

Workplace surveillance

1.0 Policy Statement

The purpose of this policy is to detail Council's commitment to ensuring compliance with relevant legislation, to explain to employees the types of surveillance that may be carried out in the workplace and to detail the responsibilities of relevant managers and staff with regard to workplace surveillance.

Council collects and handles its employee's personal information during the normal course of their employment.

This information ranges broadly including employee records, referee reports, email and calendar records, computer records, work mobile phone usage, internet use, camera and via audio and visual recordings either from online or live streamed meetings or images captured via Closed-Circuit Television (CCTV) or other optical surveillance devices.

Council's use and handling of this information is guided by the requirements of the *Workplace Surveillance Act 2005* (NSW), the *Surveillance Devices Act 2007* (NSW), the *Personal Information Protection Act 1998* and *Government Information (Public Access) Act 2009*.

2.0 Scope and Application

This Operational Policy applies to all employees, contractors, contingent workers, Council officials and Volunteers

Definitions

At Work	Means when an employee is at a workplace of Northern Beaches Council, or any other place while performing work for Council, including working from home. For example, cleansing crews could be "at work" while at their depot, or out at a jobsite anywhere in the LGA. It could include driving to and from work if using a council vehicle.
Closed-Circuit Television (CCTV)	Means a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system.
Contingent Workers	Temporary labour required to support Council staff – for example to assist with short term vacancies or whenever additional resources are required. Located on Council premises.
Contractors	Engaged to complete a defined piece of work or project requiring specific skills that council does not have. May complete work off-site.
Council	The Northern Beaches Council
Council Official	Includes councillors, members of staff of Council, administrators, Council committee members, delegates of Northern Beaches Council.



Covert Surveillance	Surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place – official authorisation from a Magistrate is required for this.
Covert surveillance authority	Official authorisation issued by a Magistrate
Optical surveillance device	Means any device capable of being used to record visually or observe an activity, but does not include spectacles, contact lenses or a similar device used by a person with impaired sight to overcome that impairment.
Public Place	Refers to land owned or managed by Northern Beaches Council and as defined in the Local Government Act 1993 including public reserves, swimming pools, public roads and public transport and car parks. It may also refer to sites owned and managed by State Agencies.
“Surveillance” of an employee means surveillance of an employee by these means	<p>Camera surveillance, by means of a camera that monitors or records visual images of activities on premises or in any other place.</p> <p>Computer surveillance, by means of software, systems, networks, or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and accessing of the internet).</p> <p>Tracking surveillance, by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning System tracking device), including Council vehicles.</p>
Pilotless aerial vehicle	Means an aircraft, other than a balloon or kite, where the pilot flying is not on board the aircraft, such as a drone.

Optical surveillance network

- 2.1 Council operates CCTV and other forms of optical surveillance devices such as portable security cameras (including body cameras), motion sensor cameras and pilotless aerial vehicles at various times and locations in its area of operations including public places and some offices and depots.
- 2.2 These devices are used to:
 - Support and protect the safety of our staff, community, environment, and assets
 - Prevent theft or damage to Council’s equipment and assets

- Monitor and respond to issues relevant to Council operations
- Assist NSW Police for law enforcement purposes
- Respond to or investigate Workplace Health and Safety incidents, breaches of Council's rules, guidelines, Code of Conduct, values, terms of contracts or the law.

2.3 The management of information recorded from these devices is guided by the CCTV and Other Optical Surveillance Devices policy.

Use of surveillance in the workplace

Principles

- 3.1 Surveillance of employees at work can only occur with affected employees being given written notice at least 14 days in advance or a lesser period if the employee(s) agree. New employees must be notified prior to starting work.
- 3.2 Surveillance cameras must be visible and there must be signs indicating that there are cameras at the entrance to the workplace.
- 3.3 Tracking surveillance of an employee using a geolocational device can only occur if there is a notice clearly visible indicating the vehicle or device is the subject of tracking surveillance. Council owned vehicles that have a private use component, not including Take home no fee vehicles, are not subject to surveillance. Fleet manage the process for additional vehicles to be added to the tracking system. This process requires the approval of the Executive Manager of the Business Unit requesting the tracking and the Manager, Community Transport, Parking and Fleet.
- 3.4 Work Mobile devices that can provide the location of the device cannot have this function activated except for security¹ purposes, terms, and conditions of application access or unless affected employees have been given 14 days' notice in writing and there is a notice on the mobile device specifying that tracking device functionality has been installed.
- 3.5 Surveillance will never be carried out in a toilet, change room or shower or other bathing facility at a workplace.
- 3.6 Surveillance of employees not at work is not permitted except in relation to computer surveillance of employer issued technology devices and access to employer systems and applications.
- 3.7 Council does not routinely conduct computer surveillance except to ensure the security², good functioning of the information technology networks and systems, non-disruption to production services or other legitimate business reasons.

¹ when a mobile device is on the internet using Telco or Home ISP the device is allocated an IP address. The IP address is logged when Council apps are accessed such as Outlook, Mytime, MyHR, Intranet, MFA. The location will be logged and monitored for security purposes.

² copyright infringement, violation of intellectual property, unauthorised system and data access, introduction of malicious programs, security breaches, network disruptions, circumventing user authentication or data leakage.



- 3.8 Council may conduct computer surveillance if the CEO, or his designated authorities has formed a view that such surveillance is warranted to investigate matters or Code of Conduct complaints. Such computer surveillance will be for a specified period with a defined end date and the employee will be given at least 14 days' notice prior to any computer surveillance beginning. When accessing Councils computer systems employees are required to agree to the Access Terms and Conditions for Councils Computing and Communication Systems
- 3.9 Any surveillance records must be kept confidential, stored in a secure location, and only used for legitimate business functions, or for law enforcement purposes, for use in civil or criminal proceedings or for a use that is reasonably believed necessary to avert an imminent threat of serious violence to persons or substantial damage to property. Such records will be maintained and destroyed according to legislative requirements.
- 3.10 Where camera recordings and tracking that show any employees participating in activities that breach Council's rules, guidelines, Code of Conduct, values, terms of contracts or the law, these may be used as the basis of disciplinary action or evidence in an investigation.
- 3.11 Covert surveillance of an employee is not permitted unless authorised by a Magistrate. The CEO is to be notified of such surveillance prior to commencement.
- 3.12 Listening devices cannot be used by council for covert surveillance of employees.
- 3.13 Council cannot record the private conversations of employees without the permission of all principal parties to the conversation.

Implementation

- 4.1 All new employees or contractors are provided with notice and information regarding workplace surveillance as part of induction.
- 4.2 Council will provide:
 - a) affected employees 14 days' notice prior to installing or activating surveillance technology. Appropriate signage will be visible.
 - b) contractors with notification of our Workplace Surveillance Policy upon engagement.
- 4.3 Written notice of surveillance must include:
 - (a) the kind of surveillance to be carried out (e.g., camera, computer, or tracking)
 - (b) how the surveillance will be carried out
 - (c) when the surveillance will start
 - (d) whether the surveillance will be continuous or intermittent
 - (e) whether the surveillance will be for a specified limited period or ongoing.
- 4.4 Photographs of employees for non-workplace surveillance reasons can be taken with consent of the employee. For example, if the marketing and communications team would like to use photos of staff to post to social media, they simply need to gain the agreement of the relevant staff.



- 4.5 Council employees must be careful when using video cameras or work mobile phones that have microphones in them that they do not inadvertently record the private conversations of others in breach of the Listening Devices Act 1984. No person is allowed to record the private conversations of others without their permission, except in rare circumstances specified in the Act.
- 4.6 If council wishes to record conversations of employees, for example as part of an event or meeting, it must make reasonable efforts to seek the permission of affected employees, or at least make it clear to all participants either verbally or in writing that their conversations will be recorded. Council meetings are required to be recorded and live streamed by legislation.
- 4.7 If council acquires any additional device, that is a surveillance device, then prior to installation it must be labelled or otherwise dealt with such as by way of notice according to this Policy and relevant legislation.
- 4.8 If council wishes to access data, which may be classed as surveillance data, the approval process documented in this ProMapp is to be followed.
- 5.0 References and related documents
- CCTV Roles and Responsibilities
 - Complaints Management Policy
 - Workplace Surveillance Act NSW 2005
 - Surveillance Devices Act 2007
 - OMS for Provision of Private and Take-Home Use Vehicles
 - Government Information (Public Access) Act 2009
 - Privacy and Personal Information Protection Act NSW 1998
 - NSW Government policy statement and guidelines for the establishment and implementation of closed-circuit television (CCTV) in public places
 - The NSW Local Government Act 1993
 - State Records Act 1998
 - Northern Beaches Council Code of Conduct.
 - Data Access Process – ProMapp – see Point 4.8 above

Document Owner

Executive Manager Human Resources

Review Date

3 April 2026 or as required

Document History

Revision	Date	Change	Approved by
1	13 May 2021	Draft for CCTV Oversight Committee review	
2	23 June 2021	Incorporated comments from EM HR and Information Management	
3	30 June 2021	Incorporated legal comments	
4	29 July 2021	Incorporated comments from HR Business Partners, IDT, EM Environmental Compliance and LG NSW Industrial Officer	
5	6 July 2022	CET Review and endorsement for consultation	CET
6	31 October 2022	Incorporated appropriate information, comments, and recommendations from consultation process	EM HR
7	9 November 2022	CET review and endorsement to move to put all systems and processes in place for implementation early February 2022	CET
8.	8 March 2023	CET endorsed the new process for accessing Workplace Surveillance, incorporated into Policy, revised implementation 3 April 2023	CET
9.	3 April 2023	Implemented	CET