-style-type: none"> <li>• Asset Management Policy</li> <li>• Asset Disposal Policy</li> <li>• Employee Conduct Policy</li> <li>• Records Management Policy</li> <li>• Occupational Health and Safety Policy</li> <li>• Risk Management Policy</li> <li>• Privacy and Data Retention Policy</li> </ul>

	<ul style="list-style-type: none"> <li>• Engagement Policy</li> <li>• Enterprise Bargaining Agreement</li> </ul>
<b>Supporting Procedures and Guidelines</b>	Surveillance system operating procedures
<b>Legislation/ Regulation</b>	<p>In developing this policy, the following Acts, standards and regulations have been referred to:</p> <ul style="list-style-type: none"> <li>• Commonwealth Privacy Act 1988</li> <li>• Commonwealth Surveillance Devices Act 2004</li> <li>• Privacy &amp; Data Protection Act 2014 (Vic.)</li> <li>• Public Records Act 1973 (Vic.)</li> <li>• Private Security Act 2004 (Vic.)</li> <li>• Charter of Human Rights and Responsibilities Acts 2006 (Vic.)</li> <li>• Freedom of Information Act 1982 (Vic.)</li> <li>• Evidence Act 2008 (Vic.)</li> <li>• Surveillance Devices Act 1999 (Vic).</li> <li>• Freedom of Information Act 1982 (Vic).</li> <li>• Evidence Act 2008 (Vic).</li> <li>• Public Records Act 1973 (Vic).</li> <li>• Privacy &amp; Data Protection Act 2014 (Vic).</li> <li>• CCTV in Public areas – Victorian Ombudsman’s Guidelines 2012</li> <li>• Department of Justice CCTV guidelines</li> <li>• Guidelines to Surveillance &amp; Privacy in the Victorian Public Sector</li> <li>• Security &amp; Privacy of Surveillance Technologies in Public Places</li> </ul>
<b>Author</b>	Strategic Support Officer, Facilities Management
<b>Policy Owner/ Sponsor</b>	General Manager Operations and Capital
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<b>Content enquiries</b>	Facilities Management



- ! All Darebin policies and procedures must be developed through the lens of key Darebin strategies, plans and related considerations. See the **Darebin Policy Review Lens** to inform and guide policy development and review.