



## Office of the Information Commissioner Queensland

### Terms of Reference

#### **Review of camera surveillance use by Queensland government agencies and information privacy**

##### **1. Objectives of the Review**

To examine and report on Queensland government agencies use of camera surveillance (for example Closed-Circuit Television (CCTV) cameras) to:

- a. establish whether agencies comply with the prescribed requirements of the *Information Privacy Act 2009* (Qld) (IP Act)
- b. identify areas of good practice
- c. make recommendations to improve compliance with the IP Act.

##### **2. Scope of the Review**

The Information Commissioner, under section 135 of the IP Act can conduct reviews into personal information handling practices and audits of compliance with the information privacy principles (IPP).

The review will examine Queensland government agencies' use of camera surveillance with respect to information handling practices and compliance with the information privacy principles under the IP Act. This will include an examination of:-

- a. Agency governance (leadership, governance mechanisms, information management policies, procedures, delegations and roles and responsibilities of key personnel and training)
- b. Accountability and performance monitoring systems
- c. Compliance with legislatively based requirements for:
  - i. Collecting personal information lawfully and fairly (IPP 1)
  - ii. Only collecting personal information that is relevant and which is not an unreasonable intrusion into their personal affairs (IPP 3)
  - iii. Ensuring the security of the information collected (IPP 4)
  - iv. Ensuring that people can find out about personal information collected (IPP 5)
  - v. Ensuring individuals can access a document which contains their personal information on request (IPP 6)
  - vi. Using the personal information for a particular purpose or under a specific exemption (IPPs 9 and 10); and
  - vii. Disclosing the personal information only as permitted by law (IPP 11).



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- d. The extent to which the community is informed on the purpose for and the uses of each camera used for surveillance; and
- e. The extent to which the agency engages with the community about the implementation and use of camera surveillance and the handling of information gathered through camera surveillance.

### 3. Suitability Criteria for Assessing Performance

The review is based on an assessment of the performance of the agency against the requirements in the IP Act, and any subordinate guidelines or instruments made under the legislation.

Where the legislation states that the agency must meet a particular requirement, that requirement is considered to be an auditable element of the legislation. The review tests whether or not the agency has complied with that requirement.

Where the legislation indicates that the agency should adopt a particular approach, the review will make a qualitative assessment of the extent to which the agency has adopted that approach.

These requirements are summarised in an OIC publication titled *Right to Information and Information Privacy Agency Self Assessment Tool* which details all of the legislative obligations contained in the *Right to information Act 2009* (Qld) and the IP Act. This is available on the OIC website at <http://www.oic.qld.gov.au/files/Agency%20Self%20Assessment%20Tool.doc> and has been previously sent to agencies.

### 4. Assessment Process

The Manager, Performance Monitoring and Reporting, the Principal Privacy Officer and the Senior Performance, Monitoring & Reporting Officer will conduct the review.

Evidence may be gathered through the following processes:

- a. Discussions with relevant staff and management
- b. Observation of personal information handling practices
- c. Examination of agency website and intranet
- d. A survey of agency camera surveillance implementation and use
- e. In-depth compliance review of a sample of agencies, including site inspections
- f. Review of statistical records/reporting; and
- g. Consultation with stakeholders in government and the community to discuss issues for the use of camera surveillance cameras by government agencies.



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### **5. Reporting**

The report will present findings and make recommendations to improve agency compliance with the obligations in the IP Act and to identify areas of good practice.

Survey results will be included in the report in aggregate form, represented by total respondent agencies or by sector (for example, local government agencies). This means that where consideration of an agency in this review is limited to their participation in the survey, that agency will not be identified in the report.

Issues identified during the review regarding agency management of camera surveillance systems will be raised progressively during the review with each agency as appropriate. If necessary, OIC will provide a briefing to management within an agency before drafting the review report.

The draft review report will incorporate issues identified during the review and any agency comments. Agencies subject to an in depth compliance review will be given an opportunity to comment formally on issues, findings and recommendations in the draft report to the extent that they specifically relate to their agency.

This final report, together with the agencies' formal response to recommendations, will be submitted to the Speaker for tabling in the Legislative Assembly.

### **6. Administrative Matters**

At this stage, it is envisaged that the review will commence in October 2011 and be finalised by January 2012. The exit meetings and report drafting should be concluded by the end of April 2012, assuming no intervening circumstances.