

Monash Council CCTV Policy *(draft for 29 March 2022 Council report)*

Responsible Department: Governance & Legal

1) Introduction

CCTV systems are increasingly used for asset protection and to enhance safety across the public and private sectors.

CCTV usage also raises challenges which must be addressed to protect the rights of those whose images are captured.

This *Monash Council CCTV Policy* (“*CCTV Policy*”) provides a framework for ensuring that the positive benefits of Council CCTV are maximised, while protecting the rights of those whose images are captured.

2) Categories

This *CCTV Policy* covers the following four categories of CCTV systems:

- Category One: Council operated CCTV systems installed in public places (including, but not limited to, streets and car parks) to enhance community safety and assist the Police in crime prevention.
- Category Two: Council owned CCTV systems at Council facilities.
- Category Three: Occupier/ user owned CCTV systems at Council owned facilities.
- Category Four: Relocatable CCTV systems for the detection and prevention of illegal activities over which Council has jurisdiction, such as illegal dumping of rubbish.

This *CCTV Policy* does not cover Council mobile vehicle based CCTV devices used for the detection of offences, such as illegal parking near schools, or body worn cameras used by Council staff for personal protection when working in enforcement and related roles.

3) Definitions

“*CCTV*” means Closed Circuit Television.

“*Council*” means Monash City Council, being a body corporate constituted under the *Local Government Act 2020*.

4) Context

The Victorian Auditor General (VAGO) conducted an audit of CCTV usage by five Victorian Councils in 2018 and concluded that there are two fundamental requirements for effective CCTV usage by Councils:

- (i) Appropriate management and oversight; and
- (ii) Adherence to privacy and data protection requirements.

These fundamentals are still relevant at the time of writing, but it is also necessary to add the more recent addition to State government policy:

- (iii) Adherence to gender equality requirements.

These three fundamentals will be discussed under 5 below, followed by a more detailed discussion of the four categories of CCTV systems in clause 6.

5) Fundamentals

5.1 Management and Oversight

5.1.1 Strategic Oversight

Oversight of the CCTV systems covered by this policy is via an Internal CCTV Oversight Committee ("Committee").

The Committee is chaired by the Chief Operating Officer, with the other members including:

- Coordinator Neighbourhoods & Place-making;
- Gender Equity Co-ordinator;
- Land & Leasing Coordinator;
- Manager Active Monash;
- Manager Facilities & Infrastructure Maintenance; and
- Manager Governance & Legal.

The Committee has the power to approve requests for the installation or modification of Council CCTV systems, except in the case of proposed installations or modifications to Category One or similar CCTV systems, which must be approved by Council.

An operating procedure, which amongst other things details the functioning of the Committee, will be developed at an administrative level.

5.1.2 Operational Management

Key roles and responsibilities for the management of CCTV systems under this policy are outlined in the following table:

| Role | Responsibility |
|---|----------------------------|
| Assisting the Chief Operating Officer with decision making in relation to requests for CCTV footage | Manager Governance & Legal |
| Championing the CCTV Policy | Manager Governance & Legal |
| Contact point for requests for CCTV footage | Manager Governance & Legal |
| Decision maker in relation to requests for CCTV footage, including FOI requests | Chief Operating Officer |

| Role | Responsibility |
|---|--|
| Inclusion of appropriate clauses relating to CCTV in licences/ leases with the tenants who have their own CCTV systems at Council facilities (Category Three) | Manager Property & City Design |
| Installation and maintenance of approved CCTV systems at Council facilities (Category Two) | Manager Facilities & Infrastructure Maintenance |
| Maintaining a list of sites with approved CCTV systems (All Categories) | Manager Governance & Legal |
| Development and updating of supporting administrative procedures | Manager Governance & Legal |
| Development and updating of supporting templates, for example Privacy Impact Assessment template, Site Specific Operating Procedure template, etc. | Manager Governance & Legal |
| Development of Site Specific Operating Procedures to the operation of CCTV systems | Manager responsible for the facility, for example - the Manager Active Monash in the case of recreational facilities, or the Manager Arts & Libraries in the case of the MGA or a library branch |
| Preparation of requests for the installation of CCTV systems, including Privacy Impact Assessment and Gender Impact Assessment | Manager responsible for the facility, for example - the Manager Active Monash in the case of recreational facilities, or the Manager Arts & Libraries in the case of the MGA or a library branch |
| Recovery of CCTV footage from Council's CCTV systems upon request from the Chief Operating Officer or Manager Governance & Legal (Categories Two and Four) | Manager Facilities & Infrastructure Maintenance |

5.2 Privacy and Data Protection

CCTV footage collected from Category One, Two and Four CCTV systems will be treated by Council in full compliance with the *Privacy & Data Protection Act 2014* ("PDP Act").

The leases/ licences for tenancies of Council Buildings where the tenants have their own CCTV systems (Category Three) will include the requirement that CCTV footage be dealt with consistent with the requirements of the PDP Act.

Council's Manager Governance & Legal, who is also the Privacy Officer, will advise the CCTV Oversight Committee, the Chief Operating Officer, and others responsible for managing aspects of the *CCTV Policy* on their compliance with the PDP Act.

Privacy Impact Assessments will be conducted before the installation or modification of any CCTV system is approved by the CCTV Oversight Committee.

Signage advising of the presence of CCTV cameras will be installed in the case of all CCTV systems.

5.3 Gender Equality

Council has a legislative responsibility to conduct a Gender Impact Assessment on all new policies, programs and services which have a direct and significant impact on the community.

Council recognises that the introduction or modification of CCTV systems can have a direct and significant impact.

Therefore, a Gender Impact Assessment will be undertaken along with each proposal for the installation or modification of a CCTV system.

6) Categories of CCTV System

6.1 Category One - Council operated CCTV systems installed in public places (including, but not limited to, street and car parks) to enhance community safety and assist the Police in crime prevention

At its 31 August 2021 meeting, Council resolved to accept State government funding for the purchase and installation of a CCTV system for the Oakleigh Activity Centre.

Council is covering the cost of ongoing maintenance.

The system will entail real time monitoring of a live feed accessible by the Police.

Where the Police wish to obtain copies of downloaded footage, they will request access under 7.3.

Any changes to these arrangements, or the installation of similar CCTV systems elsewhere in the municipality, shall require a Council resolution.

6.2 Category Two - Council owned CCTV systems at Council facilities

Council maintains a range of CCTV systems at Council facilities.

These are primarily for the protection of assets, risk management, and public or staff safety.

These cameras will only be used for workforce related matters in exceptional circumstances, such as the investigation of a potential crime or where required under Occupational Health & Safety or other legislation.

6.3 Category Three - Occupier/ user owned CCTV systems at Council facilities

In some circumstances, the CCTV Oversight Committee may approve the installation of occupier/ used owned CCTV systems at Council facilities.

The requirements relating to such systems will be specified in the lease or licence governing the tenancy.

6.4 Category Four - Relocatable CCTV systems for the detection and prevention of illegal activities over which Council has jurisdiction, such as illegal dumping of rubbish

CCTV systems are sometimes used by Council's enforcement staff to detect and deter illegal activity, such as dumping of rubbish.

Where this use is approved by the CCTV Oversight Committee, the most appropriate option will be utilised.

This may include external providers, as long as the CCTV Oversight Committee is of the view that the arrangement adequately complies with Council's legislative obligations.

7. Access to CCTV footage

Requests for access to CCTV footage for which Council is responsible, i.e. Category One, Two and Four CCTV systems, are of three types.

7.1 Type One – Internal Requests.

These are requests from staff to access CCTV footage. Such requests are to be directed to the Manager Governance & Legal who will make a recommendation to the Chief Operating Officer, who will determine if internal release is appropriate.

Standing approvals, such as where staff are monitoring illegal activities under 6.4, may be consented to if appropriate safeguards are in place.

7.2 Type Two – External Requests (non-enforcement agency).

Requests for access to CCTV footage from external parties, other than enforcement agencies, are via a Freedom of Information request. Such requests are to be directed to the Manager Governance & Legal who will make a recommendation to the Chief Operating Officer, who will make the decision on release.

Where the requestor has a specific timeframe, such a sporting organisation operating from one of Council's Leisure Facilities wanting to use the footage for a Tribunal Hearing, reasonable efforts will be made to achieve the timeframe, assuming no delay caused by the consultation requirements of the Freedom of Information legislation.

7.3 Type Three – Law Enforcement Requests

Law enforcement requests for CCTV footage will be dealt with pursuant to the provisions of the *Privacy and Data Protection Act 2014*, i.e. access will be approved where Council is satisfied that the request is for a valid law enforcement purpose.

Such requests are to be directed to the Manager Governance & Legal who will make a recommendation to the Chief Operating Officer, who will make a decision on release.

8) Discretion to Act

Except in the case of the decision to install or modify Category One CCTV (see 6.1), the Chief Operating Officer may exercise discretion and make decisions under circumstances not directly covered by this *CCTV Policy* as long as Council's legal obligations are met.

9) Review

This policy will be reviewed by Council within 2 years of adoption.

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