

Tweed Shire Council Policy CCTV – Murwillumbah and Kingscliff CBDS and Tweed Heads South

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INTRODUCTION

1.1 Introduction

1.1.1 The Policy contains the basic standards under which the CCTV Project will be operated.

1.1.2 The CCTV policy does not include the use of Portable Optical Surveillance Devices due to the capability of those devices to be deployed covertly in response to incidents such as illegal dumping. Consequently additional consideration regarding their use and management is required and accordingly those devices are subject to separate guidelines.

1.2 Key Principles

1.2.1 The Policy is based on 10 key principles.

1.2.2 In each section of the Policy the relevant key principle will be stated.

1.2.3 The key principles are:

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Principle 1

The CCTV Project will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Policy.

Principle 2

The CCTV Project will not limit the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

Principle 3

Council has primary responsibility for the maintenance, management and security of the CCTV Project.

Principle 4

The Police support the use of the CCTV project as a tool to assist crime prevention and increase community safety.

Principle 5

The public will be provided with clear and easily accessible information in relation to the operation of the CCTV Project.

Principle 6

Regular monitoring and evaluation of the CCTV Project will be undertaken to identify whether the purposes and objectives of the CCTV Project are being achieved.

Principle 7

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CCTV Project.

Principle 8

All efforts will be made to retain CCTV footage for a minimum of 30 days some variables outside of council's control, such as environmental factors, will influence the time the footage is held.

Principle 9

Access to recorded material will only be provided in accordance with the purposes provided by this Policy and any other relevant legislation.

Principle 10

All contact between the Council and the Police in relation to the CCTV Project will be conducted strictly in accordance with the Policy.

1.3 Glossary of Terms

1.3.1 For ease of reference, a glossary of terms used in the Policy is provided below:

TERM**DEFINITION****Authorised Person**

Any person authorised by this code to

	access CCTV footage.
CCTV Coverage	Any area in a public place that will be monitored by CCTV cameras as identified in Section 2.5 of the Policy
CCTV	Closed Circuit Television
CCTV Project	The Council's CCTV system to be implemented in Public Places.
Policy	The Policy of Practice developed by Council
Confidentiality Agreement	The Confidentiality Agreement attached to the SOPs as Appendix 2
Council	Tweed Shire Council
Image Recording Point	That area of the Murwillumbah Police Station where the Image Recording Equipment is located and which is under Council control
Monitoring Equipment	Any Hardware that can play live or recorded CCTV footage.
Monitoring Point	Any area where the Monitoring Equipment can be accessed by an Authorised Person.
MOU	The Memorandum of Understanding entered into between Council and the Murwillumbah Police station in accordance with the Policy
Plan	The Crime Prevention Plan
Police	The NSW Police Force
Privacy Notification	The Privacy Notification attached to the Policy as Attachment 2
SOP	Standard Operating Procedure
Tweed	Local Government Area of Tweed Shire

2. CCTV PROJECT

2.1 Introduction

2.1.1 The CCTV Project is designed to assist in reducing crimes against persons or property and increase community safety in the Tweed.

2.2 Policy

2.2.1 The Policy will be supplemented by a SOP which gives instructions on all aspects of the operation of the CCTV Project.

2.2.2 The SOP is based on the Policy to ensure the principles and purposes of the CCTV Project are met.

2.2.3 Access to the CCTV Project will be specified in the Policy and SOP

2.3 System Description

2.3.1 The CCTV Project incorporates 16 cameras in Murwillumbah CBD connected to the Murwillumbah Police Station by a wireless network. 13 cameras connected within the Kingscliff CBD. 1 camera connected to Tweed Heads South public swimming pool entrance, 2 cameras connected to Tweed Heads South, Skate Park Bowl, Heffron Street.

2.3.2 Images from all cameras may be transmitted to a secure Monitoring Point which may be accessed by the Police.

2.4 Camera Design

2.4.1 The cameras are fixed and housed in high quality IP66 rated aluminium housings for protections from water, weather and vandalism.

2.4.2 State of the art technology has been used to ensure maximum resolution and image quality. The technology will be regularly reviewed to ensure the most up to date equipment appropriate to the purposes of the CCTV Project is used.

2.5 Camera Locations & Operation

2.5.1 Cameras are installed in those areas of the Murwillumbah and Kingscliff CBD, Tweed Heads South Skate park and Councils Swimming Pool entrance, that are subject to a high incidence of crimes against persons or property. These locations have been determined on the basis of crime statistics provided by the Police. Environmental and commercial considerations have also taken into account.

2.5.2 Most cameras have been installed on stand-alone poles.

2.5.3 A total of 32 cameras have been installed as follows:

(i) **Camera 1:** Wollumbin Street Roundabout; Cnr Commercial Road, Murwillumbah.

(ii) **Cameras 2:** Wollumbin Street Bakery; Wollumbin Street, Murwillumbah.

(iii) **Camera 3:** Sunnyside Pedestrian; Wollumbin Street, Murwillumbah.

(iv) **Camera 4:** Sunnyside roundabout; Cnr Brisbane Street, Murwillumbah.

(v) **Camera 5:** Knox Park Bus stop; Brisbane Street, Murwillumbah.

- (vi) **Camera 6:** Knox Park Rotunda; Brisbane Street, Murwillumbah.
- (vii) **Camera 7:** Post Office Pedestrian Crossing; Cnr Brisbane and Murwillumbah Street, Murwillumbah.
- (viii) **Cameras 8:** Court House West; Murwillumbah Street, Murwillumbah.
- (ix) **Cameras 9:** Court House East; Murwillumbah Street, Murwillumbah
- (x) **Camera 10:** Palm Court; Queen Street, Murwillumbah.
- (xi) **Cameras 11:** Queen Street Clock; Cnr Queen and Murwillumbah Street, Murwillumbah.
- (xii) **Cameras 12:** Murrays West; Wharf Street, Murwillumbah.
- (xiii) **Cameras 13:** Murrays East; Wharf Street, Murwillumbah.
- (xiv) **Cameras 14:** Cnr Commercial and Wharf Street, Murwillumbah.
- (xv) **Cameras 15:** KFC Car Park; Wollumbin Street, Murwillumbah.
- (xvi) **Cameras 16:** Carpet Court; Wollumbin Street, Murwillumbah.
- (xvii) **Cameras 17:** Kingscliff Bottle Shop; Marine Pde Kingscliff.
- (xviii) **Cameras 18:** Kingscliff Car park 1; Marine Pde Kingscliff.
- (xix) **Cameras 19:** Kingscliff Car park 2; Marine Pde Kingscliff.
- (xx) **Cameras 20:** Kingscliff Car park 3; Marine Pde Kingscliff.
- (xxi) **Cameras 21:** Kingscliff Car park Exit; Marine Pde Kingscliff.
- (xxii) **Cameras 22:** Kingscliff Babalou; Marine Pde Kingscliff.
- (xxiii) **Cameras 23:** Kingscliff Hotel facing north; Marine Pde Kingscliff.
- (xxiv) **Cameras 24:** Kingscliff Hotel facing south; Marine Pde Kingscliff.
- (xxv) **Cameras 25:** Kingscliff Figtree Roundabout1; Marine Pde Kingscliff.
- (xxvi) **Cameras 26:** Kingscliff Figtree Roundabout2; Marine Pde Kingscliff.
- (xxvii) **Cameras 27:** Kingscliff Paridiso; Marine Pde Kingscliff.
- (xxviii) **Cameras 28:** Kingscliff Pharmacy; Marine Pde Kingscliff.
- (xxix) **Cameras 29:** Kingscliff Pedestrian Crossing ; Marine Pde Kingscliff.
- (xxx) **Cameras 30:** Tweed Heads South Pool Entrance; Heffron Street, Tweed Heads South.
- (xxxi) **Cameras 31:** Tweed Heads South Skate Park shelter; Heffron Street, Tweed Heads South.
- (xxxii) **Cameras 32:** Tweed Heads South Skate Park Bowl; Heffron Street, Tweed Heads South.

2.5.4 The cameras operated by motion detection and operate on a 24 hour basis.

2.5.5 A map showing the location of the camera's described above is attached as **Attachment 3**.

2.5.6 The location of cameras will be reviewed as required and in consultation with the Police and other stakeholders.

2.6 Ownership

2.6.1 The Council is the owner of the CCTV Project.

2.6.2 The Council retains ownership of and has copyright in all documentation and other material pertaining to the CCTV Project.

2.6.3 The responsibilities of the Council in relation to the CCTV Project is outlined in Section 4.

2.7 Partners in the CCTV Project

2.7.1 The Police are a partner in the CCTV Project.

2.7.2 The responsibilities of the Police in relation to the CCTV Project are outlined in Section 5.

2.8 Information about the Operation of the CCTV Project

2.8.1 Clear and visible signage stating that CCTV cameras are operating must be displayed at the perimeter of all CCTV coverage areas. These signs will:

i) inform the public that cameras are in operation;

ii) allow people entering the area to make a reasonable approximation of the area covered by the system; and

iii) identify Council as the owner of the system, hours of operation and give a telephone number and address should further information be required.

iv) Comply with section 10 of the Privacy and Personal Information Protection Act 1998

2.8.2 Copies of the Policy will be made available to the public. The availability of the Policy will be publicised in connection with any publicity arranged for the CCTV Project.

2.8.3 A copy of the Privacy Notification will be made available to the public. The availability of the Privacy Notification will be publicised in connection with any publicity arranged for the CCTV Project.

2.8.4 Inquiries in relation to the CCTV Project and its operation can be made in writing to:

The General Manager
Tweed Shire Council
PO Box 816

Murwillumbah NSW 2484
or, by telephone on (02) 6670 2400.

2.8.5 Council will provide public information regarding the CCTV on Council's website.

3. PURPOSE OF THE CCTV PROJECT

3.1 Primary Purpose

3.1.1 The primary purpose of the CCTV Project is to assist in the prevention of crimes against the person, particularly the following:

- i) assault;
- ii) assault occasioning grievous bodily harm;
- iii) assault occasioning actual bodily harm;
- iv) sexual assault; and
- v) aggravated sexual assault.

3.2 Secondary Purpose

3.2.1 The secondary purpose of the CCTV Project is to assist in the prevention of other serious criminal offences, particularly the following:

- i) steal motor vehicle;
- ii) steal from motor vehicle;
- iii) other stealing offences;
- iv) break and enter;
- v) malicious damage to property;
- vi) dealing, trafficking in drugs.

3.3 Objectives

3.3.1 The objectives of the CCTV Project are:

- i) to reduce crime levels by deterring potential offenders;
- ii) to reduce fear of crime;
- iii) to help ensure an effective police response in emergency situations;
- iv) to assist in the detection and prosecution of offenders; and
- v) to help secure a safer environment for those people who live in, work in and visit the Murwillumbah and Kingscliff CBD Tweed Heads South Skate Park and Tweed Heads South Swimming Pool entrance.

3.3.2 The CCTV Project will only be used to identify crimes occurring within the Murwillumbah and Kingscliff CBD, Tweed Heads South Skate Park and Tweed Heads South Swimming Pool entrance.

3.3.3 The CCTV Project will not be used for general intelligence gathering.

4. RESPONSIBILITIES OF COUNCIL

4.1 Responsibilities

4.1.1 The Council will be responsible for the introduction and implementation of the Policy and for ensuring compliance with the principles contained within the Policy.

4.1.3 The Council will consult with and provide information to the public about the operation of the CCTV Project and about any proposed changes to the CCTV Project or Policy.

5. RESPONSIBILITIES OF POLICE

5.1 Responsibilities

5.1.1 The Police are a partner to the CCTV Project.

5.1.2 A MOU in relation to the CCTV Project will be entered into both by Council and the Police.

5.1.3 The MOU will outline the respective roles of both parties.

5.1.4 The Police will endorse the SOPs.

5.1.5 The Police will be required to provide Council with crime statistics for the Tweed Shire Council Local Government Area in order for the CCTV Project to be monitored, evaluated and audited.

6. MONITORING, AND EVALUATION

6.1 Monitoring the CCTV Project

6.1.1 In consultation with the Police, Council will monitor the operation of the CCTV Project and implementation of the Policy.

6.1.2 Council will also monitor the equipment to ensure that the CCTV Project is operating effectively.

6.2 Evaluation

6.2.1 Council is responsible for ensuring the CCTV Project is subject to a regular evaluation to identify whether its purposes remain relevant and whether objectives are being achieved.

6.2.2 Resources committed to the system annually will include the cost of evaluation.

6.2.3 Council will produce an evaluation report every 3 months for the first 12 months of operation and then at 12 monthly intervals. The report will be presented to the General Manager. A copy of the report will then be circulated to Councillors and made available for public inspection.

6.2.3 Evaluation will be conducted independently or carried out according to independently established criteria.

6.2.4 Evaluation of the CCTV Project will include as a minimum:

- i) assessment of its impact upon crime;
- ii) assessment of its impact upon crime in neighbouring areas;
- iii) any views of the public on the operation of the CCTV Project;
- iv) operation of the Policy and SOPs; and
- v) whether the purposes for which the CCTV Project was established still exist.

6.2.5 The results of the evaluation will be taken into account in the future functioning, management and operation of the CCTV Project.

6.2.6 an evaluation report will be presented to Council every 12 Months.

6.3 Functions of Audit

6.3.1 The Objective of the CCTV Audit is:

- i) to provide an independent and continuous review and checking mechanism for the CCTV Project;
- ii) to identify and report on any deviations from the Policy or; and
- iii) to recommend action that will safeguard the CCTV Project from abuse.

6.3.2 Internal Audit will undertake an annual audit of the CCTV Project, its operation and Policy. The audit will include examination of records kept in accordance with the SOPs, data recording histories, and the content of recorded material.

6.3.3 Internal Audit will present a report on the findings from the internal audit to the audit committee.

7. IMAGE RECORDING POINT & MONITORING POINT

7.1 Image Recording Point

7.1.1 Council has chosen not to establish a Control Room at this point in time.

7.1.2 All CCTV equipment will be secured and located at an Image Recording Point:

(a) Image Recording Equipment which will be located in a locked cabinet in the PABX Room.

7.2 Monitoring Point

7.2.1 The following equipment is secured and located at the Monitoring Point:

(a) Monitoring Equipment which will be located in an area that is not accessible by the public.

7.3 Access to Image Recording Point and Monitoring Point

7.3.1 The SOP will be endorsed by the Police.

7.3.2 The SOP will ensure that access to the Monitoring Point is restricted to Police and authorised personal and that the Monitoring Point is protected from unauthorised access.

7.3.3 The circumstances in which the Police and authorised Personal are able to access the Monitoring Point and Image Recording Point will be carefully outlined in the SOPs.

7.4. Control and Operation of Cameras

7.4.1 Only authorised Personal will be able to control and operate the cameras.

7.4.2 The control and operation of the cameras will accord with the purposes of the CCTV Project as outlined in the Policy.

7.4.3 CCTV Cameras will not be specifically used to overlook into private property. However this may not be avoided in some circumstances. Any misuse is to be treated as a breach of the Policy and subject to a review by General Manager before disciplinary action is taken.

7.4.4 No audio will be recorded as part of the CCTV Project.

7.4.5 Fake or Dummy cameras will not be used.

7.4.6 Operators of camera equipment will act in accordance with the highest standards of probity.

7.4.7 All Authorised Personal with access to the Monitoring Point and Image Recording Point will be made aware that recordings are subject to routine evaluation.

7.5 Confidentiality Agreement

7.5.1 Authorised Council staff and contractors will be required to enter into the Confidentiality Agreement before they can access the Monitoring Point and Image Recording Point.

7.5.2 Contractors will be advised in writing of their obligations in respect to compliance with the Policy, NSW Privacy legislation and any other relevant law, policy or procedures.

8. ACCESS TO & USE OF RECORDED MATERIAL BY COUNCIL & POLICE

8.1 Access to and Use of Recorded Material.

8.1.1 Access to and use of recorded material will be facilitated by Council and will only take place:

I) in compliance with the needs of the Police in connection with their law enforcement functions;

II) Assist in the prevention of damage, misuse, trespass or anti-social behaviour on Council's Property.

III) if necessary for the purposes of legal proceedings; or

IV) other lawful requirement .

The SOPs will detail the process for access to recorded material.

8.1.2 Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

8.1.3 The display of recorded material to the public will only be allowed in consultation with the Police where there is a demonstrated overriding public interest for disclosure or in any other circumstances provided by the law. The recorded material can only be released in accordance with the SOPs.

8.1.4 Images from recorded material will not, under any circumstances, be used to publicise the existence or success of the CCTV Project.

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

8.2 Contact with Recorded Material

8.2.1 Police will not be permitted access or remove any recorded material, operate video equipment or have contact with any recorded material at any time unless in accordance with the Policy and SOPs.

8.2.2 Any change to the arrangements in section 8.2.1 will amount to a major change to the Policy and must be agreed to in accordance with the Policy before being implemented.

9. BREACHES OF THE CODE

9. Responsibility

9.1.1 Council will be responsible for ensuring compliance with the Policy.

9.1.2 Council is required to investigate any alleged breach of the Policy. If a breach is found to have occurred, Council will remedy that breach to the extent possible under the Policy.

9.1 General Complaints

9.2.1 Complaints in relation to any aspect of the management or operation of the CCTV

Project may be made in writing to:

The General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484
or, by telephone on (02) 6670 2400

9.2.2 A copy of Council's Complaints Policy can be obtained from Council.

9.3 Privacy Complaints

9.3.1 Privacy complaints in relation to the CCTV Project may be made to Council in accordance with Council's Privacy Management Plan Policy. A copy of the Privacy Management Plan Policy can be obtained from Council.

9.3.2 Privacy complaints in relation to the CCTV Project may also be made to information and Privacy Commission NSW. The *Privacy and Personal Information Protection Act 1998* authorises the Commission to investigate complaints about alleged violations of privacy.

Any member of the public is entitled to lodge a complaint with the Commission. The contact details for the Commission are:

Information and Privacy Commission NSW
GPO Box 7011
Sydney NSW 2001
1800 472 679

ipcinfo@ipc.nsw.gov.au

9.3.3 Council will cooperate with the investigation of any complaint by Privacy NSW.

10. CHANGES TO THE CCTV PROJECT AND/OR THE POLICY

10.1 Minor Changes

10.1.1 A minor change to the CCTV Project or Policy may be made with the agreement of the General Manager of the Council.

10.1.2 Minor changes will be advised to Councillors.

10.1.3 A minor change would include any change as may be required for the purposes of adjustment of the CCTV Project or clarification of the Policy.

10.1.4 An example of a minor change is the replacement of the wording of a particular section of the Policy where its meaning might otherwise be ambiguous.

10.2 Major Changes

10.2.1 A major change to the CCTV Project or Policy can only be made after consultation with relevant stakeholders and upon the agreement of the Council.

10.2.2 A major change is any change that will have a significant impact upon the operation of the CCTV Project or the Policy.

10.2.3 An example of a major change is a change to the purposes of the system or a proposal to install further permanent cameras.

10.2.4 The consideration and/or introduction of any major change to the CCTV Project or to the Policy will be included in the regular audit report (see Section 6.4).

Attachment 2 Privacy Notification

1. Privacy and Personal Information Protection (PPIP) Act 1998
2. Government Information (Public Access) (GIPA) Act 2009
3. Local Government (LG) Act 1993
4. Workplace Surveillance (WS) Act 2005
5. Surveillance Devices (SD) Act 2007
6. Evidence Act 1995 (EA)
7. Tweed Shire Council Privacy Management Plan

PRIVACY REQUIREMENTS

The PPIP Act defines personal information as information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

There are 7 Information Protection Principles (IPP) defined in PPIP Act that apply to the collection, storage, use and disclosure of personal information. The Privacy Management Plan describes how Tweed Shire Council manages personal information with regard to its obligations under PPIP Act.

The Privacy Commissioner provides public sector agencies a number of exemptions to the IPPs for conducting law enforcement activities and sharing data between public sector agencies.

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