**CCTV use in schools**

**Fact sheet 1 – Legislative considerations**

**Introduction**

The Department of Education (the department) is committed to creating and maintaining safe and secure learning environments that support the provision of high quality education for teaching and learning.

Schools face a number of security related threats and must develop and implement appropriate strategies to manage these risks. Closed circuit television (CCTV) can be an effective tool to help a school to meet its obligation to provide a safe and secure environment for students and staff, and meet its duty of care obligations.

It is important to note that installation of CCTV at Queensland state schools is intended as a strategy to mitigate and manage security risks. It is not intended to replace traditional methods of student supervision, or as a method of workplace surveillance.

The use of CCTV cameras in schools will almost always involve the potential collection, storage, use and disclosure of ‘personal information’ and is therefore subject to obligations as set out in section 426 of the *Education (General Provisions) Act 2006* (Qld) and the *Information Privacy Act 2009* (Qld), in relation to the use and disclosure of non-student personal information and collection, storage and security.

This fact sheet is designed to assist principals understand the legislation that determines when and how CCTV can be used as an appropriate risk management strategy in their school.

**What is the law in relation to the use of CCTV in schools?**

[*Information Privacy Act 2009*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014)

[*Education (General Provisions) Act 2006*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039)

[*Criminal Code Act 1899*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009)

It is of critical importance that principals considering CCTV installed in their school have a good understanding of the legislative requirements surrounding the use of CCTV, the footage collected, and the consequences of breaching privacy obligations.

*When considering CCTV, principals must remember that under the Information Privacy Act 2009 (IP Act), it is a crime in Queensland to visually record another person in circumstances where a reasonable adult would expect to be afforded privacy, without that person’s consent.*

**Definition of personal information**

The concept of ‘personal information’ is fundamental to the law relating to CCTV use in schools. Any personal information collected through the use of CCTV must be managed strictly in accordance with the Privacy Laws.

‘Personal information’ is defined under section 12 of the IP Act as in the Privacy Laws as *“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”.*

When footage of an individual (students, staff, visitors, or intruders) is captured through CCTV, and a person with the necessary knowledge is able to reasonably ascertain the identity of an individual from the footage, the footage potentially contains personal information.

If the person in the footage is identifiable, the footage will reveal information about that individual. For example, that the person was present at that particular location at a particular date and time. Accordingly, any CCTV footage will potentially contain personal information, and the obligations in the IP Act or under section 426 of the *Education (General Provisions) Act 2006* (Qld) (EGPA) will apply.

**Penalties for a breach of legislation**

A breach of the IP Act or EGPA may also make an individual liable to disciplinary action under the *Public Service Act 2008* (Qld).

It is also important to note the confidentiality provisions outlined in the EGPA are offence provisions. State school staff can be held personally liable for misusing personal information under the EGPA*,* and could receive a fine of up to $6,500.

Under the IP Act, privacy complaints can be referred to the Office of the Information Commissioner for mediation and then referral to the Queensland Civil and Administrative Tribunal (QCAT) for hearing and determination. If the privacy complaint is substantiated, QCAT may order compensatory damages against the department.

**More information about CCTV considerations is available from your** [**School Security Advisor**](https://intranet.qed.qld.gov.au/Services/facilities/asset-management/school-security/Pages/advisory-service.aspx)(departmental employees only).