

Department of Justice and Attorney-General

CCTV Policy

Approval

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If you have any questions about this document or would like further information please contact Right to Information and Privacy on (07) 3227 7618 or RTIadministration@justice.qld.gov.au

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1. Purpose

This policy sets out a broad framework for the management of mobile and fixed Closed Circuit Television system (CCTV) cameras and recording devices and associated data at various Department of Justice and Attorney-General (DJAG) locations.

2. Policy Statement

DJAG is committed to protecting its wide range of assets, and to the safety and wellbeing of its staff and members of the public, and uses recording devices for these purposes. DJAG also uses recording devices to investigate and prevent crime and for prosecution purposes.

This policy provides information in relation to the procurement, operation and management of CCTV and associated footage within DJAG. In operating CCTV, DJAG will capture personal information in a range of formats. DJAG will ensure compliance with the *Information Privacy Act 2009* (the IP Act) and the Information Privacy Principles contained therein, such as how that personal information is collected, stored, used, or disclosed and subsequently disposed of.

This policy will generally be sufficient for the needs of all business units. Where it does not cover individual business unit needs, a CCTV policy addressing the differences must be created. Business units can contact Right to Information (RTI) and Privacy for assistance and further information on whether they require their own CCTV policy.

Please note, this policy does not cover devices which record audio. This includes devices which capture audio and images at the same time. Where a business unit makes use of these types of devices, a policy addressing the procurement, operation and management of those devices and associated footage must be created. Where business units are intending to use surveillance devices which capture audio, legal advice about the legal implications of this technology should be sought.

3. Principles

This policy sets out the principles of the operation of CCTV systems across DJAG. The operation of CCTV systems will be:

- in accordance with Australian legislative requirements and applicable laws;
- in a manner that considers privacy implications and the rights of members of the public and employees; and
- maintained and monitored in accordance with this policy.

All business units have responsibility to be aware of and ensure that they are complying with the relevant legislation in relation to CCTV. Further information on legislation and information management requirements which apply are located at paragraph 11.

4. Application

This policy applies to all permanent and temporary employees of DJAG, as well as contractors, subcontractors, employment agency staff, clients and work experience students and volunteers (who are defined as workers in the *Work Health and Safety Act 2011*) while working for DJAG.

5. Identifying CCTV system ownership

5.1 Usage and Ownership

CCTV systems in use across DJAG have various ownership and usage controls. This is due to the broad and varied nature of DJAG's work and responsibilities. DJAG maintains agreements with Building and Asset Services (BAS) at the Department of Housing and Public Works (DHPW) for the procurement and maintenance of CCTV cameras and recording devices operated within DJAG. Further information on procurement is outlined at paragraph 6.1.

CCTV operates in a range of DJAG facilities and all DJAG buildings. DJAG business units share responsibility for these systems depending on each business unit's purpose for the use of the CCTV cameras and other recording devices.

Information on the location of CCTV cameras and recording devices operating across DJAG is available from Facilities Services. A list is also available on the open data portal at <https://data.qld.gov.au/dataset/djag-cctv-devices>.

5.2 Co-location

CCTV systems in co-located buildings must be managed in accordance with this policy where the CCTV system is owned by DJAG. Where DJAG CCTV systems inadvertently capture images of other premises, or of individuals who are not accessing DJAG buildings or services, signage should be displayed to indicate that they may be recorded.

DJAG business units in co-located buildings should have their own co – located CCTV policy – a local policy. Such policies should be developed in consultation with other co-located entities and wherever possible in line with this policy. RTI and Privacy is available to assist and provide support and guidance on these policies to relevant business units. The local policy does not need to be extensive as this policy covers many of the general aspects related to the management of CCTV.

6. Procedures

6.1 CCTV Acquisition

DJAG procures CCTV systems through BAS, which comply with DHPW procurement policies and procedures¹. If a business unit has assessed a need for the procurement of CCTV systems, normal business processes must be followed which may include developing a business case for the purchase of the required equipment. Facilities Services will assess the request in collaboration with the business unit to ensure the appropriate needs are met.

Please contact Facilities Services by email at facilities.services@justice.qld.gov.au if you are unsure of your business processes or for further guidance on developing a business case for CCTV equipment.

Consultations with a security specialist may involve a risk assessment regarding CCTV camera placement. Facilities Services uses the information from the risk assessment to provide recommendations back to the business units outlining whether CCTV would be

¹ Agreements made with BAS subsequent to the formal release of this policy should include provisions to ensure that contracted services providers manage footage in accordance with this policy, as well as any individual business unit policy or local policy, if applicable.

appropriate. A combination of fixed and mobile recording devices may be identified and selected for different fields of view as required by business units.

Agreements made between DJAG and BAS will ensure that contractors hold and maintain appropriate qualifications and licences. Further, contractors will be bound by the provisions of the IP Act, and other relevant legislation where appropriate.

6.2 CCTV Maintenance

DJAG will ensure that agreements with BAS include provisions for maintenance as is usual practice. Facilities Services is responsible for negotiating agreements with BAS and for ensuring compliance with conditions. These agreements will outline a maintenance regime for CCTV cameras and surveillance devices which will ensure that:

- CCTV cameras and recording equipment are in fully functional working order
- clear, recorded vision from each camera is available at all times with records of down times
- log books are completed detailing maintenance undertaken.

Business units will regularly monitor and appraise the performance of the CCTV environment to ensure its proper management and operation. Business units are responsible for monitoring and removing obstructions and reporting faults to Facilities Services so that those issues can be rectified via internal processes.

Please report all maintenance matters whether they be related to periodic monitoring or an unexpected issue to Facilities Services by email at facilities.services@justice.qld.gov.au.

6.3 User access and security

User access to CCTV systems by officers and individuals working for or on behalf of DJAG will be monitored by the relevant business unit. Requests for a change of officer access to the CCTV systems must be sought from the relevant Director within each business unit who is responsible for the CCTV cameras in use. This includes new officers to DJAG whose roles require them to have access to DJAG CCTV systems. All CCTV monitoring software must be secured, with access to be controlled by role-based authorisation.

Some DJAG buildings and facilities may contain control rooms to allow real time monitoring of buildings and facilities. Officers must have authorisation as part of their role to access these control rooms and CCTV software.

6.4 Access by the Ethical Standards Unit

DJAG's Ethical Standards Unit (ESU) may require access to footage from CCTV systems and other recording devices as part of its investigation processes. The Executive Director of ESU is authorised by the Director-General to access such material for use as necessary in dealing with alleged corrupt conduct and misconduct.

6.5 Training and education

Business units must ensure officers are aware of their obligations under the *Public Service Act 2008*, the Code of Conduct for the Queensland Public Service and this policy when using CCTV systems as part of their role.

Any vendors responsible for CCTV within DJAG facilities will provide training to DJAG officers on the operation of the relevant CCTV system and may be engaged to train new authorised officers operating the system as required by their role descriptions.

6.6 Ethical use of CCTV systems and recorded material

DJAG has the highest expectation of all officers authorised to use CCTV as part of their role to:

- at all times, act in an honest and legal manner when operating the CCTV system
- treat all live and recorded images in an ethical manner and with the utmost of care, respect and dignity
- interact with all stakeholders in a timely, courteous and cooperative manner.

6.7 Confidentiality

DJAG expects authorised officers to ensure confidentiality of information gathered by or from CCTV operations, by not disclosing or discussing any events with unauthorised personnel or associates who have no direct responsibility relating to CCTV operations.

In addition, authorised officers must not identify any involved person or party with family, friends or acquaintances and must not disclose any information to third parties, including the media, without prior approval in accordance with the policies. Please refer to DJAG's [Media Policies](#) for further information and guidance.

6.8 Complaints regarding the CCTV system and its operation

Complaints received from clients are handled in accordance with DJAG's [Client Complaints Management Policy](#). Internal complaints made by DJAG officers generally will be handled in accordance with the [Employee Complaint Policy](#). If a DJAG officer makes a complaint as a client of the department, the complaint will be handled in accordance with the Client Complaints Management Policy.

If DJAG receives a complaint alleging a breach of privacy under the IP Act, it will be managed by RTI and Privacy. RTI and Privacy may refer complaints regarding DJAG officers and their use of CCTV cameras to ESU.

6.9 Breaches

Misuse of CCTV systems and footage by an officer of DJAG may be a breach of the [Code of Conduct](#) and [DJAG's Workplace Policy](#). ESU may decide to investigate alleged breaches of the Code of Conduct and DJAG's Workplace Policy. If a breach is found to have occurred, disciplinary action may be initiated by a delegated decision maker.

Alleged breaches may also be referred to the Queensland Police Service (QPS), Crime and Corruption Commission or another entity where relevant.

If a contracted service provider acts inappropriately, any alleged or confirmed breach will be managed in accordance with the relevant contract or service level agreement.

All authorised officers under any CCTV policy in DJAG will be made aware that recordings are subject to routine and targeted internal audits. As such, officers may be required to justify their interest in particular CCTV images if necessary.

6.10 Access to CCTV Footage

If access to CCTV footage is provided for an authorised purpose, a record is to be created by the officer processing the request, indicating the reason why the CCTV footage was extracted. Two copies of the original images must be created in an appropriate format and contain information about the footage, including the creation date and time stamp, and a methodology of verification:

- one copy is to be made available for the authorised purpose; and
- a second copy is to be retained by the business unit in accordance with the appropriate retention and disposal schedule.

Further information on access to CCTV footage for authorised purposes is provided below.

6.10.1 Right to Information and Information Privacy

Individuals can make a request to access CCTV footage under the relevant provisions of the *Right to Information Act 2009* (RTI Act) and the IP Act. Once a request is received by RTI and Privacy, it will be processed in line with the relevant legislation and statutory time frames. Further information on access under the RTI and IP Acts is available at www.rti.qld.gov.au.

CCTV footage may be disclosed to other agencies or organisations in accordance with this policy or where authorised or required by law to do so. Clause 6.11.5 provides further information about the disclosure of personal information for law enforcement purposes.

In most instances, a request for access to CCTV footage under the RTI or IP Act is received by RTI and Privacy. If such a request is received by another business unit, the request should be forwarded to RTI and Privacy as soon as possible. RTI and Privacy will then contact the relevant business unit which has responsibility for capturing the footage, to request a copy of the footage sought, if it exists.

6.10.2 CCTV not owned by DJAG

When the business unit receives a request for CCTV footage recorded in buildings not owned by DJAG and the CCTV is also not owned by DJAG, the request must be forwarded to RTI and Privacy for assessment that the request relates to an authorised purpose. If the request is approved by RTI and Privacy, the request must be forwarded to Facilities Services.

Facilities Services will then submit a written request to the relevant Lease Manager at DHPW who will identify the CCTV system ownership and formally seek the release of footage from the building owner.

Where the CCTV system is identified as belonging to the State Government, DHPW will instruct the Building Services Coordinator to extract the relevant footage as required, which will then be made available to DJAG.

6.10.3 De-identifying CCTV footage

Depending on the type of information requested, CCTV footage of other individuals may be de-identified before being released by DJAG. Where a request for information is made under the RTI or IP Act and the intention is to disclose that information, if the individuals are not able to be de-identified, reasonable steps will be taken by RTI and Privacy to consult the affected third parties in line with legislative requirements.

6.10.4 CCTV at Queensland Courts

CCTV is in operation at Queensland Courts. Information is collected for the safety of individuals accessing the courts and for security purposes. The Queensland Courts CCTV policy and procedure is available via the [DJAG intranet](#) and outlines requirements for access to information captured by CCTV.

6.10.5 Law enforcement purposes

Copies of CCTV footage accessed for law enforcement purposes may be used as evidence in court. If requested, advice should be sought from the relevant law enforcement agency about the proper management of this potential evidence. Where a disclosure for a law enforcement purpose occurs, there is no obligation to be collecting the CCTV for that purpose. However, under IPP 11(2), a note must be placed on the file indicating that CCTV footage has been copied and disclosed for a law enforcement purpose.

Where CCTV footage is required by the QPS, the appropriate QPS *Information Release form* (Appendix A) may be completed by QPS and submitted to DJAG to action. This form is available on both the DJAG intranet and the QPS intranet and indicates it should be submitted to RTI and Privacy to be processed. However, the request can be received and processed by any business unit. The QPS Information Release form is not mandatory. Accordingly, requests for CCTV footage may also be received by letter.

Under IPP 11(e), any business unit processing a request from QPS must satisfy themselves that the disclosure is necessary for 1 or more of the following by or for a law enforcement agency:

- (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
- (ii) the enforcement of laws relating to the confiscation of the proceeds of a crime;
- (iii) the protection of public revenue;
- (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
- (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Where a business unit receives a request for CCTV footage for law enforcement purposes, and officers are unsure how to process the request, please contact RTI

and Privacy for further information on privacy@justice.qld.gov.au or phone (07) 3227 7618.

There are also other mechanisms to access this information such as through warrants and subpoenas. If you are unsure about how to respond to a warrant or subpoena, please seek legal advice from the Legal Advice and Advocacy by calling (07) 3239 6801 or by email at legal.services@justice.qld.gov.au.

6.11 Storage and disposal of surveillance images

Original surveillance images are stored for a period of 30 days unless otherwise specified or authorised by a relevant disposal authority under the GRDS, another relevant retention and disposal schedule of a business unit as approved by the Queensland State Archivist, by law, or unless directed by the Director-General. Images are then overwritten with new CCTV footage.

The retention period covering specific CCTV footage which has been extracted and saved for a permitted purpose depends on the circumstances captured by the CCTV system. When footage is extracted for a particular purpose, for example when managing incidents which occur at DJAG facilities, the retention period under the GRDS may change to reflect a more relevant disposal authority, such as if the footage of the incident captured was then used in a court process.

Further information on the storage and disposal of surveillance images is available from [Queensland State Archives](#) or contact the relevant local records manager.

6.12 CCTV signage

All business units within DJAG will ensure that appropriate signage is displayed and visible where CCTV cameras are used. CCTV signage must:

- outline the purpose for the collection of personal information via CCTV;
- inform the public of any authority or law which authorises or requires the collection of personal information;
- advise whether it is usual practice to disclose personal information to any entity; the name of that entity and whether the personal information is normally passed on to a second entity;
- identify the owner or controller of the CCTV system in use;
- inform the public of their right to access the information under the IP and RTI Acts.

An example of CCTV signage is available by emailing privacy@justice.qld.gov.au or [via the DJAG intranet site](#). Refer to Appendix B.

6.13 Ongoing monitoring and assessment

DJAG business units each hold responsibility to regularly monitor, assess and review the performance of the CCTV environment to ensure its proper management and operation. Any identified faults or issues should be managed in accordance with the relevant agreements as outlined in clause 6.2 CCTV Maintenance.

7. Information availability

The following documents are relevant to the application of this policy and are available on the DJAG intranet and the internet:

- DJAG CCTV Policy
- [Queensland Courts CCTV Policy](#)
- [Information on DJAG Complaints Procedures](#)
- [General Retention and Disposal Schedule](#)
- [Office of the Information Commissioner Camera Surveillance and Privacy Information](#)
- [Queensland State Archives](#)
- [QPS Information Request form](#)
- [CCTV signage](#)

8. Triennial CCTV Policy Review

This policy is to be reviewed every three years to ensure that it is compliant and relevant to the ongoing needs and uses of CCTV within DJAG. Any review of this document should identify whether the purpose of the policy continues to be compliant and achieves its objectives.

This policy may also be updated at the discretion of RTI and Privacy if it is identified that changes need to be made to reflect the evolving nature of DJAG's work.

RTI and Privacy will coordinate any review of this policy which is undertaken in the future. Other relevant business units will be consulted as required.

9. Definitions

Term	Definition/ Explanation/ Details
Activities	Workplace operations, processes or functions for the safe and effective delivery of services.
Authorised officer	An authorised officer is an individual working for DJAG who is authorised by virtue of their role to view, operate and perform CCTV related duties as part of their employment. This is determined by the relevant business unit.
Building and Asset Services (BAS)	BAS falls under the Department of Housing and Public Works and manages the procurement and contract management of CCTV systems within DJAG.
Closed Circuit Television (CCTV)	A closed and self-contained television system comprising of cameras, recorders and displays. Signals are not circulated publically, but are monitored and recorded internally.
CCTV footage	Images recorded by the CCTV system.
CCTV operations	All aspects of CCTV management, use, recording, maintenance and access to recorded material.
Department of Justice and Attorney-General (DJAG)	Refers to the Department of Justice and Attorney-General Queensland.
Ethical Standards Unit (ESU)	ESU is responsible for the development and implementation of an ethics awareness strategy for DJAG.
General Retention Disposal Schedule (GRDS)	The GRDS covers records of common activities and functions, transitory, and short term records created as part of routine transactional business practices.
Original images	Exact copy of original image. The image data must remain exact to the original recording.
Queensland Police Service (QPS)	QPS works with members of the community to prevent and detect crime, and to make Queensland safer.
Right to Information and Privacy (RTI and Privacy)	RTI and Privacy is responsible for administering DJAG's obligations under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> .
Security specialist	An individual or organisation contracted to provide advice regarding CCTV and security.
Security	The preparation, protection and preservation of people, property, and information.

10. Authority

Information Privacy Act 2009

11. Related documents

Queensland State Archives Managing Closed Circuit Television (CCTV) Records
Guideline for Queensland Public Authorities

Standards Australia CCTV standard AS 4806.1-2006:

- AS 4806.1-2006- Closed Circuit Television (CCTV) – Part 1: Management and operation
- AS 4806.2-2006- Closed Circuit Television (CCTV) – Part 2: Application Guidelines
- AS 4806.3-2006- Closed Circuit Television (CCTV) – Part 3: PAL signal timings and levels
- AS 4806.4-2006- Closed Circuit Television (CCTV) – Part 4: Remote video
- AS 2201.1:2007 – Intruder alarms systems – Client’s premises – Design, installation, commissioning and maintenance
- AS/CA S009:2013 – Installation requirements for customer cabling (Wiring Rules)

Crime and Corruption Act 2001

Crime and Corruption Amendment Act 2016

Information Privacy Act 2009

Information Standard 18: Information Security

Information Standard 31: Retention and Disposal of Public Records

Information Standard 40: Recordkeeping

Public Records Act 2002

Right to Information Act 2009

Security Providers Act 1993

State Buildings Protective Security Act 1983

Work Health and Safety Act 2011

12. Acknowledgements

The Office of the Queensland Ombudsman’s CCTV Policy structure meaningfully assisted in the creation of this document. Content about CCTV available from the Office of the Information Commissioner website was used to create this document.

Appendix A: QPS Information Request

Queensland Police Service Information Request

Requesting officer

Name		Rank	
Registered No.		Region	
District		Station	
Email		Phone	Fax

"I certify that this information is reasonably necessary pursuant to Principle 11(1) of the <i>Information Privacy Act 2009</i> ".	
Requesting officer signature	Date

Commissioned officer authorisation

Name		Rank	
Registered No.		Region	
District		Station	

"I am satisfied this information is reasonably necessary pursuant to Principle 11(1) of the <i>Information Privacy Act 2009</i> ".	
Commissioned officer signature	Date

Information and reason for request

Reason for request, including what is being investigated.			
Location			
Details of the offence			
Date	Time	Crime Occurrence No.	

Details of why the information is necessary for the investigation.

Details of any law requiring or authorising the Department of Justice and Attorney-General (DJAG) to provide the information.	
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Send to: RTI and Privacy Unit, GPO Box 149, BRISBANE QLD 4001. Phone: 3239 3439 Fax: 3006 5929

Internal use only

Date request received by DJAG	/ /	Receiving officer	
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The Department of Justice and Attorney-General must not disclose personal information unless an exception in paragraphs (a) to (f) of the IPP 11(1) of the *Information Privacy Act 2009* (Qld) applies. The Department of Justice and Attorney-General will assess on a case-by-case basis whether an exception applies. The Department of Justice and Attorney-General may disclose information, if it is satisfied on reasonable grounds that the disclosure of information is necessary for one or more of the paragraphs in IPP 11(1)(e)(i) to (v).

JAG 11/3878

Appendix B: CCTV Signage

ATTENTION

CCTV Cameras in operation



The Department of Justice and Attorney-General is collecting your personal information on a closed circuit television system (CCTV) in and around this building. The personal information collected is being used for the purposes of public safety, crime prevention and detection.

Your personal information will only be accessed by persons who have been authorised to do so.

This information may be provided to the Queensland Police Service for law enforcement purposes. Your information will not be given to any other person or agency unless required by law. Your personal information is handled in accordance with the *Information Privacy Act 2009*.

For further information, please refer to the Department of Justice and Attorney-General's Right to information and Privacy page at www.justice.qld.gov.au