

# Closed Circuit Television (CCTV) Code of Practice



<b>Department</b>	Infrastructure Services
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<b>Relevant legislation</b>	<p><i>Government Information (Public Access) Act 2009</i></p> <p><i>Local Government Act 1993</i></p> <p><i>Privacy and Personal Information Protection Act 1998</i></p> <p><i>Protection of the Environment Operations Act 1997</i></p> <p><i>Security Industry Act 1997</i></p> <p><i>Workplace Surveillance Act 2005</i></p> <p><i>Surveillance Devices Act 2007</i></p> <p><i>Privacy and Personal Information Protection Regulation 2019</i></p> <p>NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places, 2014.</p>
<b>Related policies/ procedures/guidelines</b>	<p>Waverley Council CCTV Policy</p> <p>Waverley Council Workplace Surveillance Policy</p> <p>Waverley Council Code of Conduct</p> <p>Waverley Council Complaints Management Policy</p>
<b>Related forms</b>	

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## 1. Background

Council's Closed Circuit Television (CCTV) System is designed to enhance public safety, protect Council assets and deter antisocial behaviours. The installation and operation of Closed Circuit Television (CCTV) is one of a range of crime prevention strategies utilised by Waverley Council. Other crime prevention strategies include activation of public spaces, design of public spaces to encourage passive surveillance and safety, good lighting, signage, public education and awareness campaigns. Waverley Council collaborates with other agencies such as the NSW Police to create a safe place for workers, residents and visitors and the operation of CCTV at particular locations supports this outcome.

This Code of Practice supports Council's commitment to the privacy and civil liberties of individual members of the public and establishes practices and controls that fulfill Council's responsibility to ensure that CCTV operates in compliance with all relevant legislation.

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## 2. Purpose

This Code of Practice builds on the Council's CCTV Policy and is consistent with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places (2014).

This Code of Practice contains the basic principles that will guide staff and contractors in the operation of CCTV.

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## 3. Scope

This Code of Practice relates to Council's CCTV Surveillance System installed, operated and monitored by or on behalf of Council in and around Council land, buildings and facilities for the purposes of staff and public safety, and asset protection.

This Code of Practice provides an overview of objectives, principles, procedures and controls under which Council's CCTV will be managed.

This Code of Practice applies to all Council employees and contractors involved in the management and operation of CCTV.

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## 4. Content

### 4.1 Objectives and Guiding Principles

Council's CCTV System is designed to:

- a) Enhance staff and public safety;
- b) Protect and enhance the management of Council assets;
- c) Deter illegal and antisocial behaviours;
- d) Provisions for NSW Police to investigate and identify offenders;

- e) Assist Council to investigate, identify and prosecute offenders; and
- f) Assist in the management of public car parking availability.

This Code of Practice has been developed to incorporate the guiding principles identified in the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television in Public Places (2014).

The guiding principles are:

- a) Integrated approach to crime prevention
- b) Ownership and responsibilities
- c) Community consultation
- d) Clear objectives
- e) Police involvement
- f) Management and operation of CCTV
- g) Evaluation and auditing
- h) Complaints

Council operates CCTV cameras at its buildings and in various public areas, including reserves, beaches, pools, and roads. The locations of these cameras are recorded in Council's Asset Registers.

## **4.2 Privacy Management and Public Interest**

Council acknowledges the importance of balancing public safety objectives with individual privacy rights. CCTV cameras will only be installed where there is a clearly defined need and where the public interest outweighs potential impacts on personal privacy.

Signage will be placed to inform the public of surveillance, and all data collection will be limited to what is reasonably necessary to achieve the stated crime prevention, safety, or asset protection objectives.

CCTV will be operate with due regard to the privacy and civil liberties of individual members of the public. The public interest in the operation of CCTV will be respected by ensuring the security and integrity of operational procedures.

## **4.3 Ownership, responsibilities and accountabilities**

Council may choose to either operate the CCTV system or give authority to one or more appointed contractors to operate the system. In either instance Council remains responsible for the legal operation of the CCTV system and will ensure compliance with all relevant legislation, codes, guidelines and this Code of Practice.

Only Council staff, Council contractors and delegates of NSW Police with the appropriate licence and/or authority and/or related delegations will operate or have access to the CCTV system.

Council's Security Contractor is required to comply with the applicable terms of its contract with Council.

Council is responsible for investigating and addressing all breaches.

Council has the right of inspection of all CCTV facilities, documents, files, registers, records and live and recorded materials associated with the CCTV system.

#### **4.4 Public Information and consultation**

The Waverley Council CCTV Policy and CCTV Code of Practice will be available to members of the public on Council's website.

CCTV cameras will not be unduly concealed, and the location of cameras will be clearly identified with appropriate signage.

The CCTV signage advising that CCTV cameras are operating will:

- a) Inform the public that CCTV surveillance cameras are in operation at that location;
- b) Identify that footage is either being constantly recorded and/or monitored or randomly recorded and/or monitored; and
- c) Provide contact details should further information be required.

#### **4.5 Control and operation of cameras**

Information recorded will not exceed that necessary to achieve the stated objectives of the CCTV policy and will be obtained in accordance with the relevant privacy legislation and Council's Surveillance policy.

Cameras will not be used to look onto adjacent or nearby private premises unless it is not reasonably practicable to avoid filming that other land when filming the public place.

Council intends to enter into a Memorandum of Understanding between Waverley Council and the NSW Police (the 'MoU') prescribes the responsibilities and obligations of both parties in relation to access to and operation of CCTV Camera footage, either recorded or in real time.



## **4.6 Management of CCTV monitoring**

Staff and contractors who have responsibilities in relation to viewing and/or controlling CCTV monitors will be required to meet and apply the highest standard of integrity. All users must complete training in privacy, data protection, and CCTV procedures prior to accessing the system. System use is logged and monitored to ensure compliance with legislation and Council policy. Breaches may result in disciplinary action or contract termination.

Members of the public and unauthorised staff or contractors will not have access to CCTV infrastructure and hardware.

The NSW Police may in some instances access and monitor the live feed from the CCTV system but only with the approval of the General Manager or as required by law.

## **4.7 Retention and access to recorded material**

Council will ensure the security, integrity and efficiency of all CCTV material captured and recorded material will be stored and accessed according to all relevant legislation.

Recorded CCTV footage is retained as defined in section 4.2.4 in the Closed Circuit Television (CCTV) Policy. When the footage is no longer to be retained, metadata associated with the footage—such as time, date, location, and system access logs—will continue to be managed in accordance with the State Records Act 1998.

Personal information will be stored on premise with Council owned servers, not in the cloud. Metadata may be stored in the cloud, however this will be aggregated anonymised data.

Associated metadata—including date, time, camera location, system access logs, and file handling details—is retained in accordance with the State Records Act 1998 as part of Council's official recordkeeping obligations. This ensures that even after footage is deleted, the essential contextual information remains preserved to support record authenticity, reliability, and evidentiary value over time.

CCTV material will be accessed in accordance with the privacy conditions of relevant legislation and only in the following circumstances:

- a) At the formal request of Police in connection with the investigation of a crime (noting that the NSW Police may, in some cases, have approved access to live feeds from Council's CCTV system in accordance with the MoU;
- b) For the purposes of legal proceedings as ordered by a court of law;

- c) To investigate illegal dumping incidents and take action against offenders in accordance with the Protection of the Environment Operations Act (1997);
- d) If authorised through Council's Workplace Surveillance Policy;
- e) To investigate complaints and claims, including public liability, made against Council;
- f) To investigate vandalism of Council property;
- g) To identify usage of public car parking spaces; or
- h) In any exceptional circumstance, with the written approval of the General Manager, in consideration of all applicable legislation, policies and regulations, or where otherwise allowed by law or policy.

Access to footage is restricted to authorised personnel and recorded through access logs. Appropriate measures will be implemented to protect against unauthorised access to, alteration, disclosure, loss, or destruction of recorded material.

All requests for access to recorded material must be made to Council by means of an access application pursuant to the Government Information (Public Access) Act 2009. A separate process is applicable to requests from the New South Wales Police.

Footage will be released for reasons including, but not limited to, the following:

- a) Containing vision of a criminal incident;
- b) Required to be retained in relation to an investigation of crime;
- c) For Court proceedings notified to Council; and
- d) For ongoing Council police investigation.

Subject to the concurrence or request of the NSW Police, the release of recorded material to the media may be approved by Council for the purpose of gaining public information in relation to an incident or to identify a person(s) wanted in relation to an incident.

Council retains ownership and has copyright of all recordings, photographs and documentation pertaining to the CCTV system.

#### **4.8 Complaints Process**

Complaints in relation to any aspect of the management or operation of the system may be made in writing to Council.

Complaints will be handled in compliance with Council's Complaints Management Policy.



Where a complaint cannot be resolved within Council, the complainant will be referred to an external agency to seek a resolution. The Privacy and Personal Information Protection Act 1998 authorises the Information and Privacy Commissioner (IPC) to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with the IPC.

#### 4.9 Evaluation and Auditing

Council is responsible for ensuring the CCTV system is regularly evaluated to ensure that it is operating in compliance with the CCTV policy and is meeting the identified objectives.

Council's CCTV system will also undergo a regular compliance audit. The aim of compliance audits is to provide an independent assurance that complaints are being investigated and responded to appropriately, that the images being viewed and recorded are appropriate and in compliance with the purposes of the CCTV Policy, this Code of Practice and relevant legislation and that the processes utilised remain best practice.

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## 5. Definitions

Term	Definition
CCTV	Closed Circuit Television
CCTV System	The cameras and the ancillary hardware that support the operation of CCTV
CCTV Material	Video recordings or photographs captured through Council's CCTV cameras, including original footage, copies and still photographs
Council	Waverley Council