

**CLOSED CIRCUIT TELEVISION  
IN PUBLIC PLACES -  
*GUIDELINES***

Victorian Ombudsman's  
Guidelines for developing Closed Circuit  
Television policies for Victorian Public Sector  
Bodies

November 2012

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# 1. Foreword

The *Closed Circuit Television in Public Place Guidelines* (the guidelines) have been designed to assist Victorian public sector bodies in developing policies and procedures to regulate the management of Closed Circuit Television (CCTV) in public places.

The development of these guidelines is in keeping with my office's promotion of fairness, integrity, respect for human rights and administrative excellence in the Victorian public sector.

My jurisdiction covers over 600 public sector bodies including municipal and shire councils, prisons including private prisons, and authorised officers on public transport.

The use of CCTV in public places by Victorian public sector bodies is becoming more prevalent. In Victoria, local councils are a significant owner and user of CCTV in public places. Councils are using CCTV for the purpose of crime prevention and protection and to provide a safer physical environment for members of the public. CCTV is also being used as an investigation tool following the commission of an offence.

Considering the purpose and potential use of CCTV data and footage, it is important for all government bodies, in particular councils, to have a policy to regulate the management of CCTV systems.

A policy should regulate appropriate CCTV use, collection, retention, security, privacy, access, disclosure, storage, disposal, monitoring and evaluation.

I hope that these guidelines will be useful to a range of public sector bodies which are using CCTV in public places.



G E Brouwer  
**OMBUDSMAN**

## 2. Definitions

<b>Active monitoring</b>	Where CCTV monitors are actively viewed by operators and assessed and responded to in real time.
<b>Closed Circuit Television (CCTV)</b>	A surveillance system in which a number of cameras are 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.
<b>Complaint</b>	An expression of dissatisfaction with a specific action or service of a public body, including the failure by a public body to comply with its public service charter or mission.
<b>Complaint handling process</b>	The way individual complaints are dealt with by a public body including the policy, procedures, practices and technology.
<b>Control room</b>	A secure room where vision from CCTV cameras is displayed on monitors, only accessible by authorised staff.
<b>Disclosure</b>	Access to and disclosure of CCTV footage and records to third parties.
<b>IPP</b>	Information Privacy Principles from Schedule 1 of the <i>Information Privacy Act 2000</i> .
<b>Passive monitoring</b>	Where CCTV monitors are intermittently viewed by operators.
<b>Public place</b>	<p>Any place to which the public has access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.</p> <p>A public place can include, but is not limited to, public streets, public parks, public hospitals, public transport, railway stations, platforms and carriages, trams, shopping centres, sports and recreation centres or grounds, public schools, public halls, museums, galleries, libraries, government buildings and office reception areas.</p>
<b>Retrospective review</b>	Where CCTV footage is reviewed after an incident.
<b>VLRC</b>	Victorian Law Reform Commission

### 3. How to use the guidelines

The purpose of these guidelines is to provide information and a practical framework dealing with key issues to consider when developing a policy for a public place CCTV system. These guidelines can be used to evaluate an existing CCTV policy or as an aid to establishing a new CCTV policy.

This guide may also be used to provide guidance to public bodies on cameras used in public places that are not connected via a closed circuit and that are for purposes other than public safety.

The focus of these guidelines is on the use of CCTV in public places. As mentioned in the definitions section, for the purpose of these guidelines, a public place is a place to which the public has access as of right or by invitation, whether express or implied. It includes a public place where there is unrestricted access and a public place that is subject to the payment of money.

These guidelines promote the implementation of transparent and comprehensive policies for all CCTV systems used by public bodies in a public place.

Councils are a significant government owner and user of CCTV in public places. In May 2012, my office made enquiries under the *Ombudsman Act 1973* with local councils in relation to the policies and procedures regulating the management and operation of CCTV. My enquiries identified a lack of policy and inconsistencies in the collection, retention, disclosure and disposal of CCTV footage. These guidelines are aimed at addressing these issues.

These guidelines should be read in conjunction with other reference material concerning CCTV including:

- the Department of Justice's *Guide to Developing CCTV for Public Safety in Victoria*<sup>1</sup> (the Guide)
- the Victorian Law Reform Commission's (the VLRC) Report *Surveillance in Public Places* (the VLRC report<sup>2</sup>) and
- Privacy Victoria's *Surveillance and Privacy Information Sheet*.<sup>3</sup>

These guidelines are not copyright and may be downloaded from [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au) providing use of this material is acknowledged.

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<sup>1</sup> *Guide to Developing CCTV for Public Safety in Victoria*<sup>1</sup>, the Department of Justice, August, 2011.

<sup>2</sup> *Surveillance in Public Places, Final Report 18*, the Victorian Law Reform Commission, May, 2010.

<sup>3</sup> *Surveillance and Privacy Information Sheet*, Privacy Victoria, March, 2012.

## 4. Prior to drafting a CCTV policy

Prior to establishing a CCTV system a public body should consult with a variety of stakeholders, including:

Public body	Purpose of consultation	Contact Details
<b>Privacy Victoria</b>	To discuss potential privacy implications of current or proposed CCTV systems and the relevant Information Privacy Principles (IPPs) in the <i>Information Privacy Act 2000</i> , with which the public body must comply.	<b>Unit:</b> Manager, Compliance Address: Level 11, 10-16 Queen Street, Melbourne <b>Phone:</b> 1300 666 444 <b>Email:</b> <a href="mailto:consult@privacy.vic.gov.au">consult@privacy.vic.gov.au</a> <a href="mailto:enquiries@privacy.vic.gov.au">enquiries@privacy.vic.gov.au</a>
<b>Public Record Office Victoria (PROV)</b>	To discuss potential record keeping practices and issues, including in relation to retention periods.	<b>Unit:</b> Government Services <b>Phone:</b> 03 9348 5760 <b>Email:</b> <a href="mailto:PROV_queries@prov.vic.gov.au">PROV_queries@prov.vic.gov.au</a>
<b>Victoria Police</b>	Victoria Police should be consulted where the purpose of the public place CCTV system is to manage high crime locations and matters of public order. Victoria Police can provide advice on suggested areas/locations for cameras and on the level of engagement or support that can be provided within local police resources.	Contact details for the Local Area Commander can be sought through the local police station.  <b>Website:</b> <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>

A public body may also need to seek advice from CCTV consultants and may also need independent legal advice on the use of CCTV in public places.

Councils are encouraged to consult with the community prior to establishing a CCTV system. This reflects the best value principles under section 208B(e) of the *Local Government Act 1989* that require councils to develop programs of regular consultation with the community in relation to the services provided. See the Guide<sup>4</sup> for further information on individuals and professionals local councils may consult.

There may be a range of other stakeholders a public body should consult, for example, local councils may need to consult with utility companies, private property owners and local traders.

Councils are also encouraged to consult with other local government councils to seek guidance on CCTV use.

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<sup>4</sup> The Guide, op cit, page 19.

The Community Crime Prevention Unit (the unit) of the Department of Justice has established the Public Safety Infrastructure Fund (the fund). The fund provides eligible councils with grants as a contribution toward public safety and security infrastructure, including CCTV. As a condition of funding for CCTV projects, the unit requires the council to provide evidence that it has developed standard operating procedures, a code of practice and an evaluation plan. More information on the fund can be found on the Department of Justice website at: [www.justice.vic.gov.au](http://www.justice.vic.gov.au).

Establishing and then operating a CCTV system can be a very complex, time-consuming, costly and resource intensive process. Accordingly, a public body needs to ensure it has appropriate policies and procedures in place to ensure the CCTV system operates efficiently and effectively once it is installed.

## 5. Key features of a CCTV policy

All public bodies should have a policy which clearly sets out its use of CCTV in public places. The policy and associated documents should address:

- Purpose and objective
- Compliance with legislation
- Resources
- Collection of CCTV data
- Requests
- Disclosure
- Relationship with Victoria Police
- Data Security
- Records
- Disposal
- Privacy
- Inappropriate use and breach of policy
- Accountability, audit and evaluation.

A comprehensive CCTV policy will be supported by:

CCTV policy - supporting material
Standard Operating Procedure Manual
CCTV Code of Practice
An Audit and Evaluation Mechanism
Operator Training Program
A complaint handling process

A Memorandum of Understanding (MOU) with the Victoria Police will be required if the CCTV system is streamed to a police facility, where any part of the CCTV system or equipment is on the Victoria Police premises, or where the members of the Victoria Police have direct access to view or download footage.

Some of the above documents, such as the Standard Operating Procedure Manual, may need to be confidential. However, the CCTV code of practice, audit and evaluation mechanism and complaint handling process should be freely available to clients, staff and the public. The public body may wish to make this information available on its website or as printed information in its office foyer.



## 6. Purpose and objective

In accordance with the VLRC's public place CCTV principles<sup>5</sup>, public place CCTV should be:

- collected and used for a legitimate purpose
- related to the activities of the organisation collecting it and
- proportionate to its legitimate purpose.

Any decision to implement CCTV is a decision for the relevant public body based on the purpose of the CCTV and the public body's assessment of the effectiveness for which CCTV will meet the purpose.

The purpose for which the CCTV footage is collected should be defined in the public body's CCTV policy and be in accordance with IPP 1: Collection. In accordance with IPP 2, use for a purpose other than the primary purpose should be precluded or limited to exceptional circumstances.

Some key considerations in relation to the purpose of the CCTV system that should be addressed in the policy include:

- What is the purpose of the CCTV system?
- Is the purpose consistent with the public body's functions?
- What is the objective of the CCTV system?
- Is the objective realistic, accurate and measurable?
- Is there evidence the CCTV will be effective for its objective?
- Is the CCTV reasonable, proportionate and necessary?
- Is there evidence the CCTV system will have sufficient benefit?
- Will CCTV footage be used other than for its primary purpose?

CCTV may not work in isolation and should be used as a part of a range of strategies in supporting community safety initiatives in public places. Accordingly, the public body should consider:

- Are there other methods that could achieve the same purpose?
- Will these other methods be complemented by CCTV?

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<sup>5</sup> The VLRC report, op cit, page 13.

## 7. Compliance with legislation

The public body should consider seeking legal advice to ensure that the policy addresses the legal requirements particular to its functions. As legislation may change over time, the policy should be reviewed regularly to ensure continued compliance with relevant legislation.

The public body should also provide specialist training to any staff operating or managing the CCTV system to ensure they understand compliance issues.

In drafting a policy a public body should document how different types of legislation may affect the body's use of CCTV, including:

### ***Surveillance Devices Act 1999***

Breaches of the *Surveillance Devices Act 1999* can attract criminal penalties. Accordingly, it is important for the public body to consider:

- Is it able to conduct surveillance?
- Are there any limitations or constraints on the types of surveillance that may be conducted?
- Are there any limitations on the use of surveillance material?

### ***Information Privacy Act 2000***

- How will the public body protect privacy for individuals identifiable in the CCTV footage?
- How will the public body protect information which may confirm the identity of an individual, for example where licence plates are visible in CCTV footage?
- How are records to be disclosed in accordance with the IPPs?
- How will the public body secure the CCTV footage from misuse, loss, unauthorised access, modification and disclosure?

### ***Public Records Act 1973***

- In what circumstances are the CCTV records/footage considered a public record?
- How long must the public records be kept?
- How must the public records be maintained?
- How are the public records to be disposed of?

### ***Private Security Act 2004***

This Act deals with licensing requirements for the Victorian security industry. The public body will need to ensure its employees and contractors acting as a control room operator or monitoring CCTV meet the licensing requirements outlined in this Act.

### ***Charter of Human Rights and Responsibilities Act 2006 (the Charter)***

Since 2008, all public sector bodies have been required to comply with the Charter. A public body must therefore ensure its CCTV policy is compatible with the human rights set out in the Charter. Accordingly, a public body must consider how the use of CCTV may limit human rights, such as the right to privacy. A public body should address in its policy how the limitation of any rights is reasonable, justified, proportionate, rational and balanced. A formal assessment of the policy against the Charter should be conducted and the results recorded.

### ***Freedom of Information Act 1982 (the FOI Act)***

How will the public body manage Freedom of Information (FOI) requests for the CCTV footage or records?

### ***Evidence Act 2008***

- Will the public body use the CCTV system to collect evidence?
- If yes, how will the public body collect, maintain, store, disclose and dispose of the CCTV footage and records in a manner that protects the integrity, validity and admissibility of the CCTV footage for evidentiary purposes?
- Has the public body obtained legal advice to ensure material is collected in a manner that will allow for its use as evidence in legal proceedings?

### ***Australian Standards***

The public body will need to ensure that it complies with any relevant Australian Standards in relation to CCTV.

## 8. Resources including equipment, technology and staffing

The public body should consider the establishment and operational costs associated with the CCTV system and may need to seek technical advice in relation to the equipment and technology requirements for the CCTV system. The public body should also consider any ongoing costs that may arise following the installation of CCTV including staffing and maintaining and upgrading the CCTV system and infrastructure. Further information on technical and financial considerations can be found in the Guide.<sup>6</sup>

Some key considerations in relation to resources that should be addressed in the policy include:

- What are the parameters of the CCTV system? Including:
  - geographical boundaries
  - number and location of cameras
  - system description and
  - method of operation.
- Is the CCTV equipment fit for its purpose?
- Are there mechanisms in place to support changes in technology?
- Who is responsible for identifying and reporting faults?
- Who owns the cameras?
- Who owns and manages the CCTV footage?
- How may the owner be contacted?
- Who is responsible for the management of the CCTV system?
- Who is responsible for CCTV system maintenance?
- Where will the CCTV monitors and equipment be placed? (i.e. in a control room)
- How will the CCTV monitors and equipment be secured from unauthorised access?
- How will the public body maintain a secure CCTV work area?
- Who will have access to the CCTV control room?
- Who will have access to the CCTV footage?
- How is authorisation for access to be provided?
- What standards and qualifications must CCTV operators meet?<sup>7</sup>
- Will visitors be allowed into the control room?

In accordance with IPP 1.3 and the VLRC's public place CCTV principles<sup>8</sup>, owners of CCTV in public places should take reasonable steps to inform people of the use of the devices. The public body should take reasonable steps to provide notice of the CCTV and the public body's identity and contact details. The public body should consider:

- Is there signage relating to the location of the CCTV cameras?
- Are the signs visible to the public?
- Is information provided on the public body's website about the CCTV?

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<sup>6</sup> The Guide, op cit, pages 22 to 27.

<sup>7</sup> Australian Standard AS 4806.1-2006 *Closed Circuit Television (CCTV): Management and Operation* provides mandatory regulatory requirements in relation to staff employed as control room operators.

<sup>8</sup> The VLRC report, op cit, page 13.

## 9. Collection of CCTV data

Collection of CCTV data refers to how the CCTV is recorded, monitored and responded to by CCTV operators. The purpose for which the CCTV footage may be collected must be clearly defined in the policy.

IPP 1.1 limits the purpose for which a public body can collect personal information. Collection of personal information must be necessary for one or more of its functions or activities. Further, in accordance with IPP 1.2 a public body must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

The policy will need to clearly identify how the CCTV footage is to be monitored and by whom. Monitoring of CCTV footage can be conducted actively, passively or retrospectively. Additionally, the policy should identify how the public body's operators are to respond to incidents.

Some key considerations in relation to the collection of CCTV footage that should be addressed in the policy include:

- How will the CCTV be monitored?
- Over what time period will the CCTV be monitored?
- Who is responsible for:
  - monitoring the CCTV?
  - responding to observed incidents?
  - exporting and/or copying footage of incidents?
  - storage and disposal of exported/copied CCTV footage?
- To whom do the public body's operators report?
- How are incidents defined and categorised?
- What response will the public body's operators have to different categories of incident?
- Do the public body's operators have incident response timeframes?

Public bodies often retain the CCTV footage on digital media for a minimum period of time before the footage is erased. Australian Standard 4806.1-2006: *Closed Circuit Television (CCTV) - Management and Operation* recommends that CCTV images are stored for 31 days. The public body should address in its policy:

- How long will the footage be retained?
- What storage capacity is required to ensure the footage is retained for this period, before being overwritten?
- Under what circumstances will the footage be exported for longer retention?

## 10. Requests

The public body will need to consider how it will deal with requests for access to CCTV footage and records. The public body should make information freely available to the public about how an individual may make a request.

Some key considerations in relation to requests for CCTV footage to be addressed in the policy include:

- How can an individual request footage of themselves?
- How can a third party make a request?
- How are media requests to be managed?

Recorded footage is subject to release under the FOI Act. Accordingly, the public body should have a policy and procedure to manage FOI requests in accordance with the FOI Act. The agency should consider how FOI requests are to be managed.

## 11. Disclosure

In accordance with the IPP 2, CCTV footage and records should generally only be used and disclosed to a third party in accordance with the primary purpose of collection. In accordance with the VLRC's public place CCTV principles<sup>9</sup> reasonable steps should be taken to protect information gathered through public place CCTV from misuse or inappropriate disclosure.

Public bodies may need to consider disclosure to Victoria Police and also to other third parties such as emergency service providers, government departments, and private individuals. The public body should consider the procedures and criteria for disclosure for the purpose of viewing the CCTV footage and also for the purpose of exporting a copy of the CCTV footage.

Some key considerations in relation to the disclosure of CCTV footage that should be addressed in the policy include:

- In what circumstances will footage be disclosed?
- What criteria must be met to ensure disclosure is in compliance with legal requirements?
- Who is responsible for ensuring requested footage is preserved?
- What are the timeframes for actioning requests for disclosure?
- What approval must be sought for disclosure?
- How will the CCTV footage be exported and/or copied?
- How will the public body protect privacy for individuals identifiable in the CCTV footage?

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<sup>9</sup> The VLRC report, op cit, page 13.

## 12. Relationship with the Victoria Police

Some councils own, operate and monitor the CCTV system and footage; others own the CCTV infrastructure, whilst the operation and monitoring of the CCTV system and footage is conducted by Victoria Police. The CCTV policy should clarify the role of the different stakeholders, including in particular, Victoria Police. Where Victoria Police operate and monitor the CCTV, the public body should still develop its own internal policies and procedures.

Public bodies, particularly local councils, should consult with Victoria Police prior to establishing a public place CCTV system. It is recommended that councils contact their Victoria Police Local Area Commander during the consultation process.

An MOU with Victoria Police will be required in certain circumstances (see section 5 of these guidelines). Victoria Police has a standard MOU that can be tailored to the particular circumstances of the public body concerned.

The public body may wish to consider appointing an officer responsible for communicating with police on CCTV system management issues and to determine incident response processes for the CCTV operators. The public body should establish a process for operators to communicate with police in the event of incidents captured on the CCTV footage.

In addition to the MOU, the public body should establish its own written procedure which identifies:

- What is the role of police in the operation of the CCTV system?
- How will the public body communicate with the police?
- How will the police communicate with the public body?
- Will the police have real time access to the CCTV footage?
- Will real time access be continuous (i.e. via continuous live streaming to remote CCTV monitors located in a police station)?
- Will police have emergency access to CCTV footage?
- Will police be able to use the system for planned operations?
- Will police have direct access to download evidentiary copies of incident footage?
- What records will be maintained of police access to footage?
- If direct access is not provided, how is footage of incidents to be viewed or downloaded?

The public body may also need to develop relationships with other emergency service providers and consider communication strategies with each provider to ensure effective responses to incidents.

## 13. Data security

The public body will need to consider how it will store and secure copied CCTV footage in a manner that protects the integrity of the information; ensures the image does not degrade; and that footage can be replayed in future when equipment and technology has evolved.

In accordance with the IPP 4, the public body must ensure it takes reasonable steps to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure. A key consideration in relation to data security is whether the public body has limited access to CCTV footage and records to individual public officers with a need to know, that is, where access to the information is required for that individual to perform his or her official duties. The public body should also take steps to detect and deter security breaches. See sections 17 and 18 of these guidelines for further information related to data security and integrity.

## 14. Records

Appropriate record keeping practices must be followed in relation to the CCTV system. The public body should ensure its record keeping practices comply with the Public Record Office Standards (PROS) for the management of public records, Public Records Office Specifications and the *Public Records Act 1973*.<sup>10</sup> All CCTV incidents, requests and disclosures should be recorded in a simple and meaningful way. An electronic system may be necessary to track incidents, requests and disclosures of footage.

Some key considerations in relation to records that should be addressed in the policy include:

- What types of logs must a CCTV operator keep?
- How will incidents be recorded?
- How will requests be recorded?
- How will disclosures be recorded?
- How will copies of CCTV footage be recorded?
- How will access to the CCTV control room be recorded?
- How are records to be stored, maintained and disposed of?

The public body may consider developing standard forms for use as records in relation to the CCTV system, such as:

Standard Forms	
Operator Log	CCTV footage/record request to view form
Control room visitor log	CCTV footage/record request for copy form
CCTV incident report	Authorisation for viewing/copying form
CCTV complaint form	System faults form

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<sup>10</sup> The Public Record Office Victoria has endorsed the Queensland State Archives *Managing Closed Circuit Television Records Guideline* which can be found at: <http://prov.vic.gov.au/government/standards-and-policy/all-documents/cctv-records-guideline>.



## 15. Disposal

Records created as a result of the CCTV system may need to be retained for a period of time and then disposed of in accordance with the PROV's requirements.

Minimum retention periods for CCTV footage and records relating to the operation of the CCTV systems are established by the PROV through Retention and Disposal Authorities (RDAs) available from PROV. The purpose of the RDAs is to provide a mechanism for disposal of public records in accordance with the Public Records Act.

In general, surveillance camera footage is temporary and may be destroyed when administrative use has concluded.<sup>11</sup> However, when footage is used to investigate and document specific incidents, agencies may need to retain the footage for longer periods. For example, records relating to a death or serious injury in a council provided community service are permanent and may not be destroyed.<sup>12</sup>

Where footage has been provided to a third party (e.g. Victoria Police), it is the third party's responsibility to retain the record of the footage in accordance with the Disposal Authority that covers their agency's functional responsibilities.

Disposal of the CCTV footage and records should be incorporated into the public body's records management policy and should comply with legislation relating to disposal of public records.

Some key considerations in relation to the disposal of CCTV footage that should be addressed in the policy are as follows:

- Who has the ability to authorise disposal?
- How will CCTV footage that has been exported or copied be disposed of?
- In what circumstances will disposal be prohibited?
- How long will exported and/or copied footage be retained prior to disposal?
- How is the disposal of CCTV footage and records integrated into a record management policy?
- Will CCTV footage be required for long term retention (five years or more)?

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<sup>11</sup> PROS 07/01, General Retention and Disposal Authority for Records of Common Administrative Functions see Function 14.0.0 Property Management.

<sup>12</sup> PROS 09/05, Retention and Disposal Authority for Records of Local Government Functions see class 4.2.2. This example is provided for illustrative purposes only and agencies are advised to refer to PROV's RDAs for specific disposal advice for their administrative context.

## 16. Privacy: general considerations

Any public bodies using CCTV in public places will need to balance the need for public safety against the right to privacy for members of the public. In accordance with the VLRC's public place CCTV principles<sup>13</sup> people are entitled to a reasonable expectation of privacy when in public places. Further, users of CCTV in public places should act responsibly and consider the reasonable expectations of privacy of individuals.

As previously discussed, all public bodies must handle CCTV information and records according to the relevant privacy legislation and any other legislation that prescribes how information should be handled. Use and disclosure of CCTV footage and personal information must be in accordance with privacy laws.

CCTV operators should have an understanding of relevant legislation that governs their conduct. Training on privacy should be provided to all CCTV operators.

The public body should establish and implement a policy for managing and protecting personal information and ensuring privacy is maintained for all individuals identifiable in the CCTV footage. If the public body's existing privacy policy is silent on CCTV footage collection, use and disclosure, it should be reviewed and amended as necessary or a specific privacy policy in relation to CCTV created.

Some key considerations in relation to privacy that should be addressed in the policy include:

- How will the public body protect privacy for individuals identifiable in the CCTV footage?
- How will the public body balance an individual's right to privacy against the objectives of the CCTV system?
- Does the proposed location of CCTV monitors prevent unauthorised persons from viewing the CCTV footage?

Information gathered by the public body as a result of the CCTV system should only be shared with its staff on a need to know basis. Further information on privacy may be found in Privacy Victoria's *Surveillance and Privacy Information Sheet*.<sup>14</sup>

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<sup>13</sup> The VLRC report, op cit, page 13.

<sup>14</sup> *Surveillance and Privacy Information Sheet*, Privacy Victoria, March 2012.

## 17. Inappropriate use and breach of policy

A public body should have a written procedure to address breaches of policy or procedure and misuse of the CCTV system and footage.

Some key considerations in relation to inappropriate use that should be addressed in the policy include:

- How will the public body prevent the use of the CCTV system and footage by operators for an improper or unlawful purpose?
- What types of surveillance or use of CCTV is prohibited?
- How will the public body protect personal information from misuse, loss, unauthorised access, modification or disclosure?
- How will the public body respond to a breach?

Further, the public body should have an established complaints handling process which addresses:

- How are complaints to be lodged?
- Who is responsible for dealing with complaints?
- How is the complaint system integrated into the public body's complaint handling system?

The public body should provide information to individuals on any right of internal and/or external review available if they are dissatisfied with the outcome of their complaint. The public body should also provide information to individuals on the right to complain to the Victorian Ombudsman.

## 18. Accountability, audit and evaluation

The CCTV system should be open to scrutiny by clients, the responsible minister, staff of the public body, the Victorian Ombudsman and other relevant bodies. There should be regular reporting on the operation of the CCTV system against the objectives and purpose of the system and against documented performance standards. A CCTV incident, request and disclosure register should be maintained.

Information on trends or aggregate CCTV data should be publicly available and preferably reported on annually by the public body. There should also be regular audits of the CCTV system and appropriate action plans formulated to address any deficiencies. The public body should consider having the CCTV use and operations audited by an independent audit committee. The CCTV system should also be evaluated against its purpose and aims.

Some key considerations in relation to audit of the CCTV system that should be addressed in the policy include:

- How will the public body ensure accountability?
- What performance measurement plans are in place?
- Will there be an independent audit committee?
- How often will an audit occur?
- How will the public body monitor and audit:
  - the conduct of CCTV operators?
  - incidents, requests and disclosure of CCTV footage?
  - control room access?
- Who is responsible for ensuring the implementation of audit recommendations?

Some key considerations in relation to evaluation of the CCTV system that should be addressed in the policy include:

- How will the public body evaluate CCTV system results against aims, operational effectiveness, efficiency of the data collection method and strategic effectiveness?
- How will the public body use the results of the evaluation to determine if continued use, expansion or reduction of the system is justified?
- How will the CCTV policy be evaluated and amended?

## 19. Acknowledgements

The contribution of staff from the following Victorian public sector bodies is acknowledged:

- The Department of Justice
- The Department of Planning and Community Development
- Privacy Victoria
- Public Record Office Victoria
- Victoria Police
- The Municipal Association of Victoria
- Victorian local councils.

For further information on these guidelines please contact the Victorian Ombudsman using the following contact details:

Victorian Ombudsman  
Level 9, 459 Collins Street (North Tower)  
Melbourne Victoria 3000  
Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)  
Telephone: 9613 6222