

Name of policy:	Surveillance Camera		
Adoption by Council:	24 July 2024	Minute number:	309/2024
Last review date:	May 2024		
Review timeframe:	Four years		
Next scheduled review date:	May 2028		
Related legislation:	<i>Privacy and Personal Information Protection Act 1998</i> <i>Surveillance Devices Act 2007</i> <i>Government Information (Public Access) Act 2009</i> <i>Industrial Relations Act 1996</i> <i>Workplace Surveillance Act 2005</i>		
Associated policies/documents:	Privacy Management Plan		
Responsible division:	Corporate Services		

Policy objective

To ensure:

- Compliance with the Privacy and Personal Information Act 1998 (NSW) (the Act), Privacy Principles and the various guidelines provided by the Information Privacy Commission.
- Use of surveillance camera equipment in and around Council buildings and assets is appropriate.
- All recordings are appropriately managed in accordance with the Act.
- Information collected is dealt with in strict confidence and is compliant with the Act.
- Appropriate crime protection for staff and community inclusive of prevention methods.

Policy statement

Council has installed overt surveillance cameras including CCTV in and around a variety of Council assets including but not limited to its customer service centres, meeting rooms and libraries within the MidCoast Local Government area.

These have been installed for the purpose of assisting with crime detection, reducing the opportunity for crime and enhancing safety and security of personnel and/or property. Surveillance camera installation may be temporary or permanent, depending on Council's purpose for recording the footage. The cameras do not record sound.

Coverage of the policy

This policy applies to all employees and customers accessing Council assets where surveillance cameras are installed. For the purpose of this policy, the term surveillance camera includes CCTV. This policy is not intended as a workplace surveillance policy.

Strategic Plan link

Community Outcome 4: Strong leadership and good governance

<i>4.1 The community has confidence in Council decisions and planning for the future</i>	<i>4.1.2 Provide clear, accessible, timely and relevant information to the community about council projects and services.</i>
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Policy content

Council uses surveillance cameras in and around a variety of Council assets including but not limited to its customer service centres, meeting rooms and libraries. Surveillance is carried out by either a camera that continuously monitors or records visual images of activities in or around the listed Council premises or single image motion sensor cameras.

In relation to full motion video images, each monitoring screen is a primary point for viewing and retrieval of footage and performing system checks. Where live footage is viewable, staff in the vicinity may view real time images, however recorded images shall only be accessed and utilised by authorised members of Council staff who have signed appropriate confidentiality declarations. Access by unauthorised persons will be restricted, with approval to view being authorised by the General Manager.

All applications for surveillance camera data review or retrieval are assessed to ensure that any picture or video shall be suitable for purpose, is justified and that in accessing the data, Council is not held liable for non-compliance with procedural fairness or privacy issues.

1. Notification

Signs are located within each site/location to identify the areas affected by the camera surveillance and are visible at each entrance to that site or location.

When filming in a public place, Council will position surveillance cameras so that no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).

Employees of Council shall be notified of the installation and intent of surveillance cameras through the dissemination of this policy.

2. Access to surveillance footage

Council will maintain a Surveillance Access Register (SAR) in its Corporate Records Management System. A limited number of identified positions within Council will be authorised to have access to some of the recorded images. Wherever recordings are to be accessed, two authorised staff are to be in attendance other than when regular maintenance is required (e.g. time change for daylight saving).

3. Responding to an Event or a Criminal Incident

In the event that an authorised member of Council staff is advised of, or observes footage and/or recorded material which reveals suspected criminal behaviour, the officer will:

- Notify the Police as to the circumstances of any criminal event (if observed by Council)

- Ensure footage is secured, saved and marked appropriately in the event that it is required for legal purposes
- Record within the SAR that a copy has been made from the hard drive
- Compile an incident report within the SAR, ensuring that the exact location, time, date and relevant particulars pertaining to the event are included. The incident report should include any action taken by the officer, including notification to the Police and/or other emergency authorities, if applicable
- In accordance with Council's adopted Privacy Management Plan, any requests for footage to be supplied to an external law enforcement agency must be made in writing and referred to Council's Governance staff

4. Use and Disclosure of Surveillance Records

When the recordings made by Council pursuant to this policy provide evidence of an activity or action having taken place, such recordings may be used as a record of evidence in investigative, criminal or court proceedings.

Surveillance records are not generally available unless a valid formal request for access and use of the surveillance records is submitted to Council's Governance Section. This request will be assessed in accordance with the *Government Information (Public Access) Act 2009*, Council's adopted Privacy Management Plan and the Privacy Act.

Authorised staff members shall ensure that surveillance records are not used or disclosed unless that use or disclosure is:

- For a purpose related to Council's business activities
- To a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence
- For a purpose that is directly or indirectly related to the taking of criminal proceedings; or
- Reasonably believed to be necessary to avert an imminent threat of serious violence to persons or substantial damage to property.

Examples of instances in which use or disclosure of surveillance records might occur include, but are not limited to:

- An assault, or suspected assault of a person
- Theft of Council's property (or that of a related entity of Council) if suspected
- Damage to Council's equipment or facilities; or
- Any other form of criminal activity.

Where there is insufficient information in a request for surveillance records, the images will not be released until the relevant details have been provided and Council's Governance Section has assessed the request in accordance with Council's Privacy Management Plan.

5. Purpose

The purposes of Council installing and maintaining surveillance cameras are to:

- Protect Council assets
- Protect Council staff
- Assist in the detection and prosecution of offenders
- Promote a safer and more liveable environment

- Those purposes identified next to each location in Annexure A.

6. Community Notification

Signs advising that surveillance cameras are operating will be conspicuously displayed at the perimeter of the area covered by the system or individual camera and at other key points as determined by Council. These signs will clearly:

- Inform the public that cameras are in operation in the vicinity;
- Identify Council as the owner of the camera; and
- Display Council's website for further information.

Copies of the Surveillance Camera Policy will be made available to the public upon request and will be available on Council's website.

Inquiries in relation to Council's surveillance cameras and their operation can be made in writing to Council, Attention General Manager, PO Box 482, TAREE NSW 2430.

Signage for surveillance cameras may not be displayed (i.e. covert recordings may take place) where Council has installed the cameras for the purposes of investigating and taking action against unlawful activity where Council has criminal law enforcement powers in relation to such unlawful activity (e.g. to identify offenders where illegal dumping is occurring).

7. Access to recorded images

Footage from surveillance cameras will be overwritten at varying intervals dependant type of system. All requests for access and use of the surveillance records will be in accordance with the *Government Information (Public Access) Act 2009*, privacy legislation and Council's Privacy Management Plan.

All requests for access to recorded material, other than by authorised representatives of Council, must be made to Council by means of an Access Application pursuant to the *Government Information (Public Access) Act 2009*. Access Applications will be determined by Council's authorised officers in accordance with the provisions of that Act.

Access to recorded material by the NSW Police must be made in writing in accordance with Council's adopted Privacy Management Plan.

In compliance with the needs of NSW Police in the investigation and detection of a crime or suspected crime for:

- Use in NSW Police intelligence gathering.
- Use in relation to special or covert operations.
- Providing evidence in actual or possible criminal and/or civil proceedings.
- Identification of witnesses.
- Research/development purposes.

Recorded material will be treated according to all relevant and appropriate legislation and standards.

Recorded material will only be used for the purposes as set out in Annexure A and will not be sold or used for any commercial or other ulterior purpose.

8. Retention and disposal of recorded material

Restricted access will apply to all stored images and images will be retained in accordance with section 12 of the Privacy and Personal Information Act 1998 (NSW).

9. Policy development

In developing this Policy Council referred to the following public documents:

- NSW Office of Local Government CCTV Guidelines for the Establishment and Operation of CCTV;
- NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places
- Australian Standards National Code of Practice;
- Code of Practice – City of Sydney Council;
- Code of Practice – Melbourne City Council;
- Code of Practice - Shoalhaven City Council;
- Code of Practice – Sutherland Shire Council; and
- Code of Practice – Wollongong City Council.

10. Complaints

Council will handle complaints regarding the use of surveillance cameras or breaches of this policy in accordance with its complaint handling policy and procedure.

Complaints in relation to surveillance camera operation may be made in writing to (Noting the General Manager will refer the complaint/consult with Councils Privacy Officer):

The General Manager
MidCoast Council
PO Box 482
TAREE NSW 2430

Where a complaint cannot be resolved within Council, the complainant will be referred to an outside agency to seek resolution.

Section 36 of the Privacy and Personal Information Protection Act 1998 (NSW) 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, or
Email ipcinfo@ipc.nsw.gov.au

Note that this policy does not limit or fetter any power, right or requirement Council has at law.

Definitions

CCTV Closed circuit television

Single Image Motion Detection Camera Individual Camera that record images to removable media

Responsible officer (position)

Manager Governance (Privacy Officer)

ANNEXURE A

Cameras have been installed in the following locations for the purpose(s) of **Asset Protection, Crime Prevention and Deterrent and Staff Security – Risk Management**. Any additional purpose is noted below:

Location	Additional Purpose
Yalawanyi Ganya	
Bootawa Water Treatment Plant	
Bulahdelah Waste Management Centre	EPA Licence condition to record all waste, transport (numberplates) and types onsite
Cattai Wetlands	
Dawson Sewer Treatment Plant	
Forster Civic Centre and Library	
Forster reservoir communications tower	
Forster Sewer Treatment Plant	
Gloucester Administration Building	
Gloucester Bus Shelter and Toilet Block (Denison Street)	
Gloucester Depot	
Gloucester Olympic Pool Complex	
Gloucester Saleyards	
Gloucester Visitor Information Centre and Library	
Gloucester Water Treatment Plant	
Great Lakes Aquatic and Leisure Centre	
Hallidays Point Library	
Harrington Library	
Harrington Reservoir	
Harrington Sewer Treatment Plant	
Hawks Nest Sewer Treatment Plant	
Kolodong Reservoir	

Manning Aquatic and Leisure Centre	
Manning Entertainment Centre	Camera is used to monitor stage movements and does not record images
Manning Regional Art Gallery	
Minimbah Landfill	EPA Licence condition to record all waste, transport (numberplates) and types onsite
Nabiac Pool	
Nabiac Water Treatment Plant	
Old Bar Sewer Treatment Plant	
Stroud District Office and Library	
Taree Depot	
Taree Library	
Taree Pound	Animal Welfare/Protection
Taree Waste Management Centre	EPA Licence condition to record all waste, transport (numberplates) and types onsite
Taree Water Services Depot	
Tea Gardens District Office	
Tea Gardens Waste Management Centre	EPA Licence condition to record all waste, transport (numberplates) and types onsite
Tea Gardens Water Treatment Plant	
Tuncurry Depot	
Tuncurry Waste Management Centre	EPA Licence condition to record all waste, transport (numberplates) and types onsite
Wingham Sewer Treatment Plant	
Wingham Reservoir	