

### 5.3 **CCTV POLICY** (RP: F19-2914)

Responsible Senior Officer: Jarrod Doake, Chief Operating Officer

#### **RECOMMENDATION**

*That Council adopts the attached CCTV Policy.*

#### **INTRODUCTION**

Council at its 31 August 2021 meeting, as part of its resolution to accept State Government funding for the purchase and installation of CCTV cameras in the Oakleigh Activity Centre, resolved as follows:

*That Council:*

...

- *Notes the use of CCTV for the real-time monitoring of people activity is inconsistent with Council's current use of CCTV cameras and that the policy for the use of CCTV cameras will undertake a review and amendment to ensure that all policies and procedures are compliant with current regulations in Victoria.*

#### **BACKGROUND**

Prior to Council's decision to accept the State Government funding for the Oakleigh Activity Centre, the use of CCTV was governed by an internal operating procedure. This procedure did not cover real-time monitoring of people activity. The attached draft Council policy has been developed to guide the lawful use of CCTV, including real-time monitoring of people activity, and will be supported by internal operating procedures which will be adopted and maintained by the administration.

#### **POLICY IMPLICATIONS**

The Victorian Auditor General audited CCTV usage at five Victorian Councils in 2018. Two fundamental requirements were identified, i.e. (1) *appropriate management and oversight* and (2) *adherence to privacy and data protection requirements*. These are still relevant. However a third, (3) *adherence to gender equity requirements*, must now be added.

#### **CONSULTATION**

Council's decision to accept the State Government funding for CCTV cameras in the Oakleigh Activity Centre was made following community consultation (see further discussion of the consultation results under Gender Impact Assessment below). The results of this consultation informed the development of the attached draft *CCTV Policy*, which ensures that CCTV is implemented in a lawful manner.

### ***SOCIAL IMPLICATIONS***

CCTV is increasingly used across metropolitan Melbourne to monitor people activity. There are varying views about the effectiveness of CCTV in preventing offences, particularly those of a violent nature perpetrated by individuals under the influence of alcohol or drugs. However, there is little doubt that access to CCTV footage may assist the Police in their efforts to identify the perpetrators and deliver justice to victims and the broader community. At the same time, CCTV raises challenges which must be addressed to protect the rights of those whose activity is being monitored. The attached draft *CCTV Policy* (see Attachment One) seeks to achieve an appropriate balance between these competing issues (see comments below under Human Rights Considerations, Privacy, and Gender Impact Assessment).

### ***HUMAN RIGHTS CONSIDERATIONS***

Twenty fundamental rights are protected under the *Charter of Human Rights and Responsibilities Act 2006* (the “Charter”). Of these twenty, the human right which is potentially negatively impacted by the use of CCTV is the right to *privacy and reputation*. Section 7(2) of the Charter states that a “human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors...”.

In the case of CCTV, at a minimum it plays an important role in assisting police to identify perpetrators and deliver justice to victims and the broader community, and may well do more. Therefore, the use of CCTV is demonstrably justified. What is then required are appropriate safeguards to ensure that CCTV footage is not misused to unlawfully infringe of the human right of *privacy and reputation*. The attached draft *CCTV Policy* includes such safeguards.

### ***PRIVACY***

Images of identifiable people on CCTV footage is *personal information* under the *Privacy & Data Protection Act 2014* (PDPA). As such, Council’s treatment of these images is governed by the Information Privacy Principles (IPPs) under the PDPA. Council can only collect personal information for a lawful purpose, use it for that purpose or a secondary purpose which the individual whose information was collected would reasonably expect, and disclose it under specified circumstances.

Of relevance here is disclosure to law enforcement agencies. This is lawful where the disclosure is necessary for “the prevention, detection, investigation, prosecution or punishment of a criminal offence or breaches of a law imposing a penalty or sanction”. The attached draft *CCTV Policy*

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provides safeguards to ensure that Council's use, collection and disclosure of CCTV is lawful.

#### ***GENDER IMPACT ASSESSMENT***

A gender impact assessment has been undertaken as part of this work because this policy is considered to have a direct and significant impact on the Monash community (see Attachment Two).

The GIA undertaken for this exercise draws heavily on one undertaken on the community consultation for "the installation of CCTV cameras in the Oakleigh Activity Centre for Victoria Police Surveillance" in August 2021. In order to understand any gendered, age and culturally diverse differences in the community's views on the proposal, both the survey and telephone questions were disaggregated for these cohorts. There were some slight gendered differences in the results, including that more men believed that real-time monitoring of CCTV would invade their privacy compared to women, however more men were also supportive of Council assets and resources such as CCTV cameras being used for the real-time monitoring and surveillance of people movement, activity, and behaviour by Victoria Police compared to women. More women than men would feel uncomfortable accessing public spaces and areas with real-time monitoring of CCTV. Generally, more men than women were supportive of the proposal to install CCTV, noting that nearly two thirds of women were in support. All of Council's Advisory Committees including the Gender Equity Advisory Committee and Multicultural Advisory Committee were briefed on the community consultation and were provided with the consultation details to ensure diverse voices were represented in the results.

A clear majority of both men and women support real-time monitoring, and presumably appropriate use of CCTV in other contexts. However, a significant proportion of women indicated that real-time monitoring of public places would make them uncomfortable. This reinforces the insights from work, such as that undertaken by the Victorian Auditor General in 2018, which emphasises the need for appropriate management and oversight and adherence to privacy and data protection requirements.

This leads to the most important insight arising from the GIA. It is necessary for the draft *CCTV Policy* to include the requirement that a GIA be conducted every time a new CCTV system is implemented or an existing installation significantly altered. This will ensure that any potential gendered impacts which arise in Council's use of CCTV are given due consideration and addressed.

#### ***FINANCIAL IMPLICATIONS***

The financial implications of adopting the attached draft *CCTV Policy* can be met within the existing budget.

**CONCLUSION**

Adoption of the attached draft *CCTV Policy* will allow Council to maximise the benefits of CCTV, while at the same time managing any risks. In particular, the policy actively addresses (1) *appropriate management and oversight*, (2) *adherence to privacy and data protection requirements*, and (3) *adherence to gender equity requirements*. Its adoption by Council is recommended.