

# Closed Circuit Television (CCTV) Policy



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File Number	19/POL/CCTVP/2
Responsible Officer	Director Corporate & Financial Services
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## 1. Purpose

Mid Murray Council has developed this Policy to establish clear parameters for the use of closed circuit television (CCTV) systems to help:

- 1.1 create a safer environment for Council's residents and visitors;
- 1.2 protect Council's assets and other assets under the care and control of Council.

## 2. Policy

### 2.1 Introduction

2.1.1 CCTV systems are primarily used to:

- deter and detect crimes against persons and property;
- deter and detect unwanted behaviour or persons;
- aid in the detection of people, events or activities;
- assist in responses to public safety issues;
- gather evidentiary material;
- assist with traffic management;
- assist with property access control.

2.1.2 Council is committed to providing and maintaining a range of community, recreational and tourism facilities which residents and visitors may enjoy. Effective CCTV systems provide a key monitoring and management tool to help Council fulfil this commitment.

### 2.2 Council's approach

2.2.1 Mid Murray Council takes a proactive, problem solving approach toward community safety and crime prevention. Council supports the use of CCTV systems in conjunction with other safety and protection strategies where they contribute to the following aims:

- proactive crime reduction and prevention initiatives against person and property;
- enhancing the perception of community safety and well-being;

- reducing the fear of crime in the community;
- detecting and deterring anti-social behaviour and unlawful activity; and
- assisting SA Police and other relevant agencies with an investigative capability.

2.2.2 The anticipated benefits of Council's CCTV systems include:

- the protection and safety of Council's staff, customers, Councillors, residents and visitors;
- the protection and safety of Council's physical assets;
- deterring the occurrence of unlawful activity;
- increasing the chances of apprehending offenders;
- assisting with the management and maintenance of Council's land and facilities; and
- the protection to community business from vandalism and support to neighbourhood watch.

2.2.3 Council acknowledges the desire of its residents and visitors to enjoy the Council facilities free from unwarranted surveillance but Council also recognises that there are particular circumstances when the oversight of those facilities is justified. In those circumstances, Council has decided in the interests of public safety and the protection of its facilities, to utilise CCTV systems as one of the means to provide that safety and protection.

## 2.3 Legislative requirements

2.3.1 The recorded vision from a CCTV system is considered to be an official Council record under the State Records Act 1997 (the State Records Act) and as such, its storage and disposal is governed by the General Disposal Schedule 40 (GDS 40 Version1).

2.3.2 South Australian Local Government authorities are not covered by either the Commonwealth Privacy Act 1988 (the Commonwealth Privacy Act) or the Information Privacy Principles Instruction (IPPI), published as the Department of Premier and Cabinet Circular No. 12. Therefore Council is not bound by any form of privacy legislation when dealing with information collected in the course of the Council's business, including the collection of the CCTV camera vision.

2.3.3 Despite not being legally bound to comply with the Commonwealth Privacy Act or IPPI, Council believes CCTV systems in public places should operate with respect for people's privacy and their right to conduct or engage in lawful activities and therefore should comply with the IPPI's established privacy principles.

2.3.4 Council will not disclose personal information for a purpose that is not relevant or incidental to or connected with that purpose unless:

- the use of the personal information is required and authorised by law;
- the use of the personal information for that other purpose is reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty.

## 2.4 Australian Standards

Council will comply as far as practicable with all relevant Australian Standards.

## 2.5 Relationship between Council and SA Police (SAPOL)

### 2.5.1 Role of SAPOL

SAPOL (Mid Murray Region) will work closely with Council in the operation of the CCTV systems by:

- advising Council staff how to securely handle CCTV camera vision in order to preserve a chain of evidence;
- responding to requests by Council to view, and where necessary, act upon camera vision showing persons engaged in unlawful activities (Council will not be proactively monitoring the vision); and
- requesting to view or secure a copy of any of Council's CCTV camera vision during the process of investigating alleged illegal activity.

### **2.5.2 Role of Council**

Council will manage and maintain the CCTV systems as follows:

- the placement of permanent surveillance notification signs;
- the placement of the CCTV system equipment including cameras;
- the retrieval and secure storage of the CCTV camera vision;
- the review of the CCTV camera vision;
- the expiation of fines for offences such as fee evasions, littering, etc.; and
- the immediate notification of SAPOL if there is evidence of criminal activities and provide them with a copy of the CCTV camera vision (Council will not be proactively monitoring the vision).

## **2.6 Public notification**

Signs will be displayed at key locations to inform visitors to Council areas and facilities that CCTV cameras are in operation. The signage will conform to Council's Policies and State Legislation.

## **2.7 Management obligations**

Subject to applicable laws, Council undertakes to do all things reasonably necessary to manage the efficient operation of the CCTV systems including:

- acquisition and installation of the necessary CCTV system equipment;
- liaising with SAPOL (Mid Murray Region) regarding CCTV system siting, recording, viewing and any actions where a possible unlawful activity has been captured on the CCTV system;
- CCTV cameras will be placed in visible locations wherever possible;
- recorded camera vision will be managed by Council staff and kept in a secure area and destroyed in accordance with the requirements of the State Records Act;
- the scheduled and non-scheduled maintenance of the CCTV system, including the supply of recording materials and consumables; and
- monitoring, evaluating, assessing and responding to the risk management issues involved with the CCTV system including an annual process and data security audit.

## **2.8 Security of Information**

Council will:

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

## **2.9 Access to CCTV System Camera Vision**

### **2.9.1 By Members of the Public**

- 2.9.1.1 Members of the public can apply under the FOI Act to view any official records kept by Council.
- 2.9.1.2 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 recorded camera vision at a Council nominated location or obtain a copy of the requested camera vision within a timeframe that is both reasonable and appropriate.
- 2.9.1.3 If viewing at a nominated Council location, an accredited FOI Officer or a staff member delegated by the CEO will be present at all times to operate the viewing equipment.

- 2.9.1.4 In providing the camera vision, Council will include a covering letter stating that the vision is provided for the specific purpose nominated in the FOI application and not for any other purpose.

#### **2.9.2 By the Media**

Council views the rights of the media to gain access to recorded camera vision to be the same as a member of the public. That being, an application will need to be made under the FOI Act and the provisions of that Act will apply.

#### **2.9.3 By SA Police (SAPOL)**

- 2.9.3.1 In the event that access to the camera vision is requested by SAPOL verbally or in writing for the purpose of conducting an investigation into possible criminal activity, Council will provide access to, or a copy of the vision as requested as soon as practicable after receiving the request.

- 2.9.3.2 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.

#### **2.9.4 By Elected Members**

- 2.9.4.1 Policy Res Section 61(1) of the Local Government Act 1999 provides that “a member of Council is entitled, at any reasonable time, in the connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge to have access to any relevant Council document”.

- 2.9.4.2 Section 61(2) of this Act requires any request for access to be directed to the Chief Executive Officer (CEO) of the Council or such other delegated officers as the CEO has specified provided that:

- (a) the Elected Member makes the necessary request in writing to view or obtain a copy of the recorded camera vision to the CEO of the Council; and
- (b) the CEO is satisfied that access to the information is relevant to the performance or discharge of the functions or duties of that Elected Member; or
- (c) it does not contain confidential information that the Elected Member requesting access would not normally be allowed (e.g. excluded due to conflict of interest, building and/or staff security or as may be directed by SAPOL or other law enforcement agency).

- 2.9.4.3 If the application is approved, the Elected Member may then view the recorded camera vision at a Council nominated location or obtain a copy of the requested camera vision within a timeframe that is both reasonable and appropriate.

- 2.9.4.4 If viewing at a nominated Council location, an accredited FOI Officer or a staff member delegated by the CEO will be present at all times to operate the viewing equipment.

- 2.9.4.5 In providing the camera vision, Council will include a covering letter stating that the vision is provided for the specific purpose nominated in the written request and not for any other purpose.

### **2.10 Confidentiality and Accountability**

- 2.10.1 All persons involved in the operation of any CCTV systems are to exercise extreme care to prevent improper disclosure of recorded or live camera vision.
- 2.10.2 Council will not tolerate any employee breaching the confidentiality of any person or persons recorded by the CCTV systems. This applies regardless of whether those persons were conducting themselves lawfully or if their actions warrant the consideration of SAPOL and due legal process.
- 2.10.3 If an employee is found to have breached confidentiality, they will be found accountable under their respective Codes of Conduct and be investigated as outlined within those Codes of Conduct.

## 2.11 Privacy

- 2.11.1 Council will remain compliant with the privacy provisions in the FOI Act and the Listening and Surveillances Act 1972 as well as any privacy legislation applicable to Local Government.
- 2.11.2 As a general rule, Council will not make use of information collected in the conduct of its business for purposes other than those for which that information was collected.
- 2.11.3 Officers responsible for the management of audio/visual recordings are to exercise care to prevent improper disclosure of material.

## 2.12 Complaints

Complaints regarding the CCTV system and its operation must be made in writing in accordance with Mid Murray Council's Internal Review of a Council Decision Policy and Procedure.

# 3. Policy Responsibility

The Director Corporate & Financial Services is responsible for ensuring the proper operation of this Policy.

# 4. Availability/Accessibility

- 4.1 This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.mid-murray.sa.gov.au](http://www.mid-murray.sa.gov.au).
- 4.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

# 5. Legislative Framework / Other References

- 5.1 [Local Government Act 1999](#)
- 5.2 [State Records Act 1997](#)
- 5.3 [Freedom of Information Act 1991](#)
- 5.4 [Internal Review of a Council Decision Procedure](#)
- 5.5 [Records Management Policy](#)
- 5.6 [Code of Practice for Access to Council and Committee Meetings and Documents](#)

# 6. History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute	Description of Change
1	13 October 2015	17515/2	Policy adopted by Council.
	January 2018		Updated with new Policy document format and layout. Content of Policy not changed
2	11 February 2020	20901/5	Minor change with review schedule
3	12 May 2020	20935/2	Change of Legislative requirements. Minor changes in wording & format
	12 April 2023		Updated to new template, no change to content.