

LATE ITEM 7.3 - Security Camera Privacy Management Policy CM03.29CP and Security Camera Privacy Management Guideline CM03.29GL.01

Executive Officer: Chief Executive Officer

Item Author: Governance Officer

File Reference: 05/14/005; 04/15/004

Attachments

1. Security Camera Privacy Management Policy CM03.29CP.
 2. Security Camera Privacy Management Guideline CM03.29.GL.01.
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Executive Summary

The Security Camera Privacy Management Policy and Guideline aim to provide a framework for Council business units to utilise CCTV or surveillance cameras for security purposes as well as discharging Council's obligations with respect to privacy legislation. They also assist to protect Council property and provide safety for employees.

Chief Executive Officer's Recommendation

That Council adopt the Security Camera Privacy Management Policy CM03.29CP and Security Camera Privacy Management Guideline CM03.29.GL.01 be noted.

Previous Council Considerations / Resolutions

Nil.

Purpose of Report

This report provides Council with information relating to the security camera privacy management system.

The proposed documented Policy and Guideline address the privacy considerations of Council using CCTV surveillance cameras which will help ensure compliance with the requirements of the *Information Privacy Act*, clarify responsibilities and ensure consistency in decision making of operational practises.

Budget/Financial Implications

Not applicable.

Strategic Implications

Operational Plan

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: 3.1.4 Deploy innovative information and communication technology solutions that meet contemporary standards and ensure business continuity

Legal / Statutory Implications

Any collection, storage, use or disclosure of personal information are subject to provisions of the *Information Privacy Act 2009*.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Legal Compliance and Liability Council has a legal responsibility to comply with Privacy legislation and secure storage, access and controlled release of any camera footage.	Moderate	Likely	High	Adoption of the proposed policy and guideline is to ensure compliance with legislative requirements which will mitigate potential breaches of the Information Privacy Act 2009 with respect to CCTV footage, body-worn camera and any mobility devices.	Medium

Conclusion

This Policy and Guideline has been developed to provide a framework for employees and contractors with respect to adhering to the Information Privacy Principles as outlined in the *Information Privacy Act 2009*.

Consultation

Consultative sessions were conducted with King & Co Solicitors, various Council areas, such as Information Services, Property and Operations, Health Building and Environment and Office of Information Commissioner.



COUNCIL POLICY CM03.29CP

SECURITY CAMERA PRIVACY MANAGEMENT POLICY

OBJECTIVES

The objectives of this Policy are:

1. To provide a framework for Council business units wishing to utilise CCTV or surveillance cameras for security purposes with respect to Council property or for employee and contractor/s safety.
2. To ensure Council employee and contractors discharge Council's obligations with respect to privacy and other legislation governing the use of CCTV and surveillance cameras for security purposes, particularly with reference to the Information Privacy Principles.
3. To provide a framework for the use of portable cameras undertaking regulatory, compliance and law enforcement tasks.
4. Facilitate safeguards for the community in public spaces and strive to make Scenic Rim region a safe place to live, work and play.

POLICY STATEMENT

Council is committed to:

1. Protecting the privacy of individuals by handling footage collected by Council through CCTV or other fixed and mobile surveillance cameras for security purposes (security cameras) in accordance with its obligations under the *Information Privacy Act 2009*, *Information Privacy Regulation 2009*, *Public Records Act 2002* and *Invasion of Privacy Act 1971*.
2. Providing framework for business units to implement appropriate security cameras to protect high risk Council assets, employees and contractors, and to facilitate a procedure for monitoring compliance with Local Government Acts and other appropriate state and federal legislation.

DEFINITIONS

CCTV: Closed circuit television systems which film an area in real time and display the footage on a screen located internally. This footage may be stored in some way.

Collection Notice: A notice where security cameras are being used or installed stating that footage is being collected, the purpose of the collection and that the footage will be held in accordance with the *Information Privacy Act 2009*.

Information Privacy Principles: The Information Privacy Principles are contained in the *Information Privacy Act 2009*.

Local Government Act: A Local Government Act is an Act as defined in the *Local Government Act 2009*. It is noted that the definition is currently contained in Schedule 4 (Dictionary) of the *Local Government Act 2009*.

Security Camera: A CCTV or Surveillance Camera System.

Surveillance Camera: A surveillance camera may be fixed or mobile and used to record stills or footage of a specific area or thing.

Body-Worn Camera: Is a wearable camera system incorporating an audio and video, or photographic recording system used to record events when employees or contractors are performing their duties.

RELATED DOCUMENTS

- (a) *Information Privacy Act 2009 (Qld)*
- (b) *Information Privacy Regulation 2009*
- (c) *Public Records Act 2002(Qld)*
- (d) *Invasion of Privacy Act 1971 (Cth)*
- (e) *Work Health Safety Act 2011 (Qld)*
- (f) *Queensland State Archives 2010 (Qld)*
- (g) *Evidence Act 1977 (Qld)*
- (h) *Criminal Code 1899 (Qld)*
- (i) *Queensland State Archives 2010 (Qld)*
- (j) Body-Worn Camera Policy CM03.24CP
- (k) Body-Worn Cameras Procedure CM03.25PR
- (l) Australian Standard As4806.1-2006 & S4806.2-2006
- (m) Security Camera Privacy Management Guideline CM03.29CP

This Policy supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular Theme - Open and Responsive Government.

Area of Focus: *Plan, develop and implement high-quality customer-focused services.*

Adopted By:

SCENIC RIM REGIONAL COUNCIL
8 July 2019

Version Information

Version No.	Date	Key Changes
1	08/07/2019	New Policy in accordance with Council's Policy Framework



OBJECTIVES

The objectives of this Guideline are to:

1. Provide Guidance to all Council employees and contractors who install, operate, maintain or store CCTV footage, body-worn cameras and surveillance cameras, whether fixed or mobile devices.
2. Ensure Council employees discharge their obligations with respect to privacy and other legislation governing the use of CCTV footage, body-worn cameras and surveillance cameras for security purposes, particularly with reference to the Information Privacy Principles.

SCOPE

This Guideline applies to all Council owned, implemented or approved security cameras and camera footage, and mobile or fixed surveillance cameras and must be followed in respect to installing, viewing or releasing security camera or surveillance footage.

GUIDELINE RESPONSIBILITIES

Council must comply with the Information Privacy Principles when collecting, storing, accessing or releasing security footage or risk breaching the *Information Privacy Act 2009*.

The Information Privacy Principles contained in the *Information Privacy Act 2009* provide an overarching framework for handling personal information, which is directly relevant to the use of surveillance camera by local governments.

The installation of all fixed security cameras must be implemented in accordance with Security Camera Implementation Guideline (**Attachment B**), which refers to the relevant Information Privacy Principles. A register of existing fixed surveillance and mobile surveillance cameras will be kept by Property and Operations.

Council must comply with the Information Privacy Principles such as manner and purpose of collection of footage, collecting information directly from individuals, collecting information generally, storage and security, access and amendment of data, information use is relevant and how information is to be disclosed.

1. INFORMATION REQUEST FORM

The collection of security camera footage must have a specified purpose, which is included in attachment C 'Information Request Form.' Acceptable purposes include:

- 1.1 Public or employee and contractor safety;
- 1.2 Council asset security; and
- 1.3 Monitoring for the purpose of Local Laws or other legislative enforcement.

1.4 A Collection Notice must be provided to notify the general public that security camera footage is being collected where permanent fixed cameras are installed or where mobile cameras are installed for public or employee and contractor safety or for Council asset security such as the small animal facility.

1.5 A Collection Notice must be provided by the way of clear signage, which is to be placed in a visible areas where cameras are in use. It must also advise the public that their personal information will only be accessed by persons who have been authorised to do so. This information may be provided to the Queensland Police Service for investigation and or prosecution purposes. The information will not be given to any other person or agency unless required by law.

1.6 A sample Collection Notice is attached to this Policy (**Attachment A**). Collection notices should be provided to Governance for review prior to the establishment of any camera systems.

2. STORAGE OF SECURITY CAMERA FOOTAGE

Security camera footage must be appropriately secured against loss and misuse, as well as unauthorised access, use and disclosure. Security measures should include:

- 2.1 Lockable area for monitoring room and/or data storage areas;
- 2.2 Viewing screens should be placed where the general public or employees that aren't authorised cannot see the footage being recorded;
- 2.3 Requiring passwords to view, access or copy any footage and ensuring computers/programs are logged out of when not in immediate use;
- 2.4 Establish a procedure and or clear rules about access, including;
 - o Giving access to certain positions who must monitor and record footage as part of their responsibilities;
 - o Maintaining a register to record who accessed the footage and when it was accessed;
 - o Maintaining clear protocols for providing the footage to others (e.g. when and how footage will be provided to law enforcement bodies). Any release of footage has to be authorised by Governance via a completed information request form.

3. USE OF FOOTAGE

Security camera footage must only be used for the following reasons:

- 3.1 For the purpose it was collected or a directly related purpose;
- 3.2 If satisfied on reasonable grounds that the use is necessary for a law enforcement or compliance activity carried out by a law enforcement agency or to prevent or lessen a serious threat to an individual or the public;
- 3.3 If its use is authorised or required by law.

4. LIMITS ON USE AND DISCLOSURE

Disclosure of security camera footage to a third party can only be provided in the following circumstances:

4.1 If the individual captured by the camera was reasonably made aware this would occur (for example, there was a collection notice posted near the camera that said the disclosure could occur);

4.2 If the disclosure is authorised or required by law;

4.3 If satisfied on reasonable grounds that the disclosure is necessary for a law enforcement activity being carried out by a law enforcement agency or to prevent or lessen a serious threat to an individual or the public;

4.4 All footage releases and requests are coordinated by Governance and are made in accordance with the Information Request Form (ATTACHMENT C). The respective requests are lodged in person or by official email;

4.5 When the respective footage is released, it must be accompanied by a record of receipt (**Reverse of Attachment C**); or

4.6 Releasing footage without first contacting Governance may constitute a significant breach of the Employee Code of Conduct and constitute grounds for disciplinary action.

5. DELETION OF FOOTAGE

The *Public Records Act 2002* governs when a public record can be deleted. Security camera surveillance footage should be managed in accordance with the Queensland State Archives General Retention and Disposal Schedule for Administrative Records.

6. DEFINITIONS

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Body Worn Camera: Is a wearable camera system incorporating an audio and video, or photographic recording system used to record events when employees or contractors are performing their duties.

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RELATED DOCUMENTS

1. *Information Privacy Act 2009* (Qld)
2. *Information Privacy Regulation 2009* (Qld)
3. *Public Records Act 2002* (Qld)
4. *Queensland State Archives 2010* (Qld)
5. *Work Health Safety Act 2011* (Qld)
6. *Invasion of Privacy Act 1971* (Cth)
7. *Evidence Act 1977* (Qld)
8. *Criminal Code 1899* (Qld)
9. Australian Standard AS4806.1-2006 and AS4806.2-2006
10. Security Camera Privacy Management Policy CM03.29CP
11. Body-Worn Camera Policy CM03.24CP
12. Body-Worn Cameras Procedure CM03.25PR
13. Security Camera Implementation Checklist (Attachment A)
14. Security Camera Collection Notice (Attachment B)
15. Security Camera Information Request Form & Receipt (Attachment C)

This guideline supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular Theme - Customer and Regional Prosperity.

Approved by:

Jon Gibbons
Chief Executive Officer
8 July 2019

Version Information

Version No.	Date	Key Changes
1	08/07/2019	New Guideline in accordance with Council's Policy Framework

ATTACHMENT A: SECURITY CAMERA IMPLEMENTATION CHECKLIST

The below checklist must be completed in accordance with this guideline and returned to Governance prior to implementation of CCTV or surveillance cameras.

Criteria	Rationale/Response
Why are you implementing CCTV or Surveillance Cameras?	
Why are you proposing to implement CCTV or surveillance cameras?	
How does this purpose relates to a function or activity of Council?	
How does the use of camera surveillance achieve the identified purpose?	
Are there are other options that could achieve the identified purpose more effectively than camera surveillance, or that could be used alongside camera surveillance to make it more effective?	
Is your CCTV or Surveillance Camera system fit for purpose?	
Are the cameras located and positioned so that they only view areas relevant to the intended purpose? Describe location/attach sketch.	
Are the cameras located and positioned in a way that will not intrude to an unreasonable extent on the privacy of individuals, for example, by avoiding private property or an entrance to a doctor's office? Describe any potential issues.	
Are the cameras capable of capturing the required image size and quality necessary to achieve the intended purpose? Provide specifications.	
Are notice requirements being met?	
Is there prominent signage that notifies individuals of the reason and legislative authority (as appropriate) for using camera surveillance, and any entities to which the agency usually discloses footage? Specify the location(s) of signage and attach a copy.	
Is it clear that Council owns and operates the camera surveillance system?	
Can the community easily find out further	

information about how your agency handles personal information captured via camera surveillance including the potential to access footage?	
Has your agency's list of personal information holdings been updated to include camera surveillance footage from the relevant location?	
Is footage collected by cameras sufficiently secure?	
What safeguards in place to protect control rooms or areas where monitoring of camera surveillance occurs?	
What safeguards are in place to protect stored footage?	
Does your procedure refer to the standardised access process for access granted to footage?	
Are you proposing to use a cloud-based service to store camera footage?	
Are the servers are located overseas (even where the provider is an Australian company)?	
If the servers are located overseas, notify Governance immediately as there are requirements regarding the transfer of personal information outside Australia?	
Do the security measures applied by the cloud service provider provide an adequate level of protection?	
When is footage deleted?	
Is camera surveillance footage regularly overwritten or otherwise disposed of when it is no longer required by your agency?	
Is information on your agency's retention and disposal of camera surveillance footage communicated to the community?	
Does your agency have a process for ensuring compliance with IPP 10/NPP 2 when it wishes to use camera surveillance footage for a purpose other than that for which it was initially obtained?	
Disclosure of Footage	
Have you familiarised yourself with the CCTV and Surveillance Camera Privacy Management Policy - conditions camera surveillance footage	

may be disclosed to third parties?	
Are you aware of the policies and procedures for individuals to request access to camera surveillance footage that includes their images?	
Are you aware that requests for footage by law enforcement/for law enforcement activities must be 'reasonably necessary' and the steps that must be taken to make a record of this disclosure?	
Are you proposing to outsource management of the camera surveillance system?	
Will the contracted service provider in any way deal with personal information for your agency, or involve an exchange of personal information between your agency and the contracted service provider?	
If yes, have you taken all reasonable steps to contractually bind the contracted service provider to compliance with the privacy principles?	

Section Proposing Installation of CCTV/Surveillance Cameras to Complete:

Signed by (A/)Manager: _____ Date: _____

ATTACHMENT B: SECURITY CAMERA COLLECTION NOTICE

A collection notice must be provided where security cameras operate to discharge Council's responsibilities under the *Information Privacy Act 2009* to take reasonable steps in making individuals aware of the purpose and authority for collecting personal information and whether this information will be disclosed.

Notices should appear in at minimum A5 size and be placed in a prominent place. The below notice is a draft example notice only and notices should consider the Corporate Style Guide. Notices should be tailored to the purposes associated with the collection of footage.

Notice should be provided to allow members of the public to know about surveillance system before they are close enough to be captured and should prevent claims the surveillance is occurring unfairly. Signs should also identify that Council operates the cameras.

The Scenic Rim Regional Council operates cameras in this area. The information collected is being utilised for the purpose of public safety, crime detection and prevention together with ensuring the safety of Scenic Rim Regional Council assets and employees.

Your personal information will only be accessed by persons who have been authorised to do so. This information may be provided to the Queensland Police Service for investigation and or prosecution purposes.

Your information will not be given to any other person or agency unless authorised or required by law.

Your personal information is handled in accordance with the Information Privacy Act 2009. For further information please contact the Scenic Rim Regional Council on 5540 5111.

ATTACHMENT C: INFORMATION REQUEST FORM



Scenic Rim Regional Council
PO Box 25, Beaudesert Qld 4285
Beaudesert Administration Centre
Tel: 07 5540 5111 Fax: 07 5540 5103
mail@scenicrim.qld.gov.au
www.scenicrim.qld.gov.au

Information Request Form

Applicant Details:

Name		Rank		Qld Police Registered No	
Region		District		Station	
Email		Phone		Fax	
I certify that this information is reasonably necessary pursuant to the Information Privacy Act 2009 (Qld) (IP Act) under Section 11(1)(c) (d) or (e) of Schedule 3 of the Act.					
Applicant's Signature				Date	

Requested footage and reason for request:

Date of Incident	/ /				
Time of Incident	At / between	hrs	and	hrs	
Description of Incident					
Reason why information is necessary for the investigation					

RECORD OF RECEIPT

The IP Act provides that personal information must not be disclosed outside an agency unless one of the permitted exceptions applies. SRRC will assess on a case by case basis whether an exception applies to this request.			
Record of Receipt			
Received by:		Rank/Position:	
Signature:		Date:	
Restriction of use of disclosure: In accordance with IPP 11(3) in Schedule 3 of the Information Privacy Act 2009 (Qld) SRRC requires that you must not use or disclose the information disclosed to you for a purpose other than the purpose for which it was disclosed.			

Internal Use only

Authorisation			
Date request received	/ /	Received by:	
Approved for release:	Yes / No		
Name of Authorising Officer:			
Signature:		Date:	