

**Report to General Manager**

Attachments:
1. CCTV Policy

SUBJECT: Closed Circuit Television Policy - Post Exhibition

AUTHOR: Michael Macfarlane, Manager Information Technology

ENDORSED BY: Margaret Palmer, Director Corporate Services

EXECUTIVE SUMMARY:

At its meeting on 25 November 2019 Council resolved (Min. No. 360):

- 1. THAT the draft Closed Circuit Television Policy be placed on public exhibition for 28 days.*
- 2. THAT the current Standard Operating Procedures be included as an attachment to the Policy to provide context.*
- 3. THAT should Council receive submissions, a further report be prepared for Council's consideration. Should Council receive no submissions, Council consider the CCTV Policy as adopted at the end of the closing period for submissions.*

The draft policy, including the standard operating procedures as attachment, was publicly exhibited from 16 January to 12 February 2020. One submission was received. The submission supports the exhibited policy and procedures. In accordance with Item 3 of the above-mentioned resolution, this matter is referred to Council recommending adoption.

FINANCIAL IMPLICATIONS:

Nil.

RECOMMENDATION:

- 1. THAT** Council note the submission received.
- 2. THAT** Council proceed to adopt the CCTV Policy as attached to this report.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.4 Council's service delivery is well supported

BACKGROUND

Council has employed the use of CCTV for many years across various Council facilities, including the Chambers, and procedures are in place to handle requests for access to CCTV footage. An overarching policy and procedures (supporting work instructions) was prepared to formalise administration of requests CCTV footage. The policy is consistent with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places* (2014) and, incorporates Council's existing procedures detailed on the current form requesting access to CCTV footage.

The draft policy was reported to Council at its meeting of 25 November 2019, whereby Council resolved (Min. No. 360) to publicly exhibition the draft policy for 28 days, including the standard operating procedures as an attachment; and that should Council receive submissions, that a further report be prepared for Council's consideration.

CONSULTATION REQUIREMENTS

Community engagement was undertaken in accordance with Council's Community Engagement Protocol.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

The draft policy, including the standard operating procedures as an attachment, was publicly exhibited from 16 January to 12 February 2020. The exhibition's web page received a total of 66 visits over the 28-day period. One submission was received. The submission from the North Shore Police Area Command overtly supports the exhibited policy and procedures. Council's Crime Commander reviewed the draft Policy and advised that "it is of the usual standard regarding CCTV and I see no issues with how Police obtain CCTV from North Sydney Council".

No changes to the policy or procedures are required. In accordance with the above-mentioned resolution of 25 November 2019, this matter is referred back to Council, recommending adoption.



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Policy Owner: Director Corporate Services

Category: 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 Operating Procedures are separate from the Closed Circuit Television 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;
- e) North Sydney Oval; and
- f) All Council owned and operated car parks.

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- 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 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.
- 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.

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- 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 Force will be consulted during the assessment and planning phase, including risk analysis and evaluation. The Standard Operating Procedures 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.

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- 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 where requested by Management.
- 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 the *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.

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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 Workforce Planning, 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
- 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 associated with this Policy.
- 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*.

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- 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 Workforce Planning Manager of suspected misuse of CCTV systems.
- 5.5 Council's Workforce Planning Manager is responsible for liaising with employees and managers in relation to breaches of this policy by a staff member and enacting Council's *Counselling and Disciplinary Policy and Procedures* as required.
- 5.6 Council's Manager Document Management Services 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 Document Management Services is responsible for maintaining corporate standards in disclosure under the GIPA Act.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

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)
- Counselling and Disciplinary Policy (Staff)
- Delegations of Authority Manual
- 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

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- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places 2014
 - Privacy and Personal Information Protection Act 1998
 - Privacy and Personal Information Regulation 2005
 - State Environmental Policy (Infrastructure) 2007
 - Surveillance Devices Act 2007 (NSW)
 - Workplace Surveillance Act 2005

Version	Date Approved	Approved by	Resolution No.	Review Date
1	##	Council	##	2020/21

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ATTACHMENT 1: STANDARD OPERATING PROCEDURE

For ease of reference 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**1.1 Monitoring Equipment**

- 1.1.1 Recordings will be created during normal operating hours of each sites 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.
- 1.1.2 The Monitoring Equipment will be located at the Monitoring Point to enable authorised personnel to view the live images generated by CCTV cameras.
- 1.1.3 The Police will be able to control the operation of the areas for viewing purposes.
- 1.1.4 The Monitoring Equipment will only be used for the objectives details in Section No 1.4 of the Policy.

2. Image Recording Equipment**2.1 Access to Recorded Material**

- 2.1.1 Council is responsible for allowing access to recorded material in accordance with the Policy.
- 2.1.2 Recordings will be created during normal Council operating hours of 9.00am to 5.00pm, Monday to Friday.
- 2.1.3 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

- 3.1.1 For the purposes of Council business CCTV recordings ca
- 3.1.2 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

- 4.1.1 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.