Workplace Surveillance Policy

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Strategic Pillar	Organisation Capability
Responsible Branch	Workplace and Governance

1 OUTCOMES

1.1 The Workplace Surveillance Act 2005 (Act) requires that employees are made aware of workplace surveillance undertaken by Queanbeyan-Palerang Regional Council (Council).

1.2 This Policy was developed to ensure Council meets its obligations under the Act by informing/ notifying employees of surveillance devices in the workplace, and to provide a framework under which Council's Workplace Surveillance will be managed to ensure continued legislative compliance.

2 POLICY

The objectives of this Policy are:

2.1 To detail Council's commitment to ensuring that it complies with legislative requirements

2.2 To explain to employees and contractors what types of surveillance may be carried out in the workplace, and

2.3 Explain the responsibilities of management regarding the introduction of workplace surveillance.

3 SCOPE OF THE POLICY

3.1 Council recognises its obligations to ensure, where reasonably practicable, a safe and healthy workplace for its workers and others. Technology advances mean that most mobile devices have the of camera, computer and tracking surveillance devices.

3.2 For the purposes of this Policy, an employee is at work for the purposes of this Policy when the employee is:

- 3.2.1 At the employee's usual Council workplace whether or not the employee is actually performing work at the time; or
- 3.2.2 At any other place while performing work for Council, including working from home; or
- 3.2.3 Using Council vehicle (excluding private usage of leaseback vehicles), plant or equipment in the course of performing work for Council.

3.3 The use of certain surveillance devices by Council:

- 3.3.1 Provides the potential to identify the geographical location of an employee or Council vehicle or plant and equipment;
- 3.3.2 Provides the potential to deter vandalism, assault or other criminal activity and reduce the associated risk for employees and others and capture evidence of criminal activity;
- 3.3.3 Allows for monitoring to manage the risks associated with non-compliance of Council's Code of Conduct and Work Health and Safety (WHS) requirements;
- 3.3.4 Assists management to optimise performance, improve efficiency and improve customer service.

3.4 In accordance with the Act, this Policy addresses the following types of surveillance in the workplace:

- ·Camera surveillance
- ·Computer surveillance
- ·Tracking surveillance.

4 DEFINITIONS

4.1 Camera Surveillance: Surveillance by means of a camera that monitors or records visual images of activities on-premises or in any other place

4.2 Computer Surveillance: Surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including but not limited to the sending and receiving of emails and the accessing of internet websites);

4.3 Employee: Has the same meaning as the Industrial Relations Act and includes a person performing voluntary work.

4.4 Tracking Surveillance: Surveillance by means of an electronic device, the primary purpose of which is to monitor or record geographical information or movement..

4.5 Workplace: Means premises, or any other place where employees work or any part of such premises or place.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

5.1 Workplace Surveillance Act 2005 and associated Regulations
5.2 Surveillance Devices Act 2007
5.3 State Records Act 1998 (NSW
5.4 Privacy and Personal Information Protection Act (PPIPA) 1998 and associated Regulations
5.5 Government Information Public Access (GIPA) Act 2009
5.6 Industrial Relations Act 1996 (NSW)
5.7 Local Government Act 1993 (NSW)

6 CONTENT

6.1 Camera Surveillance

6.1.1 Council may require designated areas to be under camera surveillance for operational, security and/or protection/ safety reasons.

6.1.2 Council's CCTV cameras which operate in public places, as defined under the Local Government Act 1993 are covered by this Policy. However, access to surveillance information captured by these CCTV cameras is treated separately.

6.1.3 Where Council intends to introduce surveillance cameras in the workplace, employees working in the designated area or areas shall be advised in writing (which could be email) 14 days prior to its commencement in accordance with the Act.

6.1.4 Council will put in place visible signs informing people who enter or leave a workplace or public place that camera surveillance is being carried out.

6.1.5 CCTV camera surveillance is continuous and ongoing.

6.1.6 Council may, from time to time, require employees who work in hazardous activities (for example, in field regulatory roles) to have an on-person camera to reduce the risk associated with such activities. The requirement for these devices will be based on a risk assessment process and the needs of specific employees. Applications to provide and use this type of equipment will be dealt with on a case-by-case basis.

6.1.7 The employee will be notified of the installation and intent of these devices and the public will be advised. Surveillance is intermittent and not ongoing.

6.2 Computer and mobile device surveillance

6.2.1 Computer resources are provided for business purposes related to an employee's duties. However, reasonable personal use is permitted in accordance with Council Directives and Policies.

6.2.2 The use of Council's computers and associated systems is governed by the following policies which prescribe conditions of employee access to and use of Council's information technology facilities, services and systems:

- ·Code of Conduct
- ·Social Media Policy
- ·Respectful Workplace Behaviours Directive
- ·Information Management Directive
- ·Mobile Devices Directive

6.2.3 Computer surveillance is undertaken for the general security of Council property and assets, the protection of Council-related information and to ensure that Council's computer resources are not misused. Surveillance is carried out in conjunction with the above mentioned policies.

6.2.4 Access logs are automatically created and facilities exist to review the Internet addresses visited by each user. Access may be blocked to some sites that represent a threat to the corporate IT environment.

6.2.5 Computer surveillance is continuous and ongoing. Council will investigate alleged breaches of the law or Council policies by staff using Council IT equipment and systems and this may involve accessing the employee's computer and electronic records.

6.3 Tracking Devices

Plant & Motor Vehicles

6.3.1 Council's fleet may be fitted with an electronic tracking device such as a GPS (global positioning system) to collect, interpret and record/store data including geographical location, movement and or plant/vehicle function or activity.

6.3.2 Council will install visible signs in all vehicles fitted with tracking devices to inform all vehicle users that surveillance tracking is being carried out.

6.3.3 This surveillance is continuous and ongoing.

6.3.4 Such devices will not be installed in Council leaseback vehicles.

Security Alarm & Swipe Card Access Systems

6.3.5 For security purposes, when a card holder (including staff and contractors) arms or disarms an alarm system for a Council premise through entering a

security access code or using swipe card technology to access a facility, the information is recorded.

6.3.6 Council may access and monitor staff use of the security alarm and swipe card access systems in the following ways:

- For the purpose of determining as part of an investigation whether there has been unacceptable access to premises by an employee constituting a breach of Council's policies or misconduct by the employee;
- For the purposes of legal requirement or other lawful investigation.

6.3.7 Security alarm and swipe card/swipe key access systems surveillance is continuous and ongoing.

Time and Attendance Systems

6.3.8 Council staff are required to complete electronic timesheets to record their hours of work and any leave taken.

6.3.9 This system is monitored and approved by an employee's supervisor to ensure contracted hours are worked, attendance is in accordance with Council's policies and procedures and for the approval and monitoring of leave in accordance with Council's policies and procedures.

6.3.10 Surveillance is continuous and ongoing.

GPS-enabled mobile devices

6.3.11 Council may, from time to time, require employees who work alone, in remote locations or in hazardous activities to use a tracking device (including but not limited to two-way radio, man down, distress alarm) to reduce the risk associated with and to identify the location of the employee should an emergency response be required. The requirement for these devices will be based on a risk assessment process. The employee will be notified of the installation and intent of the tracking devices.

6.3.12 Surveillance is intermittent but ongoing.

Phone and fuel records

6.3.13 Records in relation to the use of Council-issued mobile phones and fuel cards remain the property of Council. These records are monitored for unusual or high-volume activity, but Council may also access and review these records as part of a workplace investigation into alleged misuse of Council assets and/ or misconduct by an employee or another person.

6.3.14 Staff making use of Council's BYOD Mobile Device Directive will not be subject to surveillance.

Recording of customer service phone calls

6.3.15 In accordance with the *Surveillance Devices Act 2007*, Council may record phone calls of customer service-related functions for training and quality assurance purposes to ensure that customer needs are being met. It may also be used by Council as part of investigations into customer complaints. It should be noted that Council's current telephone call handling system only records the call interaction between customer and customer service officer. Calls transferred outside of the customer services call handling system are not recorded.

6.3.16 Council will advise staff in advance of the implementation of technology that records customer phone calls. A recorded message that greets customers advises that the phone call is being recorded.

Covert Surveillance

6.3.17 Council may apply to a Magistrate for authority to conduct covert surveillance of an employee only for the purpose of establishing whether or not one or more employees are involved in an unlawful activity while at work.

Prohibited Surveillance

6.3.18 Surveillance of an employee will not be carried out in any change room, toilet facility or shower facility at a workplace.

6.3.19 Surveillance of any employee will not be carried out when the employee is not at work. The exception is that surveillance records may be used as part of an investigation if it is to investigate an allegation of inappropriate use by the employee of equipment or resources provided by or at Council's expense or an investigation regarding a workers compensation claim (to be conducted by Council's insurer).

Access, use and disclosure of Surveillance Records

6.3.20 Instances in which the use and disclosure of surveillance records might occur include:

- Identifying the location of Council property or employees while at work (if not possible by other means) for operational or safety purposes including during emergency and significant weather events;
- If there is an assault or suspected assault of a person;
- If theft of Council property is suspected;
- Criminal damage to Council equipment or facilities has occurred;
- Allegations of breaches of Council's Code of Conduct;
- Allegations of misconduct;
- A serious WHS incident;
- Used by Security On-Call staff to verify security of sites
- Verify contracted hours are worked;
- Where required under legislation such as to a law enforcement agency in connection with an environmental offence or alleged environmental offence, a criminal or alleged criminal offence or in connection with actual or potential legal proceedings
- As reasonably believed to be necessary to avert an imminent threat of serious violence or substantial damage to property.

6.3.21 Whilst information obtained from surveillance devices will not be used solely for this purpose, it may be used by Council as part of workplace investigation into an employee's alleged misconduct or breach of a Council policy that may result in disciplinary action in accordance with the disciplinary provisions within the Award and Council policies and procedures.

6.3.22 Information gathered from GPS devices installed in Council's vehicles will not be used as the primary source of information to initiate performance

management or disciplinary actions. This information may however be used by Council as a secondary measure in workplace investigations in relation to managing performance, misconduct or breach of Council policy dealt with under the disciplinary provisions of the Award and Council's policies and procedures. An example of secondary measurement could be where an allegation against an employee is made and the GPS information is checked to determine the correctness of the allegation.

6.3.23 Council employees shall at all times exercise duty of confidentiality. Data shall only be released in compliance with the Act and other legislation and as prescribed by this Policy. Non-compliance with duty of confidentiality requirements may render the employee liable to disciplinary action.

6.3.24 All documents created in relation to this Policy will be kept in accordance with the *State Records Act 1998 (NSW).*

6.3.25 Persons, including members of the public can make application to access Council's data in accordance with the *Government Information Public Access (GIPA) Act 2009* and the *Privacy and Personal Information Protection Act (PPIPA) 1998*.

7 IMPLEMENTATION

CEO and Executive

7.1 Responsible for ensuring effective implementation of this Policy within areas of their responsibility.

7.2 Responsible for ensuring adequate controls are implemented and maintained to safeguard privacy.

7.3 Have and approve access to information collected by workplace surveillance systems.

Service Managers and Program Coordinators

7.4 Responsible for making staff aware of this Policy and their compliance

7.5 Must comply with the requirements of this Policy

7.6 Have access to information collected by workplace surveillance systems

Transport and Facilities

7.7 Maintain and ensure the security and integrity of surveillance systems and information.

7.8 Coordinate and administer the installation, removal and replacement of tracking surveillance for plant and equipment in accordance with this Policy.

7.9 Perform required operational duties for Security On-Call services, including access to CCTV monitoring systems, Access control and alarm systems (including staff from other sections that may take part in the Security on-call roster)

Workplace

7.10 Ensure compliance with the requirements of the Act with respect to notice of surveillance to employees.

7.11 Support and guide managers and supervisors to ensure compliance with the requirements of the Act.

8 REVIEW

8.1 This policy will be reviewed every four years or earlier as necessary if:

a) legislation requires it, or

b) Council's functions, structure or activities change