



CCTV and Portable Surveillance Cameras in Public Places Policy



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Leadership - Wingecarribee Community Strategic Plan 2041 -
Goal 1.1 – Ethical and trusted levels of government that work
together in the best interest of the Shire

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1 Objectives

The objectives of this Policy are to:

- provide direction to the lawful management of the Closed-Circuit Television (CCTV) network that is operated by Wingecarribee Shire Council that encroach public spaces.
- providing a governance framework to operate a CCTV network to deter patterns of anti-social and illegal activity.
- assist Police and other duly authorised regulatory authorities in the identification and apprehension of offenders.
- promote a safer environment for those who visit, live or work in the Wingecarribee Shire Local Government Area (LGA).

These objectives are also attributable to Portable Surveillance Cameras that are also used in public spaces in the Wingecarribee Shire LGA.

2 Policy Statement

This Policy has been designed to provide guidance for the use of CCTV and Portable Surveillance Cameras to assist Council to improve public safety, combat anti-social behaviour in public places and provide surveillance of illegal activity within the Wingecarribee Shire LGA.

This Policy sets out Council's approach for the use of CCTV and Portable Surveillance Cameras and how footage captured by these devices, in public places within the Wingecarribee Shire LGA, is managed.

2.1 Principles

This Policy has been developed on the following principles:

- a) CCTV and Portable Surveillance Cameras will operate within applicable legislative requirements and only for the purposes of which it is intended to be used.
- b) Signage will exist to inform the public that CCTV or Portable Surveillance Cameras are operating. Video surveillance and associated signage will align with the following:
 - i. Australian Standards AS/NZS 62676.1.2:2020 Video surveillance systems for use in security applications, Part 1.2: System requirements - Performance requirements for video transmission.
 - ii. Australian Standards AS 1743:2023 Road Sign Specifications.
 - iii. Surveillance Devices Act 2007
- c) A periodic review and evaluation of the CCTV and Portable Surveillance Cameras network will be carried out to ensure that the objectives of this Policy are being met.
- d) Access to CCTV footage will be restricted to authorised staff as delegated by the General Manager.
- e) Police and other duly authorised regulatory authorities may request access to surveillance footage. This will be granted subject to the correct legal protocols being adhered to as provided in Section 2.3 of this Policy.

The General Manager may, during a civil emergency, set aside any policy terms to ensure public safety.

2.2 Assessment and Review

In order to determine suitability and effectiveness of the placement of CCTV cameras and the approach to using Portable Surveillance Cameras, the following matters should be considered:

- benefits in promoting community safety or deterring illegal behaviour.
- consideration of privacy impacts, especially relating to private properties.
- consultation with duly authorised regulatory authorities.
- any other community safety measures in consultation with relevant community groups (where relevant).

A periodic review on the effectiveness the CCTV network and camera locations will be conducted to determine if the objectives of this Policy have been achieved. The periodic review will also consider the cost-benefit of CCTV mobilisation, in conjunction with other prevention strategies, to ensure public safety can be effectively managed within the finite resources available.

2.3 Access to Information

Information contained in the CCTV footage held by Council is to be collected for law enforcement purposes and shall only be disclosed to persons or bodies who have a legitimate and lawful right or interest in receiving such information in accordance with relevantly applicable access to information legislation. In that regard, it should be noted that whilst a legal firm provides legal services, it is not a law enforcement body.

In addition, as CCTV footage contains personal information, it will only be disclosed by Wingecarribee Shire Council for law enforcement purposes to the extent required or permitted at law. It is condition of disclosure that such footage only be used for law enforcement purposes.

All applications for access to CCTV will be assessed on a case-by-case basis and must be made to Council in writing.

2.4 Record Keeping

Recorded footage is retained for thirty (30) days at which point the footage will be overwritten.

Recorded footage will only be held for more than thirty (30) days if required for an investigation of an incident, for court proceedings or subject to a request for information in accordance with the Government Information (Public Access) Act 2009.

Records supplied as evidence or any legal documentation requesting the access to CCTV footage will be retained in accordance with the State Records Act 1998 and Council's records keeping policies and procedures.

3 Scope

This Policy applies to all CCTV installations (fixed and portable) and Portable Surveillance Cameras in Public Places operated by Council within the Wingecarribee Shire LGA.

Any workplace surveillance matters will be managed by internal operating procedures and is not covered by the scope of this Policy.

4 Responsibilities

Responsibilities of this Policy is shared as follows.

4.1 Councillors

Councillors are responsible for undertaking their civic responsibilities as a Council when considering reports seeking the initial adoption and any amendment to this policy.

4.2 General Manager

The General Manager is responsible to execute this Policy as delegated by Council. The General Manager may delegate the operational execution of this Policy to the relevant staff to ensure it is administered in accordance with the Policy objectives.

4.3 Chief Information Officer

The Chief Information Officer shall ensure that adequate controls are in place to ensure the compliant management of Council's CCTV network and Portable Surveillance Cameras. The Chief Information Officer is also responsible for a periodic review of this policy.

4.4 Governance

Assess applications for access to recorded information and release data if approved, where applicable.

4.5 Managers

All Managers are responsible for ensuring compliance with this policy and communicating the intentions of this policy to staff.

4.6 Council Staff

All Council Staff are responsible for ensuring they comply with this policy.

5 Performance Measures

The success of this Policy will be measured by ensuring all Councillors and staff are compliant with this policy.

6 Definitions

Define any specific terms relating to the policy that may not be obvious to a member of the public or other external stakeholder. Include any acronyms and their meanings. The following table should be used:

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.
Duly authorised regulatory authorities	Regulatory agencies that have been duly authorised, through legislation or a court direction, to collect CCTV footage on a specific incident.

Portable Surveillance Cameras

Includes Body Worn Video and carried cameras, motion sensor cameras and vehicle mounted cameras.

Public space

Refers to land owned or managed by Wingecarribee Shire Council and as defined in the *Local Government Act 1993* including public reserves, swimming pools, public roads and car parks. It may also refer to sites owned and managed by State Agencies.

Recorded Material

Film, footage and photographs from CCTV and portable surveillance devices (whether or not the recording includes audio recording).

7 Related Material

The development of this Policy and associated documents meet Council’s legal obligations under the:

- Local Government Act 1993
- Government Information (Public Access) Act 2009 (NSW) (GIPA Act)
- Privacy and Personal Information Protection Act 1998 (NSW) (PIPPA Act)
- Workplace Surveillance Act 2005 (NSW)
- Surveillance Devices Act 2007 (NSW)
- Privacy Code of Practice for Local Government
- Environmental Planning and Assessment Act 1979
- Protection of the Environment Operations Act 1997
- State Records Act 1998 (NSW)

8 Non-compliance with this Policy

Non-compliance with this Policy may be taken to be a breach of Council’s Code of Conduct. Complaints alleging non-compliance with this Policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the procedures for the administration of the Code of Conduct.

9 Document Control

9.1 Version Control

Version	Adoption Date	Notes
1.0	June 2017	New Policy
2.0	17 July 2024	<ul style="list-style-type: none"> • Updated Policy template to align with the current template design. • Update of legislative references and references to Australian Standards. • Refined assessment considerations for the placement of CCTV and Portable Surveillance cameras. • Emphasis on the legal requirements in accessing CCTV footage. • Operational matters transferred to relevant procedures documents.



10 Attachments

Nil

Approved by:

WINGECARRIBEE SHIRE COUNCIL

17 July 2024