

Management of CCTV Policy

Policy Details

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Policy Owner	Director Corporate Services
Contact Officer	Julianne Meier
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Supporting documentation

Legislation	<ul style="list-style-type: none"> • <i>Information Privacy Act 2009</i> • <i>Information Privacy Regulation 2009</i> • <i>Local Government Act 2009</i> • <i>Local Government Regulation 2012</i> • <i>Public Records Act 2002</i> • <i>Public Sector Ethics Act 1994</i> • <i>Right to Information Act 2009</i>
Policies	<ul style="list-style-type: none"> • Code of Conduct for Employees • Privacy Policy • Complaints Policy
Delegations	<ul style="list-style-type: none"> • Nil
Forms	<ul style="list-style-type: none"> • Nil
Supporting Documents	<ul style="list-style-type: none"> • Camera Surveillance and Privacy – Office of the Information Commissioner Queensland • Australian Standard AS 4806.1-2006 Closed Circuit Television (CCTV) – Management and Operation • Australian Standard AS 4806.2-2006 Closed Circuit Television (CCTV) – Application and Guidelines

Version History:

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Intent

Council is the owner of Closed Circuit Television equipment (CCTV) which has been installed or will be installed in the Carpentaria local government area.

The Policy is to provide a framework for the establishment, operation and management of CCTV which is owned by Council to ensure that information including CCTV footage is only collected for a lawful purpose and that CCTV is managed in accordance with this Policy, relevant legislation, other Council policies and guidelines.

Scope

This policy applies to all Council employees, contractors, agents and any other persons or entities dealing with information obtained by CCTV or providing security services through CCTV for or on behalf of Council.

Policy Statement

As a local government pursuant to the *Local Government Act 2009*, Council has a broad reaching power to do all things that are in the interests of the good rule and governance in the local government area.

Council endeavours to protect the safety of its employees, contractors, volunteers and the general public as well as the property and assets of Council through a range of initiatives including the installation of CCTV in Council workplaces, public spaces and other Council controlled areas, facilities and land.

For the purposes of this policy, information obtained by CCTV may include footage, images and other information from fixed CCTV, vehicle dashboard cameras, remotely piloted aircraft (drones) or body worn cameras whether in use currently or in the future.

Guiding Principles and Purpose

Information collected through CCTV may contain the personal information of individuals and Council will take all reasonable steps not to unduly infringe an individuals' right to privacy.

While an individuals' right to privacy is protected under applicable legislation, Council has identified the primary purpose for the installation and management of each CCTV device within its network is for the detection of and prevention of criminal activity or harm to persons and property in public spaces and local government controlled areas, facilities and land.

CCTV will be operated in compliance with applicable legislation and information collected only for lawful purposes.

Information is collected in accordance with the Information Privacy Principles set out in the *Information Privacy Act 2009* for the following purposes:

- To monitor and assist in the protection of employees, contractors, volunteers, the general public and Council and community assets.
- To act as a deterrent against anti-social behaviour and unlawful activity in public spaces or local government-controlled areas, facilities or land.
- To improve public confidence in the safety and security of public spaces.
- To assist Council with investigations into unacceptable behaviour, suspicious activity and fraudulent or criminal activity in the Council workplace.

- To assist Law Enforcement Agencies with investigations into unacceptable behaviour, suspicious activity and fraudulent or criminal activity in public spaces and Council controlled areas, facilities and land.
- To assist in the investigation and prosecution of crimes against a person, civil and criminal offences in relation to the security of public spaces and Council controlled areas, facilities and land.
- To assist in the identification of owners of lost property in public spaces; and
- For investigation and review of incidents to reduce the threat of harm to individuals and to protect the health, safety and welfare of Council employees, contractors, volunteers and the general public in public spaces and Council controlled areas, facilities and land.

Public Interest

CCTV systems will be operated with due regard to the protection of privacy and civil liberties of members of the public, Council employees, contractors and volunteers by:

- Ensuring the collection, use, disclosure and storage of any personal information is in accordance with relevant legislation including the *Information Privacy Act 2009*, the *Right to Information Act 2009* and the *Public Records Act 2002*.
- Development of standard operating procedures that recognise and protect privacy, security and integrity in the viewing, use, disclosure and disposal of all information obtained by CCTV.
- The use of appropriate signage in places (at fixed locations) to inform the public and Council employees, contractors and volunteers that Council has installed CCTV in a particular location.
- Informing authorised employees involved in dealing with information obtained by CCTV of the standard operating procedures and their responsibility to act in an ethical and lawful manner as required by legislation.
- Maintaining established processes with the Law Enforcement Agencies and other approved entities in relation to access to information obtained by CCTV.

System Management and Compliance

To ensure the safe and successful management of CCTV, Council will:

- ensure the management of each CCTV is consistent with the purpose set out in this Policy, both in documented procedures and in practice.
- ensure the collection, use and management of information obtained through CCTV complies with the *Information Privacy Act 2009*, *Right to Information Act 2009*, the *Local Government Act 2009* and *Public Records Act 2002*.
- retain ownership and security of all equipment, videos, photographs and documentation obtained by CCTV and will have responsibility for the overall maintenance and management of all CCTV operated by the Council in its' local government area.
- ensure that all information obtained by CCTV is stored and secured to prevent unauthorised access or disclosure.
- ensure that retention and disposal of information obtained by CCTV will be in accordance with General Retention and Disposal Schedule for Administrative Records under the *Public Records Act 2002*.

- have appropriate maintenance schedules to ensure CCTVs are operational and the information obtained through CCTV is at a quality that suits the purpose.
- install notices to inform the community about the installation and use of CCTV in public spaces. Such notices may advise whether that CCTV is installed and operational in the immediate vicinity of the notices. Locations of CCTV required for covert investigations, or where an investigation or function of a Law Enforcement Agency is being undertaken will not be disclosed and use of CCTV for covert investigations will be undertaken with the express consent of the Chief Executive Officer unless otherwise required at law.
- undertake regular review of the use and operation of all CCTV, to identify CCTV that is no longer required for the purpose or that is obsolete in technology and requires replacement.
- ensure staff responsible for undertaking surveillance, viewing and management of information obtained by CCTV are properly authorised and trained in the ethical conduct and use of CCTV.
- ensure that any personal information obtained by CCTV will not be used or disclosed unless authorised or required by law with such use or disclosure consistent with the Information Privacy Principles.
- have appropriate procedures in place to protect against unauthorised access, alteration, dissemination, disclosure, loss or destruction of information obtained by CCTV (excepting through Council's standard record destruction procedures).
- ensure that any personal information obtained by CCTV is not stored in any location outside Australia without the consent of the individual concerned.

Requests for Access of CCTV Images

Access to or disclosure of CCTV images to a third party can only be provided in the following circumstances:

- If the individual captured by CCTV was reasonably made aware that CCTV was operating in that location and that access to information obtained by CCTV could be permitted under certain circumstances (for example, there was a notice posted in the vicinity of the CCTV which informed the public that an application for access to the information collected by CCTV could be made and would be assessed in accordance with this Policy and applicable legislation);
- If the disclosure is authorised or required by law which includes applications made pursuant to *Information Privacy Act 2009* or the *Right to Information Act 2009*.
- If satisfied on reasonable grounds that the disclosure is necessary for a law enforcement activity being carried out by a Law Enforcement Agency or to prevent or lessen a serious threat of harm to the health, safety or welfare of an individual or the public.
- All application for the disclosure of any information obtained by CCTV to a third party will be assessed and a determination made by the Chief Executive Officer or Director Corporate Services in accordance with this Policy and applicable legislation.

Any information obtained by CCTV which is released without the prior written approval of the Chief Executive Officer or Director Corporate Services may constitute a significant breach of the Employee Code of Conduct which could lead to disciplinary action.

Complaints

Any complaints received in relation to the operation of CCTV by Council will be dealt with under the Council's Complaints Management Policy.

Definitions

TERM	DEFINITION
Anti-Social Behaviour	Behaviour that creates community concern and can range from acts that are socially unacceptable through to acts that break the law.
Body Worn Camera	Is a wearable camera system incorporating an audio and video, or photographic recording system used to record events when employees or contractors are performing their duties.
Closed Circuit Television (CCTV)	The use of fixed or mobile video cameras to record and transmit images that will be recorded or monitored by authorised personnel for surveillance in public spaces and / or Council Property and which may collect personal information by video and audio recording.
Law Enforcement Agencies	<p>Shall mean any of the following:</p> <ul style="list-style-type: none"> • Queensland Police Service (QPS), • a police force or police service of another State or a Territory, • the Australian Federal Police, • the Police Integrity Commission, • the Australian Crime Commission, • the Department of Corrective Services, • the Department of Juvenile Justice, • any other authority or person responsible for the enforcement of the criminal laws of the Commonwealth or of the State, • a person or body prescribed for the purposes of this definition by regulations
Public Space	Any place to which the public has access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place which is under the control and management of Council.
Unlawful Activity	An act or omission that constitutes an offence against a law of this State or the Commonwealth.

Adopted by Council 16 June 2021 by Resolution 0621/020



Mark Crawley
Chief Executive Officer