

POLICY REGISTER

CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM POLICY

Policy adopted: 27th September 2018 Minute No. 214.9.18

Reviewed: 25th July 2024 Minute No. 183.7.24
22nd May 2025 Minute No. 168.5.25

File Ref: P13-1, L7-1.5

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0		First Edition	Council Minute No. 105.4.17 (27th April 2017)
2.0		Second Edition	Council Minute No. 214.9.18 (27th September 2018)
3.0	Town Services Manager July 2024	Third Edition	Council Minute No. 183.7.24 (25th July 2024)
4.0	Divisional Manager Engineering Services May 2025	Fourth Edition	Council Minute No. 168.5.25 (22nd May 2025)

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1. INTRODUCTION

- 1.1.1 Warren Shire Council (the Council) is committed to ensuring safety for all people who live in, work in or visit the Warren Shire Local Government Area (LGA).
- 1.1.2 The Warren Shire Council CCTV Policy (the Policy) 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*.

2. POLICY FRAMEWORK

2.1 CCTV Program Aim

The CCTV Program (the Program) aims to protect people and property, reduce the opportunity for crime and enhance perceptions of safety within the Warren Shire LGA.

2.2 Legislation and Guidelines

- 2.2.1 This Policy is based upon relevant legislation and accompanying guidelines for the establishment and monitoring of CCTV systems in public places. These include the:
 - *Australian Standard AS 4806.1: Closed circuit television (CCTV)*;
 - *Government Information (Public Access) Act 2009*;
 - *Local Government Act 1993*;
 - *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed-Circuit Television (CCTV) in Public Spaces (2000)*;
 - *Privacy and Personal Information Protection Act 1998*;
 - *State Records Act 1998*;
 - *Workplace Surveillance Act 2005*.
- 2.2.2 This Policy, where required, is supported by confidential Operating Procedures (OPs) for the effective management, operation and monitoring of the Program.

2.3 Guiding Principles

The Policy is based on the following guiding principles:

- 2.3.1 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 Policy.
- 2.3.2 The Program will only be used to identify criminal activity occurring within the area covered by the Program.
- 2.3.3 The Program will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to political expression and assembly.
- 2.3.4 Regular review and evaluation of the Program will be undertaken to identify whether its aims and objectives are being achieved.
- 2.3.5 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 policy and relevant legislation.

- 2.3.6 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.
- 2.3.7 The retention of, and access to recorded material will be only for the purposes provided by this Policy. 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.
- 2.3.8 Formal operating procedures (OPs) will be developed to ensure compliance with this Policy, legislation and relevant guidelines.
- 2.3.9 All CCTV installations will be registered on the NSW Police Force CCTV Register
https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details

2.4 Confidentiality

Council will ensure the confidentiality and security of all images captured by CCTV will be protected by ensuring that under no circumstances:

- a. Will any information related to images captured by CCTV to be disclosed to a third party unless authorised by Council;
- b. Will any information relating to the technical operation of the CCTV system, including the OPs or maintenance procedures, be disclosed to any unauthorised person.

2.5 Breaches of this Policy and Operating Procedures

- 2.5.1 Primary responsibility for ensuring adherence to this Policy and its operating procedures rests with Council. This includes ensuring that any breaches of the Policy and the operating procedures are investigated and remedied to the extent that such breaches are within Council's capacity to remedy.
- 2.5.2 A breach of this Policy by members of Council staff will be dealt with in accordance with the Award, the Code of Conduct and the Code of Conduct Procedures.
- 2.5.3 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.

3. ROLES AND RESPONSIBILITIES

3.1 The Role of Council

- 3.1.1 Council is the owner of the Program. Council is responsible for the development, implementation, monitoring and auditing of the Program.
- 3.1.2 Council retains ownership and has copyright in all CCTV footage, CCTV images and any documentation produced by Council officers in respect of the CCTV program. Council will be responsible for the introduction and implementation of this Policy and all supporting procedures relating to the Program.
- 3.1.3 Council has primary responsibility for:
 - The maintenance, management and security of the Program;
 - The protection of the interests of the public in relation to the Program.

3.2 The Role of the NSW Police Force

- 3.2.1 Authorised NSW Police Force officers will have access to The Program and access to view and retrieve images.

4. OPERATIONAL INFORMATION

4.1 Operational Boundaries

The area of operation shall be taken to be locations within the Warren Council (LGA) identified as having a specific need for CCTV coverage.

4.2 System Description

- 4.2.1 The Program involves a number of cameras installed at locations throughout the LGA. Cameras will be installed in areas that are identified as areas where crime, such as vandalism, 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.
- 4.2.2 Recorded footage can be retrieved by authorised members of Council staff and NSW Police Force. All recorded footage is retained for 30 days, unless required in relation to:
- a. The investigation of a crime;
 - b. Court proceedings;
 - c. A request for public information.

4.3 Authorised Operation

- 4.3.1 All members of Council staff and NSW Police Force authorised to operate, monitor and retrieve recorded footage and materials of the CCTV Program shall undertake their duties under the authority of Council and the NSW Police Force, respectively, and shall receive appropriate training, including training in privacy requirements.
- 4.3.2 Operating Procedures (OPs) will supplement this Policy, providing clear instructions for authorised members of Council staff and the NSW Police Force 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.
- 4.3.3 The circumstances in which authorised Council staff and NSW Police Force are able to access recorded footage will be carefully controlled by and set out in the OPs.
- 4.3.4 Council staff authorised by the General Manager and NSW Police Force Staff will be responsible for the retrieval of recorded footage.
- 4.3.5 Authorised members of Council staff will be responsible for the management of the Program. The duties and responsibilities of authorised members of Council staff include:
- a. The operation and maintenance of the CCTV equipment and software;
 - b. Responding to requests from other law enforcement agencies relating to incidents and recorded material/ footage;
 - c. Adherence to policies, rules of conduct and procedures;
 - d. Undertaking basic maintenance and housekeeping;
 - e. Reporting technical problems affecting the equipment to the nominated maintenance and service contractor appointed by Council.

4.4 Use of Equipment

- 4.4.1 Authorised members of Council staff 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 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.
- 4.4.2 Equipment used for the Program shall be used in accordance with this Policy, the OPs and any relevant Council policies. All authorised members of Council staff will be trained in the use of all equipment in accordance with the OPs.

4.5 Monitoring Screen

The review and retrieval of footage and performing CCTV system checks can be carried out by authorised persons from any network linked computer or remotely with a secure internet connection. The system shall only be accessed and utilised by authorised members of Council staff or NSW Police.

4.6 Responding to an Event or a Criminal Incident

- 4.6.1 In the event that an authorised member of Council staff observes footage and/or recorded material which reveals suspected criminal behavior, the officer will:
 - a. Refer the incident as soon as possible to their Divisional Manager, Manager and General Manager;
 - b. Notify the NSW Police Force as to the circumstances of any criminal event (if observed by Council);
 - c. Ensure footage is secured, saved and marked appropriately in the event that it is required for legal purposes;
 - d. Complete an incident report form.
- 4.6.2 When compiling incident reports the authorised member of Council staff shall ensure that the exact location, time, date and relevant particulars pertaining to the event are included in the incident report form. The incident report should include any action taken by the officer, including notification to the NSW Police Force and/or other emergency authorities, if applicable.

4.7 Storage and Security of CCTV Footage

- 4.7.1 All recorded CCTV footage will be kept for a maximum of 30 days (recording cycle). After this period, footage will be overwritten.
- 4.7.2 The management software logs whom accesses the system, the time, date and changes made, or data downloaded. All copies of recorded CCTV footage are to be kept in a securely locked cupboard, with access restricted to authorised personnel.

4.8 Release of CCTV Footage and/ or Recorded Material

- 4.8.1 Access to CCTV footage and materials will only be provided to comply with:
 - a. The requirements of the NSW Police Force in relation to the investigation of crime or for the purpose of legal proceedings;
 - b. A subpoena;
 - c. A valid formal request for public information to which Council decides to provide access under section 58 of the *Government Information (Public Access) Act 2009*.

- 4.8.2 CCTV footage and/ or recorded materials shall only be released to authorised persons of Council or the NSW Police Force 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 within 21 days of an alleged incident. All requests will be dealt with in accordance with this Policy, the OPs, the *Privacy and Personal Information Protection Act 1998* and other relevant legislation and must be approved by Council's Privacy Contact Officer.
- 4.8.3 If any other organisation or individual makes a request for CCTV footage, this request should be made in accordance with the *Government Information (Public Access) Act 2009*. Such requests will be assessed in accordance with the Act.

4.9 Viewing of CCTV Footage

- 4.9.1 Viewing of CCTV footage is restricted to authorised members of Council staff and the NSW Police Force. Under no circumstances are unauthorised persons allowed to view CCTV footage from the system.

4.10 Release and Security of CCTV Hard Drive

The CCTV hard drive of the CCTV system can only be released where a court subpoena has been issued on Council. The details of any such subpoena must be entered into Council's Subpoena/Legal Register.

4.11 Destruction of Recorded CCTV Footage

Copies of recorded CCTV footage may only be deleted or destroyed when authorised by Council's Divisional Manager of Finance and Administration.

4.12 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 Work Health Safety Risk Officer, setting out all details as to the cause and nature of such damage or loss.

4.13 Equipment Failure

If any item of CCTV equipment is found to be defective, has failed, or is not working in accordance with its intended purpose, in addition to submitting an incident report form, the Risk Officer is to be contacted immediately, whether or not the failure is deemed to be of an urgent nature or not. If such failure or repair is deemed to be of an urgent nature, the authorised repairer/ contractor shall be contacted immediately.

4.14 Maintenance of CCTV Equipment

- 4.14.1 CCTV equipment will be maintained by the appointed contractor. 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.
- 4.14.2 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.

4.15 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 Policy.

5. INFORMATION AND COMMUNICATION

5.1 Signage

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

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

5.2 Public Awareness

- 5.2.1 Information explaining the introduction of the CCTV system will be promoted through media accessed by people who live and work in the Warren Shire LGA. Information about the system will also be promoted via council's website www.warren.nsw.gov.au and through other communications strategies utilised by Council.

6. 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.

6.1 Compliance Audit

- 6.1.1 An audit will be conducted every 2 years to ensure the Program is being implemented in accordance with this Policy and the OPs. The audit will be undertaken by Council's Internal Auditor Group.
- 6.1.2 The audit inspection shall include as a minimum a review of:
 - a. All requests for CCTV footage within the period;
 - b. All incident report forms completed during the period;
 - c. CCTV footage storage provisions and procedures;
 - d. CCTV footage deletion and destruction provisions and compliance;
 - e. Compliance with all procedures and documentation as required.
- 6.1.3 The Internal Auditor Group shall provide a written report to the Council within 28 days of carrying out an audit, setting out any non-compliance, deficiencies or concerns uncovered as part of the audit.

6.2 Evaluation of Program Outcomes

- 6.2.1 Council will conduct an evaluation of the Program outcomes every 2 years. The evaluation of the Program will include as a minimum:
 - a. An assessment of its impact upon crime as demonstrated through reported crime rates pre and post system implementation;
 - b. As assessment of its impact on detection and prosecution of offenders

through consideration of number of retrievals of footage and the number of investigations and prosecutions supported by CCTV footage;

- c. The views of the public on the operation of the program as demonstrated through Council's customer feedback system, community consultation and other means;
- d. Whether the purpose for which the Program was established are still relevant.

6.2.2 The results of the evaluation will be provided to Council.

7. REVIEW

This Policy should be reviewed every 4 years or within 12 months of a Council election. The Policy may be reviewed and amended at any time at Council's discretion (or if legislative changes occur).