

# City of Kingston Public and Corporate CCTV Systems Program

## Code of Practice

Last updated August 2019

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## **1. OVERVIEW**

### **1.1 Key Principles**

- 1.1.1. This Code of Practice sets out standards by which the City of Kingston's Public and Corporate CCTV Program (the program) will be conducted.
- 1.1.2. The Code is based on 12 key principles. In each section the key principle is stated with subsequent explanatory information.
- 1.1.3. The key principles are:

#### **Principle 1**

The program will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

#### **Principle 2**

The program will operate with due regard to the privacy and human rights of individual members of the public. This includes individuals' rights to freedom of religious and political expression and assembly.

#### **Principle 3**

The public interest in the operation of the program will be recognised by ensuring Standard Operating Procedures protect the security and integrity of the system.

#### **Principle 4**

The City of Kingston has primary responsibility for compliance with the purposes and objectives of the program; for the maintenance, management and security of the program and the protection of the interests of the public in relation to the program.

#### **Principle 5**

The City of Kingston will be accountable to the community for the effective operation and management of the program.

#### **Principle 6**

The community will be provided with clear and easily accessible information in relation to the program.

**Principle 7**

Regular monitoring and evaluation of the program will be undertaken to identify whether the purposes and objectives are being achieved.

**Principle 8**

Access to rooms or cabinets housing CCTV systems will be restricted and protected from all unauthorised entry.

**Principle 9**

Information recorded will not exceed that necessary to fulfill the purpose of the program.

**Principle 10**

Information will be obtained fairly and in accordance with the privacy provisions of the program.

**Principle 11**

Access to and retention of recorded material will only be allowed for the purposes set out in this Code, the MOU with Victoria Police and the related Standard Operating Procedures. Recorded material will be held for a period no longer than is required for the purpose of the program.

Recorded material may also be accessed or obtained through the provisions of the Freedom of Information Act 1982 and/or via a duly authorised subpoena.

**Principle 12**

Contact between Council, Victoria Police and third parties in relation to the program, will be conducted strictly in accordance with this Code of Practice.

## **2. PRELIMINARY INFORMATION**

### **2.1 Introduction**

The City of Kingston recognises that fear of crime impacts on the actual and perceived safety of residents within the municipality. The City of Kingston develops a Municipal Public Health and Wellbeing Plan every Council term (4 years) that includes action to improve safety for the Kingston community.

### **2.2 City of Kingston CCTV program**

The City of Kingston's Public and Corporate CCTV systems aim to reduce crime and anti-social behaviour whilst improving actual and perceived levels of safety within the municipality. They are operated in partnership with Victoria Police.

### **2.3 Code of Practice**

The Code of Practice and Standard Operating Procedures must be adhered to collectively. The Code of Practice sets the policy direction for the CCTV program. The Standard Operating Procedures provide operational guidance to Council officers, third parties and Victoria Police members who use CCTV systems.

### **2.4 System Description, Camera Design and Locations**

The City of Kingston owns multiple CCTV systems in various forms. Please see Schedule 2 in the MOU (HPE 19/8035) for a complete list of cameras.

### **2.5 Accountability for the Program**

The City of Kingston is the owner of the program. Council has ownership and copyright of all recorded information pertaining to the program. The Council's responsibilities in relation to the program are outlined in section five (5), and in the MOU established with Victoria Police.

Victoria Police partners with Council in delivering the program. The responsibilities of both agencies are outlined within this Code of Practice, the Standard Operating Procedures and the MOU between the parties. The MOU outlines in detail the roles and responsibilities of both parties.

### **3. CHANGES TO THE PROGRAM AND/OR CODE OF PRACTICE**

- 3.1 A minor change to the program or the Code of Practice may be made by Council Officers. A minor change may be required for the purposes of adjustment of the program or clarification of the Code of Practice.
- 3.2 A major change to the program or the Code of Practice may be made only after consultation with the CCTV Steering Committee. A major change is one which will have a significant impact upon the operation of the program or the Code of Practice.
- 3.3 The Manager Community Buildings has been appointed by the Chief Executive Officer of the City of Kingston to operationalise Council's CCTV Systems in accordance with the Law.

### **4. OBJECTIVES**

**Principle 1**

The program will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code of Practice.

**Principle 2**

The program will operate with due regard to the privacy and human rights of individual members of the public. This includes individuals' rights to freedom of religious and political expression and assembly.

**Principle 3**

The public interest in the operation of the program will be recognised by ensuring operational procedures protect the security and integrity of the system.

- 4.1 The key objectives of the program are:

1. To assist in the prevention of:
  - Graffiti
  - Assault
  - Anti-social behaviour
  - Violence

- Burglary
  - Drug & Alcohol consumption
  - General property damage
  - Litter dumping
2. Improve actual and perceived levels of safety within the City of Kingston.
  3. To assist Victoria Police in the detection and prosecution of offenders.
  4. Provide a safe and secure environment for those who live, work and visit the City of Kingston.
  5. Promote safe community access and use of public spaces.
  6. As a line of enquiry for Victoria Police, Council Authorised Officers, and third parties under legal agreement.

## 5. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM

### Principle 4

The City of Kingston has primary responsibility for compliance with the purposes and objectives of the program; for the maintenance, management and security of the program and the protection of the interests of the public in relation to the program.

- 5.1 The City of Kingston has the primary responsibility for achieving the purpose and objectives of the program. The City of Kingston must also protect the interests of the public in relation to the program.
- 5.2 The City of Kingston will be responsible for:
  - Managing contracts for all installation, servicing, maintenance and replacement of all program equipment;
  - Day to day management of the program;
  - Stakeholder consultation with regard to implementation and on-going operation of the program;
  - Overseeing all monitoring, review, auditing and evaluation processes for the program;
  - Promoting the program and providing information to the public and other agencies about its operations;
  - Working with Victoria Police and other agencies/service providers to ensure all staff are adequately trained for monitoring purposes;

- Develop and monitor all Policies, Protocols and Grievance Processes in relation to the Program.

## 6. ACCOUNTABILITY

### Principle 5

The City of Kingston will be accountable to the community for the effective operation and management of the program.

- 6.1 The CCTV Program must comply with all applicable legislation including the *Privacy and Data Protection Act 2014* and the Freedom of Information Act 1982.
- 6.2 The City of Kingston has established a CCTV Steering Committee to oversee compliance. The committee will:
- Oversee the implementation of the CCTV System and ongoing management, including evaluating requests for additional CCTV cameras and making recommendations to Council on the commissioning or decommissioning of Council's CCTV systems;
  - Develop and implement an agreed monitoring and evaluation framework to ensure system objectives as outlined in the MOU are being achieved;
  - Report on the management of the CCTV System and ensure adherence to this MOU, Council's Code of Practice, Standard Operating Procedures, and the Law;
  - Promote public confidence in the CCTV System by ensuring its operations are transparent and subject to public scrutiny; and
  - Make recommendations to Council and Victoria Police to improve the integrity of the CCTV System.
- 6.3 The CCTV Steering Committee will be made up of 6 representatives, with the following membership structure:
- A senior local representative of Victoria Police and other Victoria Police representatives as required;
  - the Manager Community Buildings;
  - the Manager Compliance and Amenity;
  - the Community Wellbeing Officer; and
  - any other relevant Council Officers.
- 6.4 The Steering Committee will provide an annual report to Council on the performance of the program.
- 6.5 The Community Wellbeing Officer will also provide executive support to the Steering Committee.



## 7. PUBLIC INFORMATION

### Principle 6

The community will be provided with clear and easily accessible information in relation to the program.

- 7.1 In accordance with Legislation, clearly visible signs will be displayed around a perimeter area where CCTV cameras are operating. These signs will:
- Inform the public that CCTV cameras are in operation;
  - Allow all people entering the area to make a reasonable approximation of the area covered in the program; and
  - Identify The City of Kingston as the operator of the system. Information including a contact phone number will be provided, to facilitate customer enquiries about the system.

Fake CCTV signs, where there are no operational cameras, will not be installed.

- 7.2 Copies of this Code of Practice and information access policies will be made available for viewing to the public upon request.
- 7.3 Inquiries in relation to the program and its operation can be made in writing to:

CCTV Program  
City of Kingston  
P.O. Box 1000  
MENTONE VIC 3194

Alternatively, contact 1300 653 356 or email: [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au).

## 8. ASSESSMENT OF THE CCTV PROGRAM

### Principle 7

Regular monitoring and evaluation of the program will be undertaken to identify whether the purposes and objectives are being achieved.

- 8.1 The City of Kingston will regularly monitor and evaluate the program to ensure that it is achieving its intended purpose and objectives.

- 8.2 The CCTV Steering Committee will evaluate and review the performance of the program.
- 8.3 The CCTV Steering Committee will report on, and make recommendations to rectify, any divergence from the purposes and objectives of the program.
- 8.4 The results of the review may be taken into account in the future functioning, management and operation of the CCTV Program.

## 9. MANAGEMENT OF CONTROL ROOMS

### **Principle 8**

Access to rooms or cabinets housing CCTV systems will be restricted and protected from all unauthorised entry.

- 9.1 Council Officers, Victoria Police, and third parties must adhere to the *Privacy and Data Protection Act 2014*, this Code of Practice, the Standard Operating Procedures and the MOU/legal agreement between parties, when operating a control room/cabinet when acting in a monitoring capacity.

## 10. CONTROL AND OPERATION OF CAMERAS

### **Principle 9**

Information recorded will not exceed that necessary to fulfill the purpose of the program.

### **Principle 10**

Information will be obtained fairly and in accordance with the privacy provisions of the program.

- 10.1 The location of cameras will not be hidden to the public.
- 10.2 The use of cameras will be in accordance with this Code of Practice, the MOU with Victoria Police and the related Standard Operating Procedures.

- 10.3 Cameras will not intentionally be used to look into adjacent or nearby private dwellings or buildings, unless it is explicitly for the purpose of following (in real time) alleged participants in a crime, which originated in the public domain. Any misuse will be treated as a breach of this Code.
- 10.4 “Dummy”/fake cameras will not be used.
- 10.5 Only nominated Council staff, authorised Victoria Police members, contractors with responsibility for servicing, maintenance and staff training, or a third party under a legal agreement that requires the third party to comply with the requirements of *Privacy and Data Protection Act 2014* (PADA) will have access to the equipment and operating controls.
- 10.6 Operators of camera equipment will act in accordance with the highest standards of probity.
- 10.7 Authorised users will be made aware that all recordings are subject to a routine audit by the CCTV Steering Committee and may need to justify their interest in a particular member of the public or premises.

## 11. RECORDED MATERIAL

### Principle 11

Access to and retention of recorded material will only be allowed for the purposes set out in this Code, the MOU with Victoria Police and the related Standard Operating Procedures. Recorded material will be held for a period no longer than is required for the purpose of the program.

Recorded material may also be accessed or obtained through the provisions of the Freedom of Information Act 1982 and/or via a duly authorised subpoena.

- 11.1 Access to and use of recorded material will only take place:
- In compliance with the needs of Victoria Police, in connection with the investigation of a crime;
  - In compliance with the needs of The City of Kingston Authorised Officers, in connection with the investigation of a crime or anti-social behaviour;
  - In compliance with the needs of The City of Kingston Authorised Officers or a third party for the security of a Council facility, provision of security arrangements for lone staff/users and supporting operational activities;
  - If necessary, for the purpose of legal proceedings;

- When required by a duly authorised subpoena;
  - Under the provisions of the Freedom of Information Act 1982; and
  - As otherwise required or permitted by law.
- 11.2 Recorded material will not be sold or used for commercial purposes or for the provision of entertainment.
- 11.3 The showing of recorded material to the public or the use of recorded material by the media will only be allowed once approval is given by the City of Kingston's Chief Executive Officer and in keeping with Council's policies and procedures, this Code of Practice and the *Privacy and Data Protection Act 2014*.
- 11.4 Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- 11.5 All recorded material may be subject to random inspection by the CCTV Steering Committee.
- 11.6 Recorded material will be treated according to legislation and relevant standards, to provide continuity of evidence and to avoid contamination of evidence.
- 11.7 City of Kingston staff involved with the program are required to adhere to the Council's internal policies and the Staff Code of Conduct.
- 11.8 Recorded information will be kept on hard drive for a period no longer than 31 days. Footage removed under application may be kept for as long as is required.

## **12. BREACHES OF THIS CODE**

### **Principle 12**

Contact between Council and Victoria Police in relation to the program, will be conducted strictly in accordance with this Code of Practice.

- 12.1 The City of Kingston has prime responsibility for ensuring that the Code of Practice is adhered to. That responsibility includes ensuring that breaches of the Code are investigated and remedied, to the extent that such breaches of the Code are within the ambit of the City of Kingston's power to remedy.
- 12.2 All personnel involved in the program have a responsibility to adhere to the Code of Practice.

- 12.3** Complaints in relation to any aspect of the management, operation or monitoring of the program may be made in writing to:

CCTV Program  
City of Kingston  
P.O. Box 1000  
MENTONE VIC 3194  
Telephone: 1300 653 356  
Email: [info@Kingston.vic.gov.au](mailto:info@Kingston.vic.gov.au)

The *Privacy and Data Protection Act 2014* authorises the Victorian Information Commissioner to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Office of the Victorian Information Commissioner (OVIC). OIVC contacts details are:

Office of the Victorian Information Commissioner (OVIC)  
PO Box 24274  
Melbourne Victoria 3001  
Australia  
Telephone: 1300 006 842  
Email [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

- 12.4** The City of Kingston will cooperate with the investigation of any complaint by Office of the Victorian Information Commissioner (OVIC).