



CLOSED CIRCUIT TELEVISION POLICY

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1	24/08/2017	ERLC Board	Internal & External

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Preamble

A rising public acceptance of Closed Circuit Television (CCTV) systems and advances in technology has seen an increased use of CCTV as a tool for addressing public safety issues.

Considering the purpose and potential use of CCTV data and footage, it is important for the Corporation to have a policy to regulate the management of its CCTV systems.

The Closed Circuit Television Policy (the Policy) has been developed to regulate the management of CCTV in all premises under the control of the Eastern Regional Libraries Corporation (the Corporation).

The Policy regulates the use of CCTV including: collection; retention; security; privacy; access; disclosure; storage; disposal; monitoring and evaluation.

Amongst other relevant material, the Policy takes account of (and acknowledgement is given to) the Victorian Ombudsman's *'Closed Circuit Television in Public Places – Guidelines'* (Nov 2012).

Background

The Corporation is currently using Closed Circuit Television (CCTV) on a limited basis, either directly or in partnership with its Member Councils. The Corporation, and its Member Councils, use CCTV for the purposes of: crime prevention and detection; protection of customers; and to provide a safer physical environment for members of the public.

While CCTV usage by the Corporation is limited at present, it is anticipated that over the next 12 to 18 months that either the Corporation, either solely or in partnership with its Member Councils, will introduce, or improve, this technology in all our branches.

CCTV Surveillance Systems

Any decision to implement a new, or retain/improve an existing, CCTV system will be made by the Chief Executive based on an assessment of the need for such implementation and the proposed use of the system consistent with this Policy and the relevant privacy legislation.

The CCTV system will have a minimum built in storage capacity to capture footage (24/7) for up to 14 days. At that point, the hard disc will be automatically wiped clean and recording will recommence. Only footage downloaded for reasons in accordance with Access to CCTV Footage will be retained.

Purpose

CCTV footage gathered by the Corporation will be:

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

Principles

The Corporation's CCTV systems will be operated in accordance with the following Principles.

Principle 1 – Use of CCTV

1.1 Applicable Laws

The CCTV system will be operated within all applicable laws and only for the purposes for which it was established.

1.2 Use of CCTV System

The Corporation's CCTV system will be used to:

- deter/capture criminal behaviour, vandalism, and other anti-social behaviour.
- monitor public areas to deter/capture child (or any other kind of) abuse.
- assist in the protection of library users.
- provide a level of security for employees with face to face public contact.
- resolve issues and complaints involving library users and/or other library users or employees.
- provide enhanced security of assets, including library materials and equipment.

Principle 2 – Public Interest

2.1 Privacy

The Corporation will balance the need for passive surveillance against the right for privacy of members of the public and its employees. The Corporation will endeavour to ensure that the limitation of any human rights or civil liberties of individual members of the public or employees is reasonable, justified, proportionate, rational and balanced.

In specific relation to privacy requirements, the Corporation will endeavour to adhere to all Commonwealth and State legislation and any applicable enforceable guideline covering the operation or use of a CCTV system.

With the exception of matters under investigation by Commonwealth and State law enforcement agencies, footage generally will only be accessed (viz. retrospective monitoring) where: there is an incident and an Incident Report is completed; a child abuse allegation, concern or complaint is raised; or a customer complaint is received.

The Corporation reserves the right, where required on a temporary basis, to use its CCTV for live viewing with the aim of improving the immediate safety and security of library users and employees.

Where the CCTV system is owned and operated by a Member Council, the Corporation will be bound by that council's policies and guidelines.

2.2 Signage

The Corporation will install signage to advise people that they are in an area of a CCTV system where they may be observed or recorded. Signs will meet the following requirements (amongst others):

- Displayed prominently at each main access to the premises.
- Designed to be easily understood by members of the public.
- Be clearly visible, distinctive and located in areas with good lighting, placed within normal eye range and large enough so that any text can be read easily.
- Provide contact details for any queries about the CCTV system.

2.3 Queries about the CCTV System

The Corporation will respond to queries in relation to the operation of its CCTV systems. Queries in relation to any aspect of the CCTV system must be made in writing to:

Eastern Regional Libraries Corporation
1350 Ferntree Gully Road
Scoresby VIC 3179

or by email to: CCTV@erl.vic.gov.au

Any member of the public that is dissatisfied with the outcome of their query to the Corporation can contact the Victorian Ombudsman as follows:

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

Principle 3 – Responsibilities and accountabilities

3.1 CCTV Register

The Corporation will maintain a register of its CCTV installations, their operational hours, and authorised employees and contractors.

3.2 Authorised Access

Access to CCTV footage is limited to authorised employees or contractors with a legitimate reason to access the footage or the equipment.

Authorised Employees include Branch Managers and Team Leaders and designated head-office employees.

All Authorised Employees will undertake training on privacy and understand the contents of this Policy, including the legislative requirements to ensure that the requirements of privacy are understood.

Principle 4 – Recorded Imagery/Footage

4.1 Access to CCTV Footage

Recorded footage captured may be made available to/in the following parties or situations:

- An authorised Police member in relation to an offence or suspected offence on receipt of a request in writing.
- An external enforcement agency where an exemption under privacy legislation applies on receipt of a request in writing.
- A Court Order via Subpoena.
- Where otherwise required by law, such as a Freedom of Information (FOI) request.
- Internally via/to an Authorised Employee, where the footage is required in relation to:
 - an incident, or potential incident, that is the subject of an Incident Report.
 - criminal behaviour, vandalism, and other anti-social behaviour.
 - child or any other kind of abuse.
 - complaints involving library users and/or other library users or employees.

4.2 Approval of access to CCTV Records/Footage

The decision as to whether access to footage is approved under the above situations can only be made by the CEO, or his/her delegates e.g. Corporate Managers or the FOI Officer.

4.3 Police and Emergency Services

There may be situations where the response by Police (e.g. sexual abuse or physical assault) and Emergency Services (terrorist attack) will be time critical. In these situations, a request in writing will not be practicable. The Branch Manager or Team Leader is authorised to make the footage available once they have satisfied themselves as to the identity of the officer making the request.

4.4 Retention, storage and destruction of recorded footage

Whilst records should not be destroyed while there is still a need for them, it is also important not to keep records longer than necessary. This will minimise storage costs and administrative overheads, comply with privacy requirements and reduce the risk associated with inappropriate information release.

CCTV footage relating to the operation of the CCTV systems are outlined in *PROS 07/01 Common Administrative Functions Retention and Disposal Authority*. In most cases, surveillance camera footage is temporary and may be

destroyed when administrative use has concluded. Accordingly, in such instances agencies can legally erase the CCTV footage from digital media once the minimum period has expired. The Corporation has decided that the maximum period will be 14 days to protect the privacy of members of the public and its employees.

However, when footage is used to investigate and document specific or significant incidents, the Corporation may need to retain the footage for longer periods. For example, records relating to a serious injury of an employee or member of the public are considered permanent and will not be destroyed until legal advice to the contrary is received.

Where footage has been provided to a third party (e.g. Victoria Police, WorkSafe), 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. Once the Corporation has confirmation that the third party has a working copy of the footage, the Corporation will delete its copy of the footage.

Principle 5 – Security and Maintenance of CCTV equipment

5.1 Security Measures

Appropriate security measures will be taken to protect against unauthorised viewing, access to, alteration, disclosure, accidental loss or destruction of recorded material.

This security may incorporate physical, administrative or electronic measures, for example, equipment racks, authorisation procedures, electronic passwords, encryption.

5.2 Location of CCTV Equipment

CCTV screens and recording devices will not be located in a public area. Where practicable equipment will be located in a secured equipment rack or employees' workroom.

5.3 Maintenance

Recording equipment will be checked on a regular basis to ensure the equipment is in good working order.

Principle 6 – Other Related Matters

6.1 Breaches of this Policy

Where an employee is in breach of this Policy, there will be an internal review in accordance with the Employee Performance and Conduct in the Workplace Policy.

6.2 Legislation

CCTV surveillance systems are to be operated and managed in accordance with all relevant Commonwealth and State legislation. The list below is not complete and is a guide only because legislation continually changes and new legislation is continually being applied.

Surveillance Devices Act 1999 (Commonwealth)	Private Security Act 2004 (Victoria)
Information Privacy Act 2000 (Commonwealth)	Charter of Human Rights and Responsibilities Act 2006 (Victoria)
Privacy & Data Retention Act 2014 (Victoria)	Freedom of Information Act 1982 (Victoria)
Public Records Act 1973 (Victoria)	Evidence Act 2008 (Victoria)

6.3 Regular Review

This policy will be reviewed at the earlier of: two years; following significant incidents if they occur; after any legislative changes.

6.4 Disclaimer

The Corporation strives to provide information as accurately as possible. The information provided in this Policy is intended as general information only. The Corporation makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this Policy, and expressly disclaims liability for errors and omissions in the contents of this Policy.

Definitions

Closed Circuit Television (CCTV)	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.
CCTV footage	Any information that is recorded or unrecorded that is taken from a surveillance system including any data, still images or moving images.
Disclosure	Access to and disclosure of CCTV footage and records to third parties.
FOI	Freedom of Information (in reference to the Freedom of Information Act 1982 (Vic))
IPP	Information Privacy Principles
Live View	An optional CCTV system feature which allows a real-time view of selected public areas to be displayed on a screen accessible to library employees for the purposes of monitoring or security.
Member Councils	Knox City Council, Maroondah city Council, Yarra Ranges Council
Passive monitoring	Where CCTV monitors are intermittently viewed by operators.
Public place	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.
Retrospective review	Where CCTV footage is reviewed after an incident.

Other Relevant Policies & Guidelines

- Membership, Access & Use Policy
- Code of Conduct ~ Patrons
- Information Privacy Policy
- Information Collection Statement