



# muswellbrook shire council

## DRAFT Closed Circuit Television (CCTV) in Public Places Policy

MSC036E

### Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	Every 4 years, or upon any changes to the NSW Government CCTV Guidelines, whichever is the earlier.		
<b>Review due date:</b>			
<b>Department:</b>	Office of the General Manager		
<b>Document Owner:</b>	Public Officer		
<b>Community Strategic Plan Goal</b>	6. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community		
<b>Community Strategic Plan Strategy</b>	6.2 Ensure Council is well managed, appropriately resourced, effective, efficient, accountable and responsive to its communities and stakeholders		
<b>Delivery Program activity</b>	6.2.1 Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves		

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☎ (02) 6549 3700   @ council@muswellbrook.nsw.gov.au   📍 Campbell's Corner 60–82 Bridge Street Muswellbrook NSW 2333

📧 PO Box 122 Muswellbrook 2333   🌐 muswellbrook.nsw.gov.au   📺 muswellbrook shire council   ABN 86 864 180 944

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## 1 Policy Objective

This policy provides a framework for the implementation, installation, management and operation of a closed circuit surveillance system comprising cameras and associated equipment, software and systems ("CCTV") in a range of public places within the Muswellbrook Shire Council ("Council") local government area.

## 2 Risks being addressed

This Policy aims to ensure:

- a) consistency and clarity in Council's role and obligations regarding the establishment, operation and management of CCTV in public places by or on behalf of Council;
- b) a consistent, unified, equitable and transparent approach is applied by Council to the processing of requests for the establishment, operation and management of CCTV in public places or on behalf of Council; and
- c) that CCTV footage is managed in accordance with the *Privacy and Personal Information Protection Act*.

## 3 Scope

This policy applies to CCTV established, operated or managed by, or on behalf of Council with Council's express consent.

This Policy does not apply to:

- a) any CCTV installed by a third party, such as a tenant or licensee of Council land and/or facilities;
- b) mobile cameras including dash cams, and body worn video cameras that are primarily used for Council activities associated with enforcement by authorised officers of Council in their delegated tasks or for personal safety;
- c) cameras attached to Council's contracted garbage trucks for operational purposes;
- d) privately owned and operated CCTV on private property; or
- e) CCTV installed by Council as part of its facility management obligations.

Although CCTV schemes installed by a community-based organisation who lease Council facilities are outside the scope of this Policy, these schemes will need approval from Council prior to installation. Council staff will consider how the proposed scheme aligns with the principles (below) prior to approving such a scheme. If approved, the scheme will be owned and operated by the organisation in accordance with appropriate legislation and guidelines.

For the avoidance of doubt, the phrase "facility management obligations" for the purposes of this policy means those facilities owned and/or operated by Council which members of the public are not ordinarily permitted access to. For example, Council's Recycled Water Treatment Works.

## 4 Policy Statement

CCTV may be used for many purposes including monitoring facility use, maintenance of assets, risk management, assisting with monitoring traffic, and crime prevention.

When considering and determining the establishment, operation and management of CCTV, Council applies relevant guiding principles as required, such as the *NSW Government policy statement and guidelines for the establishment and implementation of closed-circuit television (CCTV) in public places* ("NSW Government CCTV Guidelines").

### 4.1 Principles

Council considers and determines the establishment, operation and management of CCTV in public places by Council, in accordance with applicable guiding principles as required, such as those outlined in the NSW Government CCTV Guidelines.

1. Council ensures that where CCTV is established, operated and managed for crime prevention and community safety purposes, that the implementation of CCTV is part of an integrated, multi-agency approach to crime control and community safety.
2. CCTV is only considered as one part of a range of crime prevention measures, and not a stand-alone strategy, and that prior to installation, a safety and security audit is completed. The audit considers:
  - (a) whether the problem is on-going or the result of a one-off event;
  - (b) whether the perception of crime is supported by evidence and data;
  - (c) how the establishment, operation and management of CCTV fits within a broader crime prevention strategy;
  - (d) evidence as to the effectiveness of CCTV in addressing the identified crime;
  - (e) the lawfulness of the collection of personal information via CCTV; and
  - (f) the costs associated with establishing, operating and managing the CCTV.
3. Council ensures that the ownership of public area CCTV schemes is clear and publicly known.
4. Council will erect signs informing the public of the existence of CCTV in a public place, and will take steps to ensure that the signs comply with relevant legislation such as the *Privacy and Personal Information Protection Act 1998*.
5. Council maintains a public register of all of its CCTV schemes.
6. When considering establishing or significantly expanding a public area CCTV scheme, Council will ensure that the relevant concerns of all parties affected are considered through an effective consultation process. People or groups that may be affected by the proposal could include:
  - (a) residents;
  - (b) users of the public place;
  - (c) local businesses;
  - (d) Police or other regulatory authorities; and
  - (e) Council staff.

Information available through the consultation process includes the potential benefits of the scheme, possible costs involved, and privacy implications, including people's rights and Council's responsibilities.

Consultation with Council staff will ensure compliance with the *Workplace Surveillance Act 2005* and ensure that staff are given due notice prior to the installation of a scheme.

7. Council will identify the purpose and will develop and document objectives for the establishment, operation and management of CCTV in a public place. CCTV is only used in accordance with its established objectives and not for any other purpose. Objectives may include:
  - (a) to assist in the investigation and/or prosecution of civil and criminal offences in relation to the security of public places and Council's facilities/assets, or crimes against the person;
  - (b) improving public confidence in the safety and security of public places;
  - (c) to deter anti-social behaviours in high-risk public places;
  - (d) to assist with the safety of Council staff or authorised contractors within public places;
  - (e) to assist with the management/operations or maintenance of public places, or monitoring their use; or
  - (f) identifying potential environmental safety risks.
8. Where CCTV is established in a public place for crime prevention purposes, Council will consult with Police to ensure that the installation of CCTV fits within a broader crime prevention strategy and meets its objectives.
9. Council ensures that its CCTV schemes are open and accountable and operate with due regard for privacy and civil rights of individuals and the community, including that:
  - (a) the recording and retention of images is undertaken lawfully;
  - (b) the purpose for which the information is being obtained is known;
  - (c) the information is not used for any purpose other than that stated;
  - (d) people are made aware that they may be subject to CCTV surveillance; and
  - (e) the owners of the scheme are known and accountable for its operation.
10. Council will develop and implement an evaluation framework for each public place where CCTV is established to determine whether the CCTV is achieving its objectives. The evaluation framework provides guidance on appropriate mechanisms to enable Council to assess whether the CCTV scheme is:
  - (a) achieving its objectives (including an assessment of its impact upon crime and community safety, for those schemes implemented for crime prevention or community safety purposes);
  - (b) being used in accordance with its established objectives, and not for any other purpose;
  - (c) impacting on any groups;

- (d) providing an overall benefit (after consideration of the costs involved in operating the scheme); and
  - (e) requires changes to the extent or location of the cameras, or technology utilised.
11. Complaints in relation to Council's establishment, management or operation of CCTV may be made through Council's existing customer contact processes (in person at Council's Administration Centre, or via phone, letter or email).
  12. Complaints in relation to Council's handling of a person's personal information may be made, and will be managed in accordance with Council's *Privacy Management Plan*.
  13. Complaints in relation to Council's handling of a person's personal information may also be made to the NSW Privacy Commissioner.
  14. Council will review its CCTV systems every 4 years to assess compliance with this policy and any associated procedures. The review examines such matters as:
    - (a) assessment of the scheme and any technological problems;
    - (b) processes used to receive, access and process footage requests;
    - (c) complaints received and responses provided;
    - (d) compliance with relevant legislation, regulations and Australian Standards; and
    - (e) whether the systems and processes utilised remain good practice.
  15. CCTV footage will generally be retained for no less than 21 days, and thereafter will be deleted, unless identified as containing an incident, required to be retained in relation to the investigation of crime, for Court proceedings notified to Council, or for ongoing intelligence and investigations.
  16. Council retains ownership of and has copyright in all recordings, photographs and documentation pertaining to the CCTV.

#### 4.2 Access to CCTV Footage

1. All requests for access to recorded material, other than by authorised Council officers or NSW Police, must be made to Council by means of an access application pursuant to the *Government Information (Public Access) Act (GIPA Act)*. Access applications will be determined by Council's Public Officer in accordance with the provisions of the GIPA Act.
2. All requests for access to recorded material by the NSW Police will only be granted:
  - (a) in compliance with the needs of NSW Police in the investigation and detection of a crime or suspected crime;
  - (b) for use in NSW Police intelligence gathering relevant to a crime or suspected crime;
  - (c) for use in relation to special or covert operations;
  - (d) for providing evidence in actual or possible criminal and/or civil proceedings; or
  - (e) for identification of witnesses to a crime or suspected crime.
3. Recorded material will be treated according to all relevant and appropriate legislation and standards.

4. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

## 5 Review and Evaluation

This Policy will be reviewed every 4 years, or upon any changes to the NSW Government CCTV Guidelines, whichever is the earlier.

The review will consider the results of the audits of Council's CCTV schemes, to ensure that this Policy is effective and has been implemented appropriately.

## 6 Delegations and Dispute Resolution

The General Manager is the interpreter of this policy.

## 7 Legislation and Guidelines

*Privacy and Personal Information Protection Act 1998 (NSW)*

*Workplace Surveillance Act 2005 (NSW)*

*Government Information (Public Access) Act 2009 (NSW)*

[NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television \(CCTV\) in public places](#)

## 8 Associated Council Documentation

*Muswellbrook Shire Council Model Code of Conduct*

*Privacy Management Plan*

## 9 Procedures

*Closed Circuit Television (CCTV) in Public Places Procedure*

## Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	06.03.2023	Public Officer	First version