

CCTV IN PUBLIC PLACES POLICY

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Responsible Officer:	Manager, Community Partnerships
Owner:	Community Partnerships
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	<i>Local Government Act 2020 Surveillance Devices Act 2004; Privacy Act 1988; Charter of Human Rights and Responsibilities Act 2006; Freedom of Information Act 1982; and Privacy and Data Protection Act 2014.</i>
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1. PURPOSE

The purpose of this policy is to:

- 1.1 reduce instances of anti-social or unlawful behavior, including graffiti or damage to City-owned assets;
- 1.2 improve actual and perceived levels of safety within the Municipal Community;
- 1.3 guide the City's decisions about the introduction, revision, operation and management of CCTV cameras in Public Places;
- 1.4 ensure that the City's CCTV network is compliant with relevant legislation and other statutory requirements; and
- 1.5 complement the shared partnership between Council and Victoria Police.

2. BACKGROUND

- 2.1 CCTV is a tool which is typically used to monitor activity in and around public and private spaces, such as entertainment venues, airports, central business districts and shopping precincts. In recent years, the City has increased its CCTV network within the City Centre from 23 cameras to 148 cameras with significant financial support from state and federal government, taking advantage of improvements in technology, and engaging closely with Victoria Police in the development and usage of the system.
- 2.2 Community safety has been identified within the City of Greater Bendigo Community Plan, City of Greater Bendigo Health and Wellbeing Plan, Bendigo City Centre Plan and the Bendigo Safe Community Forum's Community Safety Framework and Strategic Plan as a high priority for action. The importance of this objective has been supported by the community in the course of numerous consultations. The City recognises that the fear of crime impacts upon the perceived and actual levels of safety for residents. In response to these community concerns, the City has initiated several community safety initiatives including a partnership with Victoria Police to operate CCTV cameras within Bendigo's city centre.
- 2.3 This policy incorporates the recommendations in the report released by the Victorian Auditor-General's Office in 2018 titled *Security and Privacy of Surveillance Technologies in Public Places*, by demonstrating strong leadership through policies, management and controls around CCTV technology.

3. SCOPE

- 3.1 This policy applies to the City-owned CCTV network installed in Public Places that have the purpose of surveillance.
- 3.2 This policy does not apply to the use of CCTV cameras used for:
- 3.2.1 capital works such as drain inspections and maintenance; or
 - 3.2.2 CCTV networks used by other parties such as local business or private owners.

4. DEFINITIONS

Authorised Operators means City staff trained and authorised by the City to access, monitor and review CCTV footage.

Bendigo Safe Community Forum Inc means the local community safety committee that has an Incorporated status.

CCTV means Closed Circuit Television which is a surveillance system with a number of cameras connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.

CCTV Steering Committee means a committee established by the City to oversee the operation of the CCTV network. The CCTV Steering Committee will undertake the functions outlined in the Memorandum of Understanding of both the CCTV Steering Committee and CCTV Audit Committee with an oversight from Council's Audit and Risk Committee.

CCTV Operation Centre means a dedicated communication room with CCTV set up for large community events such as White Night and Bendigo Easter Festival. The CCTV Operation Centre is established as a mechanism for responsible authority agencies to monitor and managed movement in and around the city centre in the lead up, during and after an event.

City means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020*.

Council's Audit and Risk Committee means the committee established by Council for the ongoing management of audit and risk related matters. A function of the committee is to ensure the integrity of the CCTV network.

Memorandum of Understanding (MoU) means the formal partnership agreement between Victoria Police and the City of Greater Bendigo about the operation of the public space CCTV network.

Municipal Community means:

- (a) people who live in the municipal district of the City;
- (b) people and bodies who are ratepayers of the City;
- (c) traditional owners of land in the municipal district of the City; and
- (d) people and bodies who conduct activities in the municipal district of the City.

Public Places means any place where the public has access to by right or invitation, either expressed or implied and where no charge is made for admission. This includes any public highway, road, street bridge, footway, footpath, court, alley, passage, park, garden, reserve or other place of public recreation, resort or thoroughfare notwithstanding that it may be formed on private property.

VAGO means the Victorian Auditor-General Office.

Workplace Participants means all employees, contractors, volunteers, consultants and any individuals or groups engaging with the community for or on behalf of the City.

5. PRINCIPLES

The following principles underpin this policy;

- 5.1. The City will maintain a consistent, compliant and evidence-based framework for decision-making pertaining to the City's CCTV network. This includes regulation for the installation, monitoring, management, use, image capture, data retention and disposal of information of CCTV data and information.
- 5.2. That the City operated CCTV network will operate fairly, within applicable law, and only for the purpose for which it is established as specified in the partnership agreement with Victoria Police (Memorandum of Understanding). Authorised Operators accessing the CCTV network and footage must do so with the highest moral, professional and ethical standards.

- 5.3. When considering the installation of additional CCTV, the City will balance the right of privacy against public safety.
- 5.4. The City recognises that Victoria Police are the primary users of the CCTV network however the City does have a role around the protection of public assets and management of large events

6. POLICY

6.1 Implementation

6.1.2 The City will maintain primary responsibility for the installation, maintenance and operation of the CCTV network.

6.1.3 Roles, responsibilities and communication in relation to the CCTV network for the City and Victoria Police is in accordance with the partnership agreement (MoU).

6.1.4 The City recognises CCTV as an asset and therefore costs related to the ongoing maintenance and operation of the network are incorporated into City of Greater Bendigo asset renewal planning and budget processes.

6.1.5 The City will consider the following factors when deciding on the installation of new CCTV:

- the proposed CCTV meets legitimate Council objective and/or function and is consistent with applicable laws;
- whether there are any appropriate alternatives to installing CCTV;
- the outcome of consultation with impacted stakeholders such as traders, business owners and regulatory authorities such as Victoria Police;
- impacts on privacy;
- how the collected information and data will be secured and protected from inappropriate use and disclosure;
- public expense balanced with the expected community benefit;
- how the effectiveness of the installed CCTV will be assessed; and
- any appropriate recommendations from the Bendigo Safe Community Forum Inc.

6.2 Project specifications

6.2.2 Location of Monitors

- a) The City will ensure that monitors are located in areas that facilitate privacy and protects the integrity of the network.
- b) Access to monitors will be restricted to Authorised Operators

6.2.3 Authorised Operators

- a) Authorised Operators are required to operate, access and manage the CCTV network in accordance with the City's CCTV Systems in Public Places Procedural Manual.
- b) When operating and managing the City's CCTV systems, Authorised Operators must act responsibly in line with the City's *Staff Code of Conduct*, consider the privacy of individuals and comply with the *Privacy and Data Protection Act 2014* (Vic).
- c) Workplace Participants must not access CCTV footage or the CCTV network without the written approval from an Authorised Operator. At all times, Workplace Participants must be supervised by an Authorised Officer when viewing the CCTV network. Workplace Participants must not operate the CCTV network at any stage.

6.2.4 Training

- a) All Authorised Operators will undertake training on the CCTV network, sign a confidentiality clause and understand the contents of the City's CCTV Systems in Public Places Procedural Manual.
- b) Training will ensure a consistent approach and practice within the organisation particularly in relation to protecting personal information.
- c) Training will be inclusive of (but not limited to) all relevant legislation, Policy parameters and include any key areas identified by the Victorian Information Commissioner on how to use, store, disclose and dispose of recorded surveillance data, probity principles and confidentiality.

6.2.5 Signage

The City will advise the public via relevant signage of the existence of the CCTV network in the vicinity it is located.

The signs will:

- a) Identify the City as the owners of the CCTV network;
- b) Contain words or symbols which makes it clear that the City operates CCTV cameras, and individuals or activities may be recorded; and
- c) Provide contacts details for any enquiries relating to the City's CCTV network.

6.2.6 Collection and Security of CCTV Data

- a) Record keeping practices must comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications, the *Public Records Act 1973* (Vic) and the *Privacy and Data Protection Act 2014* (Vic).
- b) The retention of, and access to, recorded material will only be for the purpose provided by this Policy and applicable legislation
- c) Recorded material will be retained for up to thirty (30) days unless required in relation to the investigations of crime and/or for court proceedings. After 30 days the material

will be recorded over.

- d) Recorded data must only be used for the purposes of investigating or providing evidence of an incident.
- e) The City promotes data security through:
 - Security controls on the information and community technology (ICT) used in the devices;
 - Limiting access to surveillance footage and records;
 - Taking steps to detect and deter security breaches; and
 - Training.

6.2.7 CCTV Operation Centre

- a) The City will establish a CCTV Operation Centre for community events that involve a large congregation and movement of foot traffic in the city centre.
- b) In some instances, the request for the establishment of a CCTV Operation Centre will be made by Victoria Police where the safety of the public is a priority
- c) The CCTV Operation Centre provides the opportunity for Victoria Police and other authority agencies to monitor activities of those in attendance and provide a coordinated response when required.

6.2.8 Request to Access CCTV Footage

- a) An application for CCTV footage can be made under the *Freedom of Information Act 1982* (Vic).
- b) Requests for footage relating to unlawful or anti-social behaviour can be made to Victoria Police via a freedom of information application.
- c) All other requests for footage can be made through Council and will be processed via the City's formal freedom of information processes.

6.2.9 Inappropriate Use and Complaint Management

- a) Where an Authorised Operator or Workplace Participant is in breach of this policy, there will be an internal review and appropriate action taken in line with the City's policies and procedures.
- b) Complaints in relation to any aspect of the management or operation of the network may be made in writing to:

Chief Executive Officer
City of Greater Bendigo
PO Box 733
Bendigo VIC 3552
enquiries@bendigo.vic.gov.au

- c) Any member of the Municipal Community that is not satisfied with the outcome of their complaint to the City has the right to take the matter to the Victorian Ombudsman. Contact details are as follows:

Victorian Ombudsman
Level 2, 570 Bourke Street
Melbourne VIC 3000
Telephone: 03 9613 6222
Website: www.ombudsman.vic.gov.au
Email: complaints@ombudsman.vic.gov.au

- d) Complaints in relation to privacy should initially be made to the City's Privacy Officer:

Privacy Officer
City of Greater Bendigo
PO Box 733
Bendigo VIC 3552
enquiries@bendigo.vic.gov.au

- e) Alternatively, a complaint can be made in writing to the Victorian Information Commissioner to:

Office of the Victorian Information Commissioner
PO Box 24274
Melbourne VIC 3001
Email: enquiries@ovic.vic.gov.au

6.3 Governance evaluation and monitoring

- 6.3.2 The CCTV Steering Committee will be guided by the recommendations of the various reports and publications published by the VAGO.
- 6.3.3 The CCTV Steering Committee is accountable for ensuring the development and review of the CCTV Systems in Public Places Procedural Manual is in accordance with this Policy and relevant legislative requirements.
- 6.3.4 The CCTV Steering Committee is responsible for reviewing sites for placement of CCTV in partnership with Victoria Police
- 6.3.5 The CCTV Steering Committee is required to formally report to the Council's Audit and Risk Committee on an annual basis. The report will include data on usage and outcomes.

7 ROLES AND RESPONSIBILITIES

7.1 Information Technology

- negotiating with property owners for positioning of cameras, access to buildings, power supply and facilitation of any works;
- overseeing installation of all assets and infrastructure associated with the CCTV Network;
- providing technical advice to CCTV Steering Committee;
- maintain, repair and replace all assets and infrastructure associated with the CCTV Network;
- working with Victoria Police on any changes to the location of any of the CCTV Cameras;
- meeting scheduled and non-scheduled operational costs relating to the CCTV Network;
- providing timely response to requests for CCTV Network maintenance;
- maintaining knowledge of technical information; and
- developing and maintaining a record of Authorised Operators access to the CCTV network.

7.2 Community Partnerships

- providing feedback on requests to add or alter the CCTV Network using recommendations from the Bendigo Safe Community Forum Inc;
- seeking funding for the expansion of the existing CCTV network if deemed appropriate by the CCTV Steering Committee;
- maintaining and reviewing the partnership agreement (MoU) between Victoria Police and Council;
- establishing and convening the CCTV Audit Committee and the CCTV Steering Committee meetings;
- providing an annual report to Council Audit and Risk Committee; and
- arranging for the development, installation and maintenance of CCTV signage.

7.3 Property

- meeting scheduled and non-scheduled operational costs relating to the CCTV Network.

7.4 Governance

- providing guidance and information that relate to this policy, including any amendments to relevant legislation or related documents; and
- tabling the annual CCTV report from the CCTV Steering Committee at the Council's Audit and Risk Committee.

8 RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- *Surveillance Devices Act 2004*
- *Privacy Act 1988*
- Australian Standard – Closed circuit television (CCTV) 2006
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- City of Greater Bendigo: Community Plan 2017-21
- Bendigo Safe Community Forum: Community Safety Framework and Strategic Plan 2017-2021
- Memorandum of Understanding (MoU) for the Operation of Closed Circuit Television (CCTV) cameras in the Bendigo Central Business District between the State of Victoria, as represented by Victoria Police and Greater Bendigo City Council
- City of Greater Bendigo, CCTV Systems in Public Places Procedural Manual, October 2019

Further information or advice on this policy should be directed to Community Partnerships

9 HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10 ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a CITY unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11 DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>August, 2020</i>	<i>VW</i>	<i>Community Partnerships</i>	<i>Develop</i>	<i>1</i>	<i>August, 2024</i>
<i>Month, year</i>	<i>Insert initials</i>	<i>Business Unit</i>	<i>Eg. Develop, Review (significant) Review (administrative), Update</i>	<i>Increase version number each time document is updated/changed</i>	<i>Month, year</i>