



Information Sheet

Information Privacy Act 2009 and Right to Information Act 2009

Applying for video footage

Under the *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act) people can apply to access documents held by Queensland government agencies. This includes video footage, eg from CCTV and body worn cameras.

What you need to know before applying

Recordings may have been disposed of

The *Public Records Act 2002* requires agencies to keep full and accurate public records, but the State Archivist¹ decides how long those records must be kept. Most video footage is only required to be kept for a short time, eg 14 or 21 business days.

If the video you want to access was not recorded recently, it would be a good idea to contact the agency and make sure it still exists. If you apply and the agency no longer has the recordings, they will let you know.

Preparing video footage

Preparing video footage for release under the RTI and IP Act is time consuming, particularly if the agency has to remove information from it, for example, by blurring the faces or muting the voices of other people.

It will speed up the process if you only ask for as much of the footage as you need, eg ten minutes rather than an hour, or the footage from only one CCTV camera or from only one officer's body worn camera instead of from multiple cameras or officers in the same location.

You could also consider whether screenshots, which are much faster to prepare, of some or all of the footage would be as useful as the recording itself.

How to apply

Some agencies have an administrative access scheme for some kinds of video footage. For example, Brisbane City Council has the CitySafe Footage Review Request process.²

If the agency holding the footage does not have a scheme like this, you will need to apply under the RTI or IP Act by filling out the application form. If you are applying to a department, for example the Queensland Police Service, you can use the online form or the PDF form available at www.rti.qld.gov.au.

¹ In the Retention and Disposal Schedules issued under the *Public Records Act 2002* (Qld).

² <https://www.brisbane.qld.gov.au/laws-and-permits/laws-and-permits-for-businesses/queen-street-and-valley-malls-management/citysafe-closed-circuit-television-cctv>



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If you are not applying to a department, for example you want video recordings from your local council or a public hospital, you must use the PDF form.

This guide has more information: [How to apply for government documents](#).

How much will it cost

If you are in the video footage you can apply under the IP Act at no cost. If you are not in the footage, you will have to apply under the RTI Act, which has an application fee and processing charges for every 15 minutes spent working on your application.

This guide has more information: [How to apply for government documents](#).

Describing the footage

Details such as time, date and location will make it easier for the agency to locate the video footage.

If you want footage of yourself, it may be helpful to include information that will help the agency identify the correct footage, for example:

- a description of the clothes you were wearing
- if you were in your vehicle, a description of the vehicle and/or its registration number; or
- if you were walking your dog, a description of the dog, such as breed and colour.

This is particularly important if you are seeking access to video footage from cameras which capture large numbers of people, eg street or public transport CCTV cameras.

Will I get access?

While people can apply under the RTI and IP Acts to access video footage, some information may be exempt or contrary to the public interest to release. This is explained in these guides: [What is exempt information](#) and [What is the public interest](#).

People are generally given access to their own personal information, but the RTI and IP Acts include strong protections for other people's privacy. This means other people's personal information may be contrary to the public interest to release.

Video footage can have a bigger impact on other people's privacy than text documents, because it includes information like appearance, body language, and facial expressions. If video footage has an audio track, it will also include people's tone of voice and the emotions they were experiencing.



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If video footage contains you and a number of other identifiable people who cannot be deidentified, eg by blurring their faces or removing some of the audio track, the entire footage may be contrary to the public interest to release.

If you apply for access to video footage of other identifiable people and you are not in the footage, it may also be contrary to the public interest to release.

Video footage can also be exempt from release, for example if giving access to it would endanger the security of a building or prejudice a current law enforcement investigation.

If you are refused access to some or all of the footage, you will have the right to apply for a review as explained in [Explaining your review rights](#).

What kind of access can I have?

You can apply to inspect the footage by going into the agency to view it, or you can apply for a copy of the footage.

If you are given access to a copy of the footage the agency may give it to you on a CD, DVD, USB drive or by secure file download link. If one or more of these are unsuitable, for example if you do not have access to a computer with a CD or DVD drive or are not able to download large files, you should let the agency know that you will need it in a different way.

Most video files provided by agencies can be viewed using the free program VLC media player.³

Access by viewing only - privacy

In some circumstances, viewing the footage instead of getting a copy can reduce the impact on other people's privacy that would normally mean you wouldn't get access to it. The agency may contact you to discuss the possibility of accessing the video by viewing it only.

If you would be interested in only viewing it to reduce potential privacy impacts you could let the agency know when you make your application. This can be helpful when you want to assess what it is in the footage, for example, to determine if it would be useful to subpoena for a court process.

If you agree to access it by viewing only, you will not be able to change your mind later and get a copy.

³ See here for more information: <https://www.videolan.org/>.



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Access by viewing only - copyright

If the video footage you want to access was not recorded by a Queensland government agency the copyright in the footage may belong to someone else. In these circumstances, your only option may be to view it at the agency because, under the RTI and IP Acts, an agency may not be able to give you a copy of the footage if doing so would violate someone else's copyright.

The agency will let you know if this is the case and make arrangements for you to come and view it.

How long will it take?

Applications for video footage take longer than applications for other documents. This is because of the time involved in identifying, reviewing, preparing, and editing video footage.

The agency may ask you for extra time to work on your application, and it may take time after you receive your decision notice to prepare the video footage for release.

This guide has more information: [What to expect when you apply for government documents](#).

For additional information and assistance please refer to the OIC's guidelines, or contact the Enquiries Service on 07 3234 7373 or email enquiries@oic.qld.gov.au.

This information sheet is introductory only, and deals with issues in a general way. It is not legal advice. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

If you have any comments or suggestions on the content of this document, please submit them to feedback@oic.qld.gov.au.

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Changes to legislation after the update date are not included in this document