



Closed Circuit Television (CCTV) in Public Spaces Policy

Date policy was adopted by Council:	24 June 2015
Resolution number:	225/15
Previous Policy review date:	
Next Policy review date:	June 2019
Reference number:	C1584233

Policy Template

POLICY:-	
Policy No:	
Policy Title:	Closed Circuit Television (CCTV) in Public Spaces
Date Policy was adopted by Council:	24/6/15
Resolution Number:	225/15
Previous Policy Review Date:	
Next Policy Review Date:	June 2019
PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	
RECORDS:-	
Container Reference in TRIM: Policy	
Container Reference in TRIM: Procedure	
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	Intranet (linked to TRIM Container)
DELEGATION (if any):-	
RESPONSIBILITY:-	
Draft Policy developed by:	Geraldine Manser, Manger Community and Cultural Development
Committees (if any) consulted in the development of the Draft Policy:	Safer Suburbs Taxi Rank Upgrade Committee
Responsibility for Implementation:	Director Economic and Community Development
Responsibility for Review of Policy:	Director Economic and Community Development

Senior Authorising Officer	Position CEO/General Manager	Signature/Date  8 July 2015
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1 OUTCOMES:

All Closed Circuit Television (CCTV) cameras in public spaces operated by Council and the management of any data captured by those CCTV cameras complies with relevant legislation and best practice guidelines. This will maximise the crime prevention and community safety benefits of the systems and limit Council's exposure to liability associated with the inappropriate management of images recorded by CCTV systems owned and operated by Council.

2 POLICY:

Council owned and operated CCTV systems in public places will be managed in accordance with relevant State and Commonwealth legislation and best practice guidelines.

3 DEFINITIONS

Camera includes any electronic device capable of monitoring or recoding visual images of activities in public spaces.

Closed Circuit Television (CCTV) is defined as a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. The transmission of closed circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems (*NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places, 2000*).

Employee is any person working for Queanbeyan City Council, including contractors and volunteers.

Law enforcement agency means any of the following:

- (a) NSW Police Force,
- (b) A police force or police service of another State or a Territory,
- (c) The Australian Federal Police,
- (d) The Police Integrity Commission,
- (e) The Independent Commission Against Corruption,
- (f) The New South Wales Crime Commission,
- (g) The Australian Crime Commission,
- (h) The Department of Corrective Services,
- (i) The Department of Juvenile Justice,
- (j) any other authority or person responsible for the enforcement of the criminal laws of the Commonwealth or of the State, and
- (k) a person or body prescribed for the purposes of this definition by the regulations.

Public Place as defined in the *Local Government Act 1993* refers to public reserves, public bathing reserves, public baths, public roads, public bridges, public wharfs or public road-ferries with the addition of public transport and car parks.

Video surveillance is defined as surveillance by a closed circuit television system for direct visual monitoring and/or recording of activities on premises or in a place (*NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places, 2000*).

4 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

This policy has been developed in accordance with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places* (2000).

The recording and storage of images from CCTV's in public places is governed by a number of pieces of legislation, both State and Commonwealth. These include, but are not limited to:

Commonwealth:

Federal Privacy Act 1998
Privacy Amendment (Enhancing Privacy Protection) Act 2012
Privacy Regulation 2013
Surveillance Devices Act 2004

State: *Surveillance Devices Act 2007*

Privacy and Personal Information Protection Act 1998
Privacy and Personal Information Protection Regulation 2005
Workplace Video Surveillance Act 2005
Local Government Act 1993
Evidence Act 1995
State Records Act 1998
Government Information (Public Access) Act 2009

There are a number of Australian Standards that outline best practice in the area of CCTV Operation. They are:

AS4806.1 - 2006 Closed Circuit Television (CCTV) Part 1: Management and Operation
AS4806.2 - 2006 Closed Circuit Television (CCTV) Part 2: Application Guidelines
AS4806.3 - 2006 Closed Circuit Television (CCTV) Part 3: PAL signal timings and levels
AS4806.4 - 2006 Closed Circuit Television (CCTV) Part 4: Remote video

This policy and any associated directives, processes and forms aim to ensure Council's compliance with relevant legislation and best practice guidelines.

5 CONTENT

Closed Circuit Television (CCTV) surveillance is used by Council as a crime prevention and community safety. The collection of images by CCTV cameras in public places raises a number of issues relating to civil liberties, privacy and the secure handling of images captured.

In 2015 Queanbeyan City Council (Council) installed CCTV cameras at the Crawford St taxi rank. These cameras provide live feed images to the local police station, and footage is recorded and stored by Council. Similar equipment may be installed at other locations in the future. This policy will apply to all existing and any future CCTV Cameras in Public Spaces owned and operated by Council.

This policy applies to CCTV cameras placed in public spaces, not those that are installed to provide security and safety monitoring on Council property, such as the Library, Axis Youth Centre and Queanbeyan Aquatic Centre.

In accordance with both Commonwealth and State requirements, Council owned and operated CCTV cameras will be installed and positioned so as to avoid filming private property that does not belong to Council unless it is not reasonably practicable to avoid.

It is acknowledged that closed circuit television cameras (CCTV) installed in public places and as part of Council infrastructure and premises will also capture Council staff performing work tasks. CCTV installed by Council does not have the intent or purpose to undertake workplace surveillance. Any use of recorded material featuring Council employees will be in compliance with the *NSW Workplace Video Surveillance Act 2005*.

CCTV Cameras may also be installed by tenants or licensees of Council land or buildings. In these circumstances the images recorded are not held by Council and are outside the scope of this policy. All references to CCTV cameras in this policy refer only to cameras operated and managed by Council.

Operational Directive

The operation and control of Council's CCTV Cameras in Public Places will be in accordance with the CCTV in Public Spaces Operation Directive. This directive encompasses a Code of Practise and Standard Operating Procedures

Signage

CCTV cameras offer a crime deterrent or prevention benefit only when their presence is clearly known by potential offenders. The civil liberties aspects of CCTV recording in public spaces also requires that members for the public are made repeatedly aware that they are potentially being recorded by CCTV cameras.

Council has an obligation to ensure that individuals can be "reasonably considered" to be aware they are being captured on CCTV footage and understand the purposes for which the information is being collected.

Accessing Recorded Material

Access to and use of Recorded Material will be facilitated by Council and will only take place:

- i) in compliance with the needs of the Police or any other law enforcement agency in connection with their law enforcement functions; or
- ii) if necessary for the purposes of legal proceedings; or
- iii) any other lawful requirement .

Access to recorded material will be restricted to Authorised employees only. All employees involved with the CCTV in Public Spaces system or who have access to recorded material will be required to sign a confidentiality agreement.

Complaints

General complaints relating to the operation of CCTV cameras that are under the control of Queanbeyan City Council will be handled using existing Council complaints handling policies and procedures.

Complaints relating to a breach of the *Privacy and Personal Information Protection Act 1988* will be investigated as required under that Act.

Information distributed about the CCTV scheme and to complainants will advise members of the community that they can lodge a complaint to Privacy NSW under section 45 of the *Privacy and Personal Information Protection Act 1998*.

6 PERFORMANCE INDICATORS

Number of complaints received.
Results of evaluations.