

# Guiding principles for closed circuit television checklist



Program	Mordialloc Creek CCTV Pilot Program
Organisation	Department of Energy, Environment and Climate Action (DEECA)
Date	25/10/2024

## Legitimate aim

Question	Response	Guiding Principle
<p><b>How does the surveillance connect or relate to the organisation's functions or activities?</b></p> <p><i>Any surveillance that collects personal information must only be done where it is necessary for a specific function or activity. Describe how it relates to the functions or activities of the organisation.</i></p>	<p>The installation of CCTV cameras relates to DEECA's community safety responsibilities, and obligations to maintain DEECA's assets. CCTV cameras are an effective strategy to deter anti-social behaviour and criminal activity.</p>	2.1
<p><b>How will the organisation ensure personal information collected through surveillance is only used for the purpose for which it was collected?</b></p> <p><i>Describe the policies, practices, or procedures that exist to ensure use is limited.</i></p>	<p>DEECA is limiting access to footage to select officers of the Mordialloc Creek Project Team. The software requires staff to log in using unique logins.</p> <p>DEECA has lodged a Memorandum of Understanding (MoU) with Victoria Police to enable sharing of footage in the event of an alleged criminal act on site.</p>	2.2

## Necessity

Question	Response	Guiding Principle
<p><b>Why is the surveillance necessary to achieve the legitimate and lawful aim identified?</b></p>	<p>Installation of CCTV cameras is necessary to the achieve the aims outlined in point 2.1. DEECA has received reports of vandalism, theft and anti-social behaviours. CCTV is considered an effective 24/7 deterrent</p>	<p><b>3.1</b></p>
<p><b>Is it reasonable and practicable to collect the information directly from the individual, instead of using surveillance?</b></p> <p><i>If yes, the information should not be collected through surveillance.</i></p>	<p>No.</p> <p>It is not possible to collect personal information from individuals directly. Reports of vandalism, theft and anti-social behaviours are increasing in the areas the system will monitor. The CCTV cameras will monitor and record any individual that crosses into their line of sight only. Personal information will not be collected as part of footage being captured. Residential areas will not be monitored by CCTV.</p>	<p><b>3.2</b></p>

## Proportionality

Question	Response	Guiding Principle
<p><b>Has the proportionality of the surveillance required in the particular circumstances been considered?</b></p> <p><i>Surveillance should be proportionate to the desired aim or outcome, to ensure the surveillance is carried out in a way that is least likely to impact on privacy and human rights. Surveillance should be limited to the least intrusive acts, practices, or methods necessary and only target relevant individuals. Alternative methods or strategies to achieve the desired aim or outcome should be considered.</i></p>	<p>The CCTV cameras will focus on DEECA assets and Crown lease and licenced areas within the Pompei's landing precinct. The CCTV will focus on these assets and will endeavour to minimise capturing footage of individuals not interacting with these assets and areas.</p> <p>DEECA believes the installation of the CCTV cameras is an important method to effectively monitor and reduce breaches of law in the identified areas.</p> <p>DEECA has investigated alternative options, including increasing patrols of officers, and increasing lighting at night. While these options may be implemented, they are not considered as effective 24/7 CCTV deterrents.</p> <p>The use of CCTV cameras is a cost-effective method of deterrence.</p>	<p><b>4.1, 4.2, 4.3</b></p>

## Privacy Safeguards

Question	Response	Guiding Principle
<p><b>What steps are taken to provide individuals with notice of the surveillance?</b></p> <p><i>Where personal information is collected through surveillance, reasonable steps must be taken to provide individuals with notice.</i></p>	<p>Wherever CCTV cameras are installed, signage is also installed indicating they are in 24/7 operation, that they belong to DEECA, a contact number for enquiries, and storage and disposal of footage information.</p> <p>DEECA has informed all Mordialloc Creek lease and licence holders via its monthly newsletter of the installation of CCTV.</p>	<p><b>5.2</b></p>
<p><b>Are policies and records in relation to the surveillance use published, including the purposes of surveillance and how collected personal information is used?</b></p>	<p>Yes.</p> <p>DEECA details the locations of cameras, how and why they are used, and how footage is stored, used, disclosed, and destroyed on a website specific to the Mordialloc Creek CCTV Pilot Program. This website will be listed on the signage installed at the camera location.</p>	<p><b>5.3, 5.4</b></p>
<p><b>Are individuals able to make a request for access to personal information collected through surveillance?</b></p> <p><i>For example, through the Freedom of Information Act 1982 (Vic).</i></p>	<p>DEECA complies with its obligations under the <i>Freedom of Information Act 1982 (Vic)</i>.</p>	<p><b>5.5</b></p>
<p><b>Does a process exist to either de-identify or destroy personal information collected through surveillance when it is no longer required?</b></p>	<p>Yes.</p> <p>DEECA policy requires footage to be deleted within 30 days unless required for investigating an alleged breach of the law. The deletion process is automated and will be audited quarterly to ensure automatic deletion is occurring.</p>	<p><b>5.6</b></p>
<p><b>If the personal information is being de-identified, has the risk of re-identification been assessed?</b></p> <p><i>If the risk of re-identification cannot be reduced to very low, the information cannot be de-identified and should be destroyed when it is no longer required.</i></p>	<p>Footage will not be de-identified.</p> <p>DEECA policy requires footage to be deleted within 30 days unless required for investigating an alleged breach of the law. The deletion process is automated and will be audited quarterly to ensure automatic deletion is occurring.</p>	<p><b>5.7</b></p>
<p><b>Is information collected through surveillance anonymous (rather than personal information) wherever reasonably practicable?</b></p>	<p>By the very nature of capturing CCTV footage, personal information is recorded. It is not possible to record anonymous information.</p>	<p><b>5.8</b></p>



<p><b>Is any information sharing limited to the purpose for the surveillance being undertaken?</b></p> <p><i>Describe any information sharing that may or does occur and how it links to the purpose of surveillance being undertaken. A privacy impact assessment will assist to highlight areas of non-compliance.</i></p>	<p>CCTV footage is only shared with Victoria Police for the purposes of investigating a breach of the law. This is managed via a Memorandum of Understanding. Requests for access to CCTV footage are also processed lawfully under the FOI Act.</p>	<p><b>5.9</b></p>
<p><b>Is personal information collected through surveillance stored in Victoria or a jurisdiction with equivalent privacy protections?</b></p> <p><i>List other jurisdictions where personal information is held and explain why the protection is equivalent to Victoria, or why the transfer is otherwise permitted under IPP 9.</i></p>	<p>Our data servers are located on DEECA premises within Victoria. Footage will be accessed by select team members through DEECA issued smartphones and laptops. These are subject to DEECA security protocols and software protection and use unique log in details and passwords.</p> <p>DEECA will share footage only when requested via MoU by Victoria Police, or as required by State or Commonwealth law in jurisdictions with equivalent privacy protections.</p>	<p><b>5.10</b></p>
<p><b>What steps are taken to protect personal information collected through surveillance from being misused, lost, or accessed, modified, or disclosed by unauthorised persons?</b></p>	<p>The footage is stored on a secured hard drive and managed strictly in accordance with DEECA information security policies.</p> <p>Only select DEECA staff in the Mordialloc Creek Project Team can view the footage. Viewing the footage requires a unique login for each person and audit logs are retained. The footage will only be provided to Police when requested in relation to specific alleged criminal incidents. A MOU has been developed for this purpose.</p>	<p><b>5.11</b></p>
<p><b>What resourcing has been allocated to ensure all safeguards are considered and effective?</b></p> <p><i>Detail who is involved in the surveillance and their roles and responsibilities.</i></p>	<p>The CCTV cameras will be managed by DEECA staff in the project team who have been trained in its use. The project steering committee will meet on a regular basis to review the effectiveness of DEECA policies relating to CCTV.</p>	<p><b>5.1</b></p>

## Non-discrimination

Question	Response	Guiding Principle
<p><b>Is the surveillance non-discriminatory with respect to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status?</b></p> <p><i>Consider all stages of the information lifecycle, including any inferred information, and decisions made by the organisation that are based on the monitoring and analysis of surveillance data.</i></p>	<p>The CCTV cameras will record any individual who crosses into the cameras' field of view. When capturing footage, they do not discriminate based on any identified attributes.</p>	<p><b>6.1</b></p>

## Legality

Question	Response	Guiding Principle
<p><b>Is the surveillance lawful?</b></p> <p><i>Ensure any applicable legal restrictions in enabling legislation and other state and Commonwealth legislation has been considered. This includes consideration of the Information Privacy Principles in the Privacy and Data Protection Act 2014 and the Charter of Human Rights and Responsibilities Act 2006.</i></p>	<p>Yes.</p> <p>Commonwealth laws do not prohibit the installation of CCTV cameras in public spaces.</p> <p>A privacy impact assessment has been developed to ensure compliance with the <i>Privacy and Data Protection Act 2014</i>.</p>	<p><b>1.1, 1.3</b></p>
<p><b>Has a privacy impact assessment been undertaken?</b></p> <p><i>See OVIC's <a href="#">Privacy Impact Assessment Guide and Template</a>.</i></p>	<p>Yes.</p> <p>A privacy impact assessment has been developed to identify any risks and outline mitigation strategies required.</p>	<p><b>1.2</b></p>
<p><b>Is there a plan to periodically review the surveillance after implementation?</b></p> <p><i>Describe where this plan or policy is documented and can be found, and who is responsible.</i></p>	<p>Yes.</p> <p>DEECA requires programs to be reviewed periodically. In addition, these CCTV cameras will form part of DEECA's Mordialloc Creek CCTV Pilot Program maintained and managed by our project team. A steering committee will meet and review the Program regularly.</p>	<p><b>1.4</b></p>



## Complaints and remedy

Question	Response	Guiding Principle
<p><b>What processes exist to ensure individuals are aware they can complain to the organisation and/or the Information Commissioner where they believe their privacy has been interfered with?</b></p>	<p>Individuals can contact DEECA through the customer contact centre, via phone or email, or through the Mordialloc Creek CCTV Pilot Program web page. These details will be listed on the installed signage.</p> <p>Available contact will include the following details:</p> <p>General customer enquiries            136 186</p> <p>Customer email                            <a href="mailto:customer.service@delwp.vic.gov.au">customer.service@delwp.vic.gov.au</a></p> <p>Mordialloc Creek Project Team: <a href="mailto:Mordialloc.Creek@deeca.com.au">Mordialloc.Creek@deeca.com.au</a></p> <p>A specifically designed web/landing page will provide access to documents which relate to the CCTV Program.</p>	<p><b>7.1, 7.2</b></p>

## Recommendations / Action Items

	Recommendations / Action items
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