

Closed Circuit Television (CCTV) Policy

Policy type	Administration
Function	Infrastructure
Policy Owner	Facilities
Effective date	11 February 2021

1. Purpose

This Policy sets out the framework governing the establishment and operation of Council's Closed-Circuit Television (CCTV) systems. This Policy outlines how Council collects and manages personal information associated with the installation and use of CCTV systems and ensures access to, and requests for footage are managed in accordance with relevant legislation.

The primary objectives of the CCTV System are as follows:

- i) To reduce crime levels by deterring potential offenders;
- ii) To assist in the investigation and/or prosecution of offenders;
- iii) To reduce fear of crime within the community; and
- iv) To help secure a safer environment for those whom work in, live in and visit the Cassowary Coast Region.

The secondary objectives of the CCTV System may include:

- i) To monitor or record progress of construction/works at Council property;
- ii) To obtain data of usage of roads or other Council facilities for future planning purposes;
- iii) To monitor operational aspects of Council facilities including, water levels, waste levels or general asset condition;
- iv) To monitor compliance with, or identify breaches against, Council Local Laws and Policies; and
- v) Assist in the enforcement of Leases, Permits & the collection of Fees & Charges.

2. Scope

This policy applies to all Council owned and Council managed CCTV Systems installed within Council property and in public spaces within the Cassowary Coast, however does not apply to body worn or vehicle based cameras.

The policy applies to all Council employees, contractors and other parties involved with the installation, management, maintenance and monitoring of Council's CCTV cameras.

3. Definitions

Authorised QPS Representative – An officer whom is listed on the register maintained for the respective Police Station as provided by the Officer in Charge

CCTV System – includes all components of the Closed Circuit Television System including cameras, transmission equipment and video management software

CCTV Footage – includes all video images and still images captured on Council owned CCTV Cameras

Code of Practice – refers to the executed agreement between Council and Queensland Police Service relating to CCTV systems housed within their relevant stations

Confidential information – is information generally not, known by or available upon request, to the public which could be specifically referred to as such information that may relate to Council's commercial or other activities and may include legal advice obtained by Council. Such confidential information includes discussions, documents, electronic data/media, tape recording, emails, facsimiles or attachments.

Council – means Cassowary Coast Regional Council

Councillors – duly elected Councillors of Cassowary Coast Regional Council

IP Act - is the obligations on Council when it deals with personal information under the privacy principles in the *Information Privacy Act 2009*.

Local Government Employee – means—

- (a) the chief executive officer; or
- (b) a person holding an appointment under [section 196](#) of the *Local Government Act 2009*.

Personal information – is information, including information forming part of a database, whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information.

QPS – Queensland Police Service

4. Policy

As the responsible manager of the CCTV system Council is committed to ensuring the key following principles are followed:

1. CCTV Systems will only be operated fairly, within applicable law, and only for the purposes contained within the specified system objectives;
2. The system will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religions and political expression and assembly;
3. Access to CCTV Systems will be restricted to authorised users and protected from unauthorised access; and
4. The CCTV system and all relevant operations will function in accordance with relevant Federal and State privacy and recordkeeping legislation.

4.1 QPS Arrangement

In accordance with the relevant Code of Practice Agreements, Council will provide QPS Innisfail and QPS Tully with access to the CCTV network for monitoring and review purposes.

If footage is to be extracted from the network for the purpose of law enforcement or to assist in investigations a 'CCTV – Footage Release Request Form (Law Enforcement)' must be submitted to Council by an authorised QPS Officer and authority provide by an authorised Council Officer prior to the extraction of footage.

Immediate release of footage may be verbally granted by Council only in the event Council is satisfied

on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.

4.2 Monitoring of Cameras

Council CCTV Systems that operate on continuous recording will not actively be monitored by Council on a “real time” basis, nor will the recordings be generally reviewed. In some circumstances (such as during public events) it may be appropriate for real time monitoring to occur by Council staff and/or QPS representatives.

Where monitoring equipment is installed at a QPS facility under a Code of Practice, it is acknowledged that authorised QPS Officers may undertake live monitoring in the interest of public safety.

4.3 Privacy Requirements

All cameras will be positioned in a way to capture the designated surveillance area and not unreasonably intrude on an individual’s privacy or neighboring properties. Cameras will not be placed in a manner to record people in any place that one would reasonably expect privacy such as bathrooms or change rooms.


4.4 Disclosure of Personal Information

4.4.1 In Accordance with the IP Act council may permit disclosure of CCTV footage that contains personal information to relevant agencies or legally authorised parties for the purposes of-

- Providing evidence in criminal proceedings
- Providing evidence in civil proceedings
- Identification and detection of crime (includes identification of offenders)
- Identification of witnesses
- The individual has expressly or impliedly agreed to the disclosure; or
- Council is satisfied it is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare

4.4.2 Schedule 3 of the IP Act lists Council’s requirement in relation to the disclosure of Personal Information. Individuals have the right of access to their personal information in a Local Government’s possession or control. Council is not required to give an individual access to their personal information if -

- The agency is authorised or required under an access law to refuse to give the access to the individual;
- The personal information is expressly excluded from the operation of an access law;
- On balance it is contrary to the public interest to give the access; or
- Other individuals’ personal information is also contained, unless the third party individual is being depicted as being engaged in unlawful or anti-social conduct and the release of the record may assist in identifying the individual.



If an individual requires CCTV footage containing their personal information a ‘*CCTV – Footage Release Request Form (Personal Information)*’ must be submitted to Council by the individual and authority provided by an authorised Council Officer prior to the extraction of footage. In the event Council is not satisfied that the release is permitted under the IP Act’s Privacy Principles, than the Individual has a legal right to apply under the *Right to Information Act 2009* or *Information Privacy Act 2009* for access.

4.5 Security & Access to Footage

Access to CCTV Recorders and video management software shall be limited to authorised officers within Council, authorised QPS representatives and authorised contractors listed.

Council endeavors to maintain security safeguards over the CCTV system adequate to provide the level of protection that can reasonably be expected to be provided. These safeguards include:

- Restricted access to offices and facilities containing CCTV Equipment;
- Password protection to all Video Management Software;
- Maintaining registers of all authorised personnel to download footage;
- Retaining documented forms for all requests for CCTV footage;
- Maintaining Registers of all downloaded footage (for both internal & external utilisation)

4.6 Signage

Council commits to taking all reasonable steps to ensure an individual is generally aware of the utilisation of CCTV recording within Council Facilities and public spaced by installing physical signage within the proximity of all recording software, this signage includes:

- The purpose of the collection;
- The agency collecting this data (Council) and contact details for the agency;
- The legislation of which Council abides by in this collection; and
- Any details of third parties that the information may be distributed to (QPS)

4.7 Retention of Data

Council retains CCTV footage in accordance with the General Retention and Disposal Schedule (GRDS) under s.26 of the Public Records Act 2002. All recording equipment attached to any Council CCTV system will be retained for no less than 7 days and no more than 90 days after it has been initially captured and after that period will be overwritten by new data. CCTV footage may be preserved for a further duration under this policy if the following occurs:

- the surveillance recordings are requested by investigative and law enforcement agencies;
- the record is required in potential legal proceedings;
- the footage is required to be utilised by Council in enforcement of Local Laws; or
- a request is received to access the record by any other party.

Where practical and possible, data that is retained shall only include that section of the recording which is necessary for the intended purpose of the recording.

Related forms, policies and procedures	Code of Conduct for Employees Councillor Code of Conduct Information Privacy and Confidentiality Policy CCTV – Footage Release Request Form (Law Enforcement) CCTV – Footage Release Request Form (Personal Information)
Relevant legislation	<i>Information Privacy Act 2009</i> <i>Public Records Act 2002</i> <i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Right to Information Act 2009</i> <i>Privacy Act 1988</i> <i>Human Rights Act 2019</i>
Reference and resources	Guideline – Camera Surveillance Office of the Information Commissioner General Retention and Disposal Schedule (GRDS) under s.26 of the <i>Public Records Act 2002</i>

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