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1 Background, purpose and scope

1.1 Background

Ringwood Area Lions Aged Care Inc (**RALAC**) is a residential aged care provider and has installed Closed Circuit Television (**CCTV**) cameras in many common areas of the Lionsbrae Hostel including public corridors, lounge areas, dining rooms, court yards and recreation areas. The CCTV camera system has the capacity to record video and audio data.

In addition, Residents or (if applicable) Substitute Decision Makers may request the installation of CCTV to be installed and used in a Resident's private room in which case installation is considered and approved by RALAC on a case-by-case basis.

It is prohibited to install CCTV anywhere on RALAC property without RALAC's knowledge and express written consent. However, RALAC acknowledges that it is beyond its control to prevent unauthorised CCTV devices and that Residents or other persons may install the same without RALAC's knowledge or approval.

1.2 Purpose

The purpose of this policy and procedure is to govern the installation and use of CCTV at Lionsbrae. In particular, this document sets out the details applying to RALAC, its staff and Residents on:

- (a) scope of the policy and procedure;
- (b) notifications of CCTV use;
- (c) procedure following requests from Residents for CCTV in Resident's rooms;
- (d) procedure for CCTV in the Common Areas;
- (e) management and treatment of CCTV;
- (f) Staff responsibilities and obligations; and
- (g) complaints.

1.3 Scope

This policy and procedure apply to the RALAC, its Staff, and all Residents residing at Lionsbrae.

The CCTV referenced in this policy only applies to the CCTV operating within Resident rooms and the Common Areas and excludes the operation of any other cameras, security or other systems using technology that may be used in other areas of the facility from time to time.

2 Notification of CCTV use

2.1 Facility notification of CCTV use

RALAC will give notice to Residents and Staff prior to the activation of CCTV systems.

The CEO of RALAC must ensure that:

- (a) all Staff have been notified that the CCTV will be installed and from what date;

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- (b) the Residents or (if applicable) their Substitute Decision Maker has been notified that the CCTV will be installed and from what date; and
- (c) any other notices that RALAC deems necessary.

2.2 Signage of CCTV use

Where CCTV is installed in Common Areas by RALAC, it will display signage at the entrance of the Lionsbrae facility and in common areas to inform all Residents, Staff and visitors that CCTV is in use at Lionsbrae, for example:

"CCTV camera and audio recording may be in use at Lionsbrae. By entering Lionsbrae, you consent to be recorded".

or

"CCTV camera and audio recording may be in this common area of Lionsbrae. By entering this common area, you consent to be recorded".

Where a CCTV camera has been installed by RALAC in a Resident's private room at the request of the Resident (or their Substitute Decision Maker), RALAC will display signage at the entrance to the Resident's Room to inform all Residents, Staff and visitors that CCTV is in use in that Resident's private room, for example:

CCTV has been installed in this Resident's room at the request of the Resident. By entering this room, you consent to be recorded.

3 Procedure following requests for CCTV in Resident's rooms

3.1 Requests by Residents for the installation of CCTV

Residents or (if applicable) Substitute Decision Makers may request the use of CCTV in a Resident's room, which must be made in writing to the CEO providing:

- (a) the purpose for the installation and use of the CCTV in the Resident's room;
- (b) the authorised consent form (in a form approved by RALAC);
- (c) how the CCTV would provide for a higher level of quality of care and safety to the Resident;
- (d) when the CCTV is proposed to commence; and
- (e) an acknowledgment that the Resident would be required to reimburse RALAC for reasonable costs and expenses associated with the installation of the CCTV.

3.2 Approval of Resident request for CCTV in their private room.

All approvals for the installation and use of CCTV in a Residents' room must be determined by RALAC's governing body, the Board of RALAC.

It is prohibited to install CCTV anywhere on RALAC property without RALAC's knowledge and express written consent.

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3.3 Resident request to access CCTV recordings

If the Resident or (if applicable) their Substitute Decision Maker wishes to access any data recorded by the CCTV located in the Resident's room, then:

- (a) a written request must be made to the CEO detailing the specific purpose for accessing the data and particular timeframe of data requested; and
- (b) where access has been granted by RALAC, the data may only be accessed by the Resident at the Facility and in the presence of the CEO or another person or persons the CEO has nominated.

3.4 Consideration and approval of a request to install CCTV in a Residents Room

Before making a determination on the installation and use of CCTV in a Residents' private room, senior Staff should meet with the relevant Resident (or Substitute Decision Maker) to discuss, investigate and resolve any concerns that may have led to the resident's request for CCTV to be installed in their private room. Staff should explain the risks and alternative options to help ensure any decision and consent is fully informed.

If the CCTV is proceeding under the control of RALAC, then the consent should be documented in writing and signed by the Resident or their Substitute Decision Maker. If consent is obtained from the Resident's substitute decision maker, a copy of any relevant document evidencing their appointment (e.g. a certified copy of the Resident's Enduring Power of Attorney) should be obtained and kept with the record of consent.

Assuming the Resident (or Substitute Decision Maker) has provided informed consent, RALAC may permit CCTV use on the following conditions:

- (a) the least invasive form of CCTV possible must be used, e.g. device will be setup in a way that best promotes the Resident's dignity;
- (b) measures must be taken to ensure the privacy of any people recorded, including obtaining the necessary consent from individuals likely to be identified by RALAC;
- (c) recordings or footage must not be disclosed to another party without RALAC's prior written consent;
- (d) measures must be taken to protect recordings and footage from unauthorised use or disclosure; and
- (e) that the permission to use CCTV will be reviewed on an annual basis.

Subject to the RALAC's obligations at law, RALAC holds discretionary powers to approve (with or without conditions) or decline a Resident's request to access data recorded by the CCTV in the Resident's room.

4 Procedure for CCTV in Common Areas

4.1 Installation of CCTV in Common Areas

The decision to install CCTV in Common Areas of the Facility is to:

- (a) increase the security of Residents and the facility;
- (b) assist incident or complaint investigations;
- (c) assist with Infection Protection and Control (IPC) practices and the correct use of Personal Protective Equipment (PPE), particularly during outbreaks of Covid or other infectious diseases.

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- (d) promote the health and safety of Residents and Staff; and
- (e) drive quality improvement.

4.2 **CCTV footage storage and protection**

The *Data Protection Act 2014* (Vic) applies to images captured by a camera, including CCTV. The Information Privacy Principles require that:

- (a) RALAC must ensure that filming by way of CCTV is lawful and necessary, proportionate and fair to meet an identified and pressing need;
- (b) RALAC must keep the CCTV data accurate, complete and up to date; and
- (c) RALAC must protect the CCTV from misuse, loss, unauthorised access, modification or disclosure.

4.3 **Resident request to access CCTV recordings of Common Areas**

If the Resident or (if applicable) their Substitute Decision Maker wishes to access any data recorded by the CCTV located in the Common Areas, then:

- (a) a written request must be made to the CEO detailing the specific purpose for accessing the data and particular timeframe of data requested; and
- (b) where access has been granted by RALAC, the data may only be accessed by the Resident or their authorised representatives at the Facility and in the presence of the Facility Manager or delegate.

The decision to provide access to the data is entirely at the discretion of RALAC and will be made taking into account the privacy of the Resident requesting the access as well as any other resident or Staff member that might be captured on the data or impacted by its release.

Assuming the Resident (or Substitute Decision Maker) has provided informed consent, RALAC may permit access to the CCTV on the following conditions:

- (c) measures must be taken to ensure the privacy of any people recorded, including obtaining the necessary consent from individuals likely to be identified by the RALAC;
- (d) recordings or footage must not be disclosed to another party without the RALAC's prior written consent;
- (e) measures must be taken to protect recordings and footage from unauthorised use or disclosure; and
- (f) that the permission to use CCTV will be reviewed on an annual basis.

5 **Management and treatment of CCTV**

5.1 **Management in accordance with law and policy**

The CCTV will be installed, maintained and operated in accordance with RALAC's policies and procedures, appropriate Australian standards and legislative requirements.

5.2 **Location of CCTV cameras and live feed monitors**

The CCTV system (and specifically cameras or other recording devices) must be installed in an obvious and overt location and never installed, maintained or operated in ensuites, toilets, or bathrooms.

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A monitor (television screen) has been installed in the nurses' station located within each of the Grevillea Unit, Acacia Unit and Blue Gum Unit at Lionsbrae. Each monitor will display a live feed of selected common areas of the Lionsbrae facility but will not record data.

5.3 Treatment of CCTV recordings

All recorded materials and their contents are the property of RALAC and will not be copied, distributed or used for any broadcast or publication without the written approval of the CEO.

Any broadcast or publication will be undertaken in accordance with all applicable laws, including the *Aged Care Act 1997* (Cth), *Privacy Act 1988* (Cth) and any applicable surveillance legislation in the State Jurisdiction.

5.4 Retention and destruction of CCTV recordings

Any recordings from the CCTV must be:

- (a) retained for a minimum period of 28 days in accordance with the laws of the State Jurisdiction; and
- (b) destroyed within 56 days of the recording date in accordance with the laws of the State Jurisdiction.

6 Staff responsibilities and obligations

Staff are required to familiarise themselves and comply with this policy and procedure as amended from time to time.

The use of CCTV will be discussed at regular facility meetings, to reinforce that Staff are made aware of the use of CCTV in Resident rooms.

6.1 Review with Residents

The ongoing appropriateness of CCTV in a Resident's room will be regularly reviewed in consultation with the Resident or (if applicable) their Substitute Decision Maker.

6.2 Inappropriate use of CCTV recordings

Any use of the CCTV or its recordings by Staff which is deemed by RALAC (in its opinion acting reasonably) as frivolous, or for private purposes, or is otherwise inconsistent with the industrial instruments, legislation or code of conduct, will be considered as gross misconduct and may result in disciplinary action being taken against a member of the Staff.

Despite the policy and procedure, it is possible that a Resident or (if applicable) a Substitute Decision Maker, a family member or another person may use their own CCTV without RALAC's knowledge or consent.

Staff may be required to attend training, when required, on RALAC's approach to CCTV, and its applicable policies and procedure.

6.3 Accessing data and recordings by Authorised Users

Access to data or other recordings derived from CCTV will be limited only to Authorised Users (level 1) and Authorised Users (level 2) as defined by this policy.

All Authorised Users involved with the management, monitoring, observation, storage and disposal of all data or other recordings derived from the CCTV are required to exercise care to ensure legislative compliance

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and to prevent any improper disclosure of the recorded material. Authorised Users may access CCTV data and recordings to consider a particular matter that warrants reasonable investigation.

If permitted by law, the CEO may retain the recordings for a longer period while RALAC makes reasonable enquiries.

6.4 Requests to deactivate CCTV in a Resident's room

Residents or (if applicable) their Substitute Decision Maker may request for the CCTV cameras in their private rooms to be turned off at certain times of the day or for certain activities that they do not wish to be recorded. Any instructions to this effect will be kept in the Resident's file.

CCTV will cease as soon as reasonably practicable if no longer required.

6.5 Consent of Staff, guests and other visitors

RALAC will install signs at the entrance of the facility and entrance of any rooms using CCTV to notify Staff, Residents, visitors and others that CCTV is in use and that they may be recorded. Informed implied consent will be taken for the purposes of being recorded by the CCTV where a sign is used.

6.6 Mandatory Reporting

The installation of CCTV in a Resident's room does not negate any mandatory reporting requirements by the Staff (e.g. if concerns arise in relation to any potential mistreatment or abuse of a care recipient or Resident) or any obligations arising in the State Jurisdiction.

7 Complaints

Where any complaint is made that CCTV use is inconsistent with the policy and procedure, the complaint will be managed under RALAC's formal complaints resolution process.

All complaints made by a Resident or Substitute Decision Maker will be addressed in accordance with RALAC's open disclosure and complaint handling process.

All Staff and Residents have a right to complain to the Aged Care Quality and Safety Commission if they wish to make a complaint against RALAC.

8 Request for footage by Regulatory Authorities

Subject to RALAC's obligations at law, RALAC holds discretionary powers to approve (with or without conditions) or decline a Resident's request to access data recorded by the CCTV in the Resident's room or in the Common Areas.

RALAC may be required to provide video CCTV footage to various regulatory authorities including but not limited to, the Australian Health Practitioners Regulatory Authority, Aged Care Complaints Commission, Department of Health and Victoria Police.

9 Relevant Legislation

- *Aged Care Act 2024*(Cth)
- *Privacy Act 1988* (Cth)
- *Surveillance Devices (Workplace Privacy) Act 2006* (Vic)
- *Surveillance Devices Act 1999* (Vic)

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- *Privacy and Data Protection Act 2014 (Vic)*

10 Definitions

Term	Definition
Authorised User (level 1)	The Chief Executive Officer or their delegate granted permission by RALAC to manage, access, monitor, observe, store or dispose of CCTV recordings.
Authorised User (level 2)	Person or persons who are granted permission by RALAC to access, monitor, and observe CCTV recordings, including, but not limited to the Chief Executive Officer, Residential Services Manager, Corporate Services Manager, Quality & Governance Manager, Clinical Care Manager and IPC lead.
Common Area	A portion of the residential aged care facility that is generally accessible to all Residents and Staff with the purpose of common use, including but not limited to, dining areas, hallways, stairways, recreational rooms, designated smoking areas, court yards, common storage spaces, lobbies, parking lots and open spaces.
Provider	Ringwood Area Lions Aged Care Inc. (RALAC)
Staff	Staff includes: (a) all part time, full time/fixed term and casual employees; and (b) all other persons who perform work at the facility, including contractors, consultants and volunteers.
State Jurisdiction	Victoria
Substitute Decision Maker	In respect of a particular Resident, the person who has been authorised as the Substitute Decision Maker and is capable of providing consent on behalf of the Resident in relation to the installation and ongoing use of the CCTV in the Resident's room.
CCTV	Any combination of video /digital records, cameras, lenses and accessories installed for the purpose of monitoring or recording activity or conversation.

11 Review and amendments to this document

- RALAC must review this document at least once every three years.
- Any amendments are subject to the approval of the board of RALAC.

Version	Description of Changes	Author	Approved By	Date
1.0	Inaugural policy	CEO	RALAC Board	22 March 2023
2.0	Reviewed with minor grammatical changes, no change to content.	QGM	Not required	6 July 2026