

# CCTV & PORTABLE SURVEILLANCE DEVICES POLICY

Policy | Integrated Risk

The purpose of this policy is to ensure that CCTV and Portable Surveillance Devices will be operated consistently, within the law and only for the objectives for which they were established.

<b>Policy No:</b>	POL/1022	<b>Version:</b>	1
<b>Service Unit:</b>	Governance		
<b>Responsible Officer:</b>	Coordinator Governance		
<b>Responsible Director:</b>	Director Organisation & Community Capacity Group		
<b>Authorisation Date:</b>	16/09/2019	<b>Review Date:</b>	16/09/2021
<b>Minute No:</b>	120/19		

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# 1 Background

## 1.1 Title of the Policy and Commencement Date

The CCTV and Portable Surveillance Devices Policy takes effect from 16 September 2019.

## 1.2 Purpose of the Policy

Singleton Council is committed to maintaining safe and secure spaces for our staff and community.

Council's CCTV systems and the use of portable surveillance devices acts to:

1. Protect Singleton Council employees, residents and visitors;
2. Protect and manage Singleton Council built and natural assets;
3. Identify, prosecute and deter crime or unlawful behaviour and provide assistance to external statutory agencies;
4. Promote a safer and more liveable community; and
5. Monitor and protect the environment.

Council's CCTV systems primarily focus on Council assets and facilities.

Council reserves the right to remove or relocate CCTV based on results of evaluation and review.

While the primary purpose of CCTV and portable surveillance and associated recorded material is not to monitor staff, this information may with cause, be accessed to investigate complaints or conduct other workplace investigations and verify compliance with Council's policies, protocols and procedures.

Covert portable surveillance will not be used in workplace investigations, except in exceptional circumstances in accordance with s22(2) of the *Workplace Surveillance Act, 2005*.

# 2 Objective

## 2.1 Objectives and Coverage of the Policy

The objectives of this policy are to:

1. Provide guidance on the lawful and effectual management and operation of CCTV and portable surveillance devices owned and operated by Singleton Council;
2. Outline the laws and regulations governing privacy and access to recorded material from CCTV and portable surveillance devices;
3. Ensure all recorded material is retained and handled in accordance with this policy and the Information Management (Recordkeeping) Policy; and
4. Outline the application process for the release of recorded material.



## 3 Application

### 3.1 Application of this Policy

This policy applies to:

1. All CCTV and portable surveillance devices owned and operated by Singleton Council within the Local Government Area (LGA); and
2. All employees, Councillors, volunteers and contractors of Council.

## 4 Definitions

For the purposes of this policy:

Term	Meaning
Asset owner	Relevant member of the Leadership Team with responsibility for the Council owned asset or facility
Closed Circuit Television (CCTV)	A television system that transmits images on 'closed loop' basis, where images generated are not publically available.
CCTV Device	The electronic device that records and transmits images.
Relevant Director	Member of Council's Executive Leadership Team with delegated authority under the <i>Surveillance Devices Act, 2007</i>
Document Management System	Controlled document repository that meets the requirement of the <i>State Records Act, 1998</i> .
Portable Surveillance Devices	Includes body worn video and carried cameras, motion sensor cameras and vehicle dash mounted cameras.
Public Space/Land	Refers to land owned or managed by Singleton Council and as defined in the <i>Local Government Act, 1993</i> including public reserves, swimming pools, public roads and car parks. It may also refer to sites owned and managed by State Agencies.
Recorded Material	Film, footage and photographs from CCTV and portable surveillance devices (whether or not the recording also includes audio recording).
Statutory Agencies	Includes the Environment Protection Authority, Local Land Services, Office of Environment and Heritage.
PPIPA Act	<i>Privacy and Personal Information Protection Act, 1998 (NSW)</i>
GIPA Act	<i>Government Information (Public Access) Act, 2009</i>
EP&A Act	<i>Environmental Planning &amp; Assessment Act, 1979</i>
PoEO Act	<i>Protection of the Environment Operations Act, 1997</i>



## 5 Evaluation and Installation

- (a) CCTV shall only be installed with the approval of the relevant Director following consideration of an evaluation and risk assessment of the premises by the Asset Owner. Any such evaluation will be carried out in consultation with Council's Coordinator Information Systems to determine the need for the system and appropriate hardware/software requirements in accordance with the purpose of this policy and Council's Information Communication Technology Security Procedure.
- (b) The NSW Environment Protection Authority (EPA) may require Council as an occupier of a scheduled waste facility, to install, operate and maintain a CCTV system in accordance with s39 of the *Environment Operations (Waste) Regulation, 2014*.
- (c) The evaluation of the requirement for individual CCTV systems is the responsibility of the respective asset owners for each of the premises where CCTV is proposed to be installed. The evaluation should ensure that the CCTV system will operate in accordance with this policy.
- (d) The design and installation of any devices or software shall be undertaken by a suitably qualified contractor in consultation with Council's Coordinator Information Systems and will be in accordance with Council's Information Communication Technology Security Procedure.
- (e) In accordance with s10 of the *Workplace Surveillance Act, 2005*, where Council intends to install any new CCTV devices, workers will be notified at least 14 days prior to any operation or function of the new installations which occur after the date of acceptance of this policy by Council.
- (f) All CCTV installations will be registered on the NSW Police Force CCTV Register [https://www.police.nsw.gov.au/online\\_services/register\\_my\\_business\\_cctv\\_details](https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details).

## 6 Public Information

### 6.1 Location of CCTV and Portable Surveillance Devices

- (a) CCTV devices will be clearly visible. CCTV and portable surveillance devices will be located on public land, except where express permission has been given to locate cameras on private land or where cameras are attached to Council vehicles, plant or staff.
- (b) A list of the location, purpose, Asset Owner and relevant Director for all Council operated CCTV devices is included in **Appendix A** to this policy.

### 6.2 CCTV Signage

- (a) Clearly visible signs indicating that CCTV devices are operating will be displayed near entry points or on the perimeter of locations that can be viewed by the CCTV devices.
- (b) The signs will be placed in locations so that members of the public will be able to reasonably approximate the area covered by the CCTV devices.
- (c) The signs will clearly:
  - Inform the public that cameras are in operation in the vicinity;
  - Inform the public that footage is recorded 24 hours a day, 7 days a week;



- Identify Council as the owner of the CCTV devices; and
- Provide a contact telephone number for inquiries in relation to the CCTV devices.

### 6.3 Portable Surveillance Device Signage

- (a) Clearly visible signs indicating that cameras may be operating will be placed at the entrances to Council owned land or managed land, such as reserves.
- (b) For land that has no formal entrance, a sign will be placed at locations where the point of entry is most likely.
- (c) In the event that Council is conducting an operation in relation to environmental offences and/or investigations or where cameras are attached to Council vehicles, plant or staff, Council will not display signage.

### 6.4 Access to Recorded Material

- (a) Recorded material will only be accessed or used for the purposes of:
  - (i) The investigation of crime by the Police or statutory agencies; or
  - (ii) Investigation of or in connection with suspected or alleged breach of relevant legislation, actual or anticipated legal proceedings or in compliance with relevant legislation such as PPIPA Act, GIPA Act, EP&A Act or PoEO Act; or
  - (iii) Protection, management and operation of built and natural assets.
- (b) Where formally approved by the Police or the General Manager (relevant to the legislation that the recorded material may relate to), recorded material may be shown in public to assist the investigation of a crime or in other circumstances provide by the law.
- (c) If the recorded material is approved for release to the media by the Police or the General Manager the faces and characteristics of people in the recorded material, not deemed necessary for the investigation of crime, shall be obscured.
- (d) Information on how to request access to recorded material is outlined in section 6 of this policy.

### 6.5 Clause 9 of the Privacy and Personal Information Protection Regulation 2014 states:

#### 9 Local council CCTV camera exemptions

- (1) *A local council is exempt from section 11 of the Act with respect to the collection of personal information by using a CCTV camera that the council installs for the purpose of filming a public place if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).*
- (2) *The local council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.*
- (3) *In this clause, public place has the same meaning as in the Local Government Act, 1993.*



## **7 Access to Recorded Material**

Staff or Auditors, conducting an audit in accordance with the Internal Audit Policy, may only view, access or copy recorded material upon consultation with the relevant Asset Owner and upon approval by the relevant Director in accordance with section 7 of this policy.

### **7.1 Holding of Recorded Material from CCTV**

- (a) All requests from staff or auditors for the holding of CCTV recorded material are to be made to the Coordinator Information Management & Customer Service.
- (b) The Coordinator Information Management & Customer Service will:
  - (i) Advise when a written request for holding recorded material from CCTV is required;
  - (ii) Advise at the time of indicating a written request is required, that if the written request is not received within 14 days the recorded material will be unavailable; and
  - (iii) Convey any requests for the holding of recorded material to the relevant Asset Owner and Director.

### **7.2 Retention of Recorded Material from Portable Surveillance Devices**

- (a) Recorded material from portable surveillance devices that is relevant to illegal activity or biodiversity monitoring is to be retained in accordance with Council's obligation to retain records under the relevant legislation;
- (b) All portable surveillance devices will include a time and date stamp on the recording or image;
- (c) Recorded material relevant to illegal activity or natural asset management obtained from portable surveillance devices will be saved in a secure container in Council's Document Management System.
- (d) Recorded material that relates to illegal dumping activities will also be recorded in RIDOnline, an illegal dumping database incident record, secure external website or cloud based.
- (e) Recorded material will be retained for 28 days unless:
  - the material is required for investigation of a suspected or alleged crime or breach of relevant legislation; or
  - where a formal access application to view or supply a copy of the recorded material has been made (whether the application has been determined or not); or
  - the material is required by the EPA in accordance with Clause 5(b) of this policy, in which case it will be kept for a minimum of three years.

### **7.3 Requests from Police or Statutory Agencies to View and/or Supply Copies of Recorded Material**

- (a) Access to and release of recorded material will only be permitted in compliance with applicable laws;
- (b) All requests for access to and release of recorded material by the Police or a Statutory Agency will be coordinated by the Coordinator Information Management & Customer Service who will:



- (i) Determine the validity of the written request by the Police or the Statutory Agency;
- (ii) Explain the conditions attached to the release of recorded information;
- (iii) Recommend the request by the Police or Statutory Agency to view or supply a copy of the recorded material to the relevant Director for approval or refusal.; and
- (iv) Advise the relevant Asset Owner of any approved request.

#### **7.4 Requests from Members of the Public to View and/or Supply Copies of Recorded Material**

- (a) Access to and release of recorded material will only be permitted in compliance with applicable laws;
- (b) All requests by members of the public to view and/or supply copies of recorded material are required in the form of a formal access application under the GIPA Act;
- (c) Members of the public should be aware that there are provisions under the GIPA Act that may override the release of the information.

## **8 Audit**

Internal audits for compliance with the PPIPA Act shall be conducted in accordance with Council's Internal Audit Policy.

Random checks for compliance with this policy may also be undertaken by the Coordinator Governance as part of the audit process.

## **9 Relevant Legislation**

- *Local Government Act, 1993*
- *Government Information (Public Access) Act, 2009*
- *Privacy and Personal Information Protection Act, 1998*
- *Workplace Surveillance Act, 2005*
- *Surveillance Devices Act, 2007*
- *Environmental Planning & Assessment Act, 1979*
- *Protection of the Environment Operations Act, 1997*
- *Protection of the Environment Operations (Waste) Regulation, 2014*
- *State Records Act, 1998*
- Privacy Code of Practice for Local Government

## **10 Document Information**

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.



## 10.1 Related Documents

Related documents, listed below, are internal documents directly related to or referenced from this document.

Number	Title
N/A	NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places
POL/30004	Privacy Management Plan
POL/1011	Code of Conduct
POL/40007	Complaint Handling Policy
POL/10065	Enforcement and Compliance Policy
19/87488	Information Communication Technology Security Procedure
POL/8005	Information Management (Recordkeeping) Policy
POL/1019	Internal Audit Policy

## 11 Responsible Officer / Policy Owner

Ownership of this policy rests with the Coordinator Governance.

## 12 Responsibilities

Parties or Persons	Responsibilities
Councillors	<ul style="list-style-type: none"> <li>Act in accordance with legislation and this policy.</li> </ul>
Council staff	<ul style="list-style-type: none"> <li>Act in accordance with legislation and this policy.</li> </ul>
Leadership Team/Asset Owner	<ul style="list-style-type: none"> <li>Lead staff in their understanding of, and compliance with, this policy.</li> <li>Implement appropriate procedures relating to their assets and facilities to ensure compliance with this policy.</li> </ul>
Relevant Director	<ul style="list-style-type: none"> <li>Ensure all recorded material is retained and handled in accordance with this policy</li> <li>Approve in writing the viewing, access or copy of recorded material in accordance with clause 7 of this policy.</li> <li>Arrange for recorded material to be held in accordance with clause 7.1 of this policy.</li> <li>Approve in writing the installation and maintenance of CCTV in accordance with clause 5 of this policy.</li> <li>Approve procedures relating to this policy.</li> </ul>
Coordinator Information Management & Customer Service	<ul style="list-style-type: none"> <li>Coordinate the assessment of applications and release of recorded material if approved, where applicable.</li> </ul>
Staff with delegated authority to decide an access application under the Government Information (Public Access) Act, 2009.	<ul style="list-style-type: none"> <li>Approve or refuse requests for access to recorded material in accordance with the <i>Government Information (Public Access) Act, 2009</i>.</li> </ul>



**13 Approval**

As per cover sheet.

**14 Monitoring**

This policy will be monitored by the Coordinator Governance to ensure compliance.

**15 Review Date**

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

**16 Record Keeping, Confidentiality and Privacy**

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

**17 Breaches and Sanctions**

Any breaches of this Policy will be referred to the General Manager for appropriate action.



## Appendix A - CCTV Locations

Location	Purpose(s)	Asset Owner	Relevant Director
Singleton Public Library	<ul style="list-style-type: none"> <li>Assist in the detection and prosecution of offenders</li> <li>Help secure a safer environment and protect the community and property from crime</li> <li>Staff and site security – risk management</li> <li>Assist in identifying theft offenders</li> <li>Asset protection</li> <li>Assist in reducing personal and property crime levels by deterring potential offenders</li> </ul>	Manager Corporate & Community Services	Director Business & Community Services
Works Depot	<ul style="list-style-type: none"> <li>Assist in the detection and prosecution of offenders</li> <li>Assist in identifying theft offenders</li> <li>Asset protection</li> </ul>	Manager Infrastructure Services	Director Planning & Infrastructure Services
Waste Management Facility	<ul style="list-style-type: none"> <li>Assist in the detection and prosecution of offenders</li> <li>Help secure a safer environment and protect the community and property from crime</li> <li>Safe money handling</li> <li>Deter fraudulent activities</li> <li>Staff and site security – risk management</li> <li>Monitor traffic flow in and out of the site</li> <li>Assist operators to validate the loads that are entering the site</li> <li>Assist operators to ensure that there are no hazardous or prohibited materials entering the site</li> </ul>	Manager Development & Environmental Services	Director Planning & Infrastructure Services
Singleton Visitor Information & Enterprise Centre (SVIEC)	<ul style="list-style-type: none"> <li>Assist in the detection and prosecution of offenders</li> <li>Help secure a safer environment and protect the community and property from crime</li> <li>Staff and site security – risk management</li> <li>Assist in reducing personal and property crime levels by deterring potential offenders</li> <li>Assist in identifying theft offenders</li> <li>Asset protection</li> </ul>	Manager Corporate & Community Services	Director Business & Community Services
Administration Building – Customer Service Centre	<ul style="list-style-type: none"> <li>Assist in the detection and prosecution of offenders</li> <li>Help secure a safer environment and protect the community and property from crime</li> <li>Safe money handling</li> <li>Deter fraudulent activities</li> <li>Staff and site security – risk management</li> </ul>	Manager Corporate & Community Services	Director Business & Community Services



Location	Purpose(s)	Asset Owner	Relevant Director
	<ul style="list-style-type: none"> <li>• Assist in reducing personal and property crime levels by deterring potential offenders</li> <li>• Asset protection</li> </ul>		
Civic Centre Auditorium	<ul style="list-style-type: none"> <li>• Assist in the detection and prosecution of offenders</li> <li>• Help secure a safer environment and protect the community and property from crime</li> <li>• Staff and site security – risk management</li> <li>• Assist in reducing personal and property crime levels by deterring potential offenders</li> <li>• Asset protection</li> </ul>	Manager Strategy & Engagement	Director Organisation & Community Capacity
Animal Management Facility	<ul style="list-style-type: none"> <li>• Assist in the detection and prosecution of offenders</li> <li>• Help secure a safer environment and protect the community and property from crime</li> <li>• Staff and site security – risk management</li> <li>• Assist in reducing personal and property crime levels by deterring potential offenders</li> <li>• Assist in identifying theft offenders</li> <li>• Asset protection</li> </ul>	Manager Development & Environmental Services	Director Planning & Infrastructure Services
Riverside Park	<ul style="list-style-type: none"> <li>• Assist in the detection and prosecution of offenders</li> <li>• Help secure a safer environment and protect the community and property from crime</li> <li>• Staff and site security – risk management</li> <li>• Assist in reducing personal and property crime levels by deterring potential offenders</li> <li>• Asset protection</li> </ul>	Manager Infrastructure Services	Director Planning & Infrastructure Services

