

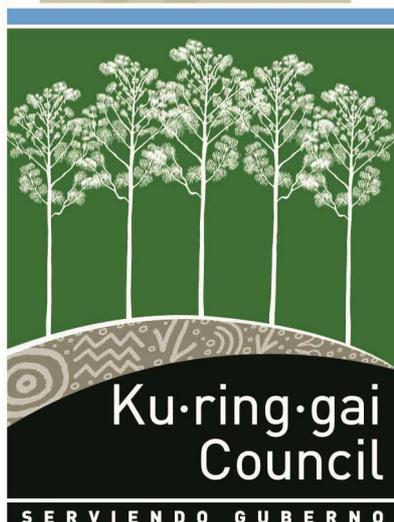


Ku-ring-gai Council

Overt Electronic Surveillance in Public Places Policy

Version Number 1

November 2014



Overt Electronic Surveillance in Public Places Policy

Table of Contents

Controlled Document Information	3
Authorisation Details	3
Related Document Information, Standards & References	3
Version History	3
Policy	4
Purpose and Objectives	4
Scope	4
Responsibilities	4
Policy Statement	5

Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	Privacy and Personal Information Protection Act. Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013. NSW Government Policy Statement and Guidelines for the Establishment of Implementation of Closed Circuit Television in Public Places.	
Related Policies (Council & Internal)	Overt Surveillance in Public Places: Code of Practice. Standard Operating Procedure	Contains aims, objectives and basic standards under which the CCTV project will operate.

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	25/11/2014	25/11/2017	Colin Wright	First version

Policy

Purpose and Objectives

The purpose of this Policy is to ensure Council can conduct electronic surveillance operations using remote cameras (CCTV) for overt investigative surveillance to assist with controlling illegal dumping, littering, vandalism and graffiti.

The objectives of the policy are:

- The ensure Ku-ring-gai complies with the requirements of the Privacy and Personal Information Protection Act (IPI Act) and the Privacy and Personal Information Protection Amendment (CCTV) Regulation 2014 for crime prevention via CCTV surveillance.
- To assist with identifying the persons or company responsible for illegal dumping, littering, vandalism or graffiti.
- To provide evidence in any regulatory action Council may pursue against persons or a company for illegally dumping, littering, vandalism and graffiti.

Scope

To inform the community, if and when, overt camera surveillance is being carried out in relation to any operation of the CCTV Project to act as a deterrent to individuals or companies from causing the illegal dumping, littering, vandalism or graffiti offences.

Responsibilities

Ku-ring-gai Council is the owner of the CCTV Program. Ku-ring-gai Council staff are authorised for the operation, monitoring and retrieval of recorded footage and materials of the Surveillance Program.

Policy Statement

1. Policy

Council will provide Closed Circuit Television (CCTV) electronic surveillance to nominated locations in the Council LGA in accordance with the objectives and stated principles to assist in preventing or minimising illegal dumping, littering, vandalism and graffiti as part of a range of measures to manage and prevent illegal dumping, littering, vandalism, and graffiti.

Overt cameras will be used for crime prevention adhering to the principles as outlined in the Code of Practice for Overt Electronic Surveillance in Public Places.

2. Principles

The following principles are to be adhered to in the implementation of the overt crime prevention program.

Overt Crime Prevention Program

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 the Code of Practice and Standard Operating Procedure.
2. The CCTV Program 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.
3. Ku-ring-gai Council has primary responsibility for compliance within the purposes and objectives of the CCTV Program for the maintenance, management and security of the Program and the protection of the interests of the public in relation to the CCTV project.
4. Ku-ring-gai Council will be accountable to the public for the effective operation and management of the program. This will be done through regular evaluation and monitoring of the program.
5. The public will be provided with clear and easily accessible information in relation to any operation of the CCTV scheme.
6. Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CCTV Program.
7. The retention of, and access to, recorded material will be only for the purposes provided by this Code of Practice or applicable laws. Recorded materials will be retained for 28 days unless they are required for law enforcement purposes or other lawful requirements.
8. All contact between Ku-ring-gai Council and the NSW Police, in relation to the CCTV Program, will be conducted strictly in accordance with the Code of Practice. Everything reasonable within the power of Ku-ring-gai Council will be done to prevent unauthorised use or disclosure of the information.

3. Operations

Monitoring of cameras will be the responsibility of the Waste Section of Operations and limited to the nominated responsible officers:

- Manager Waste,
- Waste Contracts and Projects Officer, and
- Building Assets Coordinator.

When an incident is identified to which a response or action is required, the responsible officer will record the incident in the secured record system by:

- Logging the incident with a detailed description;
- Record date, time and location of the incident;
- Attaching any images recorded of the offence;
- Record outcome of any investigation into the incident; and
- Subject to the evidence, refer the matter for legal proceedings.

Images will be retained for a minimum period of seven (7) years or such longer period as the General Manager may determine as necessary.

4. Accountabilities

General Manager is accountable for:

- ensuring a budget is available to meet policy objectives; and
- ensuring compliance with policy standards.

Directors are accountable for:

- developing appropriate systems and processes, within their department, which meets the requirements of the legislation and this policy; and
- ensuring compliance with this policy and procedures.

Managers and supervisors are accountable for ensuring:

- Familiarity with the legislation, this policy and procedures; and
- to inform their employees about the legislation, this policy and procedures.

All other employees, volunteers and contractors are accountable for:

- Familiarising themselves with this policy and procedures and seeking clarification on any aspect of the policy from their supervisor.

5. Associated Documents

- *Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013*
- *Privacy and Personal Information Protection Act 1998 (PIIP Act)*
- *Direction on Processing of Personal Information by Public Sector Agencies in relation to their Investigative Functions, 23 December 2013*
- *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places*
- *Workplace Surveillance Act 2005 (NSW)*
- *Workplace Surveillance Policy 2007*
- *Local Government Act (1993)*
- *Draft Graffiti Policy (2014)*
- *Complaints Management Policy (2001)*
- *Privacy Management Plan (2013)*
- *Surveillance Devices Act 2007*

6. Definitions

Term / Abbreviation	Definition
Public Place	Defined from the <i>Local Government Act 1993</i> 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 additional of public transport and car parks.
Closed Circuit TV (CCTV)	Surveillance by means of camera monitors, recording visual images of activities, in a public place.
Illegal Dumping	Depositing of any waste other than litter, upon public or private land or waters where no consent has been obtained from the Council or the granting of an environment protection licence from the <i>Environment Protection Authority</i> .
Littering	Unlawfully depositing of waste materials in a public place.
Vandalism	Wilful destruction of public property including buildings, signage, and street furniture.
Graffiti	Application of paint or other material used to create images, writing, or changes to the colour of building surfaces or other public hard surface areas not authorised by the Council or any other jurisdiction. Graffiti also includes etchings.
Lawful investigation	An investigation carried out by an agency under specific legislative authority or where the power to conduct the investigation is necessarily implied or reasonable contemplated under an <i>Act</i> or other law.