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CCTV SURVEILLANCE

Strategic Outcome:	Good government	
Policy type	Statutory	
Date of Adoption:	17 August 2022	Minute Number: 249
Date for Review:	19 August 2026	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	New policy	
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent, and accountable corporate governance	

1. POLICY STATEMENT

Council recognises crime can have a significant social, economic and environmental impact on the community. Hence, the need to ensure efforts are taken to prevent and reduce instances of crime. The CCTV Program 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 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 were developed to support councils, transport providers and others who implement CCTV in public spaces to ensure compliance with relevant legislation.

2. PURPOSE

This policy provides a framework for the installation, management, and operation of a closed-circuit surveillance system comprising cameras and associated equipment, software and systems (CCTV Program).

3. SCOPE

This policy applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent.



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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

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

5. DEFINITIONS

CCTV television system that transfers images on a closed loop basis, where images are only available to those directly connected to the transmission system.

Public place: as defined in the *Local Government Act 1993* and specifically refers to public reserves and public roads. It also includes buildings and other assets located in public places.

6. POLICY IMPLEMENTATION

6.1 CCTV Program Development

Council staff must identify the outcome to be achieved, develop and document objectives for the establishment, operation and management of CCTV in a public space

CCTV will only be used in accordance with its established objectives and not for any other purpose.

Outcomes 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



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6.2 Consultation

Per the Council's Community Engagement and Participation Framework Council staff when considering the establishment or significant expansion of CCTV council staff must ensure the relevant concerns of affected parties are documented and considered.

People or groups who may be affected by the proposal may include:

- Residents;
- 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.

6.2.1 Police

Council staff will therefore, collaborate/partner (refer to our Engagement Framework) with police to ensure the installation of CCTV fits within a broader crime prevention strategy and will meet the stated objectives for its installation

6.2.2 Council staff

While CCTV schemes installed in public locations and as part of Council infrastructure may incidentally capture Council staff performing work tasks, they are not intentionally designed as surveillance to monitor workforce productivity.

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

6.3 Establishment

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

Hence, CCTV will only be considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and prior to installation, a Crime Prevention through Environmental Design audit will be completed.

The audit will consider:



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- 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.

6.4 Evaluation

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
- achieving its planned outcomes and if not, whether it requires changes to the extent or location of the cameras, or technology utilised.

6.5 Ownership

Council staff will ensure 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 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 its CCTV schemes.

Council maintains ownership of, and has copyright of all data, recordings, photographs and documentation pertaining to the CCTV Program 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

6.6 Retention

The retention of, and access to, recorded data will only be for the purpose provided in this policy.



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Council generally retains recorded data for a period of 30 days; however, retention of data is based on several variables which may result in shorter or longer retention periods. If in the rare circumstances 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.

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

6.7 Access

6.7.1 Public access

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* and the Council's Access to Information Policy.

An application for access to information will be appropriately assessed in accordance with this policy and relevant laws.

6.7.2 Police and law enforcement

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.

Where the Council has reported loss or damage to its own property, the Chief Executive Officer or delegate may authorise release of data relating to the matter to the relevant law enforcement agency.

In all other instances prior to any data or information being released, law enforcement agencies will be required to clearly identify the data required and the rationale for the requested release.

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

6.8 Accountability and privacy

Council staff will ensure its CCTV schemes are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including:

- 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 they may be subject to CCTV surveillance; and



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- the owners of the scheme are known and accountable for its operation.

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 Program will be recorded and may be provided to a law enforcement agency for a lawful and permitted purpose.

6.9 Complaints

Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes. Complaints, except for those specified below, will be managed in accordance with Council's complaint management procedures.

Complaints in relation to Council's handling of a person's personal information will be managed in accordance with Council's Privacy Management Plan. Complaints of this nature may also be made to the NSW Information and Privacy Commissioner.

6.10 Review

Council staff will review its CCTV systems every four (4) 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

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *Workforce Surveillance Act 2005*
- *Government Information (Public Access) Act 2009*
- *Security Industry Act 1997*
- Privacy and Personal Information Protection Regulation 2005
- NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places (2014)



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7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Privacy Management Plan
- Community Engagement and Participation Framework
- Records Management Policy
- Access to Information Policy

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.08.2022	New Policy document	Deputy Chief Executive Officer

APPENDICES

Nil