

# Policy

## **CCTV in Public Places Policy** Version 5.1

Adopted by Council at its meeting on 18 February 2021

Division:  
Section:  
File Reference:  
Historical Reference:

Corporate Services  
Corporate Governance  
Council Policies/Procedures/Protocols  
see Version Control

**THIS PAGE IS BLANK**

## CCTV Policy

### Policy Objective

This policy provides a suitable framework for the implementation, installation, management and operation of a closed circuit surveillance system comprising cameras and associated equipment, software and systems (CCTV Program) in a range of public places within the Tweed Shire Council area (Council). This policy does not relate to privately owned and operated CCTV on private property or CCTV installed by Council as part of its facility management obligations.

The main objective of the CCTV Program is to assist in effectively reducing crime and forms part of a broader crime prevention and community safety strategy adopted by Council. While the CCTV Program is not the only strategy Council uses to reduce crime, the use of CCTV within public places aims to:

- Reduce crime
- Detect offences
- Identify and prosecute offenders
- Promote a safe and secure community

Council manages the CCTV cameras in the Tweed Shire as listed on Council's website.

This policy and the CCTV Program will be managed in accordance with relevant legislation, guidelines and other Council policies. This includes:

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places;
- Privacy and Personal Information Protection Act 1998 (NSW)
- Workplace and Surveillance Act 2005 (NSW)
- NSW Local Government Act 1993

Having regard to relevant laws and best practice, the Policy is based on 4 key principles:

- Principle 1 – Purpose, Privacy and the Public Interest
- Principle 2 – Ownership and responsibilities of the program
- Principle 3 – Retention and access to information
- Principle 4 – Evaluation of the program

### Policy Background

Council recognises that crime can have a significant impact on the community and the need to ensure efforts are taken to prevent and reduce instances of crime. The CCTV Program has a range of benefits to the community and assists in identifying and reducing crime which can lead to enhanced public safety in particular locations or in a particular area.

Council's Code of Practice contains standards to guide the operation of Council's CCTV Program and is supplemented by Council's Standard Operating Procedures (SOPs) which provide instructions on the day to day operation of the CCTV System.

This Policy has been developed in accordance with the provisions of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation

of Closed Circuit Television (CCTV) in Public Spaces (the Guidelines). The Guidelines were developed to support councils, transport providers and others who implement CCTV in public spaces to ensure compliance with relevant legislation including the Local Government Act 1993, the Privacy and Personal Information Protection Act 1998 and the Workplace Surveillance Act 2005.

## **Key Principles**

The policy is based on the following 4 principles:

### **Principle 1 – Purpose, Privacy and the Public Interest**

The CCTV Program will operate in accordance with all relevant laws and only for the purpose on which it was established while having due regard to the privacy of members of the public.

The main purposes of the CCTV Program are to:

- reduce crime levels
- assist in detecting offences
- assist in identifying and prosecuting offenders
- promote a safe and secure community

Cameras may operate 24 hours a day and record activity identified at each camera location including individuals, groups, vehicles or anything else within the cameras view. This data is securely stored by Council in designated electronic servers.

Cameras are installed at locations that are determined to be a priority site while having regard to the CCTV Programs main purposes. Signs will be installed within the immediate vicinity of all camera locations and display key information including:

- Cameras are in operation at the location
- Cameras operate 24 hours a day
- Identify Council as the owner of the camera
- Provide contact information for inquiries relating to the CCTV Program

Cameras will not be used to purposely monitor private property that may be captured within the view of a cameras view. Notwithstanding this, any data or information collected from the CCTV Program will be recorded and may be provided to a law enforcement agency for a lawful and permitted purpose.

Law enforcement agencies can seek access to the CCTV Program for any lawful and permitted purpose. Council may provide informal access to the NSW Police Force allowing them to livestream cameras within the CCTV Program at any time, however any request to obtain data recorded by cameras must be made in accordance with Council's access to information process.

Access to data captured by the CCTV Program is only permissible for a lawful purpose by an authorised Council officer or a law enforcement agency that relates to the prevention or detection of a criminal offence. Members of the public do not have a right to access to data captured by the CCTV Program.

---

## **Principle 2 – Ownership and responsibilities of the program**

Council is the owner of the CCTV Program and therefore is responsible for compliance with the objectives of the program. Council will conduct an annual audit and review of the CCTV Program to determine its effectiveness and compliance with applicable requirements. Council will provide information to the public on its website about the operation of the CCTV Program including locations of cameras installed.

Council has appointed a number of authorised officers who have responsibilities in relation to the management and oversight of the CCTV Program. Individual roles and responsibilities are outlined in Councils CCTV Standard Operating Procedures.

Council may give authority to a law enforcement agency to livestream data captured by the CCTV Program.

Council will maintain records of all past, current and proposed camera locations including the date of installation, location, reason for installation and date of decommissioning. The installation or removal of a camera requires the approval of Council's General Manager.

## **Principle 3 – Retention, access to information and CCTV management**

The retention of, and access to, recorded data will only be for the purpose provided in this policy. Council generally retains recorded data for a period of 30 days, however retention of data is based on a number of variables which may result in shorter or longer retention periods. If in the rare circumstances of a technical failure and current recorded images are unattainable, all reasonable efforts to repair will be made. No backups or secondary copies are retained.

All other data collected in response to an access request made in accordance with this policy, is retained in accordance with Council's Records Management Plan.

Appropriate security measures are taken to ensure that data held by Council is secure and restricted to authorised Council officers only and must be in accordance with Councils CCTV Standard Operating Procedures.

All requests for access to data held by Council must be made by way of application in accordance with the requirements set out in the Government Information (Public Access) Act 2009. An application for access to information will be appropriately assessed in accordance with this policy and relevant laws.

Access and release of data held by Council will only be granted to a law enforcement agency for a lawful and permitted purpose and in accordance with the terms of this policy. All law enforcement agencies are required to complete and submit an 'Access to Information – Law Enforcement' Form prior to any data or information being released.

Any law enforcement agency that obtains data or information from the CCTV Program is responsible for ensuring they comply with any relevant laws including the Privacy Act Privacy and Personal Information Protection Act 1998 (NSW).

Council maintains ownership of, and has copyright of all data, recordings, photographs and documentation pertaining to the CCTV Program and the third-party release or distribution of data, recordings, photographs and documentation provided by Council is strictly prohibited without obtaining Councils written consent.

### **Principle 4 – Audit and Evaluation of the program**

In accordance with the Guidelines and to ensure community confidence in the operation Council's CCTV, an independent audit will be performed annually. The audit scope will include, but not be limited to:

- Compliance with the PPIP Act; and
- Access to CCTV information;

Council will work with the local area Police to determine suitable criteria for the evaluation of the main objective of the CCTV Program.

Copies of completed audits will be submitted to the Privacy Commissioner.

In addition to the audit, the effectiveness of the CCTV program will be evaluated on an annual basis.

### **Related Legislation**

- Australian Standard AS 4806.1-2006: Closed circuit television (CCTV); b)
- Government Information (Public Access) Act 2009;
- Local Government Act 1993;
- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces (2000);
- Privacy and Personal Information Protection Act 1998;
- State Records Act 1998;
- Workplace Surveillance Act 2005.

### **Compliance**

Responsibility for ensuring the Code of Practice is adhered to rests with Council. This responsibility includes ensuring that breaches of the Code are investigated and remedied to the extent that breaches of the Code are within the ambit of Council's power to remedy.

### **Complaints**

Complaints in relation to any aspect of the management or operation of the system may be made in writing to:

The General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Email: [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

Complaints will be handled in accordance with Council's Complaints Handling Procedure.

Where a complaint cannot be resolved within Council, the complainant will be referred to an outside agency to seek resolution.

Section 36 of the Privacy and Personal Information Protection Act 1998 authorises the Privacy Commissioner to receive and investigate complaints about alleged violations of privacy.

Any member of the public is entitled to lodge a complaint with the Privacy Commissioner. Council will cooperate with the investigation of any complaint by the Privacy Commissioner.

The Privacy Commissioner can be contacted at:

Information and Privacy Commission NSW  
GPO Box 7011  
SYDNEY NSW 2001

Telephone 1800 472 679  
Email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) Forms

Access to Information – Law Enforcement Form

## Review Period

Every two years.

## Useful Links

[Tweed Shire Council website](#)

[Office of Local Government](#)

## Definitions

<b>Camera</b>	includes an electronic device capable of monitoring or recording visual images of activities public places.
<b>Closed Circuit Television (CCTV)</b>	is defined as 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, wireless and radio transmission systems. A hand held or fixed video recorder is not included in this definition unless it is connected to the transmission system.
<b>Employee</b>	a person working for Tweed Shire Council, including contractors and Volunteers.
<b>Law enforcement agency</b>	means any of the following: (a) NSW Police Force, (b) A police force or police service of another State or a Territory, (c) The Australian Federal Police, (d) The Police Integrity Commission, (e) The Independent Commission Against Corruption, (f) The New South Wales Crime Commission, (g) The Australian Crime Commission, (h) The Department of Corrective Services, (i) The Department of Juvenile Justice, (j) Any other authority or person responsible for the enforcement of the criminal laws of the Commonwealth or of the State, (k) A person or body prescribed for the purposes of this definition by the regulations.

**Public Place**

is defined from the NSW Local Government Act 1993 and refers to public reserves, public bathing reserves, public baths or swimming pools, public roads, public bridges, public wharfs or public road-ferries with the addition of and car parks. Street Safety

**Cameras**

refers to a Closed Circuit Television (CCTV) system operating in public reserves, public roads, public bridges, public wharfs or public road-ferries and public car parks. It does not refer to privately owned and operated CCTV in private places nor does it refer to CCTV installed by Council as part of its facility management obligations.

**Unlawful activity**

means an act or omission that constitutes an offence against a law of this State or the Commonwealth Video Surveillance is defined as surveillance by a closed circuit television system for direct visual monitoring and/or recording of activities on premises or in a public space.



**Version Control:**

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
4.1	<i>Adopted by council at its meeting 7 July 2016</i>	<i>7 July 2016</i>
4.1	<i>Amended to reflect correct template</i>	<i>22 May 2017</i>
5.0	<i>Review following termination of MOU with NSW Police &amp; Murwillumbah Chamber of Commerce</i>	<i>Adopted by Council 18/2/2021</i>
5.1	<i>Reviewed as part of Policies Review and no changes required.</i>	<i>16 June 2022</i>