

Management, Operation and Use of Closed Circuit Televisions & Recording Devices Policy

Information Privacy Act 2009

1. POLICY STATEMENT

The Council installs closed circuit television (CCTV) systems in public areas and council facilities with the objectives of promoting public safety and minimising damage or theft of Council assets.

Council workers carrying out regulatory functions are provided with Recording Device System with the objective of promoting public safety and minimising threats to public and Council employees.

To the extent possible without reducing the effectiveness of the CCTV systems in achieving those objectives, the Council will operate its CCTV systems in a way that protects the privacy of individuals.

2. PRINCIPLES

CCTV systems will be:

- installed only in locations where the system will promote public safety and contribute to crime reduction and detection or minimise damage or theft of Council assets;
- Crime Prevention through Environmental Design (CPTED) Principles are considered alongside installation of CCTV.
- operated with efficiency, impartiality and integrity;
- operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed; and
- operated in a way that does not breach the *Information Privacy Act 2009*

Recording Device systems will be:

- operated only by workers conducting Council's regulatory functions;
- operated with efficiency, impartiality and integrity; and
- operated in a way that does not breach the *Information Privacy Act 2009*.

3. SCOPE

This policy applies to Council owned and Council managed CCTV systems & Recording Device Systems.

This policy applies to all Council Workers who have the responsibility for the implementation, monitoring, access and disclosure of records as part of the CCTV systems and Recording Device Systems.

4. RESPONSIBILITY

Managers are responsible for ensuring the policy is understood and adhered to.

Community Engagement: is responsible for establishing the need for CCTV within Council managed community facilities and open spaces.

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 1024

Authorised by – Director Business Services

Document Maintained by – Legal Services

Version No.7

Initial Date of Adoption (Version 1) – 28.07.09

Current Version Reviewed – 19.01.21

Next Review Date – 19.01.23

Information Technology Services: has ownership and ongoing responsibility for resourcing and installing, maintaining and repairing Council’s CCTV systems and Recording Devices.

Property Services: is responsible for establishing the need for CCTV monitoring in Council buildings, reporting known outages and contract management of service providers.

Legal Services: is responsible for the recovery and provision of approved footage to authorised representatives.

Regulatory Services: is responsible for establishing the need for Recording Device systems to be used by Council Staff.

5. DEFINITIONS

CCTV System – includes any system installed by the council to electronically record video or audio/video of any public place or Council facility.

Manager – includes persons appointed to positions with the title, Team Manager, General Manager, Principal, Director and Chief.

Recording Device System – includes GoPro cameras, body worn cameras, voice recorders and mobile phones with recording voice/audio capability and the storage of files.

Workers – includes employees, contractors, volunteers and all others who perform work on behalf of council.

6. POLICY

6.1 IDENTIFICATION OF NEED AND APPROVAL

The resources available for the installation of CCTV systems are limited, and priority is to be determined by a risk assessment of identified sites and suitable business case, and after consideration of the Information Privacy Principles (set out in Schedule 3 to the *Information Privacy Act 2009*).

The General Manager Community Engagement is responsible for identifying and confirming the need for CCTV installation and monitoring within Council managed community facilities and open spaces.

The Property Team Manager is responsible for identifying and confirming the need for CCTV monitoring within Council buildings.

Each recommendation to install a CCTV system must be submitted to the Executive for approval.

The General Manager Planning is responsible for identifying and confirming the need for a worker to operate a Recording Device system.

6.2 RESOURCING, INSTALLATION AND MAINTENANCE

The Chief Information Officer is responsible for:

- selecting the optimum (within resources) CCTV system location & Recording Device system;
- resourcing the costs of installing, maintaining and as required modifying each system; and
- installing and maintaining each CCTV system & Recording Device System

6.3 CCTV SYSTEMS MONITORING

Council’s CCTV systems primarily will be used to collect information for later use in regulatory and legal proceedings. At most times, CCTV systems will not be monitored by council on a “real time” basis, nor will the recordings be generally reviewed.

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 1024

Authorised by – Director Business Services

Document Maintained by – Legal Services

Version No.7

Initial Date of Adoption (Version 1) – 28.07.09

Current Version Reviewed – 19.01.21

Next Review Date – 19.01.23

In some circumstances (such as major public events) it may be appropriate for real time monitoring of the CCTV system data to occur. The General Manager who identifies the need for real time monitoring is responsible for providing the financial resources necessary to carry out that monitoring.

A number of the Council's CCTV systems provide a data feed to the police service, and that service's monitoring of the CCTV is outside the scope of this policy.

6.4 RECORDING DEVICE SYSTEM MONITORING

Council's Recording Device systems primarily will be used to collect information for later use in regulatory and legal proceedings. At most times, recording device systems will not be monitored by council on a "real time" basis, nor will the recordings be generally reviewed.

6.5 PRIVACY

All CCTV systems and Recording Devices are to be operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed. This will require at least:

- appropriate training of operators;
- notification & permission to individuals of the use of the recording either by:
 - verbal request and approval; or
 - for all CCTV systems installed in public places, the display of signage to a standard no less than that defined in the National Code of Practice for CCTV;
- secure storage, retrieval and destruction of CCTV and recording device data as set out in this policy; and
- the adoption of processes to prevent:
 - loss;
 - unauthorised access, use, modification or disclosure; and
 - any other misuse of CCTV System or Recording Device records.

6.6 DESTRUCTION OF RECORDS

To minimise intrusion upon the right to privacy, unless further preserved under this policy or required by law all CCTV system and Recording Device system records are to be destroyed not earlier than 30 days and not later than 60 days after the record is created.

A CCTV system or Recording Device system record is to be further preserved under this policy if:

- in the assessment of the Chief Executive Officer or a Director preservation of the record is in the council's interest for any reason and is directly related to a function or activity of the Council;
- the particular record is required as evidence in a potential legal proceeding;
- a request to access the particular record is received from a law enforcement or government regulatory agency (for example the police service, the fire service, or another government body with the responsibility for enforcing laws);
- a request to access the particular record is received from any party other than a law enforcement or government regulatory agency; or
- an extract of the record is made, whether or not that extract is provided to a third-party.

(Note: the receipt of a request for access to a particular record will make that record a "public record" under the Public Records Act 2002 and trigger a requirement that the record be retained in compliance with that Act.)

6.7 ACCESS TO RECORDS

To minimise intrusion upon the right to privacy CCTV system and Recording Device system records will be kept confidential and provided to third-parties only when that provision is authorised by law. That will include requests:

- from law enforcement or government regulatory agencies;
- from individuals (or their legal representatives) when they establish to the council's satisfaction that the record specifically relates to the individual and is necessary for legal proceedings or prospective legal proceedings;
- under the *Right to Information Act 2009* or the *Information Privacy Act 2009*.

Legal Services and Property Services are responsible for the recovery and provision of approved records to authorised third-parties.

In addition, a Director may authorise extraction of a particular record from within the CCTV system data or Recording Device system data when the Director determines that extraction of the record is in the council's interest and having consideration of the Information Privacy Principals in Schedule 2 of the *Information Privacy Act 2009*.

The Director may authorise release of the record to a third-party when the Director determines that the release of the record is in accordance with the Information Privacy Principals in Schedule 2 of the *Information Privacy Act 2009*. When making a determination to release a record the Director must:

- obtain confirmation from Legal Services that the release is lawful;
- is related to a function or activity of the Council; and
- give significant weight to protecting the privacy of individuals depicted in the record, unless the individual is depicted as being engaged in unlawful or anti-social conduct and the release of the record may assist in identifying the individual.

6.8 COMPLAINTS

All complaints received in relation to CCTV systems and Recording Devices are to be dealt with under the Council's Complaints Management Policy.

7. LEGAL PARAMETERS

Right to Information Act 2009

Right to Information Regulation 2009

Information Privacy Act 2009

Information Privacy Regulation 2009

Acts Interpretation Act 1954

Public Records Act 2002

8. ASSOCIATED DOCUMENTS

Right to Information Procedure

Information Privacy Policy

Management of Personal Information Procedure

Confidentiality Policy

Electronic version current uncontrolled copy valid only at time of printing.

Document No. - 1024

Authorised by – Director Business Services

Document Maintained by – Legal Services

Version No.7

Initial Date of Adoption (Version 1) – 28.07.09

Current Version Reviewed – 19.01.21

Next Review Date – 19.01.23