

## *Our Vision*

Nambucca Valley ~ Living at its best

## *Our Mission Statement*

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

### **1.0 Policy objectives**

The main objectives of this policy are:

- To improve occupational health and safety of Council employees
- To reduce Council vandalism and theft costs
- To assist in the apprehension and prosecution of offenders

### **2.0 Related legislation/documents**

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places
- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- The Workplace Surveillance Act 2005
- State Environmental Policy (Infrastructure) 2007
- Nambucca Valley Council CCTV Procedure No CS 08

### **3.0 Definitions**

**Closed Circuit Television (CCTV)** - A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.

**Passive Monitoring** - Where CCTV monitors may be intermittently viewed.

**Retrospective review** - Where CCTV footage is reviewed after an incident.

### **4.0 Policy Content**

#### **4.1 Background**

Council has installed a number of CCTV systems in its buildings to monitor public administration areas, Depot and Pound as part of its commitment to public safety and the occupational health and safety of Council employees. All CCTV cameras are installed to act as a deterrent to unwanted behaviour, assist in a timely and effective response to incidents and gather evidentiary material.

CCTV cameras are also used for monitoring of key bridges across the local government area. These cameras are installed to assist Council staff and road users during natural disaster such as flooding.

CCTV cameras are to be installed at locations where theft or damage to Council assets or infrastructure may occur. This may include Council buildings and depots, stockpile sites, and temporary constructions sites.

Temporary CCTV cameras differ from Council's other CCTV cameras only in that they can be rapidly deployed to and from locations in order to prevent and reduce crime and anti-social behaviour in public spaces. Temporary CCTV cameras are included and covered by Council's CCTV Policy and Procedures.

It is acknowledged that CCTV cameras installed in public place locations and as part of Council infrastructure may capture Council staff performing work tasks. This CCTV Policy and associated Procedures are not designed to intentionally provide workplace surveillance.

This Policy does not apply to:

- a) CCTV cameras may also be installed from time to time by tenants or licensees of Council land or buildings in accordance with terms of leases and/or licences with Council, or as a separate safety measure by the tenant or licensee.
- b) Mobile cameras including dash cams, trail cams, or 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;

## 4.2 Principles

The nine principles outlined in the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places include issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV. The principles below are essential for the implementation of CCTV:

### 1. The Ownership of Schemes and Its Accompanying Responsibilities

**Principle:** The ownership of public area CCTV schemes must be clear and publicly known and ensure appropriate public accountability.

### 2. Community Consultation

**Principle:** When considering setting up or significantly expanding a public area CCTV scheme, the relevant concerns of all parties potentially affected by the scheme should be taken into account through an effective community consultation strategy. Consultation will help to ensure that schemes meet local needs and circumstances, and that the operation of the scheme has the support of those affected by it.

### 3. Setting Clear Objectives

**Principle:** Clear scheme objectives should be set to guide the design, implementation, management and outcomes of public area CCTV. A clear statement of objectives will provide a basis for effective monitoring and evaluation of the scheme, and help to ensure that the use of CCTV is consistent with overall crime prevention objectives.

### 4. Integrated Approaches to Crime Prevention

**Principle:** The implementation of CCTV should be part of an integrated, multiagency approach to crime control and community safety.

### 5. Police Involvement in Public Area CCTV Schemes

**Principle:** While the NSW Police Force should not fund or operate public area CCTV schemes, it should be closely involved in the assessment and planning phase, including risk analysis and evaluation. The CCTV Procedures for the scheme should incorporate protocols covering communication and liaison between the scheme operators and the police.

#### **6. Managing and Operating Schemes**

**Principle:** Schemes should be open and accountable and operate with due regard for the privacy and civil rights of individuals and the community.

#### **7. Evaluation**

**Principle:** Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved. Evaluation frameworks should be developed at the planning stage of the scheme. These include a reduction in vandalism, an increase in the community's perception of safety and an increase in the number of offenders identified and apprehended.

#### **8. Complaints**

**Principle:** Publicly accountable, impartial and fair schemes should have procedures for dealing with complaints.

#### **9. Monitoring and Auditing**

**Principle:** Audit is needed to provide an account of the operation of a scheme, by testing its compliance against relevant policy, legislation and procedures, and to be used as the basis of recommendations for improved practice.

### **4.3 Specific Provisions**

#### **Disclosure**

CCTV footage and records will only be used and disclosed in accordance with the primary purpose of collection. This CCTV scheme is aimed at the detection and conviction of offenders, with footage to be provided to NSW Police for retrospective review.

In accordance with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places reasonable steps will be taken to protect information gathered through public place CCTV from misuse or inappropriate disclosure.

#### **Disposal**

Where footage has been provided to NSW Police it is their responsibility to appropriately retain and destroy the record of the footage in accordance with their protocols.

#### **Privacy**

The Privacy and Personal Information Protection Act 1998 covers local government authorities as public sector agencies and as such needs to be addressed when considering the establishment and implementation of CCTV.

CCTV in public places need to balance the need for public safety against the right to privacy for members of the public. The CCTV scheme needs to be operated with respect for people's privacy and their right to conduct or engage in lawful activities. The NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places states:

*Continuing community support for the operation of CCTV schemes will depend upon the confidence people have that the scheme is providing the anticipated benefits. It is therefore essential that:*

- *the recording and retention of images should be undertaken fairly and lawfully*
- *the purpose for which the information is being obtained is known*
- *the information not be used for any other purpose than that proclaimed*
- *people be aware that they may be subject to CCTV surveillance*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area*
- *the CCTV surveillance should never be used to monitor or track individuals who have not obviously been involved in a crime*
- *the CCTV surveillance should not be used for general intelligence gathering; and*
- *the owners of the scheme are known and accountable for its operation.*

CCTV information and records are to be handled in accordance with the Privacy and Personal Information Protection (PPIP) Act 1998 and the Privacy and Personal Information Regulation 2005. Use and disclosure of CCTV footage and personal information must only be in accordance with privacy laws.

The Privacy and Personal Information Regulation 2005 exempts councils from certain provisions of the PPIP Act relating to the use of CCTV cameras, specifically as follows:

- *Council is exempt from section 11 of the Act with respect to the collection of personal information by using a CCTV camera that the council has installed for the purpose of filming a public place if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).*
- *Council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.*

The CCTV Procedures will ensure:

- persons are informed about the collection and purpose for collection of the personal information in accordance with section 10 of the PPIP Act, and
- that the information is protected by taking reasonable security safeguards against loss, unauthorised access and misuse in accordance with section 12 of the PPIP Act.

These aspects will be addressed in the CCTV Procedures to ensure compliance with the Privacy and Personal Information Regulation 2005.

## 5.0 History

New policy.

<b>Department:</b>	Corporate Services	<b>Last Reviewed</b>	<b>Resolution Number</b>
<b>Policy Category</b>	Council	20.3.23 – changed AGMCS to Director Corporate Services	
<b>Endorsed By:</b>	General Manager		
<b>Approval Authority</b>	Council		
<b>Policy Owner</b>	Director Corporate Services		
<b>Contact Officer</b>	MICT		
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