

Public Place CCTV Network

Code of Practice

CITY OF PORT PHILLIP

December 2020



AMENDMENT RECORD

Issue No.	Issue Date	Description of Amendment
1	29/07/2016	Original
2	7/12/2018	Update
3	9/08/2019	Update
4	13/09/2019	Update
5	22/12/2020	Update

INTRODUCTION

1. The City of Port Phillip aims to enhance safety within the municipality which includes through the appropriate application of Closed-Circuit Television (CCTV) surveillance and monitoring systems.
2. The primary intention of the public place CCTV network is to support the role of Victoria Police to discourage and detect unlawful behaviour in in public places.
3. This document details the Code of Practice that will be applied to the management of any public place CCTV installed and maintained by the Port Phillip Council. The system will be operated by and the footage will be owned by Victoria Police.
4. The installation of CCTV responds to feedback from Victoria Police, local traders, other council partners and our community. The installation of public place CCTV is part of a suite of crime prevention activities in the City.

STATEMENT OF PURPOSE

5. The Public Place CCTV network will promote the utilisation of incident response, crime management, surveillance, and other legitimate policing functions.
6. Public Place CCTV in Port Phillip is intended to provide an increased level of safety by providing surveillance of high pedestrian locations and high congregation “hot spots”.
7. This Code of Practice applies to the operation of public place CCTV systems owed by the City of Port Phillip to record in public places and monitored by Victoria Police under the terms of a Memorandum of Understanding (MoU) between Victoria Police and the Port Phillip City Council.
8. The purpose of the Public Place CCTV Program area to:
 - assist in reducing crime levels
 - assist Police in determining response to criminal activity or activity that impact on people’s perception of safety within the municipality
 - assist in the detection and prosecution of offenders
 - support and promote a safe City for all.
9. The Code of Practice will ensure that Council’s Public Place CCTV Program is operated within applicable legislation and only for the purposes for which it is established while protecting the privacy and civil liberties of civilians.
10. The purpose and scope of the Public Place CCTV Program may be amended as subsequently determined in accordance with this Code of Practice.
11. The public interest in operation of the Public Place CCTV Program will be recognised by ensuring the security and integrity of operational procedures.
12. Victoria Police may only use Council owned cameras under the Public Place CCTV Program in accordance with the signed MoU.
13. The intended use of the cameras is to monitor individuals, groups, or locations when the CCTV operator (Victoria Police) believes that an offence has been committed, is being committed, or is about to be committed in the monitored area.
14. The City of Port Phillip is determined to ensure that the cameras are used for their designed purpose and individual privacy is protected.
15. Only authorised users are permitted to operate the Public Place CCTV Network and these users must comply with this Code of Practice, agreed operating protocols, and the Privacy and Data Protection Act 2014.

CCTV USE

16. Ownership of the program, responsibilities, and accountability.

City of Port Phillip

17. As owner of all Public Place CCTV Systems, Port Phillip City Council is responsible for compliance with the Policy and protection of interests of the public in relation to the CCTV and the effective operation and management of the Program.
18. Council is responsible for this Code of Practice and for ensuring compliance with the Code.
19. Council will provide information to the public on its website about the operation of the Public Place CCTV Program and about any proposed major amendment to the program or Code of Practice.
20. Council has given authority to Victoria Police, via a MoU, to operate the CCTV system in and around specific public places.
21. Council may request from Victoria Police the right of inspection of all CCTV facilities, procedural documentation, files, registers, records, and live or recorded material for analysis, maintenance or during reviews associated with the Public Place CCTV Program.
22. Council will:
 - Manage all contracts for design, installation, servicing, maintenance, and replacement of all CCTV equipment
 - Own the CCTV system infrastructure excluding the footage
 - Oversee monitoring by Victoria Police, review, auditing, and evaluation of the Program
 - Work with Victoria Police and Council's contractor to ensure all responsible personnel are adequately trained.

Victoria Police

23. Under the MoU, Victoria Police are under no obligation to continually monitor the Public Place CCTV Network.
24. As a partner to Council's Public Place CCTV Program, Victoria Police has agreed to act in accordance with this Code of Practice and the MoU.
25. Police monitoring will be carried out in accordance with CCTV policies and operational requirements, for specific command and control use, targeting specific crime operations, conducting any law enforcement function or activity or for dealing with such situations as, but not limited to, the following:
 - emergencies (for example fires and floods)
 - explosive incidents
 - hazardous materials
 - siege or hostage situations
 - sporting or entertainment events
 - crowd control
 - terrorist incidents
 - any other incident which may impact on the safety, security, protection, and wellbeing of the public
26. The Station Commander is responsible for the activities of Victoria Police staff and their use of the system. Victoria police are responsible for:
 - operating the CCTV system
 - ownership and management of the CCTV footage
 - maintaining close liaison with the City of Port Phillip
 - ensuring that use of the system by Victoria Police staff is professional and in accordance with the Victoria Police Manual and Code of Conduct
 - review of third-party requests for special privacy consideration in relation to sensitive sites
 - notifying Council of any damage or fault with the system
 - the exchange of data in the precinct to assist the Council to evaluate the effectiveness of the CCTV system

CCTV Contractor(s)

27. The contractor(s) engaged by Council are authorised to provide camera equipment, information technology, training to police personnel and maintenance for the camera network.

The Station Commander will ensure that the CCTV protocols are complied with and have day to day responsibility for the management of the operations of the Public Place CCTV Network.

DATA PROTECTION - PRIVACY PRINCIPLES

28. The Commissioner Guidelines to surveillance and privacy in the Victorian public-sector provides twelve guiding principles for surveillance use. Council recognise that surveillance practices have the potential to impinge upon individuals' privacy if the appropriate steps are not taken to uphold this right. This code of practice responds directly to these principles as follows:

Principle 1

Surveillance use must always be necessary, proportionate and for a legitimate purpose related to the activities of the organisation.

- In keeping with the MoU with Victoria Police, the Public Place CCTV Network will support only legitimate policing functions in the form of incident response, crime management and surveillance.
- Police will have sole use of the system and perform only functions that are necessary, proportionate and for a legitimate purpose related to the activities of crime prevention and investigation.
- All Council owned Public Place CCTV Systems will respond to identified issues where outcomes substantially outweigh any intrusion on privacy and are proportionate to the problem being addressed.

Principle 2

Individuals are entitled to a reasonable expectation of privacy in public places.

- Council will take advice from Victoria Police and CCTV experts in relation to camera placement and where possible refrain from surveillance in places where individuals may reasonably expect to have a degree of privacy.
- Default (rest positions) of cameras will not be set on private property.
- Victoria Police will be available to members of the public, business owners and local services on a case-by-case basis within the camera precinct to explain the system and respond to privacy concerns.
- Council will work with contractors to facilitate adjustments of the system when advised by Victoria Police to support privacy adjustments.

Principle 3

Surveillance operators must assess the impact of the proposed surveillance before it is undertaken.

- Surveillance proposal and camera placements will be informed by crime statistic assessments, community feedback and be in-keeping with the advice of Victoria Police.
- The proposed installation or removal of CCTV cameras in public locations will be the subject of an initial written crime assessment and will be determined by the Public Place CCTV Audit Committee in consultation with relevant stakeholders.
- Any changes relating to the installation or removal of CCTV cameras will be approved by Council's Executive Group in consultation with Council.
- The City of Port Phillip will provide clear and accessible information in relation to the operation of the Public Place CCTV Program. Communication will come in the form of signage informing community that:
 - cameras are operating in the area covered by the CCTV system
 - identify Council as the owner of the Public Place CCTV Program
 - provide a contact telephone number for enquiries relating to the CCTV cameras.
- Copies of the Code of Practice (this document) will be made available to the public upon request and on Council's website.
- Designated Council officer will be available to respond to community questions around the Public Place CCTV Program and its operation through the Open Space, Recreation and Community Resilience portfolio.

Principle 4

Surveillance use must be consistent with applicable laws and standards.

- Council has entered a MoU with Victoria Police who have the legal authority under their own legislation to collect, use and disclose personal information for the purpose of a surveillance program.
- In addition to the Personal Data Protection Act, there are other pieces of Victorian legislation applicable to the Public Place CCTV Program. These include, but are not limited to:
 - Surveillance Devices Act 1999
 - Public Records Act 1973
 - Freedom of Information Act 1982
 - Charter of Human Rights and Responsibilities Act 2006.

Principle 5

Surveillance activities should be governed by policies, operating procedures, and agreements.

- The Public Place CCTV Network - Code of Conduct, the MoU between Council and Victoria Police, and standard operational procedures provide direction for the operation of the Public Place CCTV Program. These inform:
 - how information captured by surveillance activities
 - the purpose of the surveillance program
 - what information is collected and how it is used and stored
 - who is permitted to access the information
 - the roles that are responsible for the management of surveillance activities
 - the protocols to be followed for ensuring the security of information and for how long the information will be retained
 - who the appropriate contact is within the organisation, should staff or members of the public have questions about the program
 - processes for receiving complaints and managing privacy breaches.

Principle 6

Surveillance operators should undergo privacy training prior to use.

- Victoria police officers with authority to operate surveillance equipment, handle the information captured, or oversee a surveillance program will undergo privacy training.

Principle 7

Surveillance operators must take reasonable steps to inform individuals of the use of surveillance devices.

- Council will ensure that appropriate signage is placed on entry to the precinct and around the area under surveillance to inform individuals that they may be under observation.
- Signage informing community that:
 - cameras are operating in the area covered by the Public Place CCTV System
 - identify Council as the owner of the Public Place CCTV Program
 - provide a contact telephone number for enquiries relating to the CCTV cameras
- Copies of the Code of Practice
 - made available to the public upon request and on Council's website.
- Designated contact
 - a delegated officer will be available to respond to community questions around the Public Place CCTV Program and its operation through the Open Space, Recreation and Community Resilience portfolio.

Principle 8

The right of individuals to access their personal information should be respected.

- Council recognise the intent of The Freedom of Information Act 1982 which covers individual's right of access to information held about them by public sector organisations. Through the MoU with Victoria Police, it is understood that all requests to access information will be determined through the Victoria Police's Freedom of Information processes in determining whether it is appropriate to provide individuals with access to the information they are seeking.

- Requests from the public relating to criminal matters will only be considered by the Station Commander, who will advise the applicant of the appropriate process.

Principle 9

Reasonable steps should be taken to secure equipment and protect information gathered through surveillance activities

- Council recognise that data security is a critical component of any surveillance program. Access to the use of recorded material will only take place:
 - In compliance with the needs of Victoria Police in connection with the investigation of a crime
 - If necessary, for legal proceedings
 - When required by a duly authorised subpoena
 - Under the provisions of the Freedom of Information Act 1982
 - As otherwise required or permitted by law.
- Any incident or data downloaded from the Public Place CCTV Network by Victoria Police will be managed in accordance with the Commissioner for Law Enforcement Data Security Act 2005 (CLEDS) standards and the Victoria Police Manual. Recorded material will not be sold or used for commercial purposes or the provision of entertainment. All requests for information regarding the Public Place CCTV Network operations must be referred to the Station Commander as appropriate.

Principle 10

Disclosure of information gathered through surveillance activities should only occur where necessary for the stated purpose, or for a law enforcement purpose.

- Access application requests to Council relating to non-criminal matters will be referred to the Station Commander, who will advise the applicant of Victoria Police Freedom of Information processes.
- Monitoring officers will not provide any information involving camera network operations to the media or to any person not authorised to receive it. Security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss, or destruction of recorded material.

Principle 11

Information gathered through surveillance activities should be deleted once it is no longer required.

- All recorded material will be treated according to legislation and standards, to provide continuity of evidence and to avoid contamination of evidence.
- Council staff involved in the Program will not have access to data and are required to adhere to the City of Port Phillip's internal policies and Code of Conduct.
- 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 required.

Principle 12

Effective review and audit mechanisms should be in place to ensure legal requirements and policies are complied with, and that the program is meeting its intended objectives.

- The City of Port Phillip has established the Public Place CCTV Audit Committee which meets twice a year to monitor and evaluate the operation and effectiveness of the Program and identify opportunities for improvement.
 - Council is responsible for ensuring that the Public Place CCTV Network is monitored and evaluated to ensure that the program is meeting its aims and objectives.
 - The Manager of Open Space, Recreation and Community Resilience will oversee the monitoring and evaluation of the Public Place CCTV Program, to ensure that the operations of Council's public CCTV systems comply with the MoU, Code of Practice and Public Place CCTV Policy.
- The functions of the monitoring and evaluation process will include:
 - To provide a continuous review mechanism for the Program.
 - To identify and report any deviations from policies or procedures.
 - Ensure that all standard operating procedures are reviewed, consistent with all sites,

- approved by the Policy owner and communicated.
- To recommend actions that will safeguard and enhance the Public Place CCTV Program.

MANAGEMENT OF COMMUNICATIONS ROOM

29. Only personnel trained and authorised by Victoria Police will operate any of the equipment located within the CCTV control room or other equipment associated with the Public Place CCTV Network. Authorised and trained personnel of Victoria Police will be responsible for monitoring and operating the CCTV cameras and will act with the utmost probity. Use of the cameras will accord with the purposes and key objectives of the system and shall follow the CCTV protocols. Every individual with any responsibility under the terms of the CCTV protocols will be subject to Victoria Police discipline procedures. Any breach of the CCTV policies, protocols or of any aspect of confidentiality will be dealt with in accordance with those procedures.

CONTROL AND OPERATION OF THE CAMERAS

30. Use of the cameras will be in accordance with the MoU for the operation of CCTV cameras in public CCTV precincts.
31. Operation of the Public Place CCTV Network will be in accordance with all standard operating procedures and internal policies. Cameras will not intentionally be used to look into adjacent or nearby private residential property, 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 to this Code.
32. Approved contractor staff will have access to the communications room, with the authority of the Station Commander, to undertake installation, maintenance, and testing of the system. Operators of the system will act in accordance with the highest standards of probity and in accordance with the CCTV policies and protocols.

ACCESS TO AND SECURITY OF THE COMMUNICATION ROOM

33. Access to the communication room will be restricted and protected from all unauthorised access. The media shall not have access to the CCTV Network or Communication Room under any circumstances at any time.

RECORDED MATERIAL

34. Council recognise that data security is a critical component of any surveillance program.
- Refer to Data Protection Principles 8,9 and 10.

INCIDENTS

35. Incidents recorded by the Program will be categorised as follows:
- Low Level Incident. A low-level incident is a crime, incident, safety hazard, event, or suspicious activity that is adversely affecting, or may adversely affect public safety in a camera zone, or otherwise involves the Council and/or Police.
 - Standard Incident. A 'standard incident' is any situation involving damage or injury to a person or property, or any situation where damage or injury to a person or property is threatened and/or where in the opinion of a Monitoring Officer, an illegal act is being committed, or there is a high degree of likelihood that an illegal act may be committed.
 - Major Incident. A 'major incident' is any situation involving riots and serious public disorder, natural disaster, serious road, or construction accidents within a camera zone, or otherwise involving large scale police operations.

COMPLAINTS

36. All matters of public complaint regarding the Public Place CCTV Network presented to Council must be referred to the Program Manager in the first instance for investigation and response. The Program Manager will decide whether the complaint should be brought to the attention of the Station Commander. The Station Commander will then determine police response and if the Victoria Police Freedom of Information Officer is engaged.
- Refer to Data Protection Principles 8,9 and 10.

BREACHES OF THE CODE

37. The City of Port Phillip and Victoria Police have responsibility for ensuring that the Code of Practice is adhered to. The responsibility includes insuring that breaches of the Code are investigated and remedied to the extent to which the breaches are within the ambit of the City of Port Phillip's power to remedy. All personnel involved in the Program have responsibility to adhere to the Code of Practice.
- Complaints in relation to any aspect of the management, operation or monitoring of the system may be made in writing to:
 Manager Open Space, Recreation and Community Resilience
 Private Bag 3
 PO ST KILDA
 VIC 3182
 - The Information Privacy Act 2000 authorises the Victorian Privacy Commissioner to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy Victoria:
 Privacy Victoria GPO Box 5057 MELBOURNE 3001 Phone: 1300 666 444 Email: enquiries@privacy.vic.gov.au

DEFINITIONS

Access application	A request by any person seeking to view CCTV images in Victoria Police possession, and to be submitted to Victoria Police for approval.
Authorised user	Users authorised by Victoria police to utilise CCTV systems in accordance with this Code of Conduct. Includes Victoria Police authorised users.
CCTV incident, daily check, and maintenance logs	Documents available at all CCTV data storage locations which must be completed by an Authorised User in the event of: <ul style="list-style-type: none"> an incident maintenance and/or repairs, or the disclosure of recorded images occurring
CCTV Network	The physical camera system including CCTV cameras, antennas, monitoring, recording equipment and data management equipment.
Contractors	Security representative authorised to provide camera equipment, information technology and maintenance for the camera network. May assist with training and maintenance.
Control Room	Located at St Kilda Police Station and accessible via Police Headquarters Station, where Police may view real time CCTV footage.
Memorandum of Understanding (MoU)	The formal agreement between Victoria Police and Port Phillip Council relating to the operation of the Public Place CCTV Program.
Program Manager	Council representative with designated responsibility to manage the Public Place CCTV Network and ongoing partnerships with Victoria Police in relation to public surveillance.

Public Place CCTV Program	The camera network and all its components including policies, protocols, codes of practice, standard operating procedures and management arrangements.
Public Space	Any place to which the public has access as of right or by invitation, whether express or implied and where no charge is made for admission to the place.
Station Commander	Victoria Police representative who is the senior supervisor of the police facility hosting any part of the camera network, such as monitors, and/or digital recording equipment.

ACRONYMS

CCTV	Closed Circuit Television camera
CLEDS	Commissioner for Law Enforcement Data Security Act (2005)
MOU	Memorandum of Understanding

ACKNOWLEDGEMENTS

Council have drawn learnings from:

- The Office of the Victorian Information Commissioner. Guidelines to surveillance and privacy in the Victorian public sector.
- Gippsland Shire: Public space closed circuit television surveillance code of practice
- Wollongong Council: CCTV Code of Practice

APPENDIX 1 - CCTV Camera Locations

Fitzroy Street Precinct

- The Upper Esplanade at the end of Fitzroy Street
- Corner of Acland Street and Fitzroy Street
- Opposite Park Street
- Two cameras at the corner of Jackson Street and Fitzroy Street
- Adjacent to tram stop 133, down from Canterbury Road
- Corner of Canterbury Road and Fitzroy street.

Little Grey Street Precinct

- Corner of Fitzroy Street and Grey Street, St Kilda
- Corner of Grey Street and Little Grey Street, St Kilda
- Corner of Little Grey Street and George Lane, St Kilda
- Little Grey Street, St Kilda
- Grey Street, St Kilda (in between Jackson Street and Eildon Road, St Kilda)
- Corner of Grey Street and Burnett Street, St Kilda
- Corner of Dalgety Street and Princes Street, St Kilda
- Corner of Fitzroy Street and Princes Street, St Kilda

St Kilda Foreshore

- North corner area of Sea Baths buildings
- Between south corner area of Sea Baths building and north of grass plaza
- South of grass plaza to the north of Stokehouse building
- South corner area of Donovans restaurant to the north of tiered decking area
- South of the tiered decking area to the north of Shakespeare Grove extension.
- Foreshore facing Cavell Street and Shakespeare Grove.
- St Kilda Life Saving Club facing the St Kilda Triangle carpark

Acland Street Precinct

- Palais Theatre and Luna Park
- Talbot Reserve
- Intersection of Acland Street and Carlisle Street
- Intersection of Acland Street and Shakespeare Grove
- Acland Street Plaza
- Intersection of Acland Street and Belford Street
- Intersection of Barkly Street and Carlisle Street

APPENDIX 2 – Public Place CCTV Camera Location Map

