

**CCTV in Public Areas
Policy 202Y
POL033**



Policy No: POL033
Policy Title: CCTV in Public Areas
Section Responsible: Information Technology Manager
Minute No:
Doc ID: 8370

1. INTENT

Council recognises that crime can have a significant impact on the community and the need to ensure efforts are taken to prevent and reduce instances of crime. The CCTV system has a range of benefits to the community and assists in identifying and reducing crime which can lead to enhanced public safety in particular locations or in a particular area.

This policy provides a suitable framework for the implementation, installation, management and operation of a closed-circuit surveillance system comprising cameras and associated hardware, software and systems (CCTV system) in a range of public places and council infrastructure within the Narrandera Shire local government area.

2. SCOPE

This policy relates to the operation of the public CCTV system in the area governed by the Council and in locations identified as being publicly accessible. This includes a network of CCTV cameras installed in strategic locations within the Shire to provide security and safety of people and infrastructure.

3. OBJECTIVE

The main objective of the CCTV program is to assist in effectively reducing crime and it forms part of a broader crime prevention and community safety strategy adopted by Council. While the CCTV program is not the only strategy Council uses to reduce crime, the use of CCTV within public places aims to:

- Reduce crime
- Detect offences
- Allow police to identify and prosecute offenders
- Promote a safe and secure community

4. POLICY STATEMENT

This policy has been developed in accordance with the provisions of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces (the Guidelines). The Guidelines include issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV.

5. PROVISIONS

5.1 GUIDING PRINCIPLES

Having regard to relevant laws and best practice, the Policy is based on four key principles:

- Principle 1 – Purpose, privacy and the public interest
- Principle 2 – Ownership and responsibilities of the system
- Principle 3 – Retention and access to information
- Principle 4 – Evaluation of the system

5.1.1 Principle 1 – Purpose, Privacy and the Public Interest

The CCTV program operates in accordance with all relevant laws and only for the purpose on which it was established while having due regard to the privacy of members of the public.

Cameras may operate 24 hours a day and record activity identified at each camera location including individuals, groups, vehicles or anything else within the cameras view. This data is securely stored by Council in designated electronic servers and selected remote serverless cameras.

Cameras are installed at locations that are determined to be a priority site while having regard to the CCTV systems main purposes. Signage will be installed around the general vicinity of all camera locations.

Cameras will not be used to purposely monitor private property that may be captured within the view of a camera's view. Notwithstanding this, any data or information collected from the CCTV systems will be recorded and may be provided to a law enforcement agency for a lawful and permitted purpose.

Law enforcement agencies can seek access to the CCTV systems for any lawful and permitted purpose. Council provides access to NSW Police allowing them to livestream cameras and review recorded footage from the public CCTV systems at any time, however any request to obtain data recorded by cameras must be made in accordance with Council's access to CCTV information process.

Access to data captured by the CCTV system is only permissible for a lawful purpose by an authorised Council officer or a law enforcement agency that relates to the prevention or detection of a criminal offence.

Members of the public do not have a right to access data captured by the CCTV System.

5.1.2 Principle 2 – Ownership and responsibilities of the system

Council is the owner of the CCTV systems and therefore is responsible for compliance with the objectives of the program. Council will conduct an audit and review of the CCTV system every 4 years to determine its effectiveness and compliance with applicable requirements.

Council has appointed a number of authorised officers who have responsibilities in relation to the management and oversight of the CCTV system. Individual roles and responsibilities are outlined in Council's CCTV Procedures.

Council may give authority to a law enforcement agency to livestream data captured by the CCTV system at its own discretion.

Council will maintain a register of all camera locations including the date of installation, location, reason for installation and date of decommissioning. The installation or removal of a camera requires the approval of Council's Executive Leadership Team (ELT).

5.1.3 Principle 3 – Retention, access to information and CCTV management

The retention of, and access to, recorded data will only be for the purpose provided in this policy. Council will aim to retain recorded data for a period of 30 days however retention of data is based on a number of variables which may result in shorter or longer retention periods. In the event of a technical failure and current recorded images are unattainable all reasonable efforts to repair will be made. No backups or secondary copies are retained.

All other data collected in response to an access request made in accordance with this policy, is retained in accordance with Council's Records Management Plan.

Appropriate security measures are taken to ensure that data held by Council is secure and restricted to authorised Council officers only and must be in accordance with Council's CCTV Standard Operating Procedures.

All requests for access to data held by Council must be made by way of application in accordance with the requirements set out in the Government Information (Public Access) Act 2009. An application for access to information will be appropriately assessed in accordance with this policy and relevant laws.

Access and release of data held by Council will only be granted to a law enforcement agency for a lawful and permitted purpose and in accordance with the terms of this policy.

All law enforcement agencies are required to complete and submit an 'CCTV Request for recorded material' form prior to any data or information being released.

Any law enforcement agency that obtains data or information from the CCTV System is responsible for ensuring they comply with any relevant laws including the Privacy Act Privacy and Personal Information Protection Act 1998 (NSW).

Council maintains ownership of, and has copyright of all data, recordings, photographs and documentation pertaining to the CCTV system and the third-party release or distribution of data, recordings, photographs and documentation provided by Council is strictly prohibited without obtaining Council's written consent.

5.1.4 Principle 4 – Audit and Evaluation of the system

In accordance with the Guidelines and to ensure community confidence in the operation Council's CCTV, an audit will be performed every 4 years.

Council will consult with the local area NSW Police to determine the effectiveness of the CCTV system for the evaluation of the main objectives of the system.

5.2 COMPLAINTS

Complaints in relation to any aspect of the management or operation of the system may be made in writing to:

The General Manager
Narrandera Shire Council
141 East Street
NARRANDERA NSW 2700

Email council@narrandera.nsw.gov.au

Complaints will be handled in accordance with Council's Complaints Handling Procedure.

Section 36 of the Privacy and Personal Information Protection Act 1998 authorises the Privacy Commissioner to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with the Privacy Commissioner. Council will cooperate with the investigation of any complaint by the Privacy Commissioner.

The Privacy Commissioner can be contacted at:

Information and Privacy Commission NSW
GPO Box 7011
SYDNEY NSW 2001
Telephone 1800 472 679
Email ipcinfo@ipc.nsw.gov.au

6. DEFINITIONS

- **Camera:** includes an electronic device capable of monitoring or recording visual images of activities public places.
- **Closed circuit television (CCTV):** A surveillance system in which a number of cameras are connected through a closed circuit transmitting images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. CCTV systems consist of cameras, recording equipment and interconnecting hardware and support infrastructure.
- **Data:** All information including sound, pictures, and any other associated, processed or linked information including that about a person.
- **Law enforcement agency:** means any of the following: NSW Police Force, a police force or police service of another State or a Territory, the Australian Federal Police, the Police Integrity Commission, the Independent Commission Against Corruption, the New South Wales Crime 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 the regulations.
- **Passive monitoring:** Where CCTV monitors may be intermittently viewed.

- **Public place:** Any place where the public has access to by right or invitation, either expressed or implied and where no charge is made for admission. This includes any public highway, road, street bridge, footway, footpath, court, alley, passage, park, garden, reserve or other place of public recreation, resort or thoroughfare notwithstanding that it may be formed on private property.
- **Retrospective review:** Where CCTV footage is reviewed after an incident.
- **Unlawful activity:** means an act or omission that constitutes an offence against a law of this State or the Commonwealth
- **Video surveillance:** Surveillance by a closed-circuit television system for direct visual monitoring and / or recording of activities on premises or in a place.

7. ROLES AND RESPONSIBILITIES

7.1 NARRANDERA SHIRE COUNCIL

- Narrandera Shire Council is the owner and operator of the public place CCTV scheme. Council has responsibility for securing funding, responsibility to inform the community, and responsibility for design, management, running costs, evaluation and audit activities.
- The CCTV system provided will not be monitored live by Council. Council will maintain all equipment and will be responsible for recording images that can be used to assist NSW Police. Council does not install nor use facial recognition technology. It is acknowledged that from time-to-time equipment will fail and while every endeavour will be made to ensure that all equipment is always functioning, Council cannot guarantee this.

7.2 NSW POLICE

- CCTV footage is available to NSW Police for passive monitoring only. The location and use has been determined in accordance with the NSW guidelines for the monitoring of CCTV. NSW Police is provided with the ability to review stored footage and will submit any requests to council to download footage for evidentiary purposes.
- The standard operating procedures for the scheme will incorporate protocols covering communication and liaison between Council and NSW Police.

7.3 INFORMATION TECHNOLOGY MANAGER

The IT Manager has responsibility for:

- Staff management, release of data to third parties, safe and secure storage of data, effective screening of requests to view data, storage and destruction of data, quality and maintenance of equipment and data.
- Liaising with NSW Police.
- Initiating disciplinary action against staff for non-adherence to policies, procedures and breaches of confidentiality.

8. RELATED LEGISLATION

- Government Information (Public Access) Act 2009
- Privacy and Person Information Protection Regulation 2014

- Privacy and Personal Information Protection Act 1998
- Surveillance Devices Act 2007
- Workplace Surveillance Act 2005

9. RELATED POLICIES AND DOCUMENTS

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places
- Standard Operating Procedures for CCTV

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number.

This policy was previously named:

- ES110 Closed Circuit Television (CCTV).

POLICY HISTORY

Responsible Officer	Information Technology Manager		
Approved by	General Manager		
Approval Date	DD Month 202Y		
GM Signature (Authorised staff to insert signature)			
Next Review	1 September 2028		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	-	21/06/2005	DD/MM/YYYY
2 Reviewed	-	17/02/2009	17/02/2009
3 Reviewed	13/10/2014	19/01/2015	20/01/2015
4 Reviewed	7/05/2018	15/05/2018	15/05/2018
5 Reviewed	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

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