



**The Public Trustee**

# **Camera Surveillance Policy & Procedure**

June 2020



## Document Information

### Approved

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## 1. Purpose

The purpose of this policy and procedure is to outline how the Public Trustee (PT) will manage the use of camera surveillance footage collected by the PT. Camera surveillance includes any equipment used to observe and record images of individuals, such as closed circuit television (CCTV) and body-worn cameras used in house clear outs undertaken by the PT.

This policy and procedure replaces the Closed Circuit Television (CCTV) Policy and Procedure.

## 2. Application

This policy and procedure applies to all PT employees including permanent, temporary and casual employees and contractors. It also applies to any identifiable individual/s that may be captured by camera surveillance pictures or video footage.

## 3. Policy Statement

The PT aims to protect people and assets in the most effective manner possible including, where necessary, through the appropriate application of camera surveillance systems.

The operational purpose for which the PT utilises camera surveillance is to:

- provide an enhanced level of security;
- deter and/or detect unlawful activity on its premises, such as with a CCTV system;
- facilitate a fast and effective response to emergency, law enforcement or regulatory agencies by allowing access to camera surveillance footage; and
- perform safe, transparent and auditable house clear outs, via the use of body-worn cameras or other portable video recording devices.

In operating camera surveillance, the PT may capture personal information as footage may be clear enough to discern identifiable features of an individual.

Due to the likelihood of capturing personal information, when operating camera surveillance equipment, the PT will act in accordance with the Information Privacy Principles (IPPs) in the *Information Privacy Act 2009* (Qld) (IP Act), other relevant state laws and information management standards (such as those outlined below under the heading 'References').

## 4. Principles

In managing camera surveillance footage the PT will:

- comply with the PT's [Information Privacy Plan](#);
- comply with the IPPs and the IP Act in relation to any personal information that is collected and subsequently stored, used or disclosed;
- give proper consideration to the human rights contained within the *Human Rights Act 2019* (Qld) when making any decisions or taking any action in relation to the capture, storage, use and disclosure of footage;
- ensure individuals are aware that they may be recorded by advising them that camera surveillance is taking place, e.g. through appropriate signage;
- securely store images as digital files which are only accessible to authorised officers

- store images according to legislative requirements on the required timeframes for storage of camera surveillance footage;
- copies of recordings will not be made available for any purpose unless the copies are relevant to the purpose of surveillance, required for law enforcement purposes or otherwise required or authorised by law;
- provide details of how individuals can apply under the IP Act for access to camera surveillance footage held by the PT which contains images of them; and
- provide details of how an individual who believes their privacy may have been breached by the PT in operating camera surveillance, can lodge a complaint in regards to the collection, storage and security, use or disclosure of their personal information.

## 5. Procedure

The following procedures relate to the use of camera surveillance equipment, including the storage and disposal of, and access to, digital images.

### 5.1 Operating camera surveillance equipment

- (1) Personal information is collected in accordance with the operational purpose and will be done in a fair and lawful manner. If an individual's identity is apparent, or can reasonably be ascertained from a photograph, video footage or other image, the individual will receive the privacy protections outlined in the IP Act.
- (2) The privacy principles contained in the IP Act require the PT to make people generally aware of:
  - (a) what personal information is being collected and why;
  - (b) if there is a legislative authority for the collection; and
  - (c) anyone the PT will give the footage to and anyone they may pass it on to.
- (3) Reasonable steps will be taken to notify Individuals that their personal information may be collected by camera surveillance equipment by, for example, posting privacy notices (signs) in the camera's vicinity. In addition, this policy and procedure will be available on the PT's website.

### 5.2 Storage and security of camera surveillance footage

- (1) To maintain confidentiality, integrity and availability of the records, camera surveillance records are maintained in accordance with the [PT Records Disposal Policy](#) and disposal schedules as approved by the Queensland State Archivist, [Information security policy IS 18:2018](#), and the [Queensland Government Records governance policy](#) (collectively referred to as 'information standards').
- (2) The PT will appropriately secure camera surveillance footage against loss, misuse, and unauthorised access, as a minimum, in accordance with the IP Act and the information standards.
- (3) All camera surveillance equipment will be stored within secure areas and not accessible to unauthorised officers.
- (4) Authorised officers will be trained in the use of the camera surveillance equipment prior to access being granted. Authorised officers will perform their duties in accordance with this policy and procedure, the [Code of Conduct for Queensland public service](#), all relevant PT policies and procedures and all lawful terms of their employment.

- (5) Unless it is required to be retained for use and disclosure in accordance with section 5.3 below, CCTV footage of continuous surveillance captured for routine purposes is recommended to be stored for a minimum 30 days after which time the footage is permanently deleted by being overwritten.
- (6) Authorised officers responsible for house clear outs undertaken by the PT must secure and store video footage in accordance with the [PT House Clear Out Procedures](#).
- (7) Unless it is required to be retained for use and disclosure in accordance with section 5.3 below, video footage taken as part of a house clear out is to be retained in accordance with the [Public Trust Office of Queensland Retention and Disposal Schedule QDAN651](#) or the [General Retention and Disposal Authority](#).

### **5.3 Use and disclosure of camera surveillance footage**

- (1) For camera surveillance footage, the use of the footage may include live monitoring, reviewing footage after an incident, examining footage as evidence, archiving footage for later use, making copies, or manipulating it.
- (2) Section 23 of the IP Act defines what it means to disclose personal information and to use personal information. Under IPP 10, the PT must not use personal information for a purpose other than that for which it was obtained. However, alternate use of camera surveillance footage by the PT is permitted in circumstances where:
  - (a) the secondary purpose is directly related to the primary purpose; or
  - (b) the individual has expressly or impliedly agreed to the use for the secondary purpose; or
  - (c) the PT is satisfied on reasonable grounds that the use is necessary for a law enforcement activity carried out by or for a law enforcement agency, or to prevent or lessen a serious threat to the life, health, safety or welfare of an individual or to public health, safety or welfare; or
  - (d) the use is authorised or required under law.
- (3) When the PT provides camera surveillance footage containing personal information to an external third party who does not already possess the personal information (and is not in a position to obtain or access the personal information from another source), this is a 'disclosure' under section 23 of the IP Act.
- (4) Under IPP 11, the PT must not disclose camera surveillance footage containing personal information to a third party, unless:
  - (a) the individual captured by the camera surveillance was reasonably likely to be made aware that it is the PT's usual practice to disclose that type of personal information to the third party (for example, there was a privacy notice posted near the CCTV camera or the location of the house clear out, that said the disclosure could occur); or
  - (b) the disclosure is authorised or required under law; or
  - (c) the PT is satisfied on reasonable grounds that the disclosure is necessary for a law enforcement activity being carried out by or for a law enforcement agency, or to prevent or lessen a serious threat to the life, health, safety or welfare of an individual or to public health, safety or welfare.

## 5.4 Requests for access to camera surveillance footage

- (1) In the exchanging of camera surveillance records between the PT and other Queensland government agencies and/or third parties, the PT must be compliant with legal and legislative requirements, and consistent with the classification schemes and controls defined in the [Queensland Government Information Security Classification Framework](#).
- (2) All requests for access to camera surveillance footage including requests from a law enforcement agency or other emergency service must be approved by:
  - a Regional Manager, or the Manager Property Operations or the Principal Property Officer – Facilities Management in relation to CCTV footage; or
  - a Regional Manager or the Director Customer Property for body worn camera footage.
- (3) All requests for access to camera surveillance footage that has been recorded by systems not in the control or accessible by the PT (such as a system owned and controlled by the owner of the building/facility) should sent to the Manager Property Operations or the Principal Property Officer – Facilities Management, who will identify the CCTV ownership at the facility in question and seek release of the footage from the building owner.
- (4) Under the *Public Records Act 2002* (Qld), video recordings from camera surveillance systems become public records when they provide evidence for the decisions or actions of a Queensland government agency (in this case the PT). For example, CCTV footage obtained by the PT becomes a public record if it is used as evidence in investigations and/or legal proceedings, or is used as the basis for policy decisions or actions; and body-worn camera footage becomes evidence of the house clear out process that has been conducted in accordance with the [PT House Clear Out Procedures](#).
- (5) Members of the public have a right to apply for access to personal and non-personal information held by a Queensland government agency under the *Right to Information Act 2009* (Qld) (RTI Act) including camera surveillance footage. Individuals can also apply under the IP Act for access to camera surveillance footage held by the PT which contains images of them or information that would reasonably identify them as an individual.
- (6) The Public Trustee of Queensland has delegated the power to deal with RTI and IP applications to the Department of Justice and Attorney-General (DJAG). RTI or IP applications for PT documents can be completed [online](#) by selecting DJAG as the agency.

## 5.5 Retention & Disposal of camera surveillance (CCTV) recordings

- (1) In accordance with the Queensland State Archives' (QSA) [General Retention & Disposal Schedule](#), security surveillance recordings such as CCTV recordings of continuous surveillance captured for routine purposes and **which are not required for investigations** (misconduct, accidents, litigation, law enforcement) are retained until the business action is completed.

**Note:** The recommended capacity to store CCTV footage of continuous surveillance captured for routine purposes is for a minimum of 30 days within the CCTV system after which the footage is automatically overwritten as part of the normal CCTV system operations and is permanently deleted. Where capacity changes with a change in the quality of the recording or the addition of new cameras, Facilities Management will ensure that the storage capacity is capable of maintaining the footage for 30 days. When permanently deleting footage the IP Act requires the PT to ensure it is securely deleted and not able to be retrieved or reconstructed.

- (2) CCTV footage of continuous surveillance captured for routine purposes **which is required for law enforcement investigations** must be retained for one (1) year after the recording is sent to the relevant law enforcement agency.
- (3) Body-worn camera footage created as evidence of compliance with the [PT House Clear Out Procedures](#), is maintained in accordance with the [Public Trust Office of Queensland Retention and Disposal Schedule QDAN651](#). For example, video taken as part of a house clear out for the administration of a deceased estate is maintained in accordance with retention of records of the deceased estate.

## 5.6 Making a Complaint to the Public Trustee

- (1) Individuals who believe their privacy may have been breached by the PT in regards to the collection, storage and security, use or disclosure of their personal information, which includes footage taken by camera surveillance equipment, can lodge a privacy complaint, in accordance with the [PT Information Privacy Complaints Management Policy and Procedure](#).
- (2) Individuals can also lodge a complaint, such as a complaint relating to a decision or action that was incompatible with human rights and the *Human Rights Act 2019*, in accordance with the [PT Complaints Management Policy](#).

Write to:       Complaints Officer  
                       Governance & Risk Directorate  
                       The Public Trustee of Queensland  
                       GPO Box 1449  
                       Brisbane 4001

Email:         [complaints@pt.qld.gov.au](mailto:complaints@pt.qld.gov.au)

## 6. Policy review and evaluation

This policy and procedure will be reviewed every two (2) years by the Senior Director, Governance and Risk.

## 7. Roles & Responsibilities

Role	Responsibility
The Public Trustee of Queensland	Overall responsibility for privacy compliance within the PT.
Senior Director, Governance and Risk	Ensure this policy and procedure is reviewed every two (2) years, or more frequently as required.
Executive Director	Ensure compliance with this policy and procedure by the programs for which they have responsibility.
<ul style="list-style-type: none"> <li>• Director, Customer Property</li> <li>• Manager, Property</li> </ul>	<p>Ensure the camera surveillance equipment is well maintained and operational.</p> <p>Ensure that each workplace has appropriate signage notifying of the operation of camera surveillance equipment.</p> <p>Appoint authorised officers to monitor system operations. These authorised</p>



Operations	officers are responsible for the maintenance and operation of the system as well as the storage of images.
	Ensure that all authorised officers involved in the recording, observation and capture of images have had appropriate security checks and are informed, through training or through other means, of their responsibility to act in accordance with this policy and procedure, the <a href="#">PT House Clear Out Procedures</a> , the <a href="#">Code of Conduct for Queensland public service</a> and all relevant PT policies and procedures.
	Consider requests for access to camera surveillance footage, including requests from a law enforcement agency or other emergency service.
Authorised officers (being permanent, temporary or casual PT employees) and contractors	Attend training on the use of camera surveillance equipment, privacy obligations and responsibilities in complying with the requirements of the IP Act and this policy and procedure.
	Maintain and ensure the security of records, including downloaded and retained camera surveillance imagery, in accordance with this policy and procedure, <a href="#">PT House Clear Out Procedures</a> , the <i>Public Records Act 2002</i> , the <a href="#">Information Security Policy IS18:2018</a> and the <a href="#">Queensland Government Records governance policy</a> .
	Carry out work involving camera surveillance equipment in a safe and secure manner.
	Conduct routine inspections to ensure systems are fully operational.
Employees	Report all incidents that breach this policy. If unclear on any aspect of the policy or procedures, employees must raise the issue with their manager.
	Report any problems with camera surveillance equipment to the Director, Property or Manager, Property Operations.

## 8. Definitions

Term	Definition
Authorised officers	PT employees who are responsible for managing camera surveillance equipment located in PT Offices. In relation to regional offices, this is the Regional Manager and Assistant Manager unless otherwise specified by the relevant Executive Director. In relation to 444 Queen Street, this is the Manager, Property Operations.
Camera Surveillance equipment	Includes any equipment used to observe and record images of individuals, such as CCTV, temporary or fixed cameras (such as automatic number plate recognition cameras), body-worn video and unmanned aerial vehicles (eg. drones).
Closed Circuit Television (CCTV)	A CCTV system is by definition a television system that transmits images in a 'closed loop'. Images are only available to people directly connected to the transmission system or given access rights to a closed user group within an information and communications technology network.
Body-worn	Non-fixed video camera that attaches to the outside of clothing of an individual.

Term	Definition
camera	
Individual	Not defined in the IP Act but is defined in the <i>Acts Interpretation Act 1954</i> (Qld) as a 'natural person'. This means that only living people can have personal information.
Information Privacy Principles (IPPs)	The eleven (11) IPPs are set out in schedule 3 of the IP Act. The IPPs place strict obligations on an agency when it collects, stores, uses and discloses personal information. However, some exemptions can apply to certain agencies when dealing with particular personal information.
Law enforcement agency	Defined in schedule 5 of the IP Act, law enforcement agency means - a) for the purposes of IPP 11(1)(e) - an enforcement body within the meaning of the <i>Privacy Act 1988</i> (Cwlth) or any entity mentioned in paragraph (b); or b) otherwise: (i) the Queensland Police Service under the <i>Police Service Administration Act 1990</i> (Qld); or (ii) the Crime and Corruption Commission; or (iii) the community safety department; or (iv) any other agency, to the extent it has responsibility for: A. the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or B. the management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or C. the enforcement of a law, or of an order made under a law, relating to the confiscation of the proceeds of crime; or D. the execution or implementation of an order or decision made by a court or tribunal.
Personal Information	Section 12 of the IP Act defines personal information as: <i>'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'</i>
Premises	Physical location of a building or property owned or leased by the PT.
Privacy Complaint	Section 164 of the IP Act: 1) A <i>privacy complaint</i> is a complaint by an individual about an act or practice of a relevant entity (the <i>respondent</i> for the complaint) in relation to the individual's personal information that is a breach of the relevant entity's obligation under this Act to comply with: a) the privacy principles; or b) an approval under section 157.

Term	Definition
	<p>(2) In this chapter—</p> <p><i>relevant entity</i> means—</p> <p>a) an agency, in relation to documents of the agency; or</p> <p>b) a bound contracted service provider, in relation to documents held by the bound contracted service provider for the purposes of performing its obligations under a service arrangement.</p>
Footage	Any image captured by camera surveillance equipment operated and maintained by the PT.

## 9. References

- Office of the Information Commissioner - [Camera Surveillance & Privacy](#)
- Queensland Government - [Code of Conduct for the Queensland public service](#)
- Queensland Government Chief Customer and Digital Officer (QGCI0) - [Information access and use policy \(IS33\)](#)
- QGCI0 - [Information Security Classification Framework](#)
- QGCI0 - [Information Security Policy IS18:2018](#)
- QGCI0 - [Records governance policy](#)
- Queensland State Archives (QSA) - [General Retention & Disposal Schedule](#)
- QSA - [Public Trust Office of Queensland Retention and Disposal Schedule QDAN651](#)
- PT - [Complaints Management Policy](#) and [Procedure](#)
- PT - [Information Privacy Complaints Management Policy and Procedure](#)
- PT - [Information Privacy Plan](#)
- PT - [Public Trust Office House Clear Out Procedures](#)
- PT - [Records Disposal Policy](#)

## 10. Relevant Legislation

- [Acts Interpretation Act 1954 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Public Records Act 2002 \(Qld\)](#)
- [Right to Information Act 2009 \(Qld\)](#)

## 11. Review and evaluation

This policy and procedure will be reviewed regularly, at least every two years or more frequently as required by the Senior Director, Governance and Risk.