

Video Surveillance on Public and other Lands Policy

1 Purpose

Coffs Harbour City Council uses CCTV video surveillance cameras as a tool to assist in the protection of its assets, for the provision of security in public spaces and as a tool for investigation of offences for which it is the appropriate regulatory authority.

The purpose of this policy is to authorise and govern the use of CCTV video surveillance technology both overt and covert by Council.

This policy is also Council's commitment to ensuring public confidence that cameras will be used for law enforcement purposes only, which promote public safety, protect assets and assist Council's Authorised Officers in conducting lawful investigations.

Council is also committed to an appropriate, lawful consistent and transparent approach to the use of covert and overt video surveillance equipment, which may be used from time to time within public places and other lands for the protection of Council's assets, prevention of crime and other law enforcement purposes within the Coffs Harbour Local Government area.

2 Policy

This Policy is based on the following principles:

- The CCTV network is to be operated fairly, within applicable law and only for the purpose for which it is established.
- The system is to be operated with due regard to the privacy and civil liberties of individual members of the public. Information will be obtained fairly and in accordance with privacy and confidential provisions of relevant legislation.
- The public interest in the operation of the network is to be recognised by ensuring the security and integrity of any supporting operational procedures.
- The public is to be provided with clear and easily accessible information in relation to Council's CCTV network.
- Information recorded should not exceed that which is strictly necessary to fulfil the aims of objectives outlined in this policy.
- The retention of, and access to, recorded material is only for the purposes provided by this policy or as otherwise permitted by law. Recorded material is to be retained for a minimum period of 21 calendar days then it is to be recorded over unless it is required in relation to the investigation of crime or for court proceedings.
- Only Authorised Officers will operate or be allowed access to the CCTV network.
- Contact related to the CCTV network and the data associated with the system is to be conducted strictly in accordance with any Codes Of Practice or Standard Operational Procedures which may be developed as a result of this policy

3 Use and disclosure of surveillance records

Data gathered from the use of CCTV devices is to be collected for lawful investigation purposes only and shall only be disclosed in accordance with any relevant legislation at the time and in consideration of the following criteria:

- To a member or officer of a law enforcement agency (e.g. Police) for use in connection with the detection, investigation or prosecution of an offence.
- For a purpose that is directly or indirectly related to the taking of civil or criminal proceedings on Council's behalf.
- Reasonably believed to be necessary to avert an imminent threat of serious violence or of substantial damage to property.
- The seriousness of the alleged offence.
- The degree of evidence available that suggests the surveillance record contains information that will assist with law enforcement.
- Whether significant personal information relating to third parties will be disclosed.
- How well sign posted the camera surveillance is i.e. will users of the area have a reasonable expectation that they will be captured in surveillance records.
- Any industrial arrangements as the surveillance records may also include footage of staff.

It is noted that at the time of making this policy the NSW Privacy Commissioner under Part 4, Division 1 of the Privacy and Personal Information Protection Act 1998 (NSW) had issued a directive exempting a relevant agency from having to comply with sections 9,10,13,14,15,17,18 and 19(1) of the PPIP Act if non-compliance is reasonably necessary for the proper exercise of any of the agency's investigative functions or its conduct of any lawful investigation.

www.ipc.nsw.gov.au/Direction_on_Processing_of_Personal_Information_by_Public_Sector_Agencies_in_relation_to_their_Investigative_Functions

4 Placement and use of CCTV Cameras

The placement and use of CCTV cameras on public and other lands will be in accordance with the principles as outlined in this policy. Overt Cameras within public places shall only be erected after proper public consultation has taken place.

However in considering the location for the placement of cameras the specific objectives of the placement should be identified in consultation with Local Police where necessary and other stakeholders, but as a guide it is envisaged that cameras could be used in areas covering:

- Identified crime hot spots
- Protection of Council's infrastructure, such as pumping stations, buildings, plant etc.
- Monitoring of illegal dumping sites
- Security for users of Council's Free Car Parks and other facilities. e.g. Castle Street Car Park, Art Gallery, Stadium and Caravan Parks.
- Active in car video to assist Council officers to record occurring offences in real time. e.g., Rangers patrolling hot spots for various offences.
- Personal body cameras, worn by investigating officers in the course of their duties as a deterrent against intimidation and physical assault whilst carrying out investigations.

In any case the installation and use of CCTV video surveillance devices shall be signed off by the General Manager or the relevant Director responsible for the land or asset associated with the surveillance.

5 Definitions

Authorised Officer: An employee of the Coffs Harbour City Council who has delegated authority to operate or be allowed access to the CCTV network.

Closed circuit television (CCTV) : means 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.

Also includes any standalone video or hand held device which records data to a memory storage card or hard drive contained within the device.

Overt Camera: An optical recording device (video camera) which is used in an area where the camera is in plain sight and warning signs are displayed advising of the camera’s operation.

Covert Camera: An optical recording device (video camera) which is used in an area where the camera is hidden from public view, and no warning signs are present.

Lawful Investigation: means an investigation carried out by Council under a specific legislative authority or where the power to conduct the investigation is necessarily implied or reasonably contemplated under an Act or other law. It covers only those investigations which may lead to Council taking or instituting formal action in relation to the behaviour under investigation. Such formal action may include, but is not limited to, prosecution, warning, cautioning, the administration of a penalty or the removal of a benefit or approval.

Public Land: Has the same meaning as Public Place as defined in the Local Government Act 1993 and refers to land which is under Council’s care, control and management.

Other Lands: Land which does not come under the direct care, control and management of Council but is owned, occupied or managed by other government agencies, companies or private persons who have given written consent to Coffs Harbour City Council allowing the use of CCTV within their lands in compliance with this policy.

6 Key Responsibilities

Director Sustainable Communities

7 References (laws, standards and other Council documents)

- Workplace Surveillance Act 2005 (NSW)
- Privacy and Personal Information Protection Act 1998 No 133
- Direction on processing of personal information by public sector agencies in relation to their investigative Functions – Elizabeth Coombs, Privacy Commissioner . Dated 23 December 2013
- State Records Act 1998 No 17
- NSW Government Policy Statement and Guidelines for Closed Circuit Television in Public Places

8 Details of Approval and revision

- **Approval date:** 13/07/2017
- **Responsible Section:** N/A
- **Superseded policies/procedures:** N/A
- **Next review date:** 13/07/2021

Table of amendments

Amendment	Authoriser	Approval ref	Date