



# Electronic Surveillance Policy

Version 3

Approval Date: 02 August 2021

Review Date: August 2025

## DOCUMENT CONTROL

Responsible GM	Steven Piasente	
Division	Office of the Chief Executive	
Last Updated (who & when)	Senior Compliance Officer	2021
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	07 Feb 2011	Adoption of Policy
Council	01 April 2019	Review and adoption of Policy
Council	02 August 2021	Review and adoption of Policy, including update of requirements for Prior Approved Clubs and third-party systems, responsibilities, and associated forms and processes.
References	Refer to Section 8 and 9 of this policy	
Next Review Date	August 2025	
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## 1. Background

- 1.1. Latrobe City Council originally developed an electronic surveillance policy in 2011 as a strategy to minimise and address the incidence of unlawful activity on Council owned or controlled property.
- 1.2. The policy has been developed as a strategy in the interests of contributing to public safety and/or the protection of Council assets.

## 2. Objectives

- 2.1. To provide the appropriate framework for the implementation, installation, data management and operation of electronic surveillance equipment by Latrobe City Council (Council).
- 2.2. To ensure that Council's use of electronic surveillance is compliant with relevant legislation and with community expectations.

## 3. Scope

- 3.1. This policy applies to all Council owned or operated camera systems, however does not include the following:
  - promotional/marketing footage captured for Council or at a Council event (however, the *Citizen Confidentiality and Privacy Policy* still applies);
  - cameras used on private land where the data captured is not accessed or controlled by Council; and
  - Users of Council sites utilising their own CCTV system. However, any owners/users of such systems must comply with the IPPs and relevant legislation (Refer section 4.3.4.).

This policy applies to all Council employees, contractors and volunteers.

## 4. Principles of Management

### 4.1. Types of Surveillance Systems

- 4.1.1. Council's surveillance systems will fall into two main types of surveillance systems:
  - Public Safety CCTV systems; and
  - Corporate CCTV Systems (including permanent and temporary cameras, body worn cameras, and vehicle tracking devices)

### 4.2. Allowable purposes

- 4.2.1. Consideration may be given to the permanent or temporary placement of surveillance systems for the following allowable purposes:

- to improve the actual and perceived levels of public safety by discouraging unlawful activity (including petty theft and crimes against person), and antisocial behaviour in and around council property, facilities and public places;
- assist a Law Enforcement Agency or Council's authorised officers with the detection and prosecution of offences;
- prevent fraud and theft;
- monitor areas where staff interact with the public to enhance safety;
- protect council assets, or assets managed by Council;
- enable assessing and providing evidence of any incident or other event that occurs at or in the immediate vicinity of Council facilities;
- deter and reduce graffiti and other forms of vandalism;
- enable real-time review of material entering council waste management facilities; and
- to aid in the safe operation of equipment or work area.

4.2.2. Temporary CCTV cameras may be deployed in or on Council premises or public areas for a limited time where:

- the use of a permanent camera may not be practicable, eg due to cost;
- an area is subject to a spike or commencement of vandalism, petty theft, rubbish dumping, criminal activity or other activity detrimental to the interests of the Council;
- where other security measures have proved ineffective in stopping or controlling such abovementioned acts;
- to determine whether there is an ongoing need or benefit for a CCTV system at that site; or
- areas under short term control of Council such as events and functions.

4.2.3. Each deployment of temporary CCTV cameras will require CEO approval.

4.2.4. Vehicle tracking devices may be used on Council controlled motor vehicles to monitor location, activity, and wellbeing of Council staff. This includes GPS location and vehicle status.

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## 4.3. Approval of Surveillance Devices

4.3.1. The Chief Executive Officer is authorised to approve, disapprove or cancel the use/implementation of surveillance systems/devices.

4.3.2. The following framework applies when considering what will be approved:

- proposed surveillance is for a legitimate Council objective or function and consistent with applicable laws;
- the intended purpose is consistent with this policy;
- alternatives to surveillance have been considered;
- for public safety CCTV Systems, consultation has occurred with affected communities and key stakeholders and Law Enforcement Agencies, including but not limited to, Victoria Police;
- for corporate CCTV Systems, consultation has occurred with affected stakeholders (e.g. staff, patrons, clubs at recreation reserves etc.);
- the impacts on privacy and whether the proposed surveillance is a fair response to the issue or risk being addressed;
- how the surveillance information and data will be kept secure and protected from inappropriate use or disclosure;
- costs (for the establishment, operational and replacement costs i.e. whole of life-cycle costs for an average ten year cycle) and benefits; and
- how the effectiveness of the surveillance activity will be measured.

4.3.3. The following will not be approved:

- the use or placement of dummy cameras;
- the use of drones for surveillance activities;
- the placement of surveillance devices within toilets, washrooms, change rooms or the like; or
- any device that does not meet the requirements of this policy.

4.3.4 Users of Council sites utilising their own CCTV system must comply with the IPPs and relevant legislation, as per a written agreement with Council. This includes maintaining an access/extraction/disclosure register, signage, and completing appropriate training prior to use. Management of these systems may be subject to periodic review by council officers, and if they do not comply, council may remove users' system.

## 4.4. Signage

4.4.1. Where electronic surveillance is occurring, appropriate signage will be displayed to indicate that the area is being observed or recorded.

4.4.2. 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 point of access to the surveillance coverage area where the members of the public are permitted to have access.
- 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. Footpath marking with the camera symbol only may also be used in public areas.
- Signs will identify the organisation/owner of the system undertaking surveillance.
- Signs will include details of who to contact for any queries about the system. If Council, the 1300 367 700 number will be utilised.
- Signs will be checked regularly for damage and theft, and replaced where required.

4.4.3. Individuals requesting further information including purpose, access and disclosure of footage, will be directed to this policy, available on the internet.

4.4.4. Where electronic surveillance is no longer occurring, all signage and equipment will be removed as soon as practicable.

4.4.5. The location or placement of any non-fixed Surveillance Devices will not be required to be signed.

## 4.5. Data Security

4.5.1. Data collected, in accordance with the intention of this Policy, is not collected for the purpose of public access to the data.

4.5.2. Unless otherwise required by a Law Enforcement Agency or by law, surveillance camera footage is temporary and will be destroyed when the relevant administrative use has concluded.

4.5.3. For Corporate CCTV systems, the surveillance data on digital media will be retained for 31 days unless otherwise downloaded for legal reasons or as required by a Law Enforcement Agency.

- 4.5.4. Data collected by any surveillance system for the purposes of enforcement shall be stored securely in a centralised location. Any evidence obtained and retained shall be in accordance with the *Evidence Act 2008*.
- 4.5.5. Council will ensure that its record keeping practices comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications and the Public Records Act 1973.
- 4.5.6. Where footage has been provided to a Law Enforcement Agency it will be the Law Enforcement Agency's responsibility to retain the records/footage in accordance with the disposal authority that covers the Law Enforcement Agency's functional responsibilities.
- 4.5.7. Where footage has been provided to a third party that is not a Law Enforcement Agency, Council will specify the terms on which the footage has been provided including how and for how long the footage is to be held (which will be no less onerous than the terms on which Council itself holds the footage).

## 4.6. Agreements with Victoria Police

- 4.6.1. A written agreement will be in place for any public safety system with Victoria Police prior to implementing the system.
- 4.6.2. The agreement will cover:
- obligations and responsibilities of Council and Victoria Police;
  - ownership of the surveillance system and the data it generates; and
  - oversight and review mechanisms, including how Council will be assured that Victoria Police is using and managing the information provided appropriately.

## 4.7. Access to Data

- 4.7.1. Access to and disclosure of captured data from a surveillance system shall be in accordance with the *Privacy and Data Protection Act 2014*.
- 4.7.2. Access will generally be in the form of retrospective review; however there will be occasional periods of passive monitoring.
- 4.7.3. Access to the data collected shall be restricted to the following:
- Chief Executive Officer;
  - Protected Disclosure Coordinator;
  - Privacy Officer;
  - Freedom of Information Officer;
  - A member of Council staff authorised by the Manager Governance;

- A Contractor only in the absence of a member of Council staff being qualified or available to access the data and only to the extent specified and authorised by the Manager Governance; and
- Any external person conducting an internal investigation or audit, as approved by the Manager Governance, involving suspected unlawful activity or claim against Council.

4.7.4. Access must not be through a generic or shared user login.

4.7.5. Equipment used to capture and store surveillance data will be stored in a way that to the extent practicable prevents the risk of unauthorised access, tampering or data theft.

4.7.6. An access, extraction and disclosure register shall be maintained, with each access registered as to why data was accessed and by whom. The register will be regularly reviewed by authorised user and Governance, as per responsibilities under clause 5.

4.7.7. Any disclosure of data shall require approval of the CEO.

4.7.8. Any request for access to data by a third party, other than a Law Enforcement Agency, is to be made through Council's Freedom of Information process or as otherwise approved by CEO.

4.7.9. Captured data that relates solely to an enforcement or insurance matter may be disclosed to Council's legal/insurance representatives

## 4.8. Standard Operating Procedure

4.8.1. A standard operating procedure will be in place that is consistent with the requirements of this Policy, provided to system users and reviewed at least every two years.

4.8.2. IT will provide site and system specific training and information to authorised users, and will maintain:

- detailed design drawings;
- product specifications;
- warranty information; and
- record and data management requirements.

## 4.9. Inappropriate Use and Complaint Handling

4.9.1. Council officers who work with surveillance systems are to comply with the requirements of this Policy.



- 4.9.2. Where a Council staff member is in breach of this Policy, there will be an internal review and appropriate action will be taken in accordance with the Staff Code of Conduct.
- 4.9.3. Any public complaints or requests in relation to any aspect of a surveillance system relating to Council must be made in writing to:

Chief Executive Officer

Latrobe City Council

PO Box 264

Morwell VIC 3840

Or by email attention to the Chief Executive Officer at:

[Latrobe@latrobe.vic.gov.au](mailto:Latrobe@latrobe.vic.gov.au)

Unless prohibited by law, Council will be informed by the Chief Executive Officer of any complaints received.

- 4.9.4. Any member of the public that is dissatisfied with the outcome of their complaint to Council also has the right to complain to 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) Phone: (03) 9613 6222

A complaint in relation to a breach of the Information Privacy Principles should be made to the Office of the Victorian Information Commissioner (OVIC) using the following contact details:

OVIC

PO Box 24274, Melbourne VIC 3001

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Phone: 1300 006 842 (1300 00 OVIC)

## 5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

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|---------|--|
| Council | <ul style="list-style-type: none"> <li>• Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy.</li> <li>• Responsibility for the decision to approve this Policy by Council Resolution.</li> </ul> |
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| Chief Executive Officer         | <ul style="list-style-type: none"> <li>• Approve the use of Electronic Surveillance Devices.</li> <li>• Approve the outsourcing of Electronic Surveillance Devices</li> </ul>  |
| Governance                      | <ul style="list-style-type: none"> <li>• Responsibility to ensure this policy is reviewed in accordance with the requirements as set.</li> <li>• Recommends the inclusion of an audit on Electronic Surveillance in the ongoing <i>Internal Audit Plan</i>.</li> <li>• Develop and maintain the standard operating procedure</li> <li>• Ensure training and support is provided to staff prior to access being authorised.</li> <li>• Manage CCTV registers</li> <li>• Prepare and provide reporting, evaluation and audit of systems and system management</li> <li>• Manager Governance authorises access to data, including members of staff, contractors and internal investigators/auditors.</li> </ul> |
| Information Technology Services | <ul style="list-style-type: none"> <li>• Evaluate all requests for surveillance equipment compliance in accordance with the <i>IT Security Framework</i>.</li> <li>• Manage security and maintenance of systems and data</li> <li>• Provide a central register of surveillance data extracted in accordance with this Policy and with the <i>Records Management Policy</i>.</li> <li>• Provide and maintain system access and training for authorised users.</li> </ul>  |
| Authorised Users                | <ul style="list-style-type: none"> <li>• Adherence to this policy and the Standard Operating Procedure.</li> <li>• Monitoring of systems in accordance with the Standard Operating Procedure.</li> <li>• Use of Access, Extraction and Disclosure register</li> <li>• Contribute to regular review and reporting, and periodic evaluation, of Electronic Surveillance systems within their remit</li> <li>• Regular inspection of cameras and signage for damage or theft</li> </ul>   |

Employees,  
Contractors and  
Volunteers

- Comply with this policy, and any procedures developed.

## 6. Evaluation and Review

### 6.1. Evaluation

- 6.1.1. Ongoing evaluation and regular reporting of the surveillance system against the objectives and purpose of the system, and against documented performance standards, will occur for applicable systems 12 months after installation, then every 2 years.
- 6.1.2. Public Safety CCTV Systems will be evaluated in accordance with the written agreement in place with Victoria Police.
- 6.1.3. Corporate CCTV Systems will undergo regular audits with appropriate action plans to be formulated to address any deficiencies. Audit may include independent audit, as well as self audit undertaken every 2 years as set out in the Standard Operating Procedure.

### 6.2. General Reporting

- 6.2.1. Public Safety CCTV Systems will be reported on in accordance with the written agreement in place with Victoria Police.
- 6.2.2. The following reporting is required for all Corporate CCTV Systems:
- A report will be tabled twice yearly to Council detailing:
    - all new camera approvals;
    - upgrades or site changes to existing cameras; and
    - removed cameras.
  - A confidential management report for the Executive Management Team will be compiled on a quarterly basis to assist in the identification of any suspicious or inappropriate use of equipment. This report may contain:
    - the number of incidents requiring review of surveillance data;
    - how many times footage has been downloaded or copied and the reasons for this action (obtained from Access, Extraction and Disclosure Register and system activity logs where available);
    - the number of requests for footage;
    - the number of complaints;

- how many times footage has been released, to whom, for what reason, and who authorised the release; and
- a summary of maintenance issues.

## 6.3. Review Cycle

- 6.3.1. It is recognised that, from time to time, circumstances may change leading to the need for minor administrative alterations to this Policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples include updating to the latest style/template for policies, a change to the name of a Council department or applicable responsible position, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact.
- 6.3.2. Any change or update which materially alters this policy must be by resolution of Council.
- 6.3.3. This policy will be reviewed and updated at least once every four years, unless one of the following occurs first:
- Significant changes to legislation applicable to this policy
  - Upon request of the Council.

## 7. Definitions

In this policy -

Authorised User	Officers and other individuals authorised by the Manager Governance to have access data/footage from a Surveillance Device
Body Worn Cameras	A wearable audio, video or photographic surveillance device.
Corporate CCTV System	Where one or more Surveillance Devices are used to monitor facilities that include Public Places such as Council offices, pools, libraries, performing arts centres and waste management facilities and includes Body Worn Cameras and vehicle tracking devices. These are managed by Council directly.
Complaint	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.

Complaint handling process	The way individual complaints are dealt with by a public body including the policy, procedures, practices and technology.
Council	Latrobe City Council
Disclosure	Access to and disclosure of surveillance data to third parties.
IPP	Information Privacy Principles from the <i>Privacy and Data Protection Act 2014</i> (Vic)
Law Enforcement Agency	Means any agency (including a regulatory agency) that is charged under applicable law with the enforcement of legislation of the State of Victoria or the Commonwealth of Australia.
Passive monitoring	Where surveillance monitors are intermittently viewed by operators
Public place	<p>In accordance with the <i>Summary Offences Act 1966</i>, a public place includes:</p> <ul style="list-style-type: none"> <li>• any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare even if it is on private property</li> <li>• any park, garden reserve or other place of public recreation or resort</li> <li>• any railway station, platform or carriage</li> <li>• any public vehicle available for hire</li> <li>• any government school</li> <li>• any market.</li> </ul> <p>For the purposes of this policy, this definition also includes places owned, managed or controlled by Latrobe City Council to which the public are permitted to have access, such as council offices and other buildings and locations, including sport, leisure and recreation facilities.</p>
Public Safety CCTV System	Where one or more Surveillance Devices are used to discourage and detect antisocial and criminal behaviour in Public Places. Victoria Police will have direct access to monitor and review footage from these systems.

Retrospective review	Where surveillance data is reviewed after an incident.
Surveillance Device	In accordance with the <i>Surveillance Devices Act 1999</i> , surveillance devices include the following: <ul style="list-style-type: none"> <li>• Data Surveillance Devices</li> <li>• Listening Devices</li> <li>• Optical Surveillance Devices (visually records or observes an activity)</li> <li>• Tracking Devices</li> <li>• Body Worn Cameras</li> </ul>
Trail (or temporary) Cameras	Individual cameras that are portable and operate video and still photography utilised for surveillance.

## 8. Related Documents

This Policy must be read in conjunction with the following Council Policies:

- *Citizen Confidentiality and Privacy Policy*
- *IT Security Framework*
- *Records Management Policy*

The following procedural internal working documents are also applicable:

- *Standard Operating Procedure: Electronic Surveillance*
- *Body Worn Video Camera Procedure*

## 9. Reference Resources

- *Security and Privacy of Surveillance Technologies in Public Places – Victorian Auditor-General’s Office - September 2018*
- *Closed Circuit Television in Public Places – Guidelines - Victorian Ombudsman – November 2012*
- *Guidelines to surveillance and privacy in the Victorian public sector – Commissioner for Privacy and Data Protection – May 2017*
- *Guide to developing CCTV for Public Safety in Victoria – Department of Justice and Regulation – June 2018*
- *Surveillance Devices Act 1999*
- *Summary Offences Act 1966*
- *Evidence Act 2008*
- *Privacy and Data Protection Act 2014*

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*

## **10. Appendices**

- *Nil*

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