

Draft CCTV Policy



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1. Purpose

The purpose of this policy is to outline how CCTV systems may be implemented in areas owned or controlled by Moorabool Shire Council. It aims to encompass a broad range of uses for CCTV to provide benefit to the overall quality of life of the people in the local community and enhance the perception of public safety across the Shire.

2. Definitions

Council	Moorabool Shire Council
Council owned or controlled area	An area which is owned, leased managed or occupied by Moorabool Shire Council; or vested in or under the control and management of, Moorabool Shire Council.
CPTED	Crime Prevention Through Environmental Design are principals adopted by Victoria Police to incorporate design, planning and structure of physical spaces and infrastructure to reduce potential offenders from identifying opportunities to commit crime.
Fixed Camera	A CCTV camera permanently fixed to a facility or fitting.
Mobile Camera	A portable camera that can be relocated to various positions or temporarily placed in a position for a specified time within the Shire.
Privacy	Limits on intrusion into domestic, workplace and other public space environments.
Public Space	Any place to which the public has right of access to.
Recorded material	Data extracted from a CCTV system, including video, still images and its related metadata.
Shire	Moorabool Shire
Use	Providing a person, other than a Council staff member, with access to, or a copy of, recorded CCTV material.

3. Scope

This policy applies to all Council-owned or operated CCTV systems installed within Council owned, managed or controlled areas. This also includes CCTV systems installed by Council-appointed contractors.

Public spaces where a CCTV system may be implemented may include but are not limited to reserves, roads, buildings and footpaths.

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

- Privately owned or controlled land.
- Victorian Government owned land that Council does not control.
- Federal Government owned land that Council does not control.
- Land under the control of Victorian state agencies e.g. land used by rail authorities.
- Land owned or controlled by water authorities.
- Victorian Government roads where Council does not have a maintenance responsibility.
- Any areas which members of the public have a reasonable expectation of privacy.

4. Non-Compliance

Violations of this policy may lead to disciplinary action (including dismissal) and/or action by the relevant regulatory authorities and law enforcement agencies.

5. Policy

5.1. Implementation of CCTV Systems

5.1.1. CPTED Principles

CPTED incorporates the design, planning and structure of physical spaces and infrastructure to reduce potential offenders from identifying opportunities to commit crime. By reducing the level of crime, or the fear that a crime may be committed within a physical space within an area, user confidence is increased.

The CPTED principles are:

- Physical security: the measures which are used on individual dwellings to ensure that they withstand attack.
- Surveillance: design ensuring residents are able to observe the areas surrounding their home. Surveillance can be facilitated by ensuring front doors face onto the street; areas are well-illuminated and blank walls are avoided.
- Movement control: the restriction of access, egress and through movement. High levels of through movement allow offenders to access and egress an area; permits identification of targets and increases anonymity.
- Management and maintenance: the processes in place to ensure that a development is free from signs of disorder. This signals that the area is cared for.
- Defensible space: the ownership of space in a neighborhood should be clearly defined. For example: public (e.g. pavement); semi-public (e.g. front garden); semi-private (e.g. rear garden) and private (e.g. inside the home).

Furthermore, there are three ways in which the physical environment may be managed in order to reduce the opportunity for crime:

- Natural: inclusion of basic security and behavioural provisions, influencing how spaces and buildings are used (e.g. definition of borders, windows for surveillance).
- Organised: formal, human security (e.g. police, patrols).
- Mechanical: incorporation of security hardware (e.g. CCTV, locks, lighting).

This policy provides an opportunity to apply a mechanical physical space management technique to existing Council infrastructure and public space areas. This has the intent of reducing the level of crime within those areas as well as the fear that crime will be committed, thereby increasing residents' confidence in utilising public spaces within the Shire.

5.1.2. Uses

Implementation of a CCTV System must address an identified need within the community. Council will consider the following factors when making a determination to install a CCTV system:

- Installation meets Council objectives and is compliant with applicable local, state and federal laws.
- Appropriate alternative actions to installing a CCTV system.
- Stakeholders e.g. traders, business owners, community asset committees, regulatory bodies and law enforcement agencies.
- Expense balanced with community and or Council benefit.

Council may implement a CCTV system for purposes including but not limited to deterrence and prosecution of:

- Behaviours presenting a threat to community safety and safe enjoyment of community spaces.
- Illegal waste dumping.
- Graffiti.

5.1.3 Approval

In consultation with internal stakeholders, the Governance team will approve the installation and location of fixed camera or mobile camera CCTV systems to be implemented within the Shire.

5.2. Location of Cameras

5.2.1. The placement of CCTV cameras must afford members of the public reasonable privacy while within the areas of surveillance.

5.2.2. Where it meets the objectives of implementation of the CCTV system, appropriate signage will be displayed.

- 5.2.3. All feedback received by the public regarding placement of CCTV cameras must be reviewed by a General Manager or their delegate. In each instance, the reasonable privacy of the public must be reviewed and where found to not be afforded, placement of the CCTV camera(s) amended.

5.3. Operation and Maintenance of CCTV Systems

- 5.3.1. Council staff and their appointed contractors are authorised to install, operate and maintain the CCTV systems, however approval must be gained to access recorded material from a CCTV system.
- 5.3.2. Council owned and operated CCTV systems valued greater than \$5000 are recognised as Council assets which become additions to the Council asset register and are to be maintained as part of Council's maintenance schedules. CCTV systems valued less than \$5000 are to be included in Council's asset listing for insurance purposes. CCTV systems managed through contractors will not be recognised as Council assets.

5.4. Collection and Storage of Data

- 5.4.1. Record keeping must comply with the Public Records Office Victoria Standards for the Management of Public Records, Public Records Office Specifications, the *Public Records Act 1973* and the *Privacy and Data Protection Act 2014*.
- 5.4.2. The retention of, and access to, recorded material will only be for the purpose provided by this Policy and applicable legislation.
- 5.4.3. Material recorded on Council-owned CCTV systems will be retained for up to thirty (30) days, after which time the material will be deleted unless required for investigations of crime, court proceedings or ongoing Council investigation.
- 5.4.4. Material recorded on CCTV systems contracted by the Council will be held in accordance with the storage terms and conditions of the contract.
- 5.4.5. Upon becoming aware of a potential breach of data privacy, a Council Officer must notify their supervisor as soon as reasonably practicable in line with Council's Privacy Policy.

5.5. Access to Use Footage

- 5.5.1. A Council employee, contractor or agent may request access to recorded material only if it is necessary to facilitate the provision and management of Council services, assets and facilities.
- 5.5.2. External organisations, including sporting and other clubs and groups, may request access to recorded material only if it is necessary to facilitate the provision and management of their services, assets and facilities.
- 5.5.3. Requests to access recorded material must be made in writing to the Chief Executive Officer, General Manager or their delegate, before the footage may be released.

5.5.4. Release of recorded material is at the discretion of the Chief Executive Officer, General Manager or their delegate.

5.5.5. Staff with responsibility for the maintenance or management of a Council asset or facility may view live CCTV systems as operationally required to effectively carry out their functions or to respond to an actual or reported emergency.

5.5.6. Law enforcement agencies may be granted access to recorded material as necessary to prevent, investigate or prosecute a criminal offence or breach of law imposing a sanction or as otherwise required in compliance with a legal obligation.

5.5.7. Requests to access recorded material from members of the public are to be made through a Freedom of Information request, in line with the *Freedom of Information Act 1982*.

5.6. Discontinuance of a CCTV System

5.6.1. The decision to discontinue a CCTV system can be made at any time and does not require the authorisation of the Chief Executive Officer, General Manager or their delegate.

5.6.2. A CCTV system must be discontinued as soon as practically possible if its operation is found to be in contradiction to the uses of CCTV in 5.1.2 or when directed by a law enforcement agency.

6. Related Legislation

This Policy is to be read in accordance with any legislative requirements including:

- *Surveillance Devices Act 1999*
- *Surveillance Devices Act 2004 (Cth)*
- *Information Privacy Act 2000*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*
- *Private Security Act 2004*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Evidence Act 2008*
- *Commissioner for Law Enforcement Data Security Act 2005*
- *Local Government Act 1989*
- *Local Government Act 2020*

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7. Council Plan Reference

Objectives: A Council that listens and adapts to the needs of our evolving communities.
Context: Listen, analyse and understand community needs

8. Review

As a minimum, this policy will be reviewed every second year.