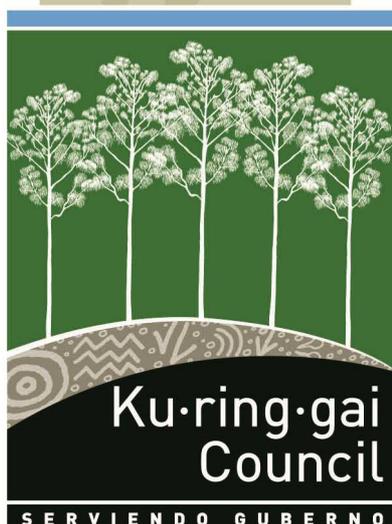


Ku-ring-gai Council

Covert Electronic Surveillance for Illegal Dumping Policy

Version Number 1

10 March 2015



Covert Electronic Surveillance for Illegal Dumping Policy

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013 Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013 Privacy and Personal Information Protection Act 1998 (PPIP Act) Workplace Surveillance Act 2005 (NSW) Workplace Surveillance Policy 2007 Local Government Act 1993 Surveillance Devices Act 2007	
Related Policies (Council & Internal)	Graffiti Removal Policy Complaints Management Policy	Contains aims, objectives and basic standards under which the CCTV project will operate
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	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	

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	Privacy Management Plan (2013) Overt Surveillance in Public Places: Code of Practice Standard Operating Procedure	
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Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	10/03/2015	N/A	Colin Wright	Original version

Policy

Purpose and Objectives

The purpose of this Policy is to ensure Council can legally conduct electronic surveillance operations using remote cameras (CCTV) for covert investigative surveillance. The Policy will be used for illegal dumping prevention campaign and to identify the principles for using and storing the information obtained from the surveillance.

The objectives of this Policy are:

- To ensure Ku-ring-gai complies with the requirements of the *Privacy and Personal Information Protection Act* (PPIP Act) and the *Privacy and Personal Information Protection Amendment (CCTV) Regulation 2013* for crime prevention and public place safety surveillance.
- To assist with identifying the persons or company responsible for illegal dumping.
- To provide evidence in any regulatory action Council may pursue against persons or a company for illegally dumping.

Scope

To inform the community that covert camera surveillance will be used in locations to prevent or minimise illegal dumping as part of a range of measures to manage and prevent illegal dumping.

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. They will be solely responsible for allowing access to recorded material in accordance with the Code of Practice.

The NSW Police will not have access to the camera equipment.

The 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.

Policy Statement

Policy

Council will provide covert 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 as part of a range of measures to manage and prevent illegal dumping.

Covert electronic surveillance will operate to assist in lawful investigations as defined in the Code of Practice for Covert Electronic Surveillance for Illegal Dumping.

Principles

The following principles are to be adhered to in the implementation of the covert investigative surveillance program:

Covert Investigative Surveillance Program

1. The Covert Investigative Surveillance for Illegal Dumping 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.
2. The Covert Investigative Surveillance for Illegal Dumping 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 Covert Investigative Surveillance for Illegal Dumping Program for the maintenance, management and security of the Program and the protection of the interests of the public in relation to the Covert Investigative Surveillance for Illegal Dumping Program.
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. For the purposes of proactive or reactive intelligence gathering, Council will operate under the Direction of Processing of Personal Information by Public Sector Agencies in relation to their Investigative Function or until that time a Privacy Code of Practice for Investigations has been established.
6. Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the Covert Investigative Surveillance for Illegal Dumping 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 and in accordance with any requirements for the retention and disposal of personal information. 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.

Operations

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

- Manager, Waste
- Manager, Regulatory Services,
- Waste Contracts and Projects Officer.

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

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> .
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.