

# CCTV on Public Land Policy

As at September 2017



# CCTV ON PUBLIC LAND POLICY

<b>RESPONSIBILITY</b>	Community Services Manager		
<b>DATE ADOPTED</b>	7 February 2012	<b>MINUTE</b>	13/12
<b>REVISED</b>	September 2017	<b>REVIEW</b>	2019
<b>ECM No</b>	1352087		
<b>ASSOCIATED POLICIES</b>	<ul style="list-style-type: none"> <li>Strathfield Council Access to Information Policy</li> </ul>		
<b>ASSOCIATED LEGISLATION</b>	<ul style="list-style-type: none"> <li><i>Government Information (Public Access) Act 2009</i></li> <li><i>Local Government Act 1993</i></li> <li><i>Privacy and Personal Information Protection Act 1998</i></li> <li><i>State Records Act 1998</i></li> <li><i>Surveillance Act 2007</i></li> <li><i>Workplace Surveillance Act 2005</i></li> </ul>		
<b>ASSOCIATED GUIDELINES</b>	<ul style="list-style-type: none"> <li>Strathfield Council Privacy Management Plan</li> <li>NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places (2014)</li> </ul>		

## 1.0 Introduction

### 1.1 Title and Commencement

This policy is titled *CCTV on Public Land Policy*. This policy was adopted on 7 February 2012 by Council resolution (minute 13/12). The following amendments have been made:

Date	Amendment	Authority
29 May 2014	Administrative amendments	Policy Officer
15 May 2017	Revision	General Manager

### 1.2 Background and Purpose of Policy

Closed Circuit Television (CCTV) is one of several measures designed to assist law enforcement to help improve safety and combat anti-social behaviour in public places in the Strathfield Local Government Area.

The purpose of the policy is to set out Council's approach for the use of CCTV in public places in the Strathfield LGA.

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

### 1.3 Objectives of the policy

The objectives of the policy are to:

- provide policy guidance with respect to the lawful and effectual management and operation of the Closed Circuit Television (CCTV) network that is owned and operated, by Strathfield Council.
- to provide assistance in deterring or identifying incidents, offenders and patterns of illegal activity
- to assist the Police and other duly authorised regulatory authorities in the identification and apprehension of offenders
- to promote a safer environment for those who live, work in or visit the Strathfield LGA.

### 1.4 Coverage of the Policy

This policy applies to all CCTV installations, whether fixed or mobile, operated and managed by Strathfield Council within the Strathfield Local Government Area (LGA).

### 1.5 Supporting Documentation

The operational guidelines for use of CCTV in the Strathfield LGA will be set out in the *Strathfield Council CCTV Code of Practice and CCTV Standard Operating Procedures (SOP)*. The Code is developed in reference to the *NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places (2014)*.

### 1.6 Definitions

The following definitions apply to terms used in this policy

**Closed circuit television** 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 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** is defined in the *Workplace Surveillance Act 2005*.

**Public land** is land owned or managed by Strathfield Council. It may also refer to sites owned and managed by State Agencies such as State Rail.

**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 place.

## **1.7 Implementation**

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

## **2.0 Policy Statement**

### **2.1 Principles**

This Policy is based on the following principles:

- a) CCTV will operate fairly, within the applicable legislative requirements and only for the purposes for which it is established or which are subsequently agreed to in line with the Code of Practice.
- b) CCTV will be operated with regard for the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
- c) The public interest in the operation of CCTV will be recognised by ensuring the security and integrity of operational procedures.
- d) Signage will exist to inform the public that a CCTV system is operating. Signage will comply with the provisions set out in the *Australian Standards (AS) 4806.1-2006 Closed Circuit Television (CCTV) Management and operation*, *AS 2342-1992 Development, testing and implementation of information and safety symbols and symbolic signs* and the *Surveillance Act 2007*.
- e) The public will be provided with clear information about the CCTV program and how it is being operated.
- f) Regular review and evaluation of the CCTV program will be carried out to ensure that the key objectives of reducing crime and increasing safety are being met.
- g) Information recorded should not exceed that which is strictly necessary to fulfil the aims and objectives outlined in this policy.
- h) Access to CCTV monitoring equipment will be restricted to authorised staff and/or contractors and will be protected from unauthorised access.
- i) Police access to CCTV from Strathfield Council will be subject to a Memorandum of Understanding (MOU) with the Flemington and Burwood Local Area Command (LAC) of the NSW Police Force.
- j) Due to CCTV systems scheduling requirements, recorded footage is available for limited periods (minimum ten (10) days) and is regularly overwritten. A record of footage will be maintained only if required in relation to the investigation of an incident, for court proceedings or subject to a request for information release under relevant legislation.

### **2.2 Assessment**

In order to determine suitability and likely effectiveness of the CCTV program, Council will consider the following issues:

- analysis of crime data including incident reports relevant to the proposed CCTV location
- assessment of proposed site(s) eg suitability for placement of CCTV, visibility, lighting, permissions and consents under relevant planning instruments
- assessment of potential benefits of CCTV placement in promoting community safety

- consideration of privacy impacts, especially relating to private properties
- duration of CCTV placement eg installation and removal
- consultation with relevant law enforcement agencies
- community consultation processes
- integration with other community safety measures eg community education and awareness
- availability of information to the public on the CCTV program and how it is being operated.

An implementation plan will be developed for each CCTV placement which sets out purpose, objectives, costs, timeframes, public notification and operational issues.

Regular review and evaluation of the CCTV program will be carried out to ensure that the key objectives are being met.

### **2.3 Evaluation and Review**

Council will evaluate the effectiveness of CCTV site locations by assessment against the objectives of the CCTV project or site selection by assessing whether the system had an impact on targeted crime type by using available statistics and other data such as complaints, feedback, incident reports etc.

Evaluation will consider cost-benefit of CCTV operation and whether other crime prevention strategies would be more practical and effective.

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

### **2.4 Access to Information**

Information contained in the CCTV footage held by Council is to be collected for a 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 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 Strathfield Council for law enforcement purposes to the extent required or permitted at law. It is condition of disclosure that such footage only be used for law enforcement purposes.

### **2.5 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.

## **2.6 Monitoring and Breaches**

There is no compliance reporting required for this policy.