

# General Policy

## Burke Shire Council

### CCTV Policy

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## Contents

1. Purpose .....	3
2. Scope.....	3
3. Date of Policy .....	3
4. Definitions.....	4
5. Background .....	5
6. Policy Provisions .....	5
6.1 Roles and responsibilities of the Management of the CCTV Network.....	5
6.2 Collection of CCTV Footage.....	6
6.3 Retention and Storage of CCTV Footage.....	6
6.4 Requests for CCTV Footage.....	7
6.5 Security of CCTV Equipment and Images.....	7
6.6 Complaints .....	7
6.7 Human Rights Complaints.....	7
7. Framework for review/assessment of CCTV .....	8
8. Review of Policy .....	8
9. Key Responsibilities .....	9
10. Related Documents.....	10
11. Appendix 1 – CCTV Review & Assessment Framework .....	11
12. Appendix 2 – Location and Purpose of CCTV cameras .....	12

## Version History

Council Resolution	Date	Reason / Comments
190620.14	20/06/2019	New Policy
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## 1. Purpose

This policy provides guidance on the establishment and maintenance of Burke Shire Council's Closed-Circuit Television (CCTV) system. This Policy outlines how Council collects and manages personal information associated with the installation and use of CCTV systems and ensures access to, and requests for footage are managed in accordance with relevant legislation.

The primary objectives of the CCTV System are as follows:

- a) To reduce crime levels by deterring potential offenders;
- b) To assist in the investigation and/or prosecution of offenders;
- c) To reduce fear of crime within the community; and
- d) To help secure a safer environment for those whom work in, live in and visit the Burke Shire Region.

The secondary objectives of the CCTV System may include:

- a) To monitor or record progress of construction/works at Council property;
- b) To obtain data of usage of roads or other Council facilities for future planning purposes;
- c) To monitor operational aspects of Council facilities including, water levels, waste levels or general asset condition;
- d) To monitor compliance with, or identify breaches against, Council Local Laws and Policies; and
- e) Assist in the enforcement of Leases, Permits & the collection of Fees & Charges.

## 2. Scope

1. This policy applies to:

- a) Council owned and operated CCTV cameras and systems established on Council-controlled land/infrastructure and in public spaces in the Burke Shire local government area;
- b) All Council employees, contractors and other parties involved with the installation, management, maintenance and monitoring of Council's CCTV cameras.

2. The policy does not apply to:

- a) CCTV cameras/systems under the control of other entities (private or public);
- b) Remotely piloted aircrafts (Drones);
- c) Body worn cameras; and
- d) Vehicle dashcams or reversing cameras.

## 3. Date of Policy

This Policy applies from the date adopted by Council.

## 4. Definitions

In this CCTV Policy, the following terms shall have the corresponding meaning:

<b>Act</b>	means the <i>Local Government Act 2009 (QLD)</i> .
<b>CCTV</b>	shall mean Closed Circuit Television systems. Cameras strategically placed to record activity of any nature within a defined area.
<b>CEO</b>	means Chief Executive Officer.
<b>Council</b>	shall mean the Mayor and Councillors of Burke Shire Council.
<b>Councillor</b>	shall mean a Councillor of a Burke Shire Council within the meaning of the <i>Local Government Act 2009</i> , includes the Mayor.
<b>Employees</b>	shall mean all persons employed at Burke Shire Council on a permanent, temporary, volunteer or casual basis and may include persons engaged under a contract of service.
<b>Regulation</b>	means the <i>Local Government Regulation 2012 (Qld)</i> .
<b>IPA</b>	shall mean information privacy.
<b>IPP</b>	shall mean information privacy principals referred to in the <i>Information Privacy Act 2009</i> .
<b>Law Enforcement Agency</b>	shall mean any of the following: <ul style="list-style-type: none"> <li>a) The Queensland Police Service</li> <li>b) The Crime and Corruption Commission;</li> <li>c) any other agency, to the extent it has responsibility for:               <ul style="list-style-type: none"> <li>I. the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed; or</li> <li>II. the management of property seized or restrained under a law relating to the confiscation of the proceeds of crime; or</li> <li>III. the enforcement of a law, or of an order made under a law, relating to the confiscation of the proceeds of crime; or</li> <li>IV. the execution or implementation of an order</li> </ul> </li> </ul>
<b>BSC</b>	shall mean Burke Shire Council.
<b>BSC Facility</b>	shall mean premises, or any BSC property, which is visited by members of the general public, where employees or contractors work, or any part of such premises or property.

<b>Public Area</b>	shall apply to an area accessible to the public that is not included in an BSC facility.
<b>QPS</b>	shall mean Queensland Police Service.
<b>RTI Request</b>	shall mean an application for information under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> .
<b>Visitor</b>	shall mean invited guest to BSC buildings/facilities by an employee.

## 5. Background

BSC strives to provide a safe and secure environment for residents, visitors and employees by installing CCTV cameras in public spaces and BSC controlled facilities and land.

BSC controlled facilities and land includes, but is not limited to administration centres, swimming pools, recreational parks and reserves, libraries, depots, traffic infrastructure, waste depots, reservoirs, boat ramps, water and sewer treatment facilities.

Human Rights have been considered when preparing this Policy

## 6. Policy Provisions

BSC will operate its CCTV cameras in accordance with the following requirements:

### 6.1 Roles and responsibilities of the Management of the CCTV Network

The Council will be responsible for the approval for the new installation of CCTV monitoring systems.

The CEO will be responsible for:

1. Reviewing all applications for the installation of CCTV systems and providing recommendations to the Council.
2. A business case is required for all new CCTV Systems which is to include a completed privacy impact assessment.
3. Ensuring compliance with this policy, including compliance by employees and contractors engaged to work on the system.
4. Establishing and overseeing the operational framework for the management of CCTV systems including:
  - i. the management of the CCTV cameras and their location;
  - ii. storage, recording and maintaining the security access system and ensuring that only authorised personnel are permitted access;
  - iii. assess the CCTV and access systems to ensure they continue to provide security of a high standard;
  - iv. the day-to-day management of the system and associated processes. In particular, responsible for Law Enforcement Agency liaison and compliance with the policy;
  - v. data management and information management of CCTV systems;
  - vi. the upkeep, maintenance and performance of CCTV systems.

## 6.2 Collection of CCTV Footage

1. Under the *Information Privacy Act 2009* (IPA), personal information is any information or opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
2. When the CCTV cameras record an image, they are recording personal information. Pursuant to the IPA, BSC as a government body has to ensure that it complies with the Information Privacy Principles (IPP).
3. In accordance with IPP 1-3, BSC will only collect information where it is for a lawful purpose and it is relevant to the purpose of collection.
4. Members of the public are able to access information about why information is being collected and who it is intended to disclose it to through the placement of collection notices at the CCTV site.

Each fixed CCTV site has been selected based on criteria that ensure collection of information is not unnecessarily intrusive and will best achieve the purpose of the collection. Fixed CCTV cameras will be placed so as not to be unnecessarily intrusive.

5. From time to time, covert surveillance CCTV systems may be used for regulatory compliance matters. Footage collected during this surveillance will be used for enforcement matters only. Due to the nature of this surveillance, normal collection notices will not be displayed.
6. BSC will endeavour to ensure the accuracy of the personal information with accurate meta data recorded with the footage where possible (including date and time).
7. In accordance with section 227A of the *Criminal Code Act 1989 (Qld)*, where a location would be expected to be private, BSC will ensure that persons will not be recorded without consent in accordance with the relevant legislation.

## 6.3 Retention and Storage of CCTV Footage

Footage captured by CCTV will be retained for a specified time as determined by the system's storage capabilities as follows:

- All footage collected will be managed in accordance with the provisions of the Privacy Act 1988 (Cth), *Information Privacy Act 2009* (IPP 4) and *Right to Information Act 2009* and the relevant BSC policy relating to the control of private and confidential information.
- All persons involved in the operation of the CCTV system are to exercise care to prevent improper disclosure of material.
- Signage will be displayed at all entry points to the CCTV camera monitoring area. This signage will notify anyone entering BSC facilities that CCTV systems operate within the facility. The system will operate in a manner that is sensitive to the privacy of people working or visiting the area or facility.
- Persons authorised to access the operations of the cameras will receive training in the varying degrees of privacy afforded by BSC, public, semi public and private premises within a mixed BSC workplace and public access domain such as swimming pools, libraries and recreational parks and gardens.
- Any footage requests or requests for child related incidents are to be retained in accordance with Queensland State Archives retention requirements in relation to such records.

#### 6.4 Requests for CCTV Footage

BSC will only disclose personal information in accordance with the purpose for which it was obtained.

BSC may disclose personal information in the following circumstances:

1. To the Queensland Police Service for law enforcement services;
2. Where required to or compelled by law;
3. Under an *Information Privacy Act* request;
4. Under a Right to Information request;
5. Investigation of a safety incident or employee related matter;
6. In case of emergency or serious threat to the life, health, safety or welfare of an individual or to the public, BSC may provide CCTV footage which may include personal information to agencies other than the Queensland Police Services. Such agencies however will be limited to those agencies responding to or assisting with disaster management, such as the Queensland Fire and Rescue Service or the State Emergency Services.

All other requests by third parties for access to security data or CCTV footage must be made by a formal RTI request under the *Information Privacy Act 2009* and *Right to Information Act 2009*.

#### 6.5 Security of CCTV Equipment and Images

Only people who have received training on information privacy commensurate to their level of access and the risk will have access to CCTV systems; this includes managers, employees and contractors.

Measures must be taken to protect against unauthorised access, alteration, dissemination, disclosure, loss or destruction of recorded material; and relevant recordkeeping practices must be applied.

#### 6.6 Complaints

Any complaints in relation to Council's CCTV operation or usage will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on BSC's website.

#### 6.7 Human Rights Complaints

When an individual feels that they are the subject of BSC's failure to act compatibly with human rights, they can make a complaint directly to BSC. These complaints will be assessed against the *Human Rights Act 2019*.

## 7. Framework for review/assessment of CCTV

To ensure consistency and transparency in its approach to managing its existing CCTV system and assessing future CCTV requests, the following six-stage CCTV Assessment Framework has been developed:

1. Review the appropriateness of the system:
  - a. What is the purpose of the CCTV system?
  - b. Is the site/location of the CCTV appropriate for the purpose?
  - c. Is the type of camera appropriate for the purpose?
  - d. Site assessment
2. Key stakeholder consultation / evidence gathering
3. Identify resource requirements and implications including 'whole of life' cost;
4. Decision and notification
5. Implementation
6. Evaluation

Requests for CCTV in public spaces will be assessed using the CCTV Assessment Framework. If a request has been determined as being appropriate with strong evidence to support the need, the request with recommendations will be forwarded to Council for consideration at an Ordinary Meeting of Council.

See **Appendix 1** for Assessment Framework.

## 8. Review of Policy

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.



## 9. Key Responsibilities

Position	Responsibility
Mayor	To lead councillors in their understanding of, and compliance with, this policy.
Councillors	To understand and comply, where relevant, with this policy.
CEO	<p>To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this policy.</p> <p>Authorised to access CCTV footage and to delegate authority to access CCTV to other personnel.</p> <p>Respond to CCTV footage requests having regard to this policy, the <i>Information Privacy Act</i>, the <i>Right to Information Act</i> and other legislation/regulation as appropriate.</p>
Directors	To communicate, implement and comply with this policy.
Managers and Supervisors	<p>To communicate, implement and comply with this policy.</p> <p>To review CCTV arrangements and assess requests for changes/additions to Council's CCTV arrangements and provide review/assessment to CEO and Council for consideration.</p>
All Council staff	To comply with this policy and consider its implications for related projects and programs.

## 10. Related Documents

Legislation/Regulations	Guidelines	BSC Policies	Procedures
Information Privacy Act 2009 (QLD) Local Government Act 2009 (QLD) Crime and Corruption Act 2001 Criminal Code Act 1989 (Qld) – Section 227A Privacy Act 1988 (Cth) Public Records Act 2002 (QLD) Right to Information Act 2009	Australian Standard Set AS40806 – Closed Circuit Television (CCTV) Managing CCTV – Guidelines for Queensland Public Records Act 2002 Queensland Government Authentication Framework Office of Information Commissioner - Guideline “Camera Surveillance and Privacy” Office of Information Commissioner - "Checklist for Camera Surveillance Systems" CCTV Code of Ethics & Code of Conduct - Australian Security Industry Association Ltd	Burke Shire Council Code of Conduct Burke Shire Council Right to Information Policy	

## 11. Appendix 1 – CCTV Review & Assessment Framework



## 12. Appendix 2 – Location and Purpose of CCTV cameras

The following table identifies the general location and purpose of Council's CCTV cameras.

Location	No. of cameras	Category	Purpose
Burketown Wharf	4	Public Space	Public Safety, assist emergency services, compliance, investigate allegations of unlawful activity.
Burke Shire Administration Office	3	Council facility	Public and workforce safety
Burketown Airport	3	Council facility	Public safety, compliance with aerodrome rules and regulations, investigate reported incidents / allegations of unlawful activity
Burketown Landfill	2	Council facility	Promote WHS, compliance, monitor and investigate unlawful activity
Burketown Water Treatment Plant	2	Council facility	Promote WHS, compliance, investigate reported incidents
Burketown Works Depot	6	Council facility	Promote WHS, compliance, investigate reported incidents
Burke Shire Nijinda Durlga	11	Council facility	Promote WHS, compliance, investigate reported incidents
Gregory Landfill	0	Council facility	Promote WHS, compliance, investigate reported incidents
Gregory Public Toilets & Dump-Ezy	0	Council facility	Public safety, monitor and investigate unlawful activity
Gregory Water Treatment Plant	0	Council facility	Promote WHS, compliance, investigate reported incidents
Gregory Works Depot	0	Council facility	Promote WHS, compliance, investigate reported incidents

\* These sites may be monitored live from time to time