



CCTV in the workplace

What are your obligations?



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What laws deal with CCTV?

- The national Privacy Act (applies to businesses with a turnover exceeding \$3m per year)
- Your state surveillance laws.



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What if the business *is* covered by the Privacy Act?

- The business will need to comply with the Australian Privacy Principles (APPs)
- This means:
 - The company must inform anyone whose image will be recorded by CCTV of that fact
 - The company must explain how the information will be used
 - The use of the footage must be connected to a legitimate activity
 - Information recorded about an individual must be kept secure and destroyed or re-identified when it is no longer required.



Is camera surveillance footage 'personal information'?

Personal information is any information or opinion, whether true or not, and whether recorded in material form or not, about **an individual whose identity is apparent**, or can reasonably be ascertained, from the information or opinion.

So.....YES



What State legislation applies?

- **NSW:** *Workplace Video Surveillance Act 1998*
- **Qld:** *Information Privacy Act 2009*
- **WA:** *Western Australia Surveillance Devices Act 1998*
- **SA:** *Listening and Surveillance Devices Act 1972*
- **Vic:** *Surveillance Devices (Workplace Privacy) Act 2006*
- **Tas:** *Personal Information Protection Act 2004, Listening Devices Act 1991 and the Security and Investigations Act 2002.*
- **NT:** *Surveillance Devices Act*



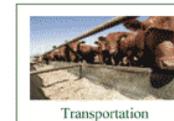
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Are there other Standards?

- Australian Standard 4806.1–2006: Closed Circuit Television (CCTV)



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Why do meat processors install CCTV?

- Customer requirements
- Animal welfare certification bodies' requirements
- Requirements to monitor the performance of staff at the point of stunning and slaughter (Red Tractor)
- To record operations where an OPV or Inspector cannot be present or have visual access for health and safety or other reasons, for example inside gas stunning systems
- To reduce the risk of trespass, theft and damage and record any such incidents
- To deter staff from undesirable and unacceptable behavior
- To be one step ahead of mandatory installation



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What are the pressures for installing CCTV in abattoirs in Australia?

- Animal Australia and RSPCA campaigns to demand CCTV cameras in all abattoirs
- Facebook campaign for CCTV for all abattoirs in Australia
- Move by the Greens to pass legislation in NSW
- ABC campaign for installation
- CCTV being a standard monitoring practice in live export customer countries



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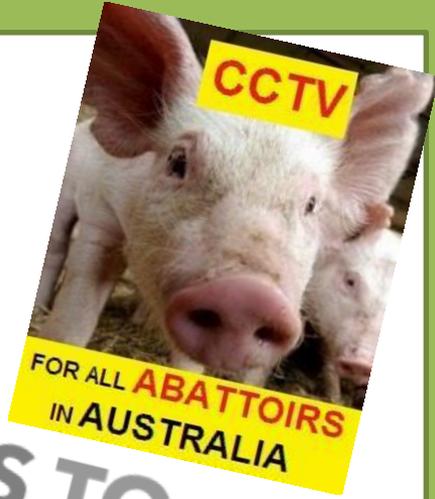


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TAKE ACTION NOW Supermarkets force abattoirs to fit CCTV after secret film exposes abuse

CCTV for All Abattoirs in Australia is on Facebook. To connect with CCTV for All Abattoirs in Australia, sign up for Facebook today.
[Sign Up](#) [Log In](#)



Australian abattoir standards come under fire

Animal welfare probe prompts call for CCTV in all Australian abattoirs



Demand CCTV in all slaughterhouses

CCTV cameras to be installed in all Vietnamese abattoirs and feedlots handling Australian cattle

CCTV cameras will never ensure the absence of abuse



So, what do meat processors need to consider when installing CCTV systems?



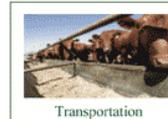
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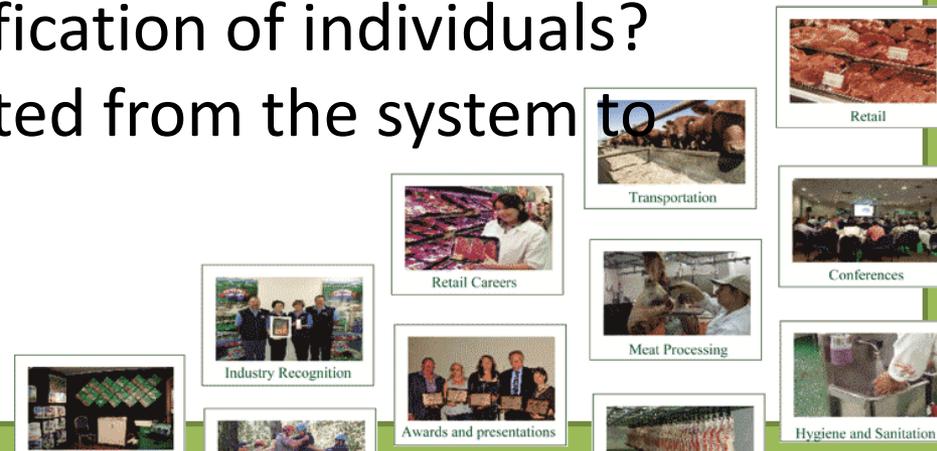
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Is the camera surveillance system fit for the purpose?

- Will the location of the camera only view areas that are relevant to the intended purpose?
- Will the proposed location unreasonably intrude on someone's personal affairs, for example, by capturing entrance to change room?
- What camera position or angle is necessary to capture relevant images?
- What image size, resolution and capture rate is necessary to enable identification of individuals?
- How will footage be exported from the system to create a record?



What do businesses have to tell people about the CCTV system?

- You must take reasonable steps to make individuals aware of the purpose and legislative authority (if any) for collecting personal information and any entities to which the agency usually discloses information of that kind.
- An effective way of meeting this obligation is to place a prominent sign at the entrance to the camera surveillance system's area of operation and reinforce this with further signs near each camera.



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How is footage collected by camera surveillance secured?

- Personal information must be adequately protected against misuse, loss, and unauthorised access, use and disclosure.
- This means protecting both stored camera footage and areas where monitoring of camera surveillance takes place. Potential security measures include physical, technical and operational safeguards....



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- **Physical safeguards** include suitable housing for digital recorders, placing cameras out of reach, using locks and swipe cards for access to control rooms and data storage areas, positioning monitors or using barriers and screens so live footage cannot be viewed by unauthorised persons.
- **Technical safeguards** include using password protection to manage staff access to stored footage, transmitting and storing footage in encrypted form, encrypting any footage stored on portable storage devices, and securely deleting or writing over footage you no longer need.
- **Operational safeguards** involve establishing documented policies and practices about access to footage.



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When can the footage be deleted?

- Camera surveillance footage *may* be a public record. As such, you need to consider your record keeping obligations under the relevant State Act.

Example

- An extract or copy of camera surveillance footage is created as part of an investigation into a workplace accident. It is likely that the business will need to manage the extracted or copied footage as a public record.



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What can the footage be used for?

- Generally, you can only use personal information for the purpose for which it was obtained, unless exceptions apply.
- These may include using it with the individual's consent, under a legislative authority, for law enforcement purposes or to prevent risks to health and safety.



When can footage be disclosed to a third party?

- Each State will have specific rules for when you can disclose personal information to a third party.
- May include:
 - where the individual was reasonably made aware that this would occur
 - Where applied for under Freedom of Information
 - For prosecution purposes
 - As a result of a subpoena or other court order to produce footage



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What if the management of the camera surveillance system is outsourced?

- Usually the business must take all reasonable steps to bind a contracted service provider to comply with the privacy principles.
- Once bound, the contracted service provider is responsible for any breach of the privacy obligations.
- If the contracting agency does not take all reasonable steps to bind the contracted service provider, the contracting agency will be responsible for any breach of privacy arising from the actions of the contracted service provider.



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Issues to consider

- Viewers need the skills to accurately assess what they are viewing.
- Data protection and the security of the footage is important, particularly if monitoring of the footage is done off-site. SOPs for data protection, use and disclosure, the training of CCTV monitoring staff as well as secure storage and data transmission are clearly necessary.



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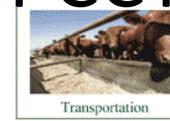


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- What are the implications of an AW incident that is recorded, but not picked up in review/auditing of the footage?
- What if the CCTV footage picks up an illegal act (e.g. an exchange of drugs) – and this was not the purpose of the CCTV?
- What if an employee or site visitor claims they were not told about the existence and purpose of the CCTV cameras?
- What if an employee requests a copy of CCTV footage?



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