**CCTV use in schools**

**Fact sheet 4 – Management, use and disclosure of CCTV footage**

A CCTV system, and any data collected through its use, must be managed strictly in accordance with the [CCTV use in schools](https://ppr.mpe.qed.qld.gov.au/pp/cctv-use-in-schools-procedure) procedure, and all relevant legislative requirements. Further information about legislation can be found in [Fact sheet 1: Legislative considerations](https://ppr.mpe.qed.qld.gov.au/attachment/fact-sheet-1-legislative-considerations.docx).

**Safeguards against misuse of personal information**

Personal information must be adequately protected against misuse, loss and unauthorised access, or unlawful use and disclosure. This means protecting stored camera footage **and** protecting areas where monitoring of camera surveillance takes place.

This involves consideration of the following physical, technical and operational safeguards:

Physical safeguards include:

* Suitable storage for digital records;
* Placing cameras out of reach and in secure casing;
* Using locks and swipe cards for access to control rooms and data storage areas; and
* Positioning monitors or using barriers and screens so live footage cannot be viewed by unauthorised persons.

Technical safeguards include:

* Using password protection to restrict access to stored footage;
* Transmitting and storing footage in encrypted form;
* Encrypting any footage stored on portable storage devices; and
* Deleting or writing over footage that is no longer required.

Operational safeguards include:

* Limiting the number of staff who can access footage and/or control rooms to those in the Campus Leadership Team for whom it is appropriate, and having a standardised, auditable process for when access is granted;
* Maintaining an audit trail of who accesses footage and when it is accessed; and
* Establishing clear protocols for responding to requests for access to, or copies of, footage (for example, determining who has authority to release footage, and how copies of footage are to be distributed).

**Use, storage and deletion of CCTV footage**

Camera surveillance footage created by schools is a public record under the Queensland *Public Records Act* *2002* (Qld). Camera footage that is a public record must be retained for at least the minimum retention period as determined by the Act.

How long footage must be retained depends on:

The type of footage recorded;

Why the footage was originally created; and

Whether or not the footage provides evidence of an incident, crime or other information and/or evidence of a business activity.

Be aware that while continuous surveillance footage that is not required as evidence or requested by investigative and law enforcement agencies only has to be retained until the business action is completed, you **may not be notified or become aware of an incident right away**. Considering it is not possible to know at the time of collecting the footage what future purposes the footage might be used for, **it is recommended that all footage is retained for the minimum period of 90 days**.

The [DoE Records Retention and Disposal Handbook](https://intranet.qed.qld.gov.au/Services/InformationTechnology/Forms/Documents/rdhandbook.doc) (departmental employees only) provides information and practical instructions on the retention and disposal of inactive records, and applies to CCTV footage stored at schools. It should be read in conjunction with the [Queensland State Archives General Retention and Disposal Schedule for Administrative Records](https://www.forgov.qld.gov.au/recordkeeping). Principals are delegated as the ‘Responsible Officer’ by the Director-General of Education, are authorised to dispose of public records in accordance with the Handbook, and must be familiar with the DoE [Records retention and disposal schedules](https://intranet.qed.qld.gov.au/Services/InformationTechnology/information-management/information-management-toolkit/recordkeeping/records-retention-disposal-overview/Pages/retention-disposal-schedules.aspx) (departmental employees only) as they relate to the storage of CCTV footage accordingly.

**Footage used for suspension/exclusion or WorkCover claims**

If CCTV footage contains evidence relied upon in a decision to suspend or exclude a student, it must be retained for the same period of time the suspension/exclusion documents are required to be retained. This is because the footage relied upon will form part of the decision to suspend or exclude the student. Similarly, if CCTV camera footage is used to capture a workplace accident or personal injury giving rise to a personal injury or WorkCover claim, the footage must be retained for as long as the claim documents must be retained, as per the [Records retention and disposal schedules](https://intranet.qed.qld.gov.au/Services/InformationTechnology/information-management/information-management-toolkit/recordkeeping/records-retention-disposal-overview/Pages/retention-disposal-schedules.aspx) (departmental employees only).

**Use and disclosure of footage**

The Information Privacy Principles prescribed under the IP Act state that you can only use personal information for the purpose for which it was obtained. Section 426 of the EGPA prescribes that a person must not make a record of the information, use the information or disclose the information to anyone else, unless one of the following exception applies:

* An individual consents to the use of the footage for a specific purpose (consent may be implied where there is clear signage advising of the existence of the CCTV);
* Under a legislative authority;
* For law enforcement purposes; and
* To prevent risks to health and safety.

**It is important to note only the part of the camera footage that is directly relevant to the purpose can be used.**

A school can disclose personal information to relevant Law Enforcement Agencies (LEA), including the Queensland Police Service (QPS), if the personal information is considered ‘reasonably necessary’ for a law enforcement activity. This includes personal information contained in the security footage.

Each request by the QPS or other LEA must be assessed on a case by case basis. A request by the QPS should be made under the DoE procedure ‘[*Disclosing Personal Information to Law Enforcement Agencies*](https://ppr.mpe.qed.qld.gov.au/pp/disclosing-personal-information-to-law-enforcement-agencies-procedure)*’.* Footage should be disclosed using an LEA Disclosure Form. Which form is applicable will depend on the nature of the request or proposed disclosure. Information about each LEA Disclosure form and when they are to be used is found in the ‘Supporting Information/websites’ section of the procedure.

When footage is disclosed for law enforcement purposes the *Information Privacy Act 2009* requires that a record of the disclosure is included with the footage. One way to meet this requirement is to keep a copy of the footage and include with it a copy of the complete and signed [LEA-2 request form](https://ppr.mpe.qed.qld.gov.au/attachment/lea-2.docx).

If a principal receives a subpoena or other court order to produce footage, the disclosure is authorised or required by law. Principals must not take any action in response to a subpoena or court order. The principal must contact the department’s Legal and Administrative Law Branch (LALB) as soon as a subpoena or court order is received, and LALB will action and respond on behalf of the Director-General.

**Disclosure register**

The principal is responsible for keeping a [Disclosure register](https://ppr.mpe.qed.qld.gov.au/attachment/cctv-footage-disclosure-register-sample.docx) which records the details of each time there is a disclosure of footage from a CCTV camera. The Disclosure register should be kept in a safe and secure place.

**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).