

Closed Circuit Television (CCTV) Policy

Keywords: Enter any Policy keywords

Corporate Plan:	<i>Confident and Contributing Community – Community Safety</i>
Classification:	<i>Community Services – “Community Safety”</i>
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Responsible Officer(s):	<i>Manager Community Development</i>
Council File Reference:	<i>Council Policies (P)</i>
Applicable Legislation:	<i>Surveillance Devices Act 2016 (SA) Local Government Act 1999 (SA) State Records Act 1997 (SA) Freedom of information Act 1991(SA) Privacy Amendment Act (2012)</i>
Relevant Policies:	<i>Code of Conduct - Elected & Committee Members (Public Consultation) Code of Conduct for Employees Complaints - Review of Council Decisions (including handling complaints) Policy</i>
Related Procedures:	<i>(In accordance with relevant Legislative Acts) CCTV Operational Procedure (Administration) Australian Standards – Closed Circuit Television (CCTV) (AS4806) State Records (SA) – General Disposal Schedule No.21 (Digital Records) Safety Audits and Site Safety Assessment and Design Checklist</i>
Delegations:	<i>Chief Executive Officer/Manager Community Development</i>

1. Purpose

In seeking to protect its assets and create a safer environment for Berri Barmera Council residents and visitors, Council has developed this Policy to establish clear parameters for the use of closed-circuit television (CCTV).

The primary purposes for utilising a Closed-Circuit Television (CCTV) system are to:

- a) protect the Council's physical assets from theft and damage;
- b) ensure the security and safety of Council staff and members of the community; and
- c) discourage the incidence of unlawful activity and enhance the opportunity to investigate and apprehend offenders.

2. Strategic Reference

LifestyleL1 – Embed place-making and safety principles in community infrastructure and regulate planning and development in public spaces.

3. Scope

This policy applies to and governs all CCTV systems within the Berri Barmera Council area that are either owned, operated and maintained by Council, and/or those that are installed in or on council owned property and its infrastructure, that monitor footpaths, roads, other public areas or public places, and/or any place where a public service is offered (including sporting ground, community centres).

4. Our Approach

- Appropriate operating procedures shall be applied to all security CCTV applications to ensure effective and ethical management of equipment and that the recorded information is appropriately maintained by authorised users, which includes SAPOL Officers. All security CCTV systems installed will comply with the following: All CCTV controls and recorders must be located in a secure area
- Access to CCTV controllers and recorders shall be limited only to authorised user(s)
- All security CCTV equipment shall be integrated into the Council's wider current and future electronic security network to enable effective monitoring by Council, and SAPOL where agreed.

5. Legislative Requirements

- 5.1. Whilst the primary purpose of CCTV is to protect Council property, it should also be noted that the captured video footage is also classed as an official Council record under the State Records Act 1997 (1977) (SA), which defines a record as 'a written, graphic or pictorial matter, or a disk, film, tape or any other object that contains information or from which information may be reproduced.'
- 5.2. Section 23 of the State Records Act (1977) prohibits the Council from disposing of an official record except in accordance with the general Disposal Schedule 20 (GDS 20). Items 14.76.2 of GDS 20 specifically provides that '*video surveillance recordings* are temporary records which may be destroyed six months after the last action taken in relation to them'.
- 5.3. Where appropriate, if an activity which is deemed to be of a criminal nature (ie graffiti, vandalism, illegal dumping etc) is recorded by CCTV and identified by Council staff, the matter will be referred to the South Australian Police (SAPOL) or an appropriate enforcement agency.

6. Policy

6.1. Management and Maintenance

Whilst Council acknowledges the basic rights of its residents and visitors to enjoy the Council facilities free from unwarranted surveillance, it is recognised that there are particular circumstances when the judicious oversight of those facilities is justified. In those circumstances, Council opts, in the interests of public safety and

the protection of its facilities, to utilise CCTV as one of the means to provide that safety and protection. The use of CCTV will form part of wider safety and protection strategies employed by Council.

The installation of CCTV cameras will be installed in accordance with appropriate Australian Standards and placed in visible locations. The location, type of camera and recording resolution will be determined by Council staff to ensure they are appropriate and meet requirements.

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- b) Access to CCTV controllers and recorders shall be limited only to authorised user(s).
- c) All security CCTV equipment shall be integrated into the Council's wider current and future electronic security network to enable effective monitoring by Council, and SAPOL where agreed.

6.2. Security of Information

- 6.2.1. Council will ensure appropriate security measures are in place to protect any confidential information from unauthorised use, access, modification or disclosure;
- 6.2.2. Council will ensure that any Employees authorised and/or delegated to access confidential information gathered via the CCTVP will not record, disclose or communicate such information to any 3rd party except in the performance of their official functions; and
- 6.2.3. Council will ensure any and all information gathered by the CCTVP eventuating in an expiation notice or criminal proceedings will be stored in Council's Records Department secured safe and only available to persons other than the delegated Council Employees and SAPOL through Freedom of Information Act (1991) processes, or as directed by a legal authority.

6.3. 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.

6.4. Retention and Disposal of Footage

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 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.

7. Access to CCTV Camera Footage

7.1. By Members of the Public

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 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 (CEO) will be present at all times to operate the viewing equipment.

7.2. By the Media

The Berri Barmera Council views the rights of the media to gain access to footage to be the same as 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.

7.3. By the South Australian Police (SAPOL)

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

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.

7.4. By Council Staff

In the event that footage is to be accessed for administrative purposes, such as undertaking investigation relating to an incident, damage or loss, then the footage can only be reviewed in the presence of an authorised officer, in accordance to the Administrations Operational Procedure.

7.5. By Elected Members

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.

8. Privacy

8.1. Council recognises that in using CCTV equipment to undertake surveillance operations of its facilities it must ensure that the principles applied by the State Records Act (1997) (SA) and Privacy Amendment Act (2012) be upheld. As such, Council will not tolerate any Employee or Elected Member breaching the confidentiality of any person or persons recorded by the CCTV, whether those persons were conducting themselves lawfully or if their actions warrant the consideration of SAPOL and due legal process.

8.2. If an Employee or Elected Member is found to have breached confidentiality, they will be found accountable to their respective Codes of Conduct and be investigated as outlined within those Codes of Conduct.

9. Complaints

Any person who has any concerns or complaints about the use of Council's surveillance technologies or how Council handles personal information should contact the customer service staff at the Berri Barmera Council Offices in the first instance. If customer service staff cannot satisfy the concerns, a formal complaint may be lodged. Complaints should be made in writing to:

Chief Executive Officer
Berri Barmera Council
PO Box 229
BERRI SA 5343

10. Availability of Policy

This Policy will be available for inspection at the Council Offices at Berri or Barmera during ordinary business hours at no charge.

Copies of this Policy will also be available from Council's website www.berribarmera.sa.gov.au or postal copies may be obtained from the Council Office, free of charge.

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Before using a printed copy, verify that is the current version.