



WARRNAMBOOL CITY COUNCIL CCTV PROGRAM

Code of Practice

JANUARY 2021

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1. OVERVIEW

1.1 Key Principles

1.1.1. This Code of Practice contains the basic standards in accordance with which the Warrnambool City Council's CCTV Program will be conducted.

1.1.2. The Code is based on 13 key principles. In each section the key principle is stated with subsequent explanatory information.

1.1.3. The key principles are as follows:

Principle 1

The Warrnambool City Council's CCTV system 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 Warrnambool City Council's CCTV systems will operate with due regard to the privacy and civil liberties 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 Warrnambool City Council's CCTV systems will be recognised by ensuring the security, integrity and adherence of operational procedures.

Principle 4

The Warrnambool City Council in conjunction with Victoria Police have joint responsibility for compliance with the purposes and objectives of the Warrnambool City Council's CCTV systems, for the maintenance, management and security and the protection of the interests of the public in relation to the Program.

Principle 5

The Warrnambool City Council and Victoria Police will be accountable to the community for the effective operation and management of the Warrnambool City Council's CCTV systems.

Principle 6

The community will be provided with clear and easily accessible information in relation to the Warrnambool City Council's CCTV systems.

Principle 7

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

Principle 8

Access to control rooms will be restricted and protected from all unauthorised access.

Principle 9

Control room personnel will meet the highest standards of probity.

Principle 10

Information recorded will not exceed that necessary to fulfil the purpose of the CCTV Program.

Principle 11

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

Principle 12

The retention of, and access to recorded material will only be for the purposes provided by the CCTV Code of Practice and Protocols. 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 13

Contact relating to the Warrnambool City Council's CCTV Program between Council and Victoria Police will be conducted strictly in accordance with the Code of Practice.

2. PRELIMINARY INFORMATION

2.1 Introduction

The Warrnambool City Council recognises that fear of crime is an important factor impacting on actual and perceived safety of residents within the Municipality. The Warrnambool City Council aims to respond to local safety concerns, adopting a proactive approach to emerging issues identified by residents and visitors.

2.2 Warrnambool City Council CCTV program

The Warrnambool City Council's CCTV Program is Council's open-space CCTV system. It aims to reduce crime and anti-social behaviour whilst improving actual and perceived levels of safety within the municipality.

2.3 Code of Practice

This CCTV Program Code of Practice and Protocols must be adhered with collectively. The agreed Standard Operating Procedures (SOP's) are to be followed within their control room by Victoria Police.

2.4 System Description

Available on request.

2.5 Camera Design

Available for viewing upon request.

2.6 Camera Locations

A list with full camera locations is available upon request.

2.7 Accountability for the Warrnambool City Council CCTV Program

The Warrnambool City Council is the owner of the Warrnambool City Council's CCTV systems. Council has ownership and copyright of all recorded information pertaining to the systems. The Victorian Police manages the recorded information on behalf of Warrnambool City Council. Except for the maintenance and other agreed purposes Warrnambool City Council do not have access to the recorded footage without permission from the Victorian Police. The responsibilities of the Warrnambool City Council in relation to the CCTV Program are outlined in section five (5). Victoria Police are partners in the Warrnambool City Council CCTV Program. Their responsibilities are outlined within this Code of Practice.

A Memorandum of Understanding (MOU) will be entered into by the Warrnambool City Council and Victoria Police outlining in detail the role and responsibilities of both parties.

3. CHANGES TO THE WARRNAMBOOL CITY COUNCIL CCTV PROGRAM AND/OR CODE OF PRACTICE

3.1 A minor change to the Warrnambool City Council's CCTV Program or the Code of Practice may be made by the Warrnambool City Council Manager City Amenity. 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 Warrnambool City Council's CCTV Program or the Code of Practice may be made only after consultation and approval of Council's Chief Executive. A major change is one which will have a significant impact upon the operation of the CCTV Program or the Code of Practice.

4. OBJECTIVES

Principle 1

The Warrnambool City Council's CCTV 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 CCTV Program will operate with due regard to the privacy and civil liberties 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 CCTV Program will be recognised by ensuring the security, integrity and adherence of operational procedures.

4.1 The key objectives of the Warrnambool City Council's CCTV Program include:

- To assist in the prevention of:
 - Hoon Behaviour*
 - Vandalism*
 - Graffiti*
 - Anti-Social behaviour*
 - Drug & Alcohol consumption*
 - General property damage*
- Improve actual and perceived levels of safety within the Warrnambool City Council.
- To assist Victoria Police in the detection and prosecution of offenders.
- Provide a safe and secure environment for those who live, work and visit the Warrnambool City Council.
- Promote Community access and use of public spaces.

5. RESPONSIBILITIES OF THE OWNER OF THE PROGRAM

Principle 4

The Warrnambool City Council and Victoria Police have joint responsibility for compliance with the purposes and objectives of the CCTV 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 Warrnambool City Council and Victoria Police have joint responsibility for compliance with the purpose and objectives of the Program. Warrnambool City Council and Victoria Police must protect the interests of the public in relation to the CCTV Program.

5.2 Warrnambool City Council will be responsible for:

- Managing the contract for all installation, servicing, maintenance and replacement of all Program equipment;
- Providing “Train the Trainer” training for senior staff.

5.3 Victoria Police will be responsible for:

- Day to day management of the CCTV Monitoring Program.
- Overseeing all monitoring operations.
- Training their own staff in day to day operation of the system, maintain Police users of the system and system operational checks.
- Reporting of system faults to Warrnambool City Council.

5.4 Warrnambool City Council and Victoria Police will be jointly responsible for:

- Overseeing all review, auditing and evaluating processes for the Program;
- Stakeholder Consultation with regard to implementation and on-going operation of the Program;
- Promoting the Program and providing information to the public and other agencies about the operations of the Program;
- Ensuring staff are adequately trained for monitoring purposes;
- Developing and monitoring all Policies, Protocols and grievance processes in relation to the specific operations and responsibilities.

6. ACCOUNTABILITY

Principle 5

The Warrnambool City Council and Victoria Police will be accountable to the community for the effective operation and management of the CCTV Program.

6.1 The Warrnambool City Council and Victoria Police will report to a Committee regularly. The committee will:

- Provide an overview of the CCTV Program;
- Report any divergence from the Code of Practice, Protocols and MOU's;
- Identify further improvements and recommend actions to safeguard the CCTV Program from misuse;
- Request an investigation be undertaken by any party involved in the CCTV Program to identify divergences from, or breaches to, the Code of Practice, Protocols or MOU's;
- Request steps are undertaken by any party involved in the CCTV Program to rectify divergences from, or breaches to, the Code of Practice, Protocols or MOU's.

6.2 The Committee will be made up of representatives from Warrnambool City Council and Victoria Police.

6.3 The Warrnambool City Council CCTV Program must comply with all applicable Legislation including the Australian Standard AS 4806 Parts 1 -4 Information Privacy Act 2000 and the Freedom of Information Act 1982.

7. PUBLIC INFORMATION

Principle 6

The community will be provided with clear and easily accessible information in relation to the CCTV 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
- Identify the Warrnambool City Council as the operator of the system. Information including a phone number will be provided if further information should be required.

7.2 Copies of the Code of Practice and information access policies will be made available electronically on Council's website and hard copies made available for viewing to the public upon request.

7.3 Inquiries in relation to the Warrnambool City Council's CCTV Program and its operation can be made in writing to:

Warrnambool City Council
PO Box 198
WARRNAMBOOL VIC 3280

Alternatively, contact (03) 5559 4800.

8. ASSESSMENT OF THE CCTV PROGRAM

Principle 7

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

8.1 The Warrnambool City Council and Victoria Police will regularly monitor and evaluate the CCTV Program to ensure that it is meeting with the purpose and the objectives of the Program.

8.2 The Committee will evaluate and review the performance of the program.

8.3 The 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 control rooms will be restricted and protected from all unauthorised access.

Principle 9

Control room personnel will meet the highest standards of probity.

9.1 The Warrnambool City Council and Victoria Police will maintain stringent Standard Operating Procedures (SOP's) and internal policies to be adopted for their control room staff that address the following:

- All control room staff must be licensed, qualified at a suitable level on appointment and capable of meeting Victoria Police requirements;
- A procedure which is clear to staff that they risk disciplinary proceedings that may lead to termination of employment should they breach the provisions of the Code of Practice, any applicable Legislation, protocols and internal SOP's;
- Confidentiality during and after cessation of employment;
- System of supervision and on-going monitoring that ensures compliance with the Code of Practice, any applicable Legislation, protocols and internal SOP's.

9.2 Victoria Police must put in place procedures ensuring access to control rooms are restricted to operating staff and their managers. The rooms must be protected from unauthorised access.

9.3 Victoria Police must adhere to this Code of Practice and Protocols when acting in a monitoring capacity.

10. CONTROL AND OPERATION OF CAMERAS

Principle 10

Information recorded will not exceed that necessary to fulfil the objectives of the Program.

Principle 11

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

10.1 The location of cameras will not be hidden to the public.

10.2 The use of cameras will be in accordance with the CCTV Program as outlined in the Code of Practice and Protocols.

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 to this Code.

10.4 Only the Network Contractor, authorised Council staff and authorised Victoria Police members with the responsibility for using the equipment will have access to operating controls.

10.5 Operators of camera equipment will act in accordance with the highest standards of probity.

11. RECORDED MATERIAL

Principle 12

The retention of, and access to recorded material will only be for the purposes provided by the Code of Practice and Protocols. Recorded material will be held for a period no longer than is required for the purpose of the Program and as outlined in the standard operating procedures.

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 Warrnambool City Council Authorised Officers, in connection with the investigation of a crime;
- If necessary, for the purpose of legal proceedings;
- When required by a duly authorized subpoena ;
- Under the provisions of the Freedom of Information Act 1982;
- 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. Where recorded material has been removed in line with Police investigations, this footage and its release to media shall be the responsibility of the Victorian Police and or in line with the Victorian Police Policies and Procedures.

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.

11.6 Recorded material will be treated according to Legislation and Standards, to provide continuity of evidence and to avoid contamination of evidence.

11.7 Staff involved with the CCTV Program are required to adhere to the relevant Warrnambool City Council and Victoria Police Internal Policies and Code of Conduct where applicable.

11.8 Recorded information will be kept on hard drive for a period no longer than 30 days. Footage removed under application may be kept for as long as is required.

11.9 Any request for camera network imagery support relating to non-criminal matters

are to be directed to the Manager City Amenity, who will advise the applicant of the appropriate Freedom of Information processes.

Any request for camera network imagery relating to criminal matters should be reported to Victorian Police for investigation.

The Victorian Police FOI requests can be made to;
Freedom of Information Office
Victoria Police
637 Flinders Street
DOCKLANDS VIC 3008
Telephone: (61 3) 9247 6801
Email: foi@police.vic.gov.au

12. BREACHES OF THIS CODE

Principle 13

Contact relating to the CCTV Program between Council and Victoria Police will be conducted strictly in accordance with the Code of Practice.

12.1 The Warrnambool City Council has prime responsibility in ensuring that the Code of Practice is adhered to. The responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of the Warrnambool City Council's power to remedy.

12.2 All personnel involved in the CCTV 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 CCTV Program may be made in writing to:

Warrnambool City Council
PO Box 198
WARRNAMBOOL VIC 3280
Telephone: (03) 5559 4800

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 contacts details are as follows:

Privacy Victoria
GPO Box 5057
Melbourne Victoria 3001 Australia DX 210643
Telephone: 1300 666 444
Email enquiries@privacy.vic.gov.au

12.4 The Warrnambool City Council will cooperate with the investigation of any complaint by Privacy Victoria.