

Closed-Circuit Television (CCTV) System Procedure

Policy Type	Governance Procedure	Version:	2
Responsible Officer	Manager Information Systems	Date Approved:	16/04/2024
Review Officer:	Director Corporate & Community Services	Review Due:	16/03/2028
Author:	Manager Information Systems	Commencement:	16/04/2024

1. PURPOSE

To provide a framework for the management and operation of Council's Closed-Circuit Television (CCTV) system. This procedure should be read in conjunction with Council's *Closed-Circuit Television (CCTV) System Policy*.

2. SCOPE

This procedure applies across Council:

- to any CCTV system installed and owned and operated by Mareeba Shire Council at any location within the Mareeba Shire Council local government jurisdiction, whether as one fully integrated system linking all towns across the shire or as separate individual stand-alone systems, and includes both mobile and fixed CCTV equipment, however, it does not apply to the operation and administration of:
 - BWC (Body Worn Camera) systems;
 - covert camera surveillance devices deployed for investigative purposes, e.g., gathering of evidence for enforcement of a Local Law;
 - devices deployed within restricted access Council owned facilities for the protection of Council assets, e.g., deployed at depots and compounds;
 - Despite the above, Section 3.2 of this Procedure applies to **any** captured video records, irrespective of their source.

3. PROCEDURE STATEMENT

3.1 SCHEDULE OF FIXED CCTV SITES

The Schedule appended to this procedure contains a listing of sites where fixed CCTV is currently in use.

3.2 DISCLOSURE OF PERSONAL INFORMATION TO EXTERNAL AGENCIES/LEGALLY AUTHORISED PARTIES

Other than where disclosure is required by law, on application and with the prior written approval of the CEO or an authorised delegate, Council may permit the controlled disclosure of CCTV data that contains personal information to relevant agencies or legally authorised parties in accordance with Council's *Closed-Circuit Television (CCTV) System Policy*.

Council is deemed to have disclosed CCTV data when it either:

- provides a secondary copy of the data to the applicant or,

- permits the applicant to view the data on Council premises.

Council is cognisant that the premature disclosure of data concerning a criminal incident may compromise Police capacity to investigate and/or prosecute a crime. Unless otherwise required under a specific statutory instrument, a decision about the disclosure of information to a third party other than QPS concerning a criminal incident will be made only after consultation has occurred with the District Inspector of Police. This will assist in determining if the release of the information will likely compromise a QPS investigation.

3.2.1 Requests for Disclosure

Where an agency or legal representative requests the disclosure of CCTV data, the following provisions will apply:

- Requests must be made on the prescribed application form.
- Prior to disclosing any data, the releasing officer shall ensure that all relevant provisions of information privacy and access legislation and Council information release policies have been met.¹
- Prior to taking possession of or viewing any data, the requesting officer/s shall complete and sign the relevant prescribed application form.
- The application form will include a statement stipulating the intended usage of the disclosed data and cite the Information Privacy Principle² that permits such release:

Restriction on use of disclosure: *In accordance with Information Privacy Principle 11(3) in Schedule 3 of the Information Privacy Act 2009 (Qld), Mareeba Shire Council requires that you must not use or disclose the information disclosed to you for a purpose other than {applicable reason}.*

- Where applicable, personal information that is not the subject of a request should not be included in the images released.
- Where the applicant requests to view CCTV data on Council premises, such viewing will take place in a controlled environment.

Whilst every precaution is taken to ensure the integrity of those requesting the disclosure of data recorded by the CCTV system, Mareeba Shire Council will not be held liable for the inappropriate use of released data.

3.2.2 Disclosure of information under information access legislation

Entities can apply to access CCTV data under the Right to Information or the Information Privacy Acts.

Such requests will be processed through a formal access application under relevant information privacy and access legislation.³

Applications received will be dealt with in accordance with the requirements set out in the relevant legislation and will be assessed and managed by Council's appointed Right to Information officer.

¹ *Information Privacy Act 2009 (Qld); Right to Information Act 2009 (Qld); Administrative Access Scheme Policy (MSC).*

² *See Information Privacy Act 2009 (Qld) schedule 3 IPP 11 Limits on disclosure.*

³ *See Right to Information Act 2009 (Qld) s 24.*

3.2.3 *Administrative access to data by the media*

Council may consider informal disclosure of data to the media under the following conditions:

- where it is reasonably necessary for the gaining of public information with respect to the safety or welfare of an individual or the identity of a person/s wanted in connection with a criminal investigation.
- Where consultation has occurred with the District Inspector of Police to determine if release would compromise an active investigation.
- Where the data has been assessed against the relevant Information Privacy Principles.⁴
- Where the information has been assessed against the relevant privacy legislation provisions and forms the basis of an exemption.⁵

3.2.4 *Record of disclosure*

Where CCTV data is disclosed by Council in accordance with the above, a record shall be kept which details:

- camera location
- date the data (primary image) was captured by the camera
- brief description of the incident that is represented
- time period covered by the data, for example, between 9.57pm and 10.15pm on 16 August 2012
- purpose for which data is disclosed, for example, evidentiary purposes in Court proceedings; RTI request
- recipient of the data

Typically, these records will be maintained in Council's Customer Request Management (CRM) system.

3.3 PUBLIC NOTIFICATION SIGNAGE

Signage will be erected in the vicinity of any fixed CCTV camera as per relevant Information Privacy Principle.⁶ Such signage will be consistent with the following template:

IMPORTANT NOTICE

*MAREEBA SHIRE Council is collecting your personal information (**{video and or audio}**) on a closed-circuit television (CCTV) system in this area. The personal information collected may be used for the purposes of **{applicable purposes}**. Your personal information will only be accessed by persons who have been authorised to do so. This information may be provided to **{Agency names}** for **{applicable purposes}** purposes. Your information will not be given to any other person or agency unless required by law. Your personal information is handled in accordance with the Information Privacy Act 2009. Enquiries in relation to this notice may be directed to MAREEBA SHIRE Council by calling 1300 308 461.*

⁴ See *Information Privacy Act 2009 (Qld)* schedule 3

⁵ See, eg, *Information Privacy Act 2009 (Qld)* s 28.

⁶ See *Information Privacy Act 2009 (Qld)* schedule 3 IPP 2—Collection of personal information (requested from individual)

4. REPORTING

Nil additional reporting is required

5. DEFINITIONS

CCTV System – means the totality of arrangements for closed-circuit television including, but not limited to, the technological system, staff and operational procedures.

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

NVR (Network Video Recorder) and DVR (Digital Video Recorder) – are interchangeable and relate to the storage device utilised by the relevant CCTV system.

6. RELATED DOCUMENTS AND REFERENCES

Administrative Access Scheme Policy (MSC)

Closed-Circuit Television (CCTV) Policy (MSC)

Code of Conduct for Councillors (MSC)

Employee Code of Conduct (MSC)

Information Privacy Act 2009 (Qld)

Right to Information Act 2009 (Qld)

7. REVIEW

It is the responsibility of the Manager Information Systems to monitor the adequacy of this procedure and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

SCHEDULE
List of Council fixed CCTV sites

Town	Facility	Coverage areas	Audio⁷
Kuranda	Community Precinct	Library Circulation desk	✓
Kuranda	Visitor Information Centre	Foyer, Southern wall	
Kuranda	Waste Transfer Station	Site	
Mareeba	Animal Refuge	site	
Mareeba	Waste Transfer Station	Site	

⁷ The recording of audio occurs at this site.