

CLOSED CIRCUIT TELEVISION (CCTV) POLICY

Legislation / local law requirements	<i>Freedom of Information Act 1992</i> <i>Surveillance Devices Act 1998</i> <i>Telecommunications (Interception) Western Australia Act 1996</i> <i>Information Privacy Act 2009</i> <i>Right to Information Act 2009</i>
Relevant delegations	Not Applicable
Related policies, procedures and supporting documentation	Not Applicable

PRELIMINARY

INTRODUCTION

Whilst the City of Vincent is a very safe and liveable district, in comparison to other municipalities, it is still affected by antisocial and criminal activity. In an effort to address these concerns, the City has implemented CCTV systems as part of an overall crime prevention strategy.

The CCTV systems are intended to assist in the prevention of crimes against the person or property.

PURPOSE

The purpose of this policy is to regulate the management and operation of the CCTV systems.

CCTV systems will be:

- installed only in locations where the system will promote public safety or minimise damage or theft of City assets;
- operated with efficiency, impartiality and integrity;
- operated in a way that minimises intrusion upon individual privacy while still allowing the system to serve the objectives for which it was installed; and
- operated in a way that does not breach the *Information Privacy Act 2009*.

Recording Device systems will be:

- operated only by City officers conducting regulatory functions;
- operated with efficiency, impartiality and integrity; and
- operated in a way that does not breach the *Information Privacy Act 2009*.

OBJECTIVE

The City installs closed circuit television (CCTV) systems in public areas and City facilities with the objectives of promoting public safety and minimising damage or theft of City assets.

City officers carrying out regulatory functions are provided with a Recording Device System (body cameras), with the objective of promoting public safety and minimising threats to public and City employees.

To the extent possible without reducing the effectiveness of the CCTV systems in achieving those objectives, the City will operate its CCTV systems in a way that protects the privacy of individuals.

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SCOPE

This Policy applies to City owned and managed CCTV systems & Recording Device Systems.

This Policy applies to all City employees who have the responsibility for the implementation, monitoring, access and disclosure of records as part of the CCTV systems and Recording Device Systems.

RESPONSIBILITY

The Chief Executive Officer is responsible for ensuring the policy is understood and adhered to.

The Chief Executive Officer determines who is responsible for establishing the need for CCTV within City managed community facilities and open spaces. Is also responsible for the recovery and provision of approved footage to authorised representatives.

The Chief Executive Officer determines who has ownership and ongoing responsibility for resourcing and installing, maintaining and repairing the City's CCTV systems and Recording Device Systems.

The Chief Executive Officer determines who is responsible for establishing the need for CCTV monitoring in City buildings, reporting known outages and contract management of service providers.

The Chief Executive Officer determines who is responsible for establishing the need for Recording Device Systems to be used by City employees.

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POLICY PROVISIONS

DEFINITIONS

CCTV System – includes any system installed by the City to electronically record video or audio/video of any public place or City facility.

Manager – includes person appointed to positions with the title, Executive Manager, Manager, Executive Director and Chief Executive Officer.

Recording Device System – includes cameras, body worn cameras, voice recorders and mobile phones with recording voice/audio capability and the storage of files.

Employees – includes City staff, contractors, volunteers and all others who perform work on behalf of the City.

POLICY

1. IDENTIFICATION OF NEED AND APPROVAL

The resources available for the installation of CCTV systems are limited, and priority is to be determined by a risk assessment of identified sites and a suitable business case. This will be in accordance with the Western Australia Closed Circuit Television (CCTV) Guidelines.

The Chief Executive Officer determines who is responsible for identifying and confirming the need for CCTV monitoring within City managed community facilities and open spaces.

The Chief Executive Officer determines who is responsible for identifying and confirming the need for CCTV monitoring within City buildings.

CCTV infrastructure and systems will be installed where recurrent anti-social or criminal behaviour has been identified or installed as a proactive measure to minimise damage to City facilities.

The Chief Executive Officer determines who is responsible for identifying and confirming the need for an employee to operate a Recording Device System.

An expansion of CCTV infrastructure and/or systems that proposes the capturing and use of third-party information beyond that of video, images, vehicle plate recognition and voice (e.g. biometric data) is subject to Council consideration and approval.

2. RESOURCING, INSTALLATION AND MAINTENANCE

The Chief Executive Officer determines who is responsible for:

- selecting the optimum (within resources) CCTV system location & Recording Device System;
- resourcing the costs of installing, maintaining and as required, modifying each system; and
- installing and maintaining each CCTV system & Recording Device System.

3. CCTV SYSTEMS MONITORING

The City of Vincent CCTV systems primarily will be used to collect information for use in regulatory and legal proceedings. The CCTV systems will not be monitored by City employees on a “real time” basis, nor will the recordings be generally reviewed.

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In some circumstances (such as major public events), it may be appropriate for real time monitoring of the CCTV system to occur. The Manager who identifies the need for real time monitoring is responsible for providing the financial resources necessary to carry out that monitoring.

4. RECORDING DEVICE SYSTEM MONITORING

The City of Vincent Recording Device Systems primarily will be used to collect information for later use in regulatory and legal proceedings. The Recording Device Systems will not be monitored by the City on a "real time" basis, nor will the recordings be generally reviewed.

5. PRIVACY

All CCTV systems and Recording Devices are to be operated in a way that minimises the intrusion upon an individual's privacy whilst still allowing the system to serve the objectives for which it was installed. This will require at least:

- appropriate training of operators;
- notification and permission to individuals of the use of the recording either by:
 - verbal request and approval; or
 - for all CCTV systems installed in public places, the display of signage to a standard no less than that defined in the national Code of Practice for CCTV;
- secure storage, retrieval and destruction of CCTV and recording device data as set out in this policy; and
- the adoption of processes to prevent:
 - loss;
 - unauthorised access, use, modification or disclosure; and
 - any other misuse of CCTV System or Recording Device records.

6. DESTRUCTION OF RECORDS

To minimise intrusion upon the right to privacy, unless further preserved under this policy or required by law all CCTV system and Recording Device system records are to be destroyed 30 days after the record date.

A CCTV system or Recording Device system record is to be further preserved under this policy if:

- in the assessment of the Chief Executive Officer, believes preservation of the records is in the City's interest for any reason and is directly related to a function or activity of the City;
- the particular record is required as evidence in a potential legal proceeding;
- a request to access the particular record is received from a law enforcement or government regulatory agency (for example WA Police, Department of Fire and Emergency Services, or another government body with the responsibility for enforcing laws);
- a request to access the particular record is received from any party other than a law enforcement or government regulatory agency; or
- an extract of the record is made, whether or not that extract is provided to a third party.

(Note: the receipt of a request for access to a particular record will make that record a "public record" under the Public Records Act 2002 and trigger a requirement that the record be retained in compliance with that Act.)

7. ACCESS TO RECORDS

To minimise intrusion upon the right to privacy CCTV and Recording Device system records will be kept confidential and provided to third-parties only when that provision is authorised by law. That will include requests:

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- from law enforcement or government regulatory agencies;
- from individuals (or their legal representatives) where the request is made through a legal mechanism, such as a subpoena; and under the *Right to Information Act 2009* or the *Information Privacy Act 2009*.

The Chief Executive Officer determines who is responsible for the recovery and provision of approved records to authorised third-parties.

In addition, the Chief Executive Officer authorises extraction of a particular record from within the CCTV or Recording Device system records, when the Chief Executive Officer determines that extraction of the record is in the City's best interest and having consideration of the Information Privacy Principles in Schedule 2 of the *Information Privacy Act 2009*.

The Chief Executive Officer may authorise release of the record to a third-party when the Chief Executive Officer determines that the release of the record is in accordance with the Information Privacy Principles in Schedule 2 of the *Information Privacy Act 2009*. When making a determination to release a record the Chief Executive Officer must:

- obtain confirmation that the release is lawful;
- ensure it is related to a function or activity of the City; and
- give significant weight to protecting the privacy of individuals depicted in the record, unless the individual is depicted as being engaged in unlawful or anti-social conduct and the release of the record may assist in identifying the individual.

8. COMPLAINTS

All complaints received in relation to CCTV systems and Recording Devices are to be dealt with under the City's Code of Conduct and Customer Service Complaint Policy.

OFFICE USE ONLY	
Responsible Officer	Manager Ranger Services
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Reviewed / Amended	DD/MM/YYYY
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