

# Privacy and CCTV

## A guide to the Privacy Act for businesses, agencies and organisations

### Summary of guidelines and checklist

#### 1 Deciding whether CCTV is right for you

- 1.1. Clearly identify what you need CCTV for. This is your **purpose** for using CCTV.
- 1.2. Carefully consider whether CCTV will actually meet your needs. Identify:
  - the existing problem you seek to address;
  - whether CCTV could address that problem and, if so, how; and
  - whether there are other alternative options available.
- 1.3. Think about whether it would be useful to consult with people who will be affected. If so, talk to them.
- 1.4. You should repeat the steps above when expanding existing CCTV systems, and at regular intervals during the life of a CCTV system.

#### 2 Have a clear plan

- 2.1 Develop a business plan for the CCTV system, setting out:
  - the purpose of the system;
  - the outcome/s that you expect;
  - the type of technology and equipment that will be used;
  - how the system will be operated; and
  - how privacy impacts will be minimised.
- 2.2 Where appropriate, consult with the community and other key stakeholders on your business plan.
- 2.3 Appoint a person to be responsible for the operation of the CCTV system.
- 2.4 Develop a clear policy on how images collected by CCTV will be handled. Make this policy easily accessible (for example, on your website).
- 2.5 Train staff in your policies and procedures for the CCTV system.

#### 3 Selecting and positioning cameras

- 3.1 Choose equipment which will achieve the purpose of your system in the most privacy friendly way.
- 3.2 Where feasible, also use 'privacy enhancing technologies'.
- 3.3 Position cameras in a way that will not intrude to an unreasonable extent on the privacy of individuals.

## **4 Make people aware of the CCTV**

- 4.1 Erect signs both near the CCTV cameras and at the perimeter of the CCTV system's range (before individuals enter the range of the cameras) to notify people that cameras are operating.
- 4.2 The signs should make clear who owns and operates the CCTV system and the contact details of that agency (if this information is not already obvious).
- 4.3 Make sure there is a full privacy notice on your website, or in hard copy at your reception desk, to let the public know more about the operation of the CCTV cameras. If you are installing a system with a major public impact (such as a local council scheme), put notices in the media.
- 4.4 Ensure your staff can answer questions from the public about the system.

## **5 Collecting only necessary images**

- 5.1 Limit the hours that the CCTV cameras operate to times where it is necessary (such as opening hours, or days and times during the week when crime peaks).

## **6 Using the CCTV images**

- 6.1 Take reasonable steps to check CCTV images are accurate, complete, relevant and not misleading before you use them.
- 6.2 Only use or disclose the images you collect with CCTV cameras for the original purpose you collected them.
- 6.3 Do not publicly disclose images collected using CCTV unless you have the consent of the individual(s) shown in the footage or you have consulted the Police.
- 6.4 Follow the policy you developed under guideline 2.4.

## **7 Storage and retention of images**

- 7.1 Ensure that CCTV images are protected from loss and unauthorised access, use, modification and disclosure.
- 7.2 Only keep CCTV images for a specified time. This time period must not be longer than is necessary to achieve your purpose.

## **8 Controlling who can see the images**

- 8.1 Ensure that the control or monitoring room is only accessible by authorised staff members.
- 8.2 Establish procedures for individuals to access images of themselves captured by your CCTV cameras.
- 8.3 Establish procedures for when and how you disclose your CCTV images to the Police.
- 8.4 Keep a log of all accesses to CCTV images by external parties.

## **9 Audit and evaluation**

- 9.1 Collect statistics about your CCTV system to allow you to assess its strengths and weaknesses.
- 9.2 After a year of operation and at regular intervals afterwards, evaluate the operation of the system to determine its effectiveness and continuing viability.
- 9.3 Do regular audits of your equipment and procedures to ensure the system is operating smoothly.
- 9.4 Check that your staff or CCTV operators are complying with your policies, and retrain as required.

## CCTV checklist for small businesses

This checklist is for small businesses that operate or intend to operate small CCTV systems of a low number of cameras. **You should review the checklist regularly.**

Before you start, you need to have identified a clear reason for having a CCTV system. This is your purpose – see Section 1 and Guideline 1.1 for more details.

Purpose				
<i>Relevant guidelines</i>	<i>Actions and practices</i>	<i>Date checked</i>	<i>By</i>	<i>Date of next review</i>
<b>Section 2</b> Guideline 2.3	<b>Responsibility:</b> There is a named individual who is responsible for the operation of the system.			
<b>Section 3</b> Guideline 3.1	<b>Equipment:</b> You have chosen CCTV cameras and other equipment that are suitable for your purpose (outlined above) and they are operating properly.			
<b>Section 3</b> Guideline 3.3	<b>Unintrusive camera locations:</b> The CCTV cameras are not located in places that intrude on the privacy of individuals (such as bathrooms, backyards, through windows etc).			
<b>Section 4</b> Guideline 4.2 and 4.3	<b>Signage:</b> There are visible signs showing that CCTV is in operation. Where it is not obvious who is responsible for the system, your name and contact details are displayed on the signs.			
<b>Section 5</b> Guideline 5.1	<b>Limits to time when cameras operate:</b> CCTV cameras only operate when necessary, such as during opening hours or days and times of the week when crime peaks.			
<b>Section 6</b> Guideline 6.2	<b>Use and disclosure of CCTV images:</b> You only use or disclose CCTV footage for the purpose outlined above and not for any other reason.			
<b>Section 7</b> Guideline 7.1	<b>Security of CCTV images:</b> Images are transmitted and stored securely.			
<b>Section 7</b> Guideline 7.2	<b>Limited retention periods:</b> Recorded CCTV images are kept for a specified time. This time period must not be longer than is necessary to achieve your purpose outlined above.			
<b>Section 8</b> Guideline 8.2	<b>Access to CCTV images by individuals:</b> Individuals can access CCTV images of themselves, but you also protect the privacy of others in the footage.			
<b>Section 8</b> Guideline 8.4	<b>Log of access:</b> You keep a log of who has accessed your CCTV footage, including access by individuals and the Police.			
<b>Section 9</b> Guideline 9.3	<b>Regular review:</b> You do regular checks to ensure the system is working properly.			