

# Closed Circuit Television (CCTV) Policy

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**Reference number:** POL 058

**Approval date:** 17 October 2022

**Policy owner:** Manager Information and Communication Technology Services

**Next review:** September 2029

This policy underpins the management and operation of Closed-Circuit Television (CCTV) within Wagga Wagga Local Government Area. Standard Operating Procedures will guide staff in the day-to-day operation of the scheme and ensure alignment with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places.

Operating a CCTV system can be complex, time-consuming, and costly; therefore, it is necessary that appropriate policies and procedures are in place to ensure the CCTV system operates efficiently and effectively. This Policy and the Standard Operating Procedures will also increase public confidence that Council's CCTV system is appropriately controlled, administered and accountable.

This CCTV scheme is aimed at the detection and conviction of offenders. Council recognises that the presence of CCTV can have a deterrent effect on crime and antisocial behaviour, whilst contributing to a greater sense of safety in the community. CCTV is part of the broader community safety strategy within the City. The CCTV cameras will not be monitored by the Wagga Wagga City Council but will capture images that can be used to assist NSW Police. The NSW Police may also passively monitor live images provided by the CCTV scheme.

## Purpose

**To reduce the fear of crime as measured by:**

- Increased community perception of safety within the City

**To assist in the apprehension and prosecution of offenders as measured by:**

- Increase in the number of offenders identified
- Increase in the number of offenders apprehended

## Scope

This policy relates to the CCTV cameras in locations identified as being publicly accessible.

Although every effort will be made to ensure maximum effectiveness of the system it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

## Policy Provisions

### Responsibilities

#### Wagga Wagga City Council

Wagga Wagga City Council is the owner and operator of the public place CCTV scheme. Council has responsibility for securing funding, responsibility to consult with and inform the community, and responsibility for design, management, running costs, evaluation and audit activities.

The CCTV system provided will not be monitored live by Council. Council will maintain all equipment and will be responsible for recording images that can be used to assist NSW Police. Council does not install nor use facial recognition technology. It is acknowledged that from time to time equipment will fail and while every endeavour will be made to ensure that all equipment is functioning at all times Council cannot guarantee this.

#### NSW Police Force

The Standard Operating Procedures for the scheme incorporate protocols covering communication and liaison between Council and NSW Police. A CCTV monitor is located within the Wagga Wagga Police Station for passive monitoring only. This location and use of this monitor has been determined in accordance with the NSW guidelines for the monitoring of CCTV. NSW Police are provided with the ability to review stored footage and download for evidentiary purposes.

## General Provisions

### Guiding Principles

The nine principles outlined in the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places include issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV. The principles below are essential for the implementation of CCTV:

- **The Ownership of Schemes and Its Accompanying Responsibilities**

**Principle:** The ownership of public area CCTV schemes must be clear and publicly known and ensure appropriate public accountability.

- **Community Consultation**

**Principle:** When considering setting up or significantly expanding a public area CCTV scheme, the relevant concerns of all parties potentially affected by the scheme should be taken into account through an effective community consultation strategy. Consultation will help to ensure that schemes meet local needs and circumstances, and that the operation of the scheme has the support of those affected by it.

- **Setting Clear Objectives**

**Principle:** Clear scheme objectives should be set to guide the design, implementation, management and outcomes of public area CCTV. A clear statement of objectives will provide a basis for effective monitoring and evaluation of the scheme and help to ensure that the use of CCTV is consistent with overall crime prevention objectives.

- **Integrated Approaches to Crime Prevention**

**Principle:** The implementation of CCTV should be part of an integrated, multi-agency approach to crime control and community safety.

- **Police Involvement in Public Area CCTV Schemes**

**Principle:** While the NSW Police Force should not fund or operate public area CCTV schemes, it should be closely involved in the assessment and planning phase, including risk analysis and evaluation. The Standard Operating Procedures for the scheme should incorporate protocols covering communication and liaison between the scheme operators and the police.

- **Managing and Operating Schemes**

**Principle:** Schemes should be open and accountable and operate with due regard for the privacy and civil rights of individuals and the community.

- **Evaluation**

**Principle:** Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved. Evaluation frameworks should be developed at the planning stage of the scheme.

- **Complaints**

**Principle:** Publicly accountable, impartial and fair schemes should have procedures for dealing with complaints.

- **Monitoring and Auditing**

**Principle:** Audit is needed to provide an account of the operation of a scheme, by testing its compliance against relevant policy, legislation and procedures, and to be used as the basis of recommendations for improved practice.

## Specific Provisions

### Disclosure

CCTV footage and records will only be used and disclosed in accordance with the primary purpose of collection. This CCTV scheme is aimed at the detection and conviction of offenders, with footage to be provided to NSW Police for retrospective review.

In accordance with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places reasonable steps are taken to protect information gathered through public place CCTV from misuse or inappropriate disclosure.

### Disposal

Where footage has been provided to NSW Police it is their responsibility to appropriately retain and destroy the record of the footage in accordance with their protocols.

## Privacy

The Privacy and Personal Information Protection Act 1998 covers local government authorities as public sector agencies and as such needs to be addressed when considering the establishment and implementation of CCTV.

CCTV in public places need to balance the need for public safety against the right to privacy for members of the public. The CCTV scheme needs to be operated with respect for people's privacy and their right to conduct or engage in lawful activities.

The NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places states:

*Continuing community support for the operation of CCTV schemes will depend upon the confidence people have that the scheme is providing the anticipated benefits. It is therefore essential that:*

- *the recording and retention of images should be undertaken fairly and lawfully;*
- *the purpose for which the information is being obtained is known;*
- *the information not be used for any other purpose than that proclaimed;*
- *people be aware that they may be subject to CCTV surveillance;*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area;*
- *the CCTV surveillance should never be used to monitor or track individuals who have not obviously been involved in a crime;*
- *the CCTV surveillance should not be used for general intelligence gathering; and*
- *the owners of the scheme are known and accountable for its operation.*

CCTV information and records are to be handled in accordance with the Privacy and Personal Information Protection (PPIP) Act 1998 and the Privacy and Personal Information Regulation 2005. Use and disclosure of CCTV footage and personal information must only be in accordance with privacy laws.

The Privacy and Personal Information Regulation 2005 exempts councils from certain provisions of the PPIP Act relating to the use of CCTV cameras, specifically as follows:

- Council is exempt from section 11 of the Act with respect to the collection of personal information by using a CCTV camera that the council has installed for the purpose of filming a public place if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).
- Council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.

The Standard Operating Procedures will ensure:

- persons are informed about the collection and purpose for collection of the personal information in accordance with section 10 of the PPIP Act, and
- that the information is protected by taking reasonable security safeguards against loss, unauthorised access and misuse in accordance with section 12 of the PPIP Act

These aspects are addressed in the Standard Operating Procedures to ensure compliance with the Privacy and Personal Information Regulation 2021.

## Legislative Context

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places
- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2021
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- The Workplace Surveillance Act 2005

## Related Documents

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places
- CCTV Standard Operating Procedures

## Definitions

Term	Definition
Closed Circuit Television (CCTV)	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure
Passive monitoring	Where CCTV monitors may be intermittently viewed.
Publicly Accessible Location	A location that is accessible to members of the community at any time without approval or supervision.
Retrospective review	Where CCTV footage is reviewed after an incident

## Revision History

Revision number	Council resolution	Council meeting date
1	Res No: 13/339.9	16 December 2013
2	Res No: 17/279	28 August 2017
3	Res No: 22/353	17 October 2022