

	<b>Council use of fixed and mobile Security Cameras Policy</b> <i>Policy No. ADMPOL 09</i>	<b>Version No:</b>	1.0
		<b>Responsible Officer/s</b>	Deputy CEO
		<b>Issued:</b>	21 Jan 2019
		<b>Next Review:</b>	Mar 2023

## 1. Purpose

Council is committed to providing and maintaining a range of community, recreational and tourism facilities which residents and visitors may enjoy. Effective CCTV systems provide a key monitoring and management tool to help Council fulfil this commitment. The primary purposes for utilising a Closed Circuit Television (CCTV) system and Body Mounted Cameras (BMC) are:

- to discourage and/or detect unlawful behaviour in and around Council owned or maintained property (including, where the context so requires, property under the care, control and management of Council) thereby enhancing the safety and security of all people and property;
- to provide protection and safety of Council's staff, customers, councillors, the community and visitors to the District;
- to protect Council's physical assets from theft and damage.

## 2. Scope

This Policy addresses the intended purpose of fixed and mobile CCTV and Body Mounted Security Cameras, public notification, information management and access of recordings in relation to Council owned CCTV located on property under the care, control and management Council.

## 3. Definitions

**"Australian Standards"** is a reference to the standards documents published by Standards Australia setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to.

**"Body Mounted Camera (BMC)"** is a wearable camera system incorporating an audio and video recording device.

**"Closed Circuit Television (CCTV)"** is a system used for video surveillance using video cameras and transmitting the recorded data to a recording device or monitor(s).

**"General Disposal Schedule (GDS) 20"** is a systematic listing of records created by a local government organisation. The GDS includes retention periods that are to be applied to official records.

**"Information Management"** is the collection and management of captured CCTV recordings and information.

**"Officers"** are members of staff with the responsibility of managing, monitoring or extracting CCTV recordings.

**"Official Record"** means a written, graphic, disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device) made or received by Council in the conduct of its business.

**"SAPOL"** means the South Australian Police.

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#### 4. Policy

##### 4.1 Introduction

Council acknowledges the desire of its residents and visitors to enjoy the Council facilities free from unwarranted surveillance but Council also recognises that there are particular circumstances when the judicious oversight of those facilities is justified. In those circumstances, Council has decided in the interests of public safety and the protection of its facilities, to utilise CCTV systems as one of the means to provide that safety and protection.

Council will manage and maintain the CCTV and BMC systems as follows:

- the placement of permanent surveillance notification signs;
- the placement of the CCTV system equipment including cameras;
- the wearing of Body Mounted Cameras by Community Rangers
- the retrieval and secure storage of the CCTV camera vision;
- the review of the CCTV camera vision;
- the expiation of fines for offences such as fee evasions, littering, etc.;
- the immediate notification of SAPOL if there is evidence of criminal activities and provide them with a copy of the CCTV camera vision (Council will not be proactively monitoring the vision).

##### 4.2 Legislative Requirements

The recorded vision from a CCTV system is considered to be an official Council record under the *State Records Act 1997* and as such, its storage and disposal is governed by the General Disposal Schedules No. 20 and No. 21 (GDS 20 and GDS 21).

South Australian Local Government authorities are not covered by either the Commonwealth Privacy Act or the Information Privacy Principles Instruction (IPPI) published as Premier and Cabinet Circular No. 12. Therefore Council is not bound by any form of privacy legislation when dealing with information collected in the course of the Council's business, including the collection of the CCTV camera vision.

Council believes CCTV systems in public places should operate with respect for peoples privacy and their right to conduct or engage in lawful activities and therefore should comply with privacy principles.

Council will not disclose personal information for a purpose that is not relevant or incidental to or connected with that purpose unless:

- the use of the personal information is required and authorised by law;
- the use of the personal information for that other purpose is reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty.

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#### 4.3 Retention and Disposal

CCTV footage and records relating to the operation of the CCTV systems are outlined in GDS 20 V5. All footage from fixed and mobile CCTV systems will be kept for a period of one month, after which the device will be reset to record over the previous month's footage.

When footage is used to investigate and document specific or significant incidents, council is required to retain the footage for longer periods. These recordings, that are of reasonable quality, will be recorded individually and be clearly labelled. To ensure the confidentiality of these records, they will be stored in a secure location.

Records relating to minor breaches of security or incidents not resulting in the laying of charges, nor where sabotage is strongly suspected are temporary records and must be retained for a period of 5 years after the last action.

Records relating to breaches of security or incidents resulting in the laying of charges or where sabotage is strongly suspected are Permanent Records and must be maintained in accordance with GDS 20. e.g. break-ins, intrusion to restricted areas, terrorism, bomb threats, intentional damage, fires, records of investigations, liaison with law enforcement agencies.

Where footage has been provided to a third party (e.g. SAPOL), it is the third party's responsibility to retain the record of the footage in accordance with the Disposal Authority that covers their agency's functional responsibilities.

#### 4.4 Security of Information

Council will:

- ensure appropriate security measures are in place to protect any confidential information from unauthorised use, access, modification or disclosure;
- ensure that any employees authorised and/or delegated to access confidential information gathered via the CCTV/BMC systems will not record, disclose or communicate such information to any third party except in the performance of their official functions;
- ensure any and all information gathered by the CCTV/BMC systems eventuating in expiation notices or criminal proceedings will be stored securely in Council's Records Department and only available to persons other than the delegated Council Employees and SAPOL through *Freedom of Information Act 1991 (SA) (FOI Act)* processes or as directed by a legal authority.

#### 4.5 Access to CCTV and BMC Recordings

##### 4.5.1 By the SA Police (SAPOL)

In the event that access to the camera vision is requested by SAPOL verbally or in writing for the purpose of conducting an investigation into possible criminal activity, Council will provide access to, or a copy of the vision as requested as soon as practicable after receiving the request.

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In providing the camera vision, Council will include a covering letter stating that the vision is provided for the purpose of assisting in an investigation of the specific offense and not for any other purpose.

**4.5.2 Public Access to Recordings**

Members of the public can apply to view any official records kept by the Council. As the recordings from CCTV and Security Cameras are an official record, access to these recordings is to be requested through the Freedom of Information (FOI) process under the FOI Act.

Any application received under the FOI Act must be determined by an accredited Freedom of Information Officer. If the application is approved, a member of the public may then view the recording at the either the Council Office, or obtain a copy of the requested recording within a timeframe that is reasonable and appropriate.

If viewing at the Council Office, an accredited Freedom of Information Officer, or a staff member delegated by the Chief Executive Officer (the CEO), will be present at all times to operate the viewing equipment.

**4.5.3 Elected Member Access to Recordings**

Section 61(1) of the *Local Government Act 1999* provides that a member of the Council is entitled at any reasonable time, in the connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant Council document.

Section 61(2) of the *Local Government Act 1999* requires any request for access to be directed to the CEO of the Council, or such other officers as the CEO has specified.

If the application is approved, the Elected Member may then view the recording at the Council Office.

If viewing at the Council Office, an accredited Freedom of Information Officer, or a staff member delegated by the CEO, will be present at all times to operate the viewing equipment.

**4.5.4 By the Media**

The Council views the rights of the media to gain access to CCTV/BMC recordings to be the same as that of a member of the public. That is, an application will need to be made under the FOI Act and the provisions of that Act will apply.

**4.5.5 Staff and Investigative Access to Recordings**

Any staff request to access CCTV/BMC recordings for administrative purposes must be directed to the CEO, or such other Officers as the CEO has specified.

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Any investigative requests by the SAPOL, Australian Federal Police, the Ombudsman or the Independent Commissioner against Corruption into possible criminal or corrupt activity must be directed to the CEO, or such other Officers as the CEO has specified.

In the event that access to a CCTV/BMC recording is requested by any of these agencies for the purpose of conducting an investigation into possible criminal activity, Council will provide access to, or a copy of, the recording as requested, as soon as practicable after receiving the request.

#### 4.6 Public notification

Council will clearly display signs at key entry points to inform visitors to the Council facilities that CCTV cameras are in operation within the Council.

Mobile security cameras may be placed in strategic positions where there has been, or is likely to be criminal activity such as illegal dumping of litter. These cameras are designed to be hidden and will not have any signage advising of their presence.

Prior to activating a camera recording on a Body Mounted Camera, or as soon as practicable after recording begins, staff members must verbally advise any persons in the vicinity that recording is being undertaken.

### 5. **Responsibilities**

The applicable manager will be responsible for the management and maintenance of any CCTV or Security Cameras system located on Council property. Maintenance and installation of CCTV and Security Cameras will be undertaken by an appropriately qualified technician or security person.

All persons involved in the operation of the systems are to exercise care to prevent improper disclosure of material.

The recordings collected by the CCTV/BMC Cameras will be managed by Chief Executive Officer and kept on-site in a secure area and destroyed in accordance with the requirements of the State Records Act 1997.

### 6. **References:**

*Freedom of Information Act 1991*

*Listening and Surveillances Act 1972*

*Local Government Act 1999*

GOVPOL 08 – Access to Information by Elected Members Policy

GOVPOL 13 – Privacy Policy

### 7. **Review**

This Policy shall be reviewed by the District Council of Grant at a minimum within four (4) years of issued date, within 12 months of a general election (or on significant change to legislation or other matters which could affect this policy).



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<b>Action</b>	<b>Date</b>	<b>Minute Reference</b>
Adopted by Council	21 January 2019	19005.2
Reviewed	4 March 2019	19028.3.3