

C51. CLOSED CIRCUIT TELEVISION (CCTV) ON PUBLIC LAND POLICY

Title: CLOSED CIRCUIT TELEVISION (CCTV) ON PUBLIC LAND POLICY

Policy No: C51

Replaces C60 & C70

Keywords: CCTV, Closed Circuit Television, Public Places CCTV Program

Responsible Officer: Manager Corporate Governance

1. PURPOSE AND AUTHORITY

The objective of this policy is to provide policy guidance with respect to the lawful and effectual management and operation of the Closed Circuit Television (CCTV) network which has been established, and is owned and operated, by Manly Council.

The CCTV network has been established for law enforcement purposes to help improve safety and to help combat anti-social behaviour in the public space within the Manly local government area, as well as providing protection for a number of key Council assets.

Council reserves the right to remove CCTV or relocate based on results of evaluation and review.

2. POLICY STATEMENT

This policy details the management of Council's CCTV network on Council owned or managed land ('public land'), including within Council's administration buildings and car parks.

3. PRINCIPLES

This Policy is based on the following principles:

- The CCTV network is to be operated fairly, within applicable law and only for the purposes for which it is established.
- The system is to be operated with due regard to the privacy and civil liberties of individual members of the public. Information will be obtained fairly and in accordance with privacy and confidentiality provisions relevant legislation.
- The public interest in the operation of the network is to be recognised by ensuring the security and integrity of any supporting operational procedures.
- The public is to be provided with clear and easily accessible information in relation to Council's CCTV network.
- Information recorded should not exceed that which is strictly necessary to fulfil the aims and objectives outlined in this policy.
- The retention of, and access to, recorded material is only for the purposes provided by this policy or as otherwise permitted by law. Recorded material is to be retained for a minimum period 21 calendar days then it is to be recorded over unless it is required in relation to the investigation of crime or for court proceedings.
- Access to the CCTV control room is to be restricted to appropriately authorised staff of Manly Council, contractors (as required) and law enforcement officers. The control room is to be protected from unauthorised access.
- Contact related to the CCTV network between Manly Council staff and law enforcement officers is to be conducted strictly in accordance with Council's standard operating procedures.

Access to Information

Information contained in the CCTV footage recorded by Council is to be collected for law enforcement purposes and shall only be disclosed to persons or bodies who have a legitimate and lawful right or interest in receiving such information for law enforcement purposes in accordance with relevantly applicable access to information legislation. In that regard, it should be noted that whilst a legal firm provides legal services, it is not a law enforcement body.

In addition, as CCTV footage contains personal information, it will only be disclosed by Manly Council for law enforcement purposes to the extent required or permitted at law. It is a condition of disclosure that such footage only be used for law enforcement purposes.

Record Keeping

Recorded material will be retained for a designated time period unless required in relation to the investigation of crime or for court proceedings.

Records supplied as evidence will be retained in accordance with the *State Records Act 1998* and Council's records keeping policies and procedures.

Supporting documentation

Manly Council has developed operational guidelines for use of CCTV in the Manly LGA. These guidelines are set out in the 'Manly Council CCTV Code of Practice and Standard Operating Procedures' (SOP) and have been created with reference to the NSW Government Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places.

4. SCOPE

This policy applies to all CCTV cameras owned and operated by Manly Council within the Manly LGA.

5. DEFINITIONS

The following definitions apply to terms used in this policy:

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. The transmission of closed circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems.

A hand held or fixed video cassette recorder is not included in this definition unless it is connected to a transmission system.

Law Enforcement Agency: see the *Workplace Surveillance Act 2005*.

Public Land: **refers to** land owned or managed by Manly 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.

Video surveillance refers to surveillance by a closed circuit television system for direct visual monitoring and/or recording of activities on premises or in a place.

6. IMPLEMENTATION

This Policy will be implemented upon adoption by Council.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

There is no compliance reporting required for this policy.

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

There is no specific reporting required for this policy.

9. POLICY REVIEW

This policy is subject to review every 2 years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Government Information (Public Access) Act 2009

Local Government Act 1993

Privacy and Personal Information Protection Act 1998

State Records Act 1998

Workplace Surveillance Act 2005

NSW Government Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct

Manly Council Internal Reporting Policy

Manly Council Community Safety Strategy

CCTV Code of Practice and Standard Operating Procedures (SOP) (to be developed)

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
	July 2013	Policy created	Manager Corporate Governance	General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance