



CCTV PROGRAM

CODE OF PRACTICE



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1. INTRODUCTION

It is recognised that crime is an important factor impacting on the actual, and concerns about, safety of certain areas. It is recognised however, that crime will never totally be prevented. Closed Circuit Television (CCTV) cameras may bring benefits to the community, such as a reduction in crime, which can lead to enhanced community safety in a particular area.

CCTV is only one of a range of strategies that Council utilises with an aim to reduce crime. Other strategies include activating public space, appropriate lighting, natural surveillance, access control and signage. This Code of Practice, contains the basic standards in accordance with which Council's CCTV Program will be operated.

CCTV cameras are installed at locations determined on the basis of advice provided by the NSW Police and other intelligence. CCTV cameras have also been installed as part of many Council assets, including Council buildings, in order to achieve the objectives listed below.

It is acknowledged that CCTV cameras installed in public place locations and as part of Council infrastructure may also capture Council staff performing work tasks. The CCTV Program, the subject of this Code of Practice, is not designed to intentionally provide workplace surveillance.

All references to CCTV cameras in this Code of Practice refer only to cameras operated and monitored by Council. CCTV cameras have been installed in the following locations and for the purpose(s) identified below:

Location	Purpose
Grey Street in front of the Town Hall	Vandalism and anti social behaviour
Town Hall Walkway	Vandalism and anti social behaviour
Town Hall Car Park (part only)	Vandalism and anti social behaviour
Glen Innes Library and Learning Centre	Vandalism and anti social behaviour

2. KEY PRINCIPLES

The Code of Practice is based on the following eight (8) key principles.

Principle 1 – Purpose, Privacy and the Public Interest

The CCTV Program 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 Code of Practice. The CCTV Program will be operated with due regard to the privacy and civil liberties of individual members of the public, and particularly with a view to minimising false association.

The public interest in the operation of the CCTV Program will be recognised by ensuring the security and integrity of operational procedures.

- a. The purposes of the CCTV Program are to:
 - assist in reducing personal and property crime levels;

- assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress;
 - assist in the detection and prosecution of offenders;
 - promote a safer and more liveable environment; and
 - measure various patterns of traffic (both pedestrian and vehicle) movement, congregation.
- b. The Program is also intended to assist in the prevention of crimes against the person or property, and in the prevention of other criminal offences and general offences, including but not limited to, robbery, outstanding warrants or wanted persons, extortion, fraud, assault, theft, break and enter, malicious damage, trespass, selling of and/or receiving stolen goods, drug related offences, weapon related offences, shoplifting, traffic and motor vehicle offences and accidents, truancy and juvenile related offences, offences and non-compliance under the *Local Government Act 1993* or other relevant Acts.
 - c. The Program may also utilise Intelligent Surveillance and/or Behaviour Analysis software for detection of the following, but not limited to, intrusion detection, detection and/or tracking of objects in uncrowded scenes, person or vehicle traffic counting, crowd and traffic management, slip and fall detection, detection of suspicious behaviour, vehicle and facial recognition, non-motion detection.
 - d. The NSW Police may use cameras regulated under the Program during major events, emergency situations or controlled police operations.
 - e. Cameras may be used to monitor individuals, groups or locations when the operator believes that an offence, either has been committed, is being committed, or is about to be committed in the monitored area.
 - f. The Code of Practice emphasises Council's commitment to ensuring the privacy of individuals is protected, ensuring cameras are used for their designated purpose and the rights of individuals are protected.
 - g. Council and the operators of the CCTV system will use all reasonable efforts to prevent the occurrence of false association arising from the operation or utilisation of the CCTV system.
 - h. Operators of the CCTV system are accountable under this Code of Practice and the *Privacy and Personal Information Protection Act 1998* for their use of the CCTV system.
 - i. Where permission has been granted, cameras may be placed on private commercial, business or residential property and technically attached to the Program system to enhance the programs operational efficiency and effectiveness.
 - j. It is noted that CCTV cameras are not placed to cover all conceivable areas. Rather, cameras are installed at 'priority' locations. The criteria for determining 'priority' locations include the level of pedestrian traffic flow through an area, whether there has been a history of crime, and requests for camera installation.

- k. CCTV cameras installed in locations that are later deemed to be non-priority locations, or not assisting Council achieve the objectives identified in this Policy, will be removed.

Principle 2 – Ownership of the Program, Responsibilities and Accountability

Council is responsible for compliance with the objectives of the CCTV Program and the protection of the interests of the public in relation to the Program. Council is accountable for the effective operation and management of the CCTV Program.

- a. Council is responsible for the Code of Practice and for ensuring compliance with the principles contained within the Code.
- b. Council will provide information to the public on its website about the operation of the CCTV Program and about any proposed major amendment to the program or Code of Practice.
- c. Council will either operate the system, or give authority to an appointed contractor to operate the system.
- d. Council has the right of inspection of all CCTV facilities, procedural documentation, files, registers, records, and live and recorded material associated with the CCTV Program.

Principle 3 - Police Involvement in the Program

As a partner to Council's CCTV Program, the NSW Police will act in accordance with this Code of Practice. Contact related to the CCTV Program between Council staff, any delegated contractors and the NSW Police, will be conducted in accordance with the Code of Practice and any Memorandum of Understanding (MOU).

- a. Any involvement in the CCTV Program by NSW Police will be in accordance with this Code of Practice.

NSW Police agree to:

- Contribute to the program including the identification of crime 'hot spots' and where cameras may be required;
- Following notification through to Local Area Command, determine the level of response to incidents identified on monitoring screens, according to available resources and existing priorities;
- Provide ongoing information and advice to Council on the nature and level of crime in the monitored areas;
- Participate in the evaluation process for the program.

The NSW Police will not be responsible for the provision of:

- Direct financial support of the program; or
- Direct human resources for monitoring of the program.

It is noted that Police will not have the ability to record footage shown on Council's CCTV system. Separate application will need to be made to Council.

Principle 4 – Public Information and Community Consultation

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

- a. Signs advising that CCTV cameras are operating will be conspicuously displayed at the perimeter of the area covered by the system and at other key points as determined by Council. These signs will clearly:
 - Inform the public that cameras are in operation in the vicinity;
 - Inform the public that footage is recorded 24 hours a day, seven (7) days a week;
 - Identify Council as the owner of the CCTV Program;
 - Provide a contact telephone number for inquiries in relation to the CCTV cameras.
- b. Copies of the Code of Practice will be made available to the public upon request and on Council's website.
- c. Inquiries in relation to Council's CCTV Program and its operation can be made in writing to Council,
Attention General Manager, PO Box 61 Glen Innes NSW 2370.
- d. The proposed installation of CCTV cameras in other locations, or their removal, will be the subject of a report to Council followed by community consultation.
- e. Where it has been determined that CCTV cameras will be installed or removed following the process outlined in clause (e) above, this Policy will be amended to reflect the change only after the bi-annual evaluation referred to at Principle 5 below.

Principle 5 – Evaluation of the Program

Evaluation of the CCTV Program will be undertaken to identify whether the purposes of the Program are being complied with. The evaluation will extend to whether Council's Policy and Code of Practice are being adhered to.

- a. Council is responsible for ensuring that the CCTV Program is regularly evaluated to ensure that the program is meeting its aims and objectives.
- b. Council will undertake an evaluation of the CCTV Program every two (2) years.

The evaluation of CCTV Program will:

- Provide an independent and continuous review mechanism for the Program;
- Identify and report any deviations from the Policy or Code of Practice that come to notice;
- Recommend actions that will safeguard and enhance the CCTV Program.
- Provide details of the number and nature of any complaints;
- Provide details of any requests for copy of recorded material or photographs by NSW Police and the assistance given to NSW Police for detection of incidents and/or offenders;

- Identify locations where additional cameras may be required;
- Provide an assessment of its impact upon crime where directly evident;

Principle 6 – Management of the CCTV

Staff and contractors employed to work in the CCTV control room, whether they be operators or managers, will meet and apply the highest standards of probity. Access to the CCTV control room will be restricted to qualified operating staff and authorised Council officers and the control room will be protected from unauthorised access.

- a. The CCTV control room is located in the Town Hall.
- b. Access to the control room and recordings captured by the cameras are not available to members of the public. Access to the CCTV is restricted to approved Council staff.
- c. The circumstances in which visitors are able to access the control room will be controlled.
- d. Council is to ensure that staff members have an awareness of the above requirements to the extent they apply to their location, as well as the importance of ensuring confidentiality and appropriate access to footage.

Principle 7 – Control and Operation of Cameras

Information recorded will not exceed that necessary to fulfil the purposes of the CCTV Program, and will be obtained fairly and in accordance with the privacy provisions in this Code of Practice.

- a. CCTV cameras may be housed in weather protective domes or cases which will be clearly apparent to the public and not be unduly concealed, other than when used by NSW Police in covert or special operations.
- b. Cameras will not be used to look onto adjacent or nearby premises, buildings, commercial premises or private residences unless requested by the NSW Police for the purpose of:
 - Following participants in a crime;
 - Following participants suspected of being involved in a crime;
 - NSW Police Intelligence gathering;
 - NSW Police special or covert operations;
 - Monitoring persons or motor vehicles suspected of being involved in a crime; and
 - Monitoring property suspected of being used to accommodate criminal activity.
- c. Operators of camera equipment will act in accordance with the highest standards of probity and will control cameras to record subjects or particular places strictly in accordance with the purposes of the CCTV Program, this Code and applicable legislative requirements.

- d. Only personnel with responsibility for using the equipment will have access to operating controls, and recording facilities, except in the case of an emergency whereby NSW or Federal Police may have access.

Principle 8 – Retention of and Access to Recorded Material

The retention of, and access to, recorded material will be only for the purposes provided by this Code of Practice and will be kept no longer than is necessary for the purposes of the CCTV Program. Recorded material no longer required will be disposed of using approved disposal methods.

- a. All requests for access to recorded material, other than by authorised representatives of Council or NSW Police, must be made to Council by means of an Access Application pursuant to the Government Information (Public Access) Act 2009. Access Applications will be determined by Council's authorised officers in accordance with the provisions of that Act.

Access to recorded material by the NSW Police, following the making of an Access Application (Annexure A), will only be granted:

- In compliance with the needs of NSW Police in the investigation and detection of a crime or suspected crime;
 - For use in NSW Police intelligence gathering;
 - For use in relation to special or covert operations;
 - For providing evidence in actual or possible criminal and/or civil proceedings;
 - For identification of witnesses; and/or
 - For research/development purposes.
- b. Recorded material will be treated according to all relevant and appropriate legislation and standards.
 - c. Recorded material will not be sold or used for commercial or other purposes or the provision of entertainment and will only be used for the purposes as set out in the Code of Practice.
 - d. The showing of recorded material to the public will be permitted only in accordance with the needs of the NSW Police and/or Council's security provider in connection with the investigation of crime or in any other circumstances provided by law.
 - e. Subject to the concurrence or request of the NSW Police, the release of recorded material to the media may be approved by Council.
 - f. Use of recorded material by the media should only occur to gain public information with respect to the identity of a person/s wanted. The recognisable characteristics of other people in the footage shall be obscured.
 - g. Any material released to the media will be accompanied by a signed release which clearly states what the material will be used for and sets out the limits on its use.

- h. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.
- i. Images will generally be retained for no less than 21 days, and thereafter will be deleted, unless they are required to be retained in relation to the investigation of crime, or for Court proceedings notified to Council or for ongoing intelligence and investigations.
- j. All images may be recorded and retained for a period less than outlined in (i) above, during times of upgrading, repair or changeover of IT and camera software or hardware, or during periods of maintenance or replacement of equipment or assets.
- k. If in the rare circumstance that IT hardware fails and the current recorded images of up to 21 days are deleted, all reasonable efforts to repair or replace equipment will be made.
- l. Council retains ownership of and has copyright in all recordings, photographs and documentation pertaining to the Program.

3. COMPLIANCE AND BREACHES OF THE CODE

- 3.1 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.
- 3.2 Council, in developing this Code of Practice, referred to the following Acts:
 - *Security Industry Act [NSW] 1997;*
 - *Workplace Surveillance Act [NSW] 2005;*
 - *Government information (Public Access) Act 2009;* and
 - *Privacy and Personal Information Protection Act [NSW] 1998.*
- 3.3 Council, in developing this Code of Practice, referred to the following public documents:
 - NSW Division of Local Government CCTV Guidelines for the Establishment and Operation of CCTV;
 - Australian Standards National Code of Practice;
 - Code of Practice – Wollongong City Council.

4. COMPLAINTS

- 4.1 A straightforward and efficient complaint handling procedure is provided by Council.
- 4.2 Complaints in relation to any aspect of the management or operation of the system may be made in writing to Council, Attention General Manager, PO Box 61, Glen Innes NSW 2370.

- 4.3 Where a complaint cannot be resolved within Council, the complainant will be referred to an outside agency to seek resolution.
- 4.4 The *Privacy and Personal Information Protection Act 1998* authorises Privacy NSW to receive and investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy NSW. Council will cooperate with the investigation of any complaint by Privacy NSW.
- 4.5 Privacy NSW can be contacted at: Privacy NSW Locked Bag 5111 Parramatta NSW 5111, Telephone (02) 8688 8585, or email privacy_nsw@agd.nsw.gov.au

CCTV SURVEILLANCE SYSTEM

ACCESS APPLICATION

APPLICATION TO VIEW/OBTAIN A COPY OF FOOTAGE AND/OR PHOTOGRAPH BY A MEMBER OF THE NSW POLICE SERVICE

CCTV Ref No:

Date Received:

ECM Reference:

NATURE OF APPLICATION

View Footage and/or Photograph

Obtain a copy of Footage and/or Photograph

APPLICANT DETAILS

RESPONSIBLE OFFICER DETAILS

Name & Rank:

Signature:

(Refer to attached form 3 instructions for Responsible Officer eligibility)

CASE OFFICER DETAILS

Name & Rank:

Email Address:

Local Area Command:

Date of Application:

Telephone Number:

Fax Number:

INCIDENT DETAILS

Police Event No:

Police Reference No:

Date of Incident:

Time of Incident:

Type of offence incident relates to:

Location of Incident:

(Please describe the location as accurately as possible including the names of any nearby premises and streets)

Details of Incident:

(Please describe what took place and the individuals involved or attach edited version of the Victims Statement or Narrative)

(Please sign second page)

GLEN INNES SEVERN COUNCIL USE ONLY

Approval

Approved

Rejected

Reason for Rejection

By

Signature

Date

Reviewed by

Signature

Date

Police Copy No

Security Seal No

Nil Find

Checked By

Signature

Date

Collected / Viewed by

Signature

Date

CONDITIONS OF USE

1. I acknowledge that any footage and/or photograph released to me is the property of the Glen Innes Severn Council.
2. I will not allow copies of any footage and/or photograph/s released to me to be reproduced except for court purposes.
3. I will not show or display any image or release it publicly without the prior written consent of the Glen Innes Severn Council.
4. I will keep the information released to be in a locked receptacle when not being utilised.
5. I will only use the released information for the purpose/s stated on this application.
6. I will return the footage and/or photograph/s to the Manager, Responsible Division within 28 days of receipt, unless otherwise negotiated.
7. If it is necessary to use footage and/or photograph/s as evidence in a court of law, the original footage and/or photographs will be subpoenaed from the Glen Innes Severn Council.

CONDITIONS APPLYING TO ENTRY TO THE COMMUNICATIONS ROOM

Authorised visitors to the CCTV Surveillance System Communications Room are required to abide by the CCTV Surveillance System Standard Operating Procedures. Accordingly, authorised visitors to the Communications Room will be required to:

1. Undertake to make the visit to the Communications Room as brief as possible;
2. At all times remain with the Glen Innes Severn Council Responsible Officer supervising the visit;
3. Not touch or attempt to operate any equipment in the Communications Room;
4. Not touch or move any object in the Communications Room, and;
5. Direct all inquiries regarding the CCTV Surveillance System to the Glen Innes Severn Council Responsible Officer supervising the visit.

SIGNATURE

I have read the Conditions of Use and the Conditions of Entry above and agree to abide by them in the event that the Glen Innes Severn Council releases to me a copy of footage and/or photograph/s or approves the viewing of footage and/or photograph.

NSW Police Case Officer:

Name and Rank

Name of NSW Police Officer

Signature

Signature of NSW Police Officer

Date

SUBMISSION

Completed applications for the viewing/supply of footage and/or photograph/s should be forwarded to:

The General Manager
Glen Innes Severn Council
PO Box 61
GLEN INNES NSW 2370

CCTV SURVEILLANCE SYSTEM

ACCESS APPLICATION INSTRUCTIONS

The following are instructions for completing an Access Application to view/obtain a copy of footage and/or photograph by a member of the NSW Police Service. Following the instructions provided will assist with the prompt identification and processing of your application. Some important questions are indicated in bold type below followed by an explanation of what type of answer is preferable.

NATURE OF APPLICATION

- **View Footage and/or Photograph** – Ticking this box permits the Case Officer/s listed on the application entry to the CCTV Communications Room to view the relevant footage and/or photograph. The footage and/or photograph will not be released from the Communications Room if only this box is ticked.
- **Obtain a copy of Footage and/or Photograph** – Ticking this box allows the Case Officer/s listed on the application to take a loan copy of the footage and/or photograph from the CCTV Communications Room. The Case Officer/s are not permitted entry to the Communications Room if only this box is ticked. Any footage and/or photograph released remains the property of the Glen Innes Severn Council and is subject to the Form 3 Conditions of Use.

APPLICANT DETAILS

- **Responsible Officer Details** – NSW Police Responsible Officers are permanent or acting senior officers in the following management positions: Local Area Commander; Crime Manager; Crime Coordinator; Investigations Manager; and Duty Officer. Any officers not authorised to approve the application will cause the application to be rejected.
- **Case Officer Details** – Write the name and rank of the Case Officer and/or any other Officer wishing entry to the CCTV Communications Room to view relevant footage and/or photograph (Max. 2 persons)

INCIDENT DETAILS

- **Location of Incident** – Please describe the original incident location as accurately as possible including the names of any nearby premises and streets. Also add details of locations and directions persons may have decamped in if known, as other CCTV cameras may have recorded the persons involved either before or after the incident.
- **Details of Incident** - Please describe what took place and the individuals involved including last known directions, colours of clothing, accessories etc and/or attach an edited version of the Victims Statement or Narrative.
- **Type of offence incident relates to** – Write the offence here ensuring it meets with the guidelines set out in the Glen Innes Severn Council's Code of Practice. Please also include the Police Event No.

SIGNATURES

- **Responsible Officer** – Ensure the above mentioned NSW Responsible Officer, of sufficient rank, signs the application.
- **Case Officer** – Ensure the Case Officer, who is making the application, signs the second page after reading the Conditions of Use.

For assistance in completing the Access Application please contact (02) 6760 2350