

CCTV Code of Practice

March 2019

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MITCHELL SHIRE COUNCIL



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1. INTRODUCTION

This document details the Code of Practice that will be applied to the management of the CCTV Camera and Security Lighting Programs managed by the Mitchell Shire Council and monitored by Victoria Police.

The CCTV programs have been installed in response to concerns about anti-social behaviour occurring such as vandalism, drug use and violence within public spaces across the municipality. It is anticipated that additional CCTV programs will continue to be expanded throughout the municipality over time.

2. STATEMENT OF PURPOSE

The CCTV and Lighting CCTV code of practice is intended to provide an increased level of safety in public spaces by providing surveillance of congregation 'hot spots' that has attracted ongoing anti-social behaviour.

The CCTV will be passively monitored by the Victoria Police at various Police Stations within the Municipality.

The CCTV will only be used for the following purposes within this Code of Practice:

- To reduce fear of crime, and enhance public perceptions of safety in public spaces;
- To deter and detect crime, criminal damage and public disorder;
- To identify, apprehend and prosecute offenders in relation to crime, criminal damage, public disorder, road traffic offences and all forms of harassment;
- To provide evidence upon which to take criminal and civil actions in the Courts;
- To assist other emergency services

3. PROGRAM USE

The Program will be used to respond to the following key objectives, which will be subject to annual assessment and reports:

- To enhance safety in public spaces;
- To prevent and deter crime and anti-social behaviour;
- To reduce and remove the fear of crime;
- To identify criminal activity and suspects;
- To reduce the cost and impact of crime on the community; and
- To allocate and deploy law enforcement resources.

4. CAMERA PROGRAM DESIGN

The CCTV systems will consist of cameras at various public locations across the municipality. The current locations are detailed in Appendix 1.

The cameras continuously record activities in the specified public spaces. The Monitoring / Control Room are located at various Police Stations across the municipality in conjunction with the relevant CCTV System. These systems are regularly staffed by members of Victoria

Police, however not always. Monitoring will be passive and not active. The Monitoring / Control Rooms are not accessible to the public.

5. DATA PROTECTION - PRIVACY

Cameras will not be used to look into private residential property or to impinge on an individual's reasonable expectation of privacy.

All data collected using the Program will be managed in accordance with:

- MOU for the operation of CCTV Cameras in the specified public spaces.
- CCTV in Public Places Policy,
- CCTV System Stakeholder Management and Communication Plan.

And the following legislation:

- Commissioner for Law Enforcement Data Security (CLEDS) Act 2005
- Privacy and Data Protection Act 2014
- Surveillance Devices Act 1999
- Charter of Human Rights and Responsibilities Act 2000
- Public Records Act 1973
- Freedom of Information Act 1982
- Evidence Act 2008

And the following guidelines:

- Victorian Ombudsman Closed Circuit Television in Public Places Guidelines (2012)

6. MANAGEMENT OF THE PROGRAM

Mitchell Shire Council is the owner and Program Manager and is responsible for:

- Managing the contract for all installation, servicing, maintenance and replacement of all CCTV equipment;
- Day to day management of the Program;
- Stakeholder consultation with regard to the implementation and on-going operation of the Program;
- Overseeing monitoring by Victoria Police, review, auditing and evaluation of the Program;
- Promoting the Program and providing information to the public and other agencies about the operations of the Program;
- Working with Victoria Police and the system contractor to ensure all responsible officers are adequately trained for monitoring purposes; and

- Develop and monitor all policies, protocols and grievance procedures in relation to the Program.

The Police Manager is the Police representative responsible for Victoria Police staff and their use of the system, and is responsible for:

- Maintaining close liaison with the Program Manager;
- Ensuring that use of the system by Victoria Police staff is professional and in accordance with the CCTV protocols, Victoria Police Manual and Code of Conduct;
- Notifying Council of any damage or fault with the system; and
- In partnership with the Program Manager, agreeing to any proposed alterations to the CCTV Program protocols.

The Program Contractors for the Mitchell Shire public space CCTV systems are authorised to provide camera equipment, information technology and maintenance for the camera network.

The Program Manager and Police Manager will ensure that the CCTV protocols are complied with and have day to day responsibility for the management of the CCTV Program.

7. EXTENSION OF THE SCHEME

The current public space CCTV system designs have the capacity to be expanded to other parts of their vicinities if required, as well as other areas across the municipality following consultation with the community and partner agencies.

8. PUBLIC INFORMATION

Location of the cameras will not be hidden to the public. In accordance with legislation, clearly visible signs will be displayed in all public spaces where systems are operating and at key locations where CCTV cameras are operating to:

- Inform the public that CCTV cameras operate in the precinct
- Identify Mitchell Shire Council as the owner of the Program; and
- Provide contact details for further information.

Information regarding the CCTV program including the location of cameras and management of the system will be made available on Council's website www.mitchellshire.vic.gov.au

9. MANAGEMENT OF CONTROL ROOM/S

Only personnel trained and authorised by the Program Manager or Police Manager will operate any of the equipment located within the CCTV control room or other equipment associated with the CCTV system.

Authorised and trained officers of Victoria Police will be responsible for monitoring and operating the CCTV cameras and will act with the utmost probity.

Use of the cameras will accord with the purposes and key objectives of the system and shall be in compliance with the CCTV protocols.

Every individual with any responsibility under the terms of the CCTV protocols will be subject to the Council and/or Victoria Police discipline procedures. Any breach of the CCTV protocols or of any aspect of confidentiality will be dealt with in accordance with those procedures.

10. CONTROL AND OPERATION OF THE CAMERAS

Use of the cameras will be in accordance with the CCTV code of practice, protocols and Stakeholder Management and Communication Plan.

Operation of the CCTV system will be in accordance with Standard Operating Procedures (SOPs) and internal policies.

Cameras will not intentionally be used to look into adjacent or nearby private residential property. Any misuse will be treated as a breach to this Code.

Authorised Victoria Police members with authority to access and operate the system will have access to the controls.

Contractor staff will have access to the control room, with the authority of the Police Manager, to undertake installation, maintenance and testing of the system.

Operators of the system will act in accordance with the highest standards of probity and in accordance with the CCTV protocols, the Victoria Police Manual and Code of Conduct.

11. ACCESS TO AND SECURITY OF CONTROL ROOM

Access to the control room/s will be restricted and protected from all unauthorised access.

The media shall not have access to the CCTV System or Monitoring Room under any circumstances at any time.

Only authorised personnel will be present within the control room.

12. RECORDED MATERIAL

Access to the use of recorded material will only take place:

- In compliance with the needs of Victoria Police in connection with the investigation of a crime;
- In compliance with the needs of the Mitchell Shire Council Authorised Officers, in connection with the investigation of a crime;
- If necessary, for the purpose of legal proceedings;
- When required by a duly authorised summons;

- Under the provisions of the Freedom of Information Act 1982; and
- As otherwise required or permitted by law.

Any incident or data downloaded from the CCTV System by Victoria Police will be managed in accordance with standards and the Victoria Police Manual.

Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

All requests for information regarding the CCTV System operations must be referred to the Network Manager and/or the Police Manager as appropriate.

Requests from the public relating to non-criminal matters will be considered by the Program Manager, who will advise the applicant of Council's Freedom of Information process.

Requests from the public relating to criminal matters will be considered by the Police Manager, who will advise the applicant of the appropriate process.

Victoria Police will not provide any information involving camera network operations to the media or to any person not authorised to receive it.

Security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

All recorded material will be treated according to legislation and standards, to provide continuity of evidence and to avoid contamination of evidence.

Council staff involved in the Program are required to adhere to the Mitchell Shire Council's internal policies and Code of Conduct.

Recorded information will be kept on hard drive for a period no longer than 31 days.

Footage removed under application may be kept for as long as required.

13. ACCOUNTABILITY

Mitchell Shire Council has established a working group with relevance to the various public spaces CCTV programs, which meets periodically to monitor the operation and effectiveness of the Program and identify opportunities for improvement. In addition, Mitchell Shire Council's Audit Committee will be included to provide public reassurance that the camera network is operated transparently and ethically, and that self-regulatory codes and protocols are being observed.

14. ASSESSMENT OF THE PROGRAM

The CCTV working group will meet periodically to monitor the CCTV Program and determine whether the purposes of the system are being complied and the objectives are being achieved.

In addition, a formal evaluation will be conducted annually and will include:

- An assessment of the impact upon crime;
- An assessment of the impact on Council;
- An assessment of neighbouring areas without CCTV;
- The views and opinions of the public;
- The operation of the CCTV system protocols;
- Whether the purposes for which the system was established are still relevant; and
- Cost effectiveness.

The results of the annual review may be taken into account in the future functioning, management and operation of the CCTV Program.

15. COMPLIANCE AUDIT

The camera network will be audited to ensure it is compliant with the policies of Council and the Victoria Police and will:

- Review the CCTV Program and report any divergence from the Code of Practice, Protocols and MOUs;
- Identify any further improvements and recommend actions to safeguard the Program from misuse;
- Request steps are undertaken by any party involved in the Program to rectify divergences from, or breaches to, the Code of Practice, protocols or MOUs.

16. COMPLAINTS

All matters of public complaint regarding the CCTV system must be referred to the Program Manager for investigation or the Police Manager.

17. BREACHES OF THE CODE

Mitchell Shire Council has responsibility for ensuring that the Code of Practice is adhered to. The responsibility includes insuring that breaches of the Code are investigated and remedied to the extent to which the breaches are within the ambit of the Mitchell Shire Council's power to remedy.

All personnel involved in the Program have responsibility to adhere to the Code of Practice.

Complaints in relation to any aspect of the management, operation or monitoring of the Program may be made in writing to:

CCTV Program Manager
 Mitchell Shire Council
 113 High Street
 Broadford 3658

Phone: 03 5734 6200

Email: mitchell@mitchellshire.vic.gov.au

The Privacy and Data Protection Act 2014 authorises the Victorian Commissioner for Privacy and Data Protection to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy Victoria:

Commissioner for Privacy and Data Protection
PO Box 24014
MELBOURNE 3001

Phone: 1300 666 444

Mitchell Shire Council will cooperate with the investigation of any complaint by Privacy and Data Protection Victoria.

18. DEFINITIONS

Mitchell Audit Committee	Independent Committee established to review the CCTV Program and compliance with procedures, protocols and codes of practice.
CCTV Program	The camera network and all its components including policies, protocols, codes of practice, standard operating procedures and management arrangements.
CCTV System	The physical camera network including CCTV cameras, antennas, monitoring, recording equipment and data management equipment.
Control/Monitoring Room/s	Office where Police may view CCTV footage.
Council	Mitchell Shire Council (owner and manager of the CCTV Program)
Monitoring Officer	A member of Victoria Police trained and authorised to have unsupervised access to the camera network.
Police Manager	Victoria Police representative who is the senior supervisor of the police facility hosting any part of the camera network, such as monitors, and/or digital recording equipment.
Program Contractor	Contractor representative authorised to provide camera equipment, information technology and maintenance for the camera network.

CCTV Working group

Committee comprised of key stakeholders established to monitor and review the day to day operations of the CCTV program.

19. ACRONYMS

CCTV

Closed Circuit Television camera

CLEDS

Commissioner for Law Enforcement Data Security Act (2005)

FOI

Freedom of Information

MOU

Memorandum of Understanding

SOP

Standard Operating Procedures

APPENDIX 1 – CURRENT CCTV PUBLIC SPACE LOCATIONS

Hadfield Park, Wallan



Broadford Community Precinct

