



WAVERLEY  
COUNCIL

# **Closed Circuit Television (CCTV) Code of Practice**

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

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## 1. Background

Council's Closed Circuit Television (CCTV) System is designed to enhance public safety, protect Council assets, deter criminal and antisocial behaviours, and assist the NSW Police to identify and prosecute offenders.

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.

## 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.

## 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. Details relating to the day to day operation of CCTV can be found in the *Standard Operating Procedures* which should be read in conjunction with this Code of Practice.

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

## 4. Code of Practice 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 criminal and antisocial behaviours;
- d. Assist the NSW Police to investigate, identify and prosecute 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

## 4.2 CCTV Locations

Council currently has CCTV cameras installed at the following locations. The list will change from time to time as new buildings and sites are added or removed from the portfolio or as operational requirements change over time:

Location
Alexandria Integrated Facility (AIF)
Amenities Buildings – Marks Park, North Bondi, Tamarama, Waverley Park
Bondi Pavilion, Bondi Beach, Bondi Lifeguard Tower, Bondi Beach Compound, Bondi Park and Bondi Beach Carpark
Car Parks – Eastgate, Hollywood and Library
Council Chambers
Customer Service Centre
Eastgate Office – Level 4
Grafton Street - Public Place Cleansing and SES Depots
Margaret Whitlam Centre
Mill Hill and Boot Factory
Mill Hill ECC
Various – Mobile CCTV Cameras
Waverley Cemetery
Waverley Library
Waverley Park – Sports Field and Courts

The objectives of operating CCTV cameras at the identified locations include one or more of the following as is relevant in each case:

- Assist in reducing the public fear of crime.
- Assist in enhancing public and staff safety.
- Assist in reducing personal and property crimes by deterring potential offenders.
- Assist Police in the detection and prosecution of offenders.
- Assist in the detection of illegal dumping offenders.
- Assist in the investigation of public liability claims.

- Assist in monitoring and counting people with the aim of ensuring appropriate crowd control measures are implemented as required.
- Assist in the management of public car parking availability.

### **4.3 Privacy and Public Interest**

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.

### **4.4 Ownership, responsibilities and accountabilities**

Council may choose to either operate the CCTV system or give authority to an appointed contractor 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.

### **4.5 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.

#### **4.6 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 commercial or private premises unless requested by the NSW Police for the purpose of:

- a. Following participants of crime;
- b. Following participants suspected of being involved in a crime;
- c. NSW Police intelligence gathering;
- d. NSW Police special or covert operations;
- e. Monitoring persons or motor vehicles suspected of being involved in a crime; or
- f. Monitoring property suspected of being used to accommodate criminal activity.

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.

#### **4.7 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 and must comply with the Council's CCTV standard operating procedures.

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 with the conditions of all such access documented in the MoU.

#### **4.8 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.

Appropriate measures will be implemented to protect against unauthorised access to, alteration, disclosure, loss, or destruction of recorded material.

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 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.

CCTV footage is retained for varying durations up to 5 weeks, subject to the respective storage capacities at each site. The footage is automatically written over unless extracted for a specific purpose.

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. The procedures governing the access to and provision of CCTV material are detailed in Council's CCTV Standard Operating Procedures.

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.

#### **4.9 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.

#### **4.10 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.



## 5. Definitions

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