

Council Policy

Council Operated Closed Circuit Television (CCTV) Policy

Version 1 - 14 December 2020

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Introduction

Purpose

This Policy provides direction on the establishment, operation and management of Closed Circuit Television Systems ("CCTV") in public places within the Lake Macquarie Local Government Area.

Scope

This policy applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent. It also applies to temporary static CCTV that is established, operated or managed for the purposes of crime prevention and community safety by or for Council's Regional Illegal Dumping (RID) Squad cameras.

This Policy does not apply to:

- (a) any CCTV installed by a third party, such as a tenant or licensee of Council land and/or facilities;
- (b) mobile cameras including dash cams, and body worn video cameras that are primarily used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks or for personal safety;
- (c) cameras attached to Council's garbage trucks for operational purposes

Although CCTV schemes installed by a community-based organisation who lease Council facilities are outside the scope of this Policy, these schemes will need approval from Council prior to installation. Council staff will consider how the proposed scheme aligns with the principles (below) prior to approving such a scheme. If approved, the scheme will be owned and operated by the organisation in accordance with appropriate legislation and guidelines.

Objectives

This Policy aims to ensure:

- Consistency and clarity in Council's role and obligations regarding the establishment, operation and management of CCTV in public places by or on behalf of Council.
- A consistent, unified, equitable and transparent approach is applied by Council to the processing of requests for the establishment, operation and management of CCTV in public places or on behalf of Council; and
- that CCTV installed for crime prevention purposes is part of an integrated approach to crime prevention and community safety.

Policy statement

CCTV may be used for many purposes including monitoring facility use, maintenance of assets, risk management, assisting with monitoring traffic, and crime prevention.

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When considering and determining the establishment, operation and management of CCTV, Council staff will apply relevant guiding principles as required, such as the *NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places* ("NSW Government CCTV Guidelines").

When CCTV is proposed for crime prevention, it is crucial that the scheme is part of a broader crime prevention and community safety strategy. As identified by the NSW Government CCTV Guidelines, CCTV is not recommended as an isolated response to addressing crime in public places.

Principles

Council staff will consider and determine the establishment, operation and management of CCTV in public places by Council, in accordance with applicable guiding principles as required, such as those outlined in the NSW Government CCTV Guidelines.

1. Council staff will ensure that where CCTV is established, operated and managed for crime prevention and community safety purposes, that the implementation of CCTV will be part of an integrated, multi-agency approach to crime control and community safety.

CCTV will only be considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and that prior to installation, a safety and security audit will be completed. The audit will consider:

- Whether the problem is on-going or the result of a one-off event;
 - Whether the perception of crime is supported by evidence and data;
 - How the establishment, operation and management of CCTV fits within a broader crime prevention strategy;
 - Evidence as to the effectiveness of CCTV in addressing the identified crime;
 - The lawfulness of the collection of personal information via CCTV; and
 - The costs associated with establishing, operating and managing the CCTV.
2. Council staff will ensure that the ownership of public area CCTV schemes is clear and publicly known.

Council staff will erect signs informing the public of the existence of CCTV in a public place, and will take steps to ensure that the signs comply with relevant legislation such as the *Privacy and Personal Information Protection Act 1998*.

Furthermore, Council staff will maintain a public register of all of its CCTV schemes.

3. When considering establishing or significantly expanding a public area CCTV scheme, Council staff will ensure that the relevant concerns of all parties affected are considered through an effective consultation process. People or groups that may be affected by the proposal could include:

- Residents;

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- Users of the public place;
- Local businesses;
- Police or other regulatory authorities; and
- Council staff.

Information available through the consultation process will include the potential benefits of the scheme, possible costs involved, and privacy implications, including people's rights and Council's responsibilities.

Consultation with Council staff will ensure compliance with the *Workplace Surveillance Act 2005*, and ensure that staff are given due notice prior to the installation of a scheme.

4. Council staff will identify the purpose and will develop and document objectives for the establishment, operation and management of CCTV in a public place. CCTV will only be used in accordance with its established objectives and not for any other purpose. Objectives may include:
 - To assist in the investigation and/or prosecution of civil and criminal offences in relation to the security of public places and Council's facilities/assets, or crimes against the person;
 - Improving public confidence in the safety and security of public places;
 - To deter anti-social behaviours in high risk public places;
 - To assist with the safety of Council staff or authorised contractors within public places;
 - To assist with the management/operations or maintenance of public places, or monitoring their use; or
 - Identifying potential environmental safety risks.
5. Where CCTV is established in a public place for crime prevention purposes, Council staff will consult with Police to ensure that the installation of CCTV fits within a broader crime prevention strategy and will meet its objectives.
6. Council staff will ensure that its CCTV schemes are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including that:
 - The recording and retention of images is undertaken lawfully;
 - The purpose for which the information is being obtained is known;
 - The information is not used for any purpose other than that stated;
 - People are made aware that they may be subject to CCTV surveillance; and
 - The owners of the scheme are known and accountable for its operation.

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7. Council staff will develop and implement an evaluation framework for each public place where CCTV is established to determine whether the CCTV is achieving its objectives.

The evaluation framework will provide guidance on appropriate mechanisms to enable Council staff to assess whether the CCTV scheme is:

- Achieving its objectives (including an assessment of its impact upon crime and community safety, for those schemes implemented for crime prevention or community safety purposes);
 - Being used in accordance with its established objectives, and not for any other purpose;
 - Impacting on any groups;
 - Providing an overall benefit (after consideration of the costs involved in operating the scheme); and
 - Requires changes to the extent or location of the cameras, or technology utilised.
8. Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes (in person at Council's Customer Service Centre, or via phone, letter or email). Complaints, except for those specified below, will be managed in accordance with Council's *Feedback Management Policy*.
- Complaints in relation to Council's handling of a person's personal information may be made, and will be managed in accordance with Council's *Privacy Management Plan Policy*.
- Complaints in relation to Council's handling of a person's personal information may also be made to the NSW Privacy Commissioner.
9. Council staff will review its CCTV systems every two (2) years to assess compliance with this Policy and any associated procedures. The review will examine such matters as:

- Assessment of the scheme and any technological problems;
- Processes used to receive, access and process footage requests;
- Complaints received and responses provided;
- Compliance with relevant legislation, regulations and Australian Standards; and
- Whether the systems and processes utilised remain good practice.

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Review and Evaluation

This Policy will be reviewed every four (4) years, or upon any changes to the *NSW Government CCTV Guidelines*.

The review will consider the results of the audits of Council's CCTV schemes, to ensure that this Policy is effective and has been implemented appropriately.

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Controlled Document Information

Authorisation Details

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Audience:	External - Council Staff and Public		
Department:	Community Partnerships	Officer:	Coordinator Social and Community Planning - Stephen McAlister
Key focus area(s):	Connected Communities		
Review Timeframe: Max < 4 years	4 years	Next Scheduled Review Date:	14 December 2024
Authorisation:	Adopted by Council - 14 December 2020		
Authorisation - Council Adoption Date:	14 December 2020		

Related Document Information, Standards & References

Related Legislation:	NSW Privacy and Personal Information Protection Act 1988 NSW Privacy and Personal Information Protection Regulation 2005 NSW Workplace Surveillance Act 2005 Security Industry Act 1997 No. 157 (NSW)	Supports Policy Supports Policy Supports Policy Supports Policy
Related Policies (Council & Internal):	Feedback Management Policy Privacy Management Plan Policy	Outlines how complaints regarding the management or operation of Council's CCTV schemes will be managed. Outlines how complaints regarding the handling of a person's personal information are to be made and managed
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	Closed Circuit Television (CCTV) in Public Places Procedure	Outlines the operational and legislative requirements for the day to day operation of Council's CCTV schemes
Standards COP's & Other References	NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places Standards Australia (2006) Closed Circuit television (CCTV) Part 1 Management and operation (AS 4806.1 – 2006) Standards Australia (2006) Closed Circuit television (CCTV) Part 2 Application guidelines (AS 4806.2 – 2006)	Supports policy by providing guidelines for operation and management of CCTV schemes

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Definitions

Term / Abbreviation	Definition
Closed Circuit Television System (CCTV)	A private television system involving one or more cameras, used to transmit images to a specific limited number of monitors on the same network or circuit
Public Places	Land and/or facilities that are owned, operated, or in the care of Council and which are considered by Council to be freely accessible to members of the public. Such areas may be defined by relevant legislation. Examples of public places, for the purposes of this Policy, include Council's Customer Service Centre, libraries, parks, playgrounds, community centres, sporting fields, swimming pools, streets, footpaths and carparks.

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Connected Communities Portfolio Committee, Department Managers and Council's legal department
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Version History

Version No	Date Changed	Modified By	Details and Comments
1	15/9/2020	Stephen McAlister	New Policy