

10.7. Amended CCTV Policy

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ENDORSED BY: Margaret Palmer, Director Corporate Services
Peter Massey, Acting Director Open Space and Environmental Services

ATTACHMENTS:

1. Closed Circuit Television Policy 2022 WIP [**10.7.1** - 8 pages]

PURPOSE:

The purpose of this report is to inform the Council of amendments recently made to Council's *Closed Circuit Television (CCTV) Policy* and to seek Council's readoption of this policy, as part of the quadrennial corporate policy manual review.

EXECUTIVE SUMMARY:

Council's CCTV Policy was introduced in April 2020. This policy is consistent with the NSW Government's Policy Statement and *Guidelines for the Establishment and Implementation of Closed-Circuit Television in Public Places*.

This policy is categorised as 'operational'. Operational policies relate to Council's operations and/or are non-mandatory policies but represent best practice. Amendments to operational policies may be approved by the General Manager, as recently occurred with the CCTV Policy.

Council's current informal position is not to install CCTV in parks and other open space areas and particularly where these areas do not have staffed facilities. This position is not stated in the CCTV Policy. The amendment to the policy clarifies Council's position in regarding installation and use of CCTV in parks and open spaces.

Further, it is noted that the Hume Street Park Stage 1 development approval (DA) includes a condition that CCTV should be installed in the park. This is inconsistent with Council's current practice. The amended CCTV policy may be included in an application to the North Sydney Local Planning Panel, requesting removal or amendment of the CCTV related consent condition for the Hume Street Park Stage 1 project.

FINANCIAL IMPLICATIONS:

Nil

RECOMMENDATION:

1. THAT Council notes the amendments approved by the A/General Manager and readopts the CCTV Policy as outlined in this report.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment

1.4 Public open space and recreation facilities and services meet community needs

5. Our Civic Leadership

5.2 Council is well governed and customer focused

BACKGROUND

Following public exhibition of the draft policy, the CCTV Policy was adopted on 27 April 2020. This policy is consistent with the NSW Government's Policy Statement and *Guidelines for the Establishment and Implementation of Closed-Circuit Television in Public Places*.

The intent of this Policy is to ensure that the use CCTV cameras, at nominated Council owned and operated premises, is for the designated purposes of:

- a) assisting with the safety of Council employees, Councillors and members of the public;
- b) protecting Council property from theft and damage;
- c) discouraging unlawful activity in and around Council property; and
- d) assisting with the investigation of unlawful incidents at or around Council owned and operated premises.

In accordance with Council's corporate policy framework, which was reported to the Council in May 2022, this policy is categorised as 'operational'. Operational policies relate to Council's operations; or a policy that Council is not mandated to have in place but represents best practice. Operational policies, including any amendments, may be approved by the General Manager; and the General Manager may determine to report the draft/amended policy to Council.

CONSULTATION REQUIREMENTS

Community engagement is not required.

In line with the above stated Council policy manual framework, public exhibition of amendments to operational policies is not mandatory.

The CCTV Policy states community consultation is required "when considering expanding the CCTV scheme". The amendments outlined in this report do not propose expansion of Council's current CCTV usage.

DETAIL

Council's current informal position is not to install CCTV in parks and other open space areas. This position is not stated in the CCTV Policy.

Following internal consideration including via the internal Information Security (InfoSec) Working Group and senior management, and endorsement from the A/General Manger, the amendment to the CCTV Policy clarifies Council's position regarding installation and use of CCTV in parks and open spaces. The amendment does not seek to diminish the importance of community safety. Below is the clause added:

2.1 When determining the location and extent of CCTV coverage, consideration shall be given to the level of resourcing that Council is able to provide for monitoring and maintenance of CCTV systems. In this regard, unless it can be demonstrated as being strictly necessary for public safety and/or crime prevention, rollout of permanent CCTV systems in parks and other public open space areas (including bushland areas), where these locations do not have existing staffed facilities (permanently staffed offices or the like), shall only be permitted at the discretion of the Director Open Space & Environmental Services.

Further, it is noted that the Hume Street Park Stage 1 development approval (DA) includes a condition that CCTV should be installed in the park, as requested by the Police. Below is the extract from Development Consent No 234/18 (Hume Street Park Stage 1) - relating to CCTV:

"1. On-Going / Operational Conditions

Safety and Security

1.1. The following conditions are to be complied with for the life of the development:

(c) Appropriate signage should be erected inside and around the location to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".

(d) An electronic surveillance system should be included to provide maximum surveillance of the area including entry/exit points. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.

(e) All CCTV cameras installed should be of a good resolution and accompanied with good lighting.

(f) All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.

(g) The CCTV footage should also cover any car parking spaces. "Park Smarter" signage should be displayed within this area to warn/educate motorists to secure their vehicles and not leave valuable items visible in their cars. The car park will also need to have adequate lighting.

(Reason: To ensure the safety and security of the area in accordance with the recommendations of NSW Police)"

As noted above, provision of CCTV in parks and public open spaces is inconsistent with Council's current practice. It is beyond the current resourcing of Council to roll out CCTV

infrastructure within parks and public open spaces generally, and to undertake the ongoing monitoring and servicing that such equipment requires, unless there is a clear demonstrable need for such provision. Examples of open space areas where CCTV is warranted would include North Sydney Olympic Pool and North Sydney Oval. Both facilities have a specific security and safety needs and have onsite staff resourcing that can be involved in the monitoring aspects. However unstaffed parks and open spaces more broadly do not warrant such provision.

It is therefore proposed to request removal or amendment of the CCTV related condition of consent for the Hume Street Park Stage 1 project (which is an unstaffed public open space area and not considered to have any need for safety and security beyond that of a typical park/public open space area) to reflect the amended policy. In addition, Hume Street Park Stage 1 does not include onsite parking, therefore condition I1(g) is not applicable. An application can be made under Section 4.55(1a) of the *Environmental Planning and Assessment Act 1979* to have the existing condition CCTV related conditions deleted, and such an application needs to be considered by the North Sydney Local Planning Panel. Inclusion of Council's CCTV Policy (amended) is required to support the application.

It noted that the DA condition states that "*An electronic surveillance system should be included*" rather than 'must' be included. It is further noted that the accepted principles of *Crime Prevention through Environmental Design* (CPTED) which assist with providing a safe environment for park users (such as designing for passive visual surveillance, good lighting and low height vegetation in garden areas to avoid areas of concealment) have been incorporated into the design of the Hume Street Park Stage 1 project.



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Policy Owner: Director Corporate Services

Category: Operational

Direction: 5. Our Civic Leadership

1. STATEMENT OF INTENT

- 1.1 The intent of this Policy is to ensure that the use of Closed-Circuit Television (CCTV) cameras, at nominated North Sydney Council (Council) owned and operated premises, is for the designated purposes of:
- a) assisting with the safety of Council employees, councillors and members of the public;
 - b) protecting Council property from theft and damage;
 - c) discouraging unlawful activity in and around Council property; and
 - d) assisting with the investigation of unlawful incidents at or around Council owned and operated premises.
- 1.2 The Policy is informed by the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television in Public Places* (2014).
- 1.3 The public interest in the operation of the CCTV cameras is recognised by ensuring the security and integrity of the Standard Operating Procedures (Attachment 1). The Standard Operation Procedures are separate from the this Policy (see clause 5.1).

2. ELIGIBILITY

- 2.1 This Policy applies to all Council employees, contractors, visitors and customers.
- 2.2 Council is the owner and operator of the permanent CCTV cameras currently at the following premises:
- a) Council Chambers (including administration buildings and Customer Service Centre);
 - b) Central Depot;
 - c) Stanton Library;
 - d) North Sydney Olympic Pool;

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- e) North Sydney Oval; and
 - f) all Council owned and operated car parks.
- 2.3 Council may add further CCTV systems from time to time as the need arises, including temporary CCTV throughout the local government area, including the capture of moving and still images.
- 2.4 When determining the location and extent of CCTV coverage, consideration shall be given to the level of resourcing that Council is able to provide for monitoring and maintenance of CCTV systems. In this regard, unless it can be demonstrated as being strictly necessary for public safety and/or crime prevention, rollout of permanent CCTV systems in parks and other public open space areas (including bushland areas), where these locations do not have existing staffed facilities (permanently staffed offices or the like), shall only be permitted at the discretion of the Director Open Space & Environmental Services.
- 2.5 Although every effort will be made to ensure maximum effectiveness of the use of CCTV, it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

3. DEFINITIONS

- 3.1 Authorised personnel - any delegated employee of Council with responsibility for managing access to CCTVs; and for crowd control, the NSW Police and/or the Oval Security Team/contractors (event specific).
- 3.2 Closed Circuit Television (CCTV) - a television system transmitting images on a 'closed loop', whereby images are available to those directly connected to the system. CCTV systems consist of cameras, monitors, recorded, interconnecting hardware and support infrastructure.
- 3.3 Disclosure - the act of providing a third party with access to, or to a copy of recorded footage.
- 3.4 Incident - is defined as an occurrence or event that could result in harm to persons, property or business operations.
- 3.5 Passive monitoring - where CCTV monitors may be intermittently viewed.
- 3.6 Recorded material - includes all images and data recorded by Council systems, including original and copies of video recordings and still photographs.
- 3.7 Retrospective review - where CCTV footage is reviewed after an alleged incident.

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- 3.8 Third party - any person other than authorised personnel.

4. PROVISIONS

4.1 Guiding Principles

This Policy is guided by the principles of the NSW Government *Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television in Public Places*:

- 4.1.1 Integrated Approaches to Crime Prevention - the implementation of CCTV is part of an integrated, multi-agency approach to crime control and community safety.
- 4.1.2 Ownership of Schemes and Accompanying Responsibilities - the ownership of public areas CCTV schemes is clear and publicly known.
- 4.1.3 Community consultation - when considering expanding the CCTV scheme, the relevant concerns of all parties potentially affected by the scheme will be considered via a community engagement process.
- 4.1.4 Clear Objectives - clear scheme objectives have been set to guide the design, implementation, management and outcomes of the use of CCTV.
- 4.1.5 Police involvement in Public CCTV Schemes - NSW Police will be consulted during the assessment and planning phase, including risk analysis and evaluation. The *Standard Operating Procedures* (Appendix 1) for the scheme incorporate protocols covering communication and liaison between Council and the Police.
- 4.1.6 Managing and Operating CCTV Schemes - the CCTV scheme operates with due regard for the privacy and rights of individuals and the community.
- 4.1.7 Evaluation, Monitoring and Auditing - the CCTV scheme will be periodically audited to test its compliance against relevant policy, legislation and procedures, and to be used as the basis of recommendations for improved practice.

4.2 Purpose of Collection

- 4.2.1 The purposes of footage recorded and retained by the CCTV surveillance cameras will be used for:

- a) monitoring safety
- b) monitoring of security
- c) detection and deterrence of crime
- d) monitoring use of "staff only areas"
- e) investigations of incidents or complaints
- f) data collection

4.2.2 Access to live streaming will not be provided to the public for evidence gathering exercises.

4.3 Storage and Retention of Recorded Images

4.3.1 Access to streaming or recorded footage for the purposes of viewing, copying or disclosing the footage will be restricted to authorised personnel for the purpose carrying out their Council duties.

4.3.2 Images collected by CCTV may only be monitored by authorised personnel. Access to those systems will be controlled to ensure that only authorised personnel have access to CCTV footage.

4.3.3 Council will retain CCTV footage for a period of 28 days in accordance with *Australian Standard 4806-2006: Closed Circuit Television (CCTV) - Management and Operation*. This period may be extended where an incident has occurred or when requested by the Executive Leadership Team.

4.3.4 After a period of 28 days the oldest CCTV footage is overwritten with the new footage on the CCTV data store, unless extended.

4.3.5 Appropriate security measures and audit trails will be established against unauthorised access, alteration, disclosure, accidental loss or inadvertent destruction of recorded material.

4.3.6 Recorded material will be treated in accordance with defined procedures and audit trails to ensure continuity of evidence.

4.4 Permitted disclosure of CCTV footage

4.4.1 Under the *Workplace Surveillance Act 2005*, CCTV footage may only be used or disclosed if it is:

- a) related to the employment of employees of the employer or the legitimate business activities or functions of the employer;
- b) to a law enforcement agency in relation to an offence;
- c) related to civil or criminal proceedings;

- d) reasonably believed necessary to avert an imminent threat of serious violence to persons or substantial damage to property; or
- e) disclosure under the GIPA Act.

4.5 Request for access to CCTV footage

- 4.5.1 Access to CCTV systems, whether to operate equipment or view recorded material is strictly limited to appropriately trained and authorised personnel and approved Management and documented in Council's *Delegations of Authority Manual* and the *CCTV Access Register*.
- 4.5.2 All requests for third party access for CCTV footage, except for law enforcement agencies, must be made via an access application under the *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act).
- 4.5.3 Authorised maintenance contractors commissioned by Council may enter the control rooms, security equipment rooms provided it is for security maintenance work.

4.6 Suspected Inappropriate Use of CCTV Systems

- 4.6.1 If a manager or other employee suspects that an authorised user is using CCTV systems contrary to this Policy, the information will be passed in the first instance to the authorised user's immediate manager and/or the Director Corporate Services who will determine the investigative action to be undertaken.
- 4.6.2 In the case of suspected serious breaches, the matter must be referred to the Director Corporate Services in the first instance.
- 4.6.3 The System Administrator, when directed by the Director Corporate Services or Manager Human Resources, will audit an individual's or group of individuals' use of CCTV systems.
- 4.6.4 The user will be advised if a formal investigation is being undertaken. Access rights may be denied to the user whilst an investigation is underway, in which case the user will be advised.

4.7 Breaches of the CCTV Policy

- 4.7.1 Employees who are found to have breached this policy will be counselled and/or disciplined in line with *NSW Local Government (State) Award*.

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- 4.7.2 Councillors who are found to have breached this policy will be reported to the General Manager and/or the Mayor who will take appropriate action in accordance with Council's *Code of Conduct - Councillors and Staff* and the *Local Government Act 1993*, as amended.
- 4.7.3 Contractors who are found to have breached this policy may have their contract terminated. Suspected illegal activities may lead to prosecution.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 The General Manager has the authority to delegate responsibilities to particular Officers/positions and to determine Authorised Officer under this Policy in accordance with Section 378 of the *Local Government Act 1993*. The General Manager is also authorised to amend the *Standard Operating Procedures*.
- 5.2 Council's Manager Information Technology is responsible for ensuring all CCTV operations are compliant with NSW privacy and surveillance legislation, including the *Privacy and Personal Information Protection Act 1998* and *Workplace Surveillance Act 2005*.
- 5.3 Managers are responsible for reporting suspected serious breaches of this policy to the Director Corporate Services.
- 5.4 Council's Systems Administrator is responsible for:
- a) monitoring, reviewing, auditing and managing CCTV operations.
 - b) advising the Director Corporate Services or Manager Human Resources of suspected misuse of CCTV systems.
- 5.5 Council's Manager Human Resources is responsible for liaising with employees and managers in relation to breaches of this policy by a staff member and enacting Council's *Disciplinary and Misconduct Policy* as required.
- 5.6 Council's Manager Customer Services and Records is responsible for ensuring corporate standards in maintaining the registration of business communications as corporate documents in accordance with the *Record Keeping Plan*.
- 5.7 Council's Manager Customer Services and Records is responsible for maintaining corporate standards in disclosure under the GIPA Act.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

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The Policy should be read in conjunction with the following Council policies and documents:

- Access to Information Policy
- Bullying and Harassment Policy (staff)
- CCTV Access Register
- Code of Conduct - Councillors and Staff
- Confidentiality of Employee Information Policy (staff)
- Delegations of Authority Manual
- Disciplinary and Misconduct Policy (Staff)
- Equipment Allocation Policy (staff)
- Knowledge Management Strategy
- Mobile Phone and Smart Devices Guidelines and Procedures (staff)
- Privacy Management Plan
- Privacy Management Plan (Staff Guidelines)
- Record Keeping Plan

The Policy should be read in conjunction with the following documents/legislation:

- Australian Standard 4806-2006: Closed Circuit Television (CCTV) - Management and Operation
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places 2014
- Privacy and Personal Information Protection Act 1998
- State Environmental Policy (Infrastructure) 2007
- Surveillance Devices Act 2007 (NSW)
- Workplace Surveillance Act 2005

Version	Date Approved	Approved by	Resolution No.	Review Date
1	27 April 2020	Council	89	2020/21
2	21 September 2022	A/General Manager	-	2024/25

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ATTACHMENT 1: STANDARD OPERATING PROCEDURE

A glossary of terms as used in the Standard Operating Procedures is set out below.

Term	Definition
CCTV Access Register	Register maintained by Council within its electronic document management system
Image Recording Equipment	The computer(s) that records and stores all footage recorded by the respective CCTV cameras.
Monitoring Equipment	The monitor and computer from which the live footage can be viewed.
Monitoring Point	Refer to locations described at Section 2.2 of the CCTV Policy.
Police	NSW Police Force

1. Equipment Usage (Monitoring Equipment)

- 1.1 Recordings will be created during the normal operating hours of each sites, as defined in Section 2.2 of the Policy and during events held outside of normal operating hours at North Sydney Oval and the Council Chambers.
- 1.2 The Monitoring Equipment will be located at the Monitoring Point to enable authorised personnel to view the live images generated by CCTV cameras.
- 1.3 The Police will be able to control the operation of the areas for viewing purposes.
- 1.4 The Monitoring Equipment will only be used for the objectives details in Section 1.4 of the Policy.

2. Image Recording Equipment (Access to Recorded Material)

- 2.1 Council is responsible for allowing access to recorded material in accordance with the Policy.
- 2.2 Recordings will be created during normal Council operating hours of 9.00am to 5.00pm, Monday to Friday.
- 2.3 When images are recorded to a media disk an entry into the management system is to be made by the Officer who issued the recording.

3. Use of Recorded Material

- 3.1 For the purposes of Council business, CCTV recordings ca
- 3.2 CCTV recordings are supplied for conducting bona fide NSW Police investigations, access requests under the *GIPA Act 2009* and for Council operational requirements.

4. Confidentiality

- 4.1 Any Council staff or contractors involved in any of the processes described in this Standard Operating Procedure will be bound by Council policies and procedures.

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