



Mildura Rural City Council

Closed Circuit Television (CCTV)

Policy – CP066

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Community Futures	ELT	Council	November 2022	2022/0182
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1. Purpose

The purpose of Council's CCTV Policy is to provide a suitable framework for decision making on the implementation, installation, data management and operation of any fixed camera system. This Policy will ensure that Council's CCTV Program operates fairly, within applicable legislation, only for the purposes for which it is established and with due regard to the privacy and human rights of individual members of the public and Council officers.

2. Policy Statement

Installation of CCTV cameras in public places is determined through consultation between relevant stakeholders, Councils CCTV Steering Committee and as recommended and approved by the Executive Leadership Team.

Implementation of this Policy is guided by the standards contained in the Mildura Rural City Council CCTV Program Code of Practice, and a Memorandum of Understanding between Mildura Rural City Council and Victoria Police. This Policy is supplemented by Council's Standard Operating Procedures (SOP's) and CCTV Governance Framework which provide instructions on the day to day operation of the CCTV system.

3. Principles

Principle 1 - Surveillance use will always be necessary, proportionate and for a legitimate purpose related to the activities of the organisation.

Principle 2 - Individuals are entitled to a reasonable expectation of privacy in public places.

Principle 3 - Council will assess the impact of the proposed surveillance before it is undertaken.

Principle 4 - Surveillance use will be consistent with applicable laws and standards.

Principle 5 - Surveillance activities will be governed by policies, operating procedures and agreements.

Principle 6 - Surveillance operators will undergo privacy training prior to use.

Principle 7 - Surveillance operators will take reasonable steps to inform individuals of the use of surveillance devices.

Principle 8 - The right of individuals to access their personal information will be respected.

Principle 9 - Reasonable steps will be taken to secure equipment to protect information gathered through surveillance activities.

Principle 10 - Disclosure of information gathered through surveillance activities will only occur where necessary for the stated purpose, or for law enforcement purpose.

Principle 11 - Information gathered through surveillance activities will be deleted once it is no longer required.

Principle 12 - Effective review and audit mechanisms will be implemented to ensure legal requirements and policies are complied with, and that the program is meeting its intended objectives.

4. Implementation

4.1 CCTV system

- 4.1.1 Where Council has outsourced the operation, maintenance and or monitoring of a camera system, Council will enter into a written agreement with the contactor agreeing to comply with this Policy;
- 4.1.2 The CCTV System shall comply with Council's Policies in relation to Privacy, Third Party Access Policy, and other relevant policies and documents;
- 4.1.3 All matters relating to operating, controlling and managing Mildura's CCTV cameras will comply with all relevant legislation;
- 4.1.4 Any property leased to another organisation, where that organisation has exclusive use of that property, shall comply with legislation relevant to the operation of CCTV cameras;
- 4.1.5 Before Council commits to new CCTV systems, including additional cameras to existing systems, the case for expansion should be clearly outlined in a business case. This documentation (CCTV Camera Network Request for Expansion – Decision Matrix), as contained in Council's CCTV Governance Framework, must demonstrate that similar crime prevention goals cannot be achieved through other means. All new or replacement cameras must be operationally consistent with the technical specifications.
- 4.1.6 The CCTV Steering Committee will maintain a process for assessing and approving requests for additional CCTV cameras in public areas.

4.2 CCTV Camera System – Mildura CBD, Riverfront and Red Cliff's CBD

- 4.2.1 The CCTV camera system installed at the Mildura Central Business District, Mildura Riverfront and Red Cliff's Central Business District will be operated and managed in accordance with an agreed Memorandum of Understanding (MOU) between Council and Victoria Police; and

4.2.2 It is accepted that the primary objectives of reducing anti-social behaviour and crime, improving public perception of safety and confidence in public areas, along with improving Victoria Police's response to criminal and anti-social behaviour which are listed within the MOU to support Victoria Police in carrying out its role in the community are in addition to the outcomes contained within this policy.

4.3 Future CCTV Camera System

4.3.1 Any decision to implement a camera system will be based on the purpose and objectives of this policy.

4.4 Signage

4.4.1 Where fixed CCTV cameras are installed, Council will install signage to indicate that the area is under constant video surveillance.

4.5 Collection, Access, Disclosure and Retention of Data

4.5.1 Data collected, in accordance with the outcomes of this policy, it is not collected for the purpose of public access to the data;

4.5.2 Access and disclosure of captured data from a CCTV camera system shall be in accordance with the *Privacy and Data Protection Act 2014*;

4.5.3 Access to the data collected shall be restricted to Council's Chief Executive Officer, General Manager Corporate Services, approved Council Officers, and any external person conducting an investigation / audit as approved by the Chief Executive Officer and General Manager Corporate Services. A record of staff authorised to view CCTV data will be kept and maintained by Council's Governance & Risk Coordinator;

4.5.4 Access to CCTV footage by Victoria Police will be made available upon request without further approval.

4.5.5 Documentation of all data (other than for enforcement purposes), extracted (downloaded) or disclosed shall be

recorded. This documentation shall be stored securely and form part of the auditable records;

- 4.5.6 Any data downloaded / transferred / extracted shall be securely stored and necessary permissions set to prevent unauthorised access. Collected data will only be disclosed to law enforcement, in accordance with the Mildura Rural City Council CCTV Program Code of Practice, the Memorandum of Understanding between Mildura Rural City Council and Victoria Police and the *Privacy and Data Protection Act 2014*. That agency must retain footage in accordance with their organisation's legislative responsibilities. Captured data that relates solely to an enforcement or insurance matter may only be disclosed to Council's legal representatives or related parties upon approval of the CEO. Any request for data by parties external to Council that is not an enforcement agency shall be made in accordance with the *Freedom of Information Act 1982* (FOI Act) and with Council's FOI request process. Captured data is not disclosed to any member of the general public;
- 4.5.7 All footage/images within the CCTV recording system will be retained for a maximum of 30 days. All extracted footage/images shall be kept for as long as the use of the footage/image is required in accordance with this policy; and
- 4.5.8 Collected data from a Council managed CCTV camera system, shall be managed in accordance with procedures detailed in Public Records Office Victoria, General Retention and Disposal Authority guidelines.

4.6 Training and Staff Responsibilities

- 4.6.1 Council staff that operate a camera system will be requested to undertake necessary training and understand this Policy, associated CCTV Code of Practice, Standard Operating Procedures, CCTV Governance Framework, and relevant legislation; and
- 4.6.2 Unauthorised access or disclosure of any data is a breach of the Employee Code of Conduct. A breach of this Code

will result in Council addressing the matter in accordance with Councils Disciplinary Policy.

4.7 Roles and Responsibilities

Party/Parties	Roles and responsibilities
Executive Leadership Team	Approval of all applications for camera network extension of the Corporate and Public systems.
General Manager Corporate Services	Overall management and oversight of CCTV activities.
CCTV Steering Committee	Comprised of representatives of Mildura Rural City Council, relevant stakeholders and Victoria Police. Responsible for governance of the CCTV functions, accountability, audit and evaluation of the CCTV systems and approval of additional public CCTV camera locations. Determining locations of Public and Corporate CCTV camera locations in consultation with Victoria Police.
Contracted Security Company	A company engaged to supply/install CCTV equipment and/or monitor and maintain Council facility CCTV camera equipment, in compliance with this Policy and the CCTV Code of Practice.
Governance & Risk Branch	Monitoring of CCTV compliance, procedures for authorising and monitoring access to and requests for access to CCTV images and recordings. Procedures for camera network extension.
Information Systems Branch	Implementation and management of data networks, network servers and electronic storage to support CCTV systems.
Facility Services Branch	Inspecting, installing and maintaining all assets and infrastructure associated with the CCTV system (excluding data networks, network servers and electronic storage).
Community Futures Branch	Monitoring of CCTV compliance, procedures for authorising and monitoring access to CCTV images and recordings. Procedures for camera network extension.

5. Definitions

Term	Definition
CCTV or Closed Circuit Television	A surveillance system made up of a camera or cameras that are connected through a closed circuit. This footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of camera(s), monitors, recorders, interconnecting hardware and supporting infrastructure.
CCTV Operations	Means all aspects of CCTV surveillance management, use, recording, maintenance and access to recorded material.
Council	Mildura Rural City Council.
Disclosure	Providing a third party (who is neither Mildura Rural City Council nor the subject individual) with access to, or copy of, recorded CCTV footage.
Fixed Camera	A camera permanently fixed to a facility.
Use	Means providing another person in Mildura Rural City Council (other than authorised personnel) with access to, or a copy of, recorded footage.
CCTV Steering Committee	The CCTV Steering Committee, chaired by Council, consists of representatives from Council, Victoria Police and other invited stakeholders. The CCTV Steering Committee are responsible for overseeing the implementation of the Corporate and Public Programs and ongoing maintenance.
CBD	Central business district.

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Privacy Act 1988*
- *Surveillance Devices Act 2004*
- *Victorian Surveillance Devices Act 1999*
- *The Commissioner for Law Enforcement for Data Security Act 2005*
- *Privacy and Data Protection Act 2014*
- *Private Security Act 2004*
- *Charter of Human Rights Responsibilities Act 2006 (the Charter)*
- *Public Records Act 1973*
- *Freedom of Information Act 1982*
- *Local Government Act 2020*
- *Victorian Data Sharing Act 2017*

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Council Plan 2021-2025
- Community Safety Annual Action Plan
- Workplace Surveillance Policy OP148
- CCTV Governance Framework
- CCTV Program Code of Practice – June 2019
- Memorandum of Understanding (MOU) for the operation of CCTV Cameras in Mildura CBD and Red Cliffs CBD between The State of Victoria, as represented by Victoria Police and Mildura Rural City Council
- AS 4806.1-2006 (a set of principles for the management and operation of CCTV for reference by users, manufacturers, tenants of premises with CCTV systems installed and regulators)
- Guidelines to surveillance and privacy in the Victorian Public Sector) – issued by the Commission for Privacy and Data Protection, May 2017
- Victorian Auditor – General’s Office, Security and Privacy of Surveillance Technologies in Public Places Report, September 2017
- Victorian Ombudsman’s Guidelines for Developing Closed Circuit Television in Public Places

6.3 Risk Assessment Reference

Please tick the corporate governance risk(s) that this policy is addressing.

Risk Category		Risk Category	
Asset Management		Financial Sustainability	✓
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	✓
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	