

Code of Practice Public Safety CCTV – Double Bay Commercial Centre

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Code of Practice – Public Safety CCTV

Authorised By

General Manager

(Minor changes approved under delegation by the Director – Technical Services)

Effective

16 October 2017

Department Responsible

Technical Services

Version

Version	Approved / Amended by	Date	TRIM Number	Description
Version 1	Council	28/09/2017	16/155766	original

Initial Review Date

1 June 2018

(6 months from commencement approx. December 2017, and 12 monthly thereafter)

References

Australian Government (Australian Institute of Criminology): Research in Practice: Considerations for establishing public space CCTV network, Resource Manual No. 8, December 2009

Australian Standard AS 4806.1-2006: Closed circuit television (CCTV)

Information and Privacy Commission NSW: Managing access to audio visual information under the GIPA Act – guidance for agencies – July 2017

Woollahra Municipal Council: Code of Conduct

Woollahra Municipal Council: Public Safety Closed Circuit Television (CCTV) Code of Practice 2014

Woollahra Municipal Council: Privacy Management Plan 2014

NSW Attorney: General's Department (Crime Prevention Unit): NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Close Circuit Television (CCTV) in Public Places, 2014

Sydney City Council: Street Safety Camera Program – Code of Practice July 2014

GDA 8: State Records Authority of New South Wales - General Disposal Authority Video/Visual Surveillance Records

Introduction

Woollahra Municipal Council is committed to ensuring safety for all people who live in, work in or visit the commercial centre of Double Bay.

The Woollahra Municipal Council Public Safety CCTV Code of Practice ('the Code') has been developed in accordance with the provisions of the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces ('the Guidelines'). The Guidelines were developed to support councils, transport providers and others who implement CCTV in public spaces to ensure compliance with relevant legislation including the Local Government Act 1993, the Privacy and Personal Information Protection Act 1998 and the Workplace Surveillance Act 2005.

This Code will be supported by confidential Standard Operating Procedures (SOPs) along with a Memorandum of Understanding (MoU) with the NSW Police Force to clearly identify roles and responsibilities for management of the Public Safety CCTV Program. While the Program is owned and operated by Woollahra Municipal Council, the Public Safety CCTV Program is being implemented through a close working partnership with the Rose Bay Police Local Area Command.

Council commits to monitoring compliance with this Code and the SOPs through annual audits and also to monitoring the community safety outcomes achieved by the Public Safety CCTV Program in consultation with the community of Woollahra.

1. Policy Framework

1.1 Public Safety CCTV Program aim

The Public Safety CCTV Program aims to protect people and property, reduce the opportunity for crime and enhance perceptions of safety in the Double Bay commercial centre.

1.2 Program Objectives

The objectives of the Public Safety CCTV Program are to:

- Reduce crime in the Double Bay commercial centre by deterring potential offenders.
- Enhance perceptions of safety for people who live in, work in and visit the Double Bay commercial centre.
- Assist Police with the detection and prosecution of offenders in the Double Bay commercial centre.

1.3 Legislation and Guidelines

This Code is based upon relevant NSW and Commonwealth Government legislation and accompanying guidelines for the establishment and monitoring of CCTV systems in public places. These include:

- *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Spaces (2014)*
- *Australian Standard AS 4806.1-2006: Closed circuit television (CCTV)*
- *Government Information (Public Access) Act 2009*
- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*
- *Workplace Surveillance Act 2005.*

This Code is supported by confidential Standard Operating Procedures (SOPs) for the effective management, operation and monitoring of the Program.

1.4 Guiding Principles

The Code is based on the following guiding principles:

- 1) The Program will be operated fairly and transparently, within applicable legislative requirements and only for the purposes for which it is established or which are subsequently agreed to in accordance with this Code.
- 2) The purpose of the Program is to identify criminal activity occurring within the area covered by the Program.
- 3) The Program will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

- 4) The public interest in the operation of the Program will be recognised by ensuring the security and integrity of the SOPs and through provision of clear and easily accessible information in relation to the operation of the Program.
- 5) Regular review and evaluation of the Program will be undertaken to identify whether its aims and objectives are being achieved.
- 6) Information recorded will not exceed what is necessary to fulfil the purposes of the Program. Information will be obtained fairly, lawfully and in accordance with the privacy and confidentiality provisions of this Code and relevant Council policies.
- 7) In the interest of privacy and confidentiality, access to the CCTV monitoring equipment shall be restricted to authorised members of Council staff and NSW Police. The equipment will be protected from unauthorised access.
- 8) The retention of, and access to recorded material will be only for the purposes provided by this Code. Recorded material will be retained for a period of 30 days (recording cycle) unless required in relation to the investigation of crime or for court proceedings.

1.5 Confidentiality

Council will ensure the confidentiality and security of all images captured by CCTV through the SOPs, which stipulate that under no circumstances will any information related to images captured by CCTV to be disclosed to a third party except as provided under clause 3.8 of this Code.

1.6 Privacy

This Code and the SOPs have been developed to comply with the provisions of the Privacy and Personal Information Protection Act 1998.

1.7 Complaints

Complaints by members of the public in relation to the Public Safety CCTV Program will be investigated and dealt with in accordance with the complaint handling and review mechanisms available under Privacy and GIPA legislation. Council will provide a timely response to all enquiries.

All complaints will be investigated by Council's Manager – Governance & Council Support.

1.8 Breaches of this Code and the Standard Operating Procedure (SOP)

- 1) Primary responsibility for ensuring adherence to this Code and its SOPs rests with Council. This includes ensuring that any breaches of the Code and the SOPs are investigated and remedied to the extent that such breaches are within Council's capacity to remedy.

- 2) A breach of this policy by members of Council staff will be dealt with in accordance with any relevant staff agreements, awards, industrial agreements, contracts and Council policies, including the Code of Conduct.
- 3) If the matter tends to show or shows maladministration, corrupt conduct, serious and substantial waste, government information contravention or criminal activity, it will be referred by the General Manager to the appropriate investigative agency.

2. Roles and Responsibilities

2.1 The role of Council

- 1) Council is the owner of the Public Safety CCTV Program. Council is responsible for the development, implementation, monitoring and auditing of the Program as part of its broader community safety program.
- 2) Council retains ownership and has copyright in all CCTV footage, CCTV images and any documentation produced by Council officers in respect of the Public Safety CCTV Program. Council will be responsible for the introduction and implementation of this Code and all supporting procedures relating to the Program.
- 3) The NSW Police Force will enter into a Memorandum of Understanding (MoU) with Council setting out the respective roles and responsibilities of each party in relation to the Program.
- 4) Council will consult with, and provide relevant information to, members of the public about the operation of the Program and about any proposed changes to this Code. Council has primary responsibility for:
 - Compliance with this Code of Practice and the SOPs
 - The maintenance, management and security of the Program
 - The protection of the interests of the public in relation to the Program.

2.2 The role of the NSW Police

- 1) As a key partner in the Program, the Eastern Suburbs Police Area Command has agreed to act in accordance with this Code. The NSW Police Force will enter into a Memorandum of Understanding (MoU) with Council setting out the respective roles and responsibilities of each party in relation to the Program.
- 2) Authorised Police officers will have access to view CCTV monitors and receive images subject to approval by Council (see 3.8: *Release of CCTV footage and/or recorded material*).

- 3) Police will provide de-identified crime data, maps and/or intelligence to assist with evaluation of the Public Safety CCTV Program outcomes.
- 4) Police will participate in a CCTV audit team, which will convene six months after Program commencement and on an annual basis thereafter to review compliance with this Code and established SOPs in the operation of the Program.

3. Operational Information

3.1 Operational Boundaries

The area of operation shall be taken to be locations within the Double Bay commercial centre identified as having a higher crime risk or a specific need for CCTV coverage.

The Double Bay commercial centre incorporates:

- New South Head Road between Bay Street and Cross Street.
- the commercially zoned areas north of New South Head Road including Cross Street, Transvaal Avenue, Knox Lane, Knox Street, Bay Street, South Avenue, Cooper Street and Guilfoyle Avenue.
- the commercially zoned areas south of New South Head Road including Manning Road, Kiaora Lane, Kiaora Road and Bellevue Road.

3.2 System Description

The Program involves a number of cameras installed at locations throughout the Double Bay commercial centre. The cameras will record 24 hours per day. Cameras will be installed in areas within the Double Bay commercial centre that are identified as areas where crime is more likely to occur. These locations will be determined on the basis of crime statistics provided by the Police and other statistical data. Social, environmental and commercial considerations are also taken into account. 'Dummy' cameras will not be used by Council. Camera locations are shown in the attached diagram Annexure 1.

3.3 Authorised Operation

- 1) All members of Council staff and Police authorised to view and retrieve recorded footage and materials of the Public Safety CCTV Program shall undertake their duties under the authority of Council and Police, respectively, and shall receive appropriate training, including training in privacy requirements. A breach of this policy by any member of Council staff or Police will be dealt with in accordance with any relevant legislation, staff agreements, awards, industrial agreements, contracts and policies, including Codes of Conduct.
- 2) Standard Operating Procedures (SOPs) will supplement this Code, providing clear instructions for authorised members of Council staff and Police on all aspects of the operation of the program including duties, responsibilities and procedures to ensure adherence to the principles and purposes on which the

Program is based. The SOPs shall remain confidential as disclosure of the SOPs may potentially affect the effectiveness of the program.

- 3) The circumstances in which authorised Council staff and Police are able to access recorded footage will be carefully controlled by, and set out in, the SOPs and Memorandum of Understanding (MoU).
- 4) Authorised members of Council staff will be responsible for the retrieval of recorded footage and the management of the Program. The duties and responsibilities of authorised members of Council staff include:
 - The operation and maintenance of the CCTV equipment and software
 - Responding to requests from the Police relating to incidents and recorded material/footage in accordance with the MoU
 - Adherence to policies, rules of conduct and procedures
 - Undertaking basic maintenance and housekeeping
 - Reporting technical problems affecting the equipment to the nominated maintenance and service contractor appointed by Council.
- 5) Police will be able to access CCTV images via the monitoring screen located at Kiaora Place, Double Bay, subject to adherence to this Code and SOPs.

3.4 Use of Equipment

- 1) Authorised members of Council staff and Police shall use all equipment in an acceptable manner at all times and shall report immediately any damage, deficiency or malfunction identified. Authorised members of Council staff and Police will ensure the highest level of protection and care is exercised whilst using the equipment and property and shall take all prudent and reasonable actions necessary to protect the system against abuse, misuse, negligence, malicious damage and vandalism.
- 2) Equipment used for the Public Safety CCTV Program shall be used in accordance with this Code, the SOPs and relevant Council policies. All authorised members of Council staff and Police will be trained in the use of all equipment in accordance with the SOPs.

3.5 Monitoring Screen

The monitoring screen is the primary point for viewing and retrieval of footage and performing CCTV system checks. The monitoring screen shall only be accessed and utilised by authorised members of Council staff and Police. Access to unauthorised persons will be restricted, unless authorised by the General Manager.

3.6 Equipment Operating Manuals

Equipment operating manuals are for the use of authorised staff and maintenance staff only. The manual must not be copied or released to any third party.

3.7 Storage and Security of CCTV Footage

- 1) All recorded CCTV footage will be kept for a maximum of 30 days (recording cycle) unless it has been retained in accordance with *3.8 Release of CCTV Footage and/or Recorded Material*. After this 30 day period, footage will be overwritten.
- 2) Any footage retained from the system shall be kept in accordance with clause 3.14 (*Record Keeping*) having regard to System for Australian Recall Actions (SARA) guidelines published by NSW State Archives and Records Authority.

3.8 Release of CCTV Footage and/or Recorded Material

- 1) Access to CCTV footage and materials to comply with:
 - The requirements of Police, in relation to the investigation of crime or for the purpose of legal proceedings
 - A court order, warrant or subpoena
 - A formal request for public information under the *Government Information (Public Access) Act 2009*.
- 2) CCTV footage and/or recorded materials shall only be released to authorised persons of Council or the NSW Police if there is a specific requirement to verify an incident or event that has occurred. Requests must be submitted on a “Request for CCTV Footage form” and will be determined by Council’s Manager – Governance & Council Support. All requests will be dealt with in accordance with this Code, the SOPs, the privacy rights to personal information under the *Privacy and Personal Information Protection Act 1998 / Health Records and Information Privacy Act 2002*, right of access under the *Government Information Public Access Act 2009* and/or other relevant legislation.

Note: CCTV footage will be kept for a maximum of 30 days (recording cycle) as outlined in Clause 3.7. Due to the limited retention time of footage, any applications to access CCTV footage and/or recorded materials should be submitted Council within 25 days of the date of the incident/recorded event.

- 3) If any other organisation or an individual who is not a member of the NSW Police makes a request for CCTV footage, the following steps must be followed:
 - A request is made in accordance with the *Government Information (Public Access) Act 2009*.
 - Applicants should be aware that Conditions of Use (Annexure 2) will apply to the release of the material, and the material may be issued in a form other than that originally requested in order to comply with the *Privacy and Personal Information Protection Act 1998* and as outlined in Part 4 Division 6 of the GIPA Act. For example:
 - additional information in the footage may need to be pixelated,
 - arrangements may be made to view the footage rather than receive a copy,
 - a still image from the CCTV may be supplied.

Note: CCTV footage will be kept for a maximum of 30 days (recording cycle) as outlined in Clause 3.7. Due to the limited retention time of footage, any applications to access CCTV footage and/or recorded materials should be submitted Council within 25 days of the date of the incident/recorded event.

3.9 Viewing of CCTV footage on control monitor

- 1) Viewing of CCTV footage on the control monitors is restricted to authorised members of Council staff and Police. Under no circumstances are unauthorised persons allowed to view CCTV footage from the control monitors.
- 2) Prior to viewing CCTV footage, the member of Council staff or Police responsible for monitoring the program shall record the name of the person(s), their position, department, contact details, and reasons for viewing the footage in the CCTV access log.

3.10 Destruction of Recorded CCTV Footage

Copies of footage provided under 3.8 *Release of CCTV Footage and/or Recorded Material* will be saved securely in Council's EDRMS system. Retention values will be added to the registered footage in accordance with Disposal and Retention requirements. Records will only be destroyed in accordance with these requirements as managed by Council's Record's Team Leader.

3.11 Loss or damage of recorded CCTV Footage

In the event that copies and/or records of footage become damaged or lost for whatever reason, the authorised staff member shall immediately inform the General Manager and submit an incident report form to Council's Chief Information Officer, setting out all details as to the cause and nature of such damage or loss.

3.12 Maintenance of CCTV equipment

- 1) CCTV equipment will be maintained by the authorised contracted company. The appointed contractor will work under the direct supervision of an authorised member of Council staff. All field visits by maintenance staff must be approved in advance and in writing by an authorised member of Council staff.
- 2) At any time that works are performed upon the system, including minor works, authorised members of Council staff are to perform a quality control check of all recording and camera equipment on completion of the works.

3.13 Confidentiality

Under no circumstances is any technical information relating to the Program, including the number of authorised members of Council staff and Police, camera capability, police procedures etc., to be provided to any unauthorised person.

3.14 Record keeping

Records supplied as evidence and other program documentation will be retained in accordance with the *State Records Act 1998* and Council's records keeping policy and procedures.

4. Information and Communications

4.1 Signage

Clearly visible signs that CCTV cameras are operating will be displayed at the perimeter of the Commercial Centre covered by the system and at other key points. These signs will:

- Inform members of the public that cameras are in operation for the purposes of crime prevention and community safety
- Identify Council as the owner of the system and provide a telephone number and website address for further information, inquiries, access or complaints
- Stipulate that the CCTV cameras operate in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.

4.2 Public Awareness

- 1) Information explaining the introduction of the CCTV system will be promoted through media accessed by people who live and work in the Woollahra LGA. Information about the system will also be promoted via council's website and through other communications strategies utilised by Council.
- 2) Advice about the program has been provided to Council staff in accordance with the provisions of the *Workplace Surveillance Act 2005*.

4.3 Inquiries

Inquiries in relation to Council's Program and its operation can be made in writing to:

General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

4.4 Media Enquiries

All media enquiries and statements regarding the Program are to be referred to Council's Communications Department.

5. Program Monitoring and Review

A report that considers the findings of a compliance audit, an evaluation of program outcomes and a review of the program policies and guidelines will be prepared after six months of program commencement and every twelve months thereafter.

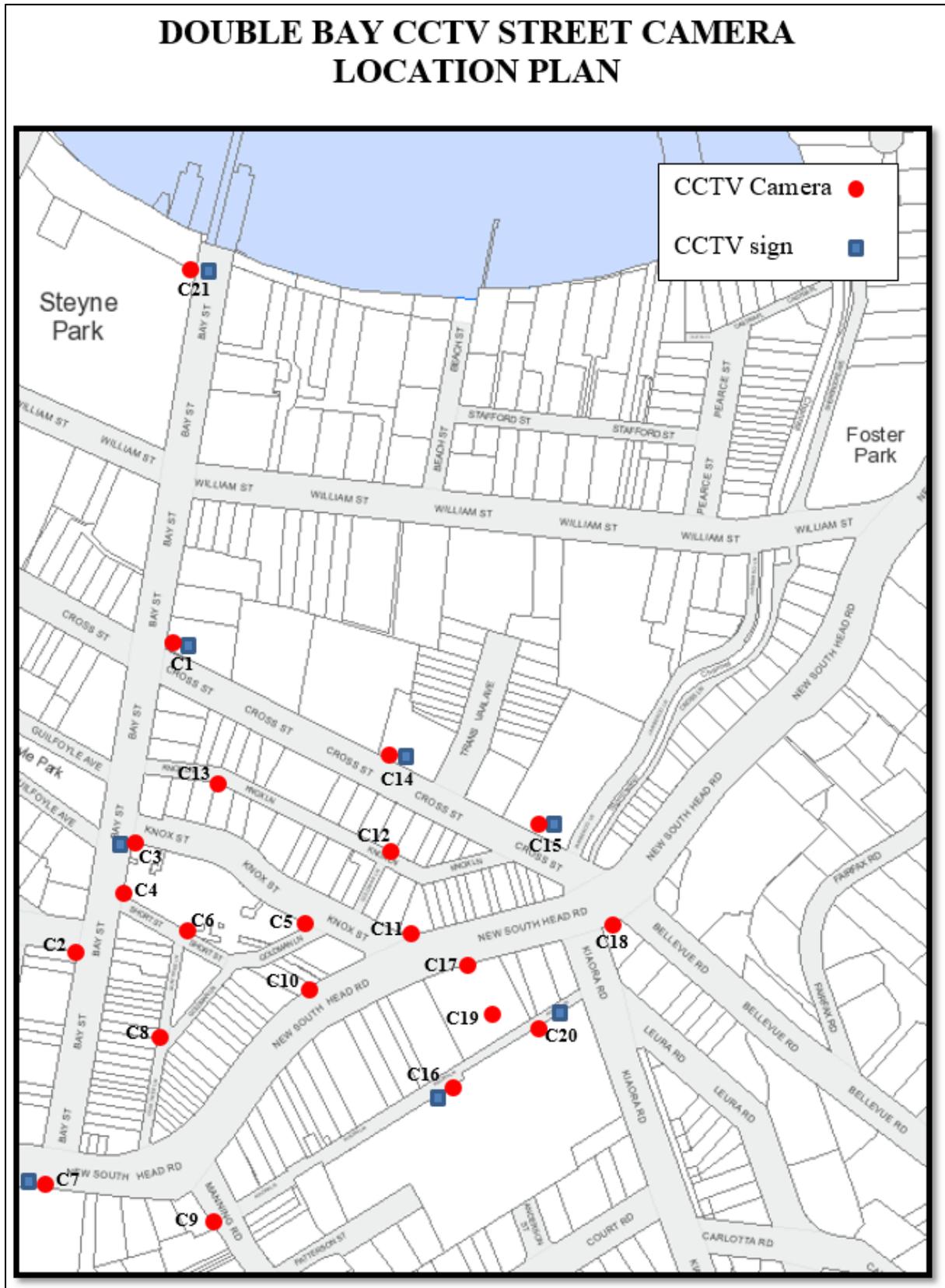
5.1 Compliance Audit

- 1) An audit will be conducted six months after program commencement, and every twelve months thereafter, to ensure the Public Safety CCTV Program is being implemented in accordance with this Code and the SOPs. The audit will be undertaken by the CCTV audit team, which will include authorised representatives of Woollahra Municipal Council and Eastern Suburbs Police Area Command. Each member of the audit team should be conversant with this Code and the SOPs. After 2 years of operation of the system, an audit of the operation of the system will be undertaken by Council's Internal Auditor.
- 2) The audit inspection shall include as a minimum a review of:
 - All requests for CCTV footage within the period
 - All incident report forms completed during the period
 - CCTV footage storage provisions and procedures
 - CCTV footage deletion and destruction provisions and compliance
 - Compliance with all procedures and documentation as required.
- 3) To protect the privacy of members of the public, no member of the CCTV audit team will have the right to release information gathered as part of the audit process to any individual or organisation. CCTV footage held by Council which is considered to breach the privacy of any individual or indicate misuse of the system is to be placed into the custody of the Manager - Governance & Council Support (Privacy Contact Officer) for appropriate action.
- 4) The audit team shall provide a written report to the General Manager within 28 days of carrying out an audit, setting out any discrepancies, deficiencies or concerns uncovered as part of the audit. The General Manager shall, upon receiving the CCTV audit report, take necessary action to remedy any deficiencies or inadequacies identified in the CCTV audit report and provide a report to Council in relation to such action.

5.2 Review and/or changes to the Program, policies and guidelines

The Program, Code, SOPs and MoU shall be reviewed twenty four (24) months after implementation and thereafter on a bi-annual basis by Council. This review is to be undertaken by the Director Technical Services and Council's Manager - Governance & Council Support in conjunction with Police and other relevant stakeholders. The review will consider the effectiveness of the Code, SOPs and MoU in supporting the Public Safety CCTV Program to achieve maximum benefits for the community of Woollahra. A report based on the review will then be submitted to Council setting out any recommended changes to the Code or SOPs.

Annexure 1: Map of CCTV camera locations



**Annexure 2: Public Safety CCTV Program footage –
GIPA request Conditions of Use (Section 3.8.3)**

The following conditions of use are required to be signed and submitted along with an Application for Access to Council Information (GIPA) – Application to Woollahra Municipal Council.

1. I Acknowledge that any footage and/or photograph released to me is the property of the Woollahra Municipal Council Public Safety CCTV Program.
2. I will not allow copies of any footage and/or photograph/s released to me to be reproduced except for court purposes, legal proceedings or subpoena.
3. I will not show or display any image or release it publicly without the prior written consent of Woollahra Municipal 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 the GIPA application.
6. 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 Woollahra Municipal Council.

SIGNATURE

I have read the Conditions of Use and the Conditions of Entry above and agree to abide by them in the event that Woollahra Municipal Council releases to me a copy of footage and/or photograph/s or approves the viewing of footage and/or photograph under the provisions of the Government Information (Public Access) Act 2009.

Applicant:

Name	<i>Name of Applicant</i>		
Signature	<i>Signature of Applicant</i>	Date	/ /

Please Note:

CCTV footage will be kept for a maximum of 30 days (recording cycle) as outlined in Clause 3.7. Due to the limited retention time of footage, any applications to access CCTV footage and/or recorded materials should be submitted Council within 25 days of the date of the incident/recorded event.

Revisions:

Date	Responsible Officer	Description
20/11/2017	Manager Governance & Council Support	Clause 1.7 (Complaints), Clause 3.7 (Storage and Security of CCTV Footage) Clause 3.8 (Release of CCTV Footage and/or Recorded Material), and Annexure 2 amended to incorporate IPC feedback.
27/11/2017	Designated Officer	<ul style="list-style-type: none"> - Updated Annexure 1: map of CCTV Camera locations - Replaced “Rose Bay Local Area Command” with new entity name of “Eastern Suburbs Police Area Command”
23/1/2018	Designated Officer	<ul style="list-style-type: none"> - Amended Initial Review Date – system commenced January 2018 - Updated Clause 3.2 (cameras record 24 hours), Clause 3.3.5 (replaced monitoring screen location from <i>Cosmopolitan Building</i> to <i>Kiaora Place</i>)
13/2/2018	Designated Officer	<ul style="list-style-type: none"> - Updated Annexure 1: map of CCTV Camera locations – final details from installation company
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		-