**GUIDING PRINCIPLES FOR SURVEILLANCE – CHECKLIST**

An organisation may use this checklist to assess a surveillance act or practice, proposed or already implemented, against the Guiding Principles for Surveillance.

This checklist is designed to complement a Privacy Impact Assessment (**PIA**). It is not a substitute for completing a PIA. Completing this checklist alongside a PIA will assist organisations to address privacy, human rights and ethical issues that can arise from surveillance activities.

This checklist should not be used as an instrument to endorse a surveillance practice.

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| Program |  |
| Organisation |  |
| Date |  |

## **Legitimate aim**

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| **Question** | **Response** | ***Guiding Principle*** |
| **How does the surveillance connect or relate to the organisation’s functions or activities?**  *Any surveillance that collects personal information must only be done where it is necessary for a specific function or activity. Describe how it relates to the functions or activities of the organisation.* |  | **2.1** |
| **How will the organisation ensure personal information collected through surveillance is only used for the purpose for which it was collected?**  *Describe the policies, practices, or procedures that exist to ensure use is limited.* |  | **2.2** |

## **Necessity**

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| **Question** | **Response** | ***Guiding Principle*** |
| **Why is the surveillance necessary to achieve the legitimate and lawful aim identified?** |  | **3.1** |
| **Is it reasonable and practicable to collect the information directly from the individual, instead of using surveillance?**  *If yes, the information should not be collected through surveillance.* |  | **3.2** |

## **Proportionality**

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| **Question** | **Response** | ***Guiding Principle*** |
| **Has the proportionality of the surveillance required in the particular circumstances been considered?**  *Surveillance should be proportionate to the desired aim or outcome, to ensure the surveillance is carried out in a way that is least likely to impact on privacy and human rights. Surveillance should be limited to the least intrusive acts, practices, or methods necessary and only target relevant individuals. Alternative methods or strategies to achieve the desired aim or outcome should be considered.* |  | **4.1, 4.2, 4.3** |

## **Privacy Safeguards**

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| **Question** | **Response** | ***Guiding Principle*** |
| **What steps are taken to provide individuals with notice of the surveillance?**  *Where personal information is collected through surveillance, reasonable steps must be taken to provide individuals with notice.* |  | **5.2** |
| **Are policies and records in relation to the surveillance use published, including the purposes of surveillance and how collected personal information is used?** |  | **5.3, 5.4** |
| **Are individuals able to make a request for access to personal information collected through surveillance?**  *For example, through the Freedom of Information Act 1982 (Vic).* |  | **5.5** |
| **Does a process exist to either de-identify or destroy personal information collected through surveillance when it is no longer required?** |  | **5.6** |
| **If the personal information is being de-identified, has the risk of re-identification been assessed?**  *If the risk of re-identification cannot be reduced to very low, the information cannot be de-identified and should be destroyed when it is no longer required.* |  | **5.7** |
| **Is information collected through surveillance anonymous (rather than personal information) wherever reasonably practicable?** |  | **5.8** |
| **Is any information sharing limited to the purpose for the surveillance being undertaken?**  *Describe any information sharing that may or does occur and how it links to the purpose of surveillance being undertaken. A privacy impact assessment will assist to highlight areas of non-compliance.* |  | **5.9** |
| **Is personal information collected through surveillance stored in Victoria or a jurisdiction with equivalent privacy protections?**  *List other jurisdictions where personal information is held and explain why the protection is equivalent to Victoria, or why the transfer is otherwise permitted under IPP 9.* |  | **5.10** |
| **What steps are taken to protect personal information collected through surveillance from being misused, lost, or accessed, modified, or disclosed by unauthorised persons?** |  | **5.11** |
| **What resourcing has been allocated to ensure all safeguards are considered and effective?**  *Detail who is involved in the surveillance and their roles and responsibilities.* |  | **5.1** |

## **Non-discrimination**

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| **Question** | **Response** | ***Guiding Principle*** |
| **Is the surveillance non-discriminatory with respect to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status?**  *Consider all stages of the information lifecycle, including any inferred information, and decisions made by the organisation that are based on the monitoring and analysis of surveillance data.* |  | **6.1** |

## **Legality**

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| **Question** | **Response** | ***Guiding Principle*** |
| **Is the surveillance lawful?**  *Ensure any applicable legal restrictions in enabling legislation and other state and Commonwealth legislation has been considered. This includes consideration of the Information Privacy Principles in the Privacy and Data Protection Act 2014 and the Charter of Human Rights and Responsibilities Act 2006.* |  | **1.1, 1.3** |
| **Has a privacy impact assessment been undertaken?**  *See OVIC’s* [*Privacy Impact Assessment Guide and Template*](https://ovic.vic.gov.au/privacy/privacy-impact-assessment/)*.* |  | **1.2** |
| **Is there a plan to periodically review the surveillance after implementation?**  *Describe where this plan or policy is documented and can be found, and who is responsible.* |  | **1.4** |

## **Complaints and remedy**

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| **Question** | **Response** | ***Guiding Principle*** |
| **What processes exist to ensure individuals are aware they can complain to the organisation and/or the Information Commissioner where they believe their privacy has been interfered with?** |  | **7.1, 7.2** |

## **Recommendations / Action Items**

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|  | **Recommendations / Action items** |
| **1** |  |
| **2** |  |
| **3** |  |
| **4** |  |