



Closed Circuit Television (CCTV) Policy

Version	Issue Date	Notes
1	01 April 2016	

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DEFINITIONS

1 Policy Definitions

CCTV	Closed Circuit Television
CCTV records/footage	Any information that is recorded or unrecorded that is taken from a CCTV system including any data, still images or moving footage.
CCTV Steering Committee	The committee established by SMM to oversee the operation of a CCTV system.
CCTV system	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.
SMM	South Melbourne Market
SMM Audit & Risk Committee	The SMM committee for ongoing management of audit and risk related matters. A function of the committee will be to uphold the integrity of SMM CCTV systems.
Department of Justice's CCTV Guide	Guide to Developing CCTV for Public Safety in Victoria, Department of Justice 2011.
APP	Australian Privacy Principle within the meaning of the <i>Privacy Act 1988 (Cth)</i> .
MOU	Memorandum of Understanding. In this Policy a MOU may for example be between SMM and Victoria Police.
Public Place	<p>Any place which the public has access as a right or by invitation, whether expressed or implied and whether or not a charge is made for admission to the place.</p> <p>A public place relevant to SMM can include, but is not limited to, public streets, public malls, SMM precinct, SMM car park, open space around SMM precinct. SMM managed public buildings or areas.</p>

PURPOSE AND OBJECTIVES

2. Purpose

The purpose of this Policy is to assist South Melbourne Market (SMM) to regulate the operation and management of SMM owned CCTV systems which have been (or which in the future may be) installed for use within the SMM precinct.

The Policy enables SMM to fairly, appropriately and reasonably perform its functions and exercise its powers in connection with public place surveillance throughout the SMM precinct.

Amongst other relevant material, the Policy takes account of the Victorian Ombudsman's Guidelines for developing Closed Circuit Television policies for Victorian Public Sector Bodies, November 2012. SMM notes that it is not bound by these guidelines, but has used them as a reference source in the development of this policy,

The Policy will be freely available to SMM staff, stall holders and the public generally by being included on SMM Internet website and a hard copy can be provided on request.

As well as being a general Policy document, the Policy includes the detail of SMM's CCTV audit and evaluation mechanisms and its complaint handling process. The Policy is intended to act as a CCTV code of practice for SMM staff. Additionally, those members of SMM staff working with SMM CCTV systems will be expected to undertake their duties in accordance with the Policy.

3. Objectives

The objectives of this Policy are:

- To ensure SMM CCTV systems are compliant with relevant legislation and other laws;
- To ensure that CCTV systems are installed for a lawful and proper purpose;
- To ensure that management of CCTV records/footage is appropriate, including in relation to use, retention, security, privacy, access, disclosure, storage and disposal; and
- To ensure there is appropriate and ongoing monitoring and evaluation of CCTV systems.

SCOPE

4. Scope of the Policy

This policy applies to all SMM owned CCTV systems installed in the SMM precinct that have the purpose of surveillance.

The SMM CCTV systems in use may be added to or removed as SMM Executive considers appropriate.

The Policy does not apply to CCTV systems used for SMM offices for SMM employees where public access is restricted. The Policy also does not apply to CCTV systems that are used by SMM staff or its contractors for other purposes such as drainage maintenance inspections.

POLICY

5. Network Principles

SMM CCTV systems will be operated and managed in accordance with the following principles:

- All aspects will be operated and managed with integrity and will be compliant with the all relevant legislation, standards, codes and guidelines as outlined in this Policy and otherwise in force from time to time;
- All aspects will be operated and managed with due regard to the privacy and respect for the human rights of individual members of the public;

- Monitoring and access to CCTV records/footage will be controlled and managed in accordance with standard operating procedures (SOP) for the system;
- The SMM CCTV system will be regularly monitored and evaluated to ensure that the purposes and objectives of each system are being achieved; and
- The public will be provided with clear and easily accessible information in relation to the operation of the CCTV system, including processes to request or to view CCTV records/footage.

6. Decision to Implement the SMM CCTV System

SMM will, in making decisions affected by this Policy, utilise and take into account all relevant material, including the Department of Justice's *CCTV Guide*, in the development and implementation of a CCTV system. Any decision to implement a new (or retain an existing) SMM owned CCTV system will be based on the purpose of the system and SMM's assessment of the effectiveness for which the system will meet the purpose.

The relevant use must be specifically stated and such use must be justifiable in accordance with APP 6 – Use or Disclosure of Personal Information.

Any use for a purpose other than the primary purpose must be precluded or limited to exceptional circumstances, as determined by SMM Executive and in accordance with the requirements of the *Privacy Act 1988*.

Typically, CCTV systems must only be installed by SMM for the following purposes:

- To improve actual and perceived levels of safety;
- To reduce levels of graffiti and other forms of vandalism;
- To reduce anti-social behavior;
- To reduce incidents of serious criminal offences; and
- To assist in implementing and monitoring OH&S issues, mitigating risks and regulating SMM operations.

SMM will otherwise consult with relevant stakeholders as required in relation to the performance of a particular function. This may include Victoria Police, utility companies, stall holders, private property owners and local traders. SMM owned CCTV systems will be used as part of a range of strategies to support safety initiatives in public places.

7. Key Considerations for the SMM CCTV

There are a number of key considerations which SMM have addressed in the establishment and ongoing use of the SMM CCTV system (as they are detailed in the Department of Justice's *CCTV Guide* and as otherwise considered by SMM to be relevant).

These include, but are not limited to the following:

- The establishment, operational and replacement costs (whole of lifecycle costs).
- The ownership of the CCTV system components.
- Responsibility for CCTV system maintenance and renewal.
- Responsibility for the operation and monitoring of the CCTV system.
- Ownership and management of CCTV records/footage.
- Access and responsibility related to handling and controlling CCTV records/footage.
- Technical statements and requirements of the CCTV system.

8. Documentation of SMM CCTV Management System

The SMM CCTV system in the SMM precinct is owned, installed and maintained by SMM and their relevant technology partner. The responsibility for the operation and monitoring of the system is typically SMM designated CCTV staff. The documentation for the management of the SMM CCTV system is via Standard Operating Procedures.

In the event that the SMM CCTV system is operated and monitored by a private contracting company, SMM will enter into a Licence Agreement (or similar type of agreement) that will cover the key considerations listed above. A Licence Agreement (or similar type of agreement) will also be required if any CCTV system equipment is to be installed on (or within) any privately owned or co-controlled property.

All MOUs, Licence Agreements and Standard Operating Procedures Manuals will, ordinarily and subject to law, be confidential documents and will not be publically available.

9. Operation and Maintenance Manual and Training

SMM will document the CCTV system which will include an operation and maintenance manual, technical details of the system, including detailed design drawings, product specifications and warranty information. These documents will be relevant to the ongoing maintenance of the system. These will, ordinarily and subject to law, not be publically available documents.

In the event that a new CCTV system is installed, SMM will provide the operators of the system with the required training and support to accompany the operation and maintenance manual.

10. Signage

Council will advise the community within the SMM precinct by installing appropriate signage to indicate that they are in an area of a CCTV system where they may be observed or recorded.

Signage will be placed so as to comply with relevant Australian Standards in force from time to time and will comply with the following requirements:

- Signs will be placed at each main access to the CCTV coverage area where the members of the public are reasonably entitled to use and be monitored;
- Signs will be prepared so as to be easily understood by members of the public, including people who are from non-English speaking backgrounds. Signs will include a mix of worded text and symbols;
- Signs will 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;
- Signs will identify SMM as the owner of the system;
- Signs will include details of who to contact for any queries about the system; and
- Signs will be checked regularly for damage and theft, and replaced where required.

11. Collection of CCTV Data

The collection of CCTV data including details of how the CCTV data is recorded, monitored and responded to by CCTV operators is to be documented for the system in any respective MOU, Licence Agreement or Standard Operating Procedures Manual.

For SMM CCTV systems in the market precinct general public areas, the CCTV footage on digital media will be retained for 30 days unless otherwise downloaded and retained for legal reasons. Where footage has been provided to a third party (e.g. Victoria Police) it will be the third party's responsibility to retain the records/footage in accordance with the disposal authority that covers their agency's functional responsibilities.

In general, surveillance camera footage is temporary and may be destroyed when any relevant administrative use has concluded.

12. Requests to Access CCTV Records/Footage and Disclosure

Requests to access CCTV records/footage from the public, law enforcement or media will be considered and managed on a case by case basis.

Provided below is the contact information that the media or public should contact in the first instance if they want to lodge a request to access CCTV records/footage.

Privacy Officer
South Melbourne Market
322-326 Coventry Street
South Melbourne Vic 3205

In accordance with APP 6, SMM will generally only disclose CCTV records/footage to a third party in accordance with the primary purpose of collection and after careful consideration and taking into account relevant legislative requirements. SMM will take reasonable steps to protect information gathered through CCTV systems in the SMM precinct from misuse and inappropriate disclosure in accordance with APP 11.

13. Privacy

SMM will balance the need for CCTV monitoring against the right for privacy of members of the public and stallholders. SMM staff that use CCTV systems are required to act responsibly and consider the reasonable expectations of the privacy of individuals. All SMM staff that use CCTV systems will undertake training on SMM CCTV Policy and understand the contents of this Policy, including the legislative requirements to ensure that the requirements of privacy are understood. Information gathered by SMM as a result of a CCTV system will only be shared with its staff on a need to know basis. SMM staff will also refer to SMM's Privacy Policy for more information concerning their legislative obligations.

14. Inappropriate Use and Complaint Management

SMM staffs who works with the SMM CCTV system are to comply with the requirements of this Policy. Where a SMM staff member is in breach of this Policy, there will be an internal review and appropriate action will be taken.

Any public complaints in relation to any aspect of a CCTV system relating to SMM must be made in writing to:

Privacy Officer
Adam Mehegan
South Melbourne Market
PH: 0402 976 468, 03 9209 6553

If the complainant is not satisfied with the investigation or the outcome, they may take further action with the Office of the Australian Information Commissioner.

15. Governance Evaluation and Monitoring

SMM will undertake evaluation and regular reporting of the CCTV system against the objectives and purpose of the system and against documented performance standards.

The first rigorous evaluation of a new CCTV system will occur between 12 and 18 months following the full commissioning of the CCTV system.

SMM Operations Coordinator will be responsible for:

- Oversee the implementation of the CCTV system and its ongoing management;
- Reporting to the Market Manager on the performance of CCTV at SMM;
- Developing an agreed monitoring and evaluation framework with the Market Manager to ensure the objectives of the system are being achieved; and
- Consider any recommendations of the Market Manager from a risk and audit perspective.

The Operations Coordinator is responsible for:

- Reporting on the management of CCTV systems;
- Ensuring adherence to any relevant MOU for the system, SMM policies and the law;
- Promoting public confidence in CCTV systems by ensuring its operations are transparent and subject to public scrutiny; and
- Making recommendations to improve the integrity of CCTV systems.

SMM will undertake regular audits of its CCTV systems and appropriate action plans will be formulated to address any deficiencies.

RELATED DOCUMENTS

16. SMM Documents

This Policy is supplemented by a number of SMM documents that relate to CCTV systems that may include, but are not limited to, the following:

- Memoranda of Understanding (MOUs) for CCTV systems;
- Licence Agreements for CCTV systems;
- Agreements with various property owners to locate CCTV equipment on or within private property;
- Standard Operating Procedure Manuals;
- Operations and maintenance manuals developed for SMM systems;
- SMM Privacy Policy;
- SMM company Code of Conduct; and
- SMM Corporate Information Management Policy.

The implementation of SMM CCTV systems supports the objectives, role and functions of SMM as per the organizations strategic statements.

17. Legislation

SMM CCTV 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.

Commonwealth	
Privacy Act 1988	<p>Regulates the collection, use and disclosure of 'personal information' (other than health information) about individuals, including surveillance captured information that is recorded and which a person is potentially identifiable. This legislation is to be considered when determining:</p> <ul style="list-style-type: none"> • How to protect privacy of individuals. • How to protect information which may confirm the identity of an individual, for example vehicle licence plates. • How records are to be disclosed in accordance with the Australian Privacy Principles from Schedule 1 of the Act. • How CCTV footage will be protected from misuse, loss, unauthorised access, modification and disclosure.
State of Victoria	
Surveillance Devices Act 1999	<p>Regulates the use of optical surveillance devices without warrant. This legislation is to be considered when determining:</p> <p>Whether SMM is able to conduct surveillance.</p> <ul style="list-style-type: none"> • Limitations and constraints in the types of surveillance that may be conducted. • Limitations on the use of surveillance material.
Private Security Act 2004	<p>Provides a requirement of being granted a private security licence is the successful completion of training in relation to each activity for which the licence is granted. This legislation is to be</p>

	considered to ensure SMM employees and contractors acting as a Control Room operator or monitoring CCTV meet the licensing requirements.
Evidence Act 2008	Establishes the legal standard for the admissibility of evidence including CCTV records/footage.

18. Other Reference Material

SMM will ensure that the CCTV systems are to be operated and managed in accordance with all relevant industry standards and guidelines including, but not limited to:

- AS4806 Set-2008 Australian Standard Closed circuit television (CCTV);
- *Guide to Developing CCTV for Public Safety in Victoria*, the Department of Justice, August 2011;
- *Surveillance in Public Places, Final Report 18*, the Victorian Law Reform Commission, May 2010; and;
- *Surveillance and Privacy Information Sheet*, Privacy Victoria, March 2012.

RESPONSIBILITY

19. Responsible Officer

Operations Coordinator

REVIEW

20. Requirement to Review Policy

This policy is to be reviewed annually or as deemed necessary by SMM Responsible Officer and Operations Coordinator.