

Closed-Circuit Television (CCTV) System Policy

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Responsible Officer	Manager Information Systems	Date Approved:	16/04/2024
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Author:	Manager Information Systems	Commencement:	16/04/2024

1. PURPOSE

To set out the principles governing the establishment and management of Council's Closed-Circuit Television (CCTV) systems. This policy should be read in conjunction with Council's *Closed-Circuit Television (CCTV) System Procedure*.

2. SCOPE

This policy 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, 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.

3. POLICY STATEMENT

3.1 OBJECTIVES

The objective of the CCTV System is to:

- Assist in the prevention of crime by acting as a possible deterrent to potential offenders.
- Assist in the prosecution of incidents of illegal and/or inappropriate behaviours/activities that occur within the Mareeba Shire Council local government jurisdiction by making it easier for Council and law enforcement agencies to identify perpetrators.
- Obtain reliable information that may be used as evidence in court proceedings.
- Contribute to an integrated multi-agency approach to crime prevention and community safety.
- Obtain road/traffic data for use in future road network/traffic management planning.
- Obtain information in relation to road conditions, for example, the monitoring of water levels at river and creek crossings to determine if roads remain traversable.
- Monitor water levels at dams for public safety purposes.

- Enable Council to manage security at remote locations or sites that are unmanned outside of normal business hours, for example, at landfills and transfer stations.

3.2 PARTNERSHIP APPROACH

Subject to discussion and negotiation with relevant Queensland Police Service (QPS) personnel at the time of installation of CCTV equipment within nominated Mareeba Shire towns, the partnership arrangement between Council and QPS may involve the housing of monitoring equipment at local Police Stations.

Any such arrangements entered into with QPS will be documented in a formal Memorandum of Understanding (MOU).

3.3 GENERAL PRINCIPLES

Data recorded on Council's CCTV system shall only be used for the purposes outlined in this policy and access to that information shall only take place in accordance with this policy.

Cameras will not be used to intentionally monitor adjacent or nearby premises or buildings, although it is acknowledged that data captured by the cameras will generally include some exterior vision of business or other premises.

Any person who uses the equipment for any reason other than as outlined in this policy will be subject to disciplinary and/or legal action.

The management and operation of the Mareeba Shire Council CCTV system will:

- Be undertaken by authorised and appropriately trained Council officers.
- Be in accordance with applicable privacy and recordkeeping legislation.¹
- Comply with the principles of impartiality and integrity and operational and procedural efficiency.²
- Acknowledge that personal protection has priority over property protection.
- Have 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.³
- Ensure the disclosure of data is coordinated and controlled through a centralised point which accords with the provisions of current legislation⁴ and this policy.
- All data will be managed in accordance with relevant ICT information access instruments.
- Upon activation of any new fixed CCTV device, Council will immediately update the schedule list of Council fixed CCTV sites appended to the related procedure document.⁵

3.4 PUBLIC TO BE NOTIFIED

Council will comply with privacy legislation⁶ with respect to making individuals generally aware of:

- the purpose for the collection of their personal information
- any lawful authority for the collection

¹ See especially *Information Privacy Act 2009* (Qld), *Right to Information Act 2009* (Qld), *Public Records Act 2002* (Qld).

² See *Local Government Act 2009* (Qld) s 13. See also *Public Sector Ethics Act 1994* (Qld) ss 4-9.

³ See especially *Human Rights Act 2019* (Qld).

⁴ See especially *Information Privacy Act 2009* (Qld), *Right to Information Act 2009* (Qld).

⁵ See *Closed-Circuit Television (CCTV) System Procedure* (MSC).

⁶ See *Information Privacy Act 2009* (Qld) sch 3(2)—Information Privacy Principle 2.

- to whom Council may pass the information onto
- as appropriate, to whom the information may, in turn, be passed on to

3.5 MONITORING OF CAMERAS

Except where monitoring equipment associated with permanently fixed CCTV cameras is installed at a QPS facility under an MOU with QPS, such equipment will normally be installed at a secure Council administration centre or other available Council facility such as a library, depot or visitor information centre which meets the required security standards.

Where possible, mobile cameras (vehicle or trailer mounted) will be connected directly to their own NVR, which will be locked securely within the vehicle or in a lockable box attached permanently to the trailer.

Where data is being *recorded*,⁷ live monitoring of any installed CCTV system will not typically be undertaken by Council and, with the exception of data captured for road/traffic management and water level monitoring purposes, recorded data will only be viewed by Council in response to a valid disclosure application.⁸

Where monitoring equipment is installed at a QPS facility under an MOU between Council and QPS, it is acknowledged that authorised QPS officers may undertake live monitoring of cameras.

3.6 RETENTION OF CAMERA SURVEILLANCE DATA

Where possible, recording equipment attached to any Council CCTV system will be set to a maximum 30 day overwrite cycle, meaning that data recorded (the primary image) will be available for retrieval and viewing for a period of up to 30 days after it has been initially captured and after that period will then be overwritten (erased) by new data captured by the CCTV cameras. This period may be reduced, based on the capacity of the system's storage device. In some instances, this period may not be user configurable and will default to the setting defined by the system.

The exception to the above is:

- where the recorded data contains images relevant to an incident in respect of which a Police investigation has been, or is to be, undertaken and the surveillance data is, or may be, required for evidentiary purposes in a Court proceeding.
- where the recorded data contains images relevant to a breach of Council's local laws, or any other incident that requires further investigation, and Council may institute legal proceedings against the person/s who committed the breach.
- where a valid application has been received for disclosure of data that is still within the applicable retention period and additional time is required to process the application and/or having processed the application, it is deemed appropriate to disclose the requested data to the applicant.
- Where data captured for the purpose of road/traffic management is required for future planning and design of Council's road network and traffic management systems.
- Where Council has made the decision to disclose data to an external entity, such as the media.

Where data is required to be kept for the purposes outlined above, it will be transferred from the NVR onto Council's approved evidence management system or, should the data size exceed the practical capacity to

⁷ As opposed to where data is not being recorded—where a CCTV device is being used to assist with performance of a work function only and where the device holds no capability to record data.

⁸ See *Closed-Circuit Television (CCTV) System Procedure (MSC)*.

transfer/store the data on this system, retained on an appropriately secured storage device, and thereafter dealt with in accordance with the relevant current retention and disposal schedule issued by the State Archivist.

Where practical and possible, data that is retained shall only include that section of the NVR recording which shows the incident occurring with only those images prior to and after the incident necessary to show the incident as a whole.

3.7 MANAGEMENT OF ACCESS TO RECORDED DATA

Persons involved in the operation of the CCTV system shall not use data from the system:

- for voyeuristic purposes
- to gain advantage for themselves or any other person or body
- in ways which are inconsistent with their obligation to act impartially
- to improperly cause harm, detriment or embarrassment to any person, body or to Council
- to improperly influence others in the performance of their duties or functions

Data recorded on the NVRs and/or stored on other storage devices shall only be accessed by persons duly authorised by the CEO to do so. The recorded data is to be viewed in a controlled environment so that only authorised persons can see the images.

3.8 DISCLOSURE OF PERSONAL INFORMATION TO OTHER 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 for the purposes of:

- providing evidence in criminal proceedings
- providing evidence in civil proceedings
- the prevention of crime and disorder
- the investigation and detection of crime (includes identification of offenders)
- identification of witnesses
- research, or the compilation or analysis of statistics, in the public interest such as providing information on road usage data
- individual or public health, safety or welfare concerns
- the individual has expressly or impliedly agreed to the disclosure

3.9 SPECIFIC RESPONSIBILITIES - APPOINTED PERSONS

The following responsibilities have been assigned by Council's Chief Executive Officer in relation to the CCTV system:

3.9.1 *CCTV system management—system integrity and statutory compliance*

Council's Manager Information Systems is responsible for ensuring that at all times, the system is operated in accordance with this policy and relevant legislation and will be the initial point of contact for requests to access data captured by the system.

The Manager Information Systems will also be responsible for ensuring the integrity of the system and in this regard may request the services of an external agency to audit the application of this policy and operating procedures.

Council's Coordinator Governance & Compliance will process and endorse any data for release as requested under the information privacy and access legislation. That endorsement will ensure that the provisions of the aforementioned Acts have been met.

Viewing of recorded data to locate requested data of a reported incident will initially be undertaken by an appropriately trained staff member, appointed by the Manager Information Systems with the approval of the CEO.

Any requests for access to data that do not fall within the principles outlined in this policy will be referred to Council's legal advisers.

Record keeping associated with the operation of the CCTV system will be the responsibility of the authorised operational staff under the supervision of the Manager Information Systems to ensure that at all times, the requirements of the current recordkeeping legislation and associated standards are complied with.⁹

3.9.2 Technical Support Services

The Manager Information Systems is the person appointed to assume responsibility for in-house technical support to the CCTV system.

3.9.3 System Maintenance

Maintenance of the CCTV system network will be the responsibility of an appointed external contractor with the required technical qualifications and knowledge of CCTV systems. In general, this will be the contractor who supplied and installed the CCTV equipment.

3.10 COMPLAINTS

All complaints in relation to the CCTV system will be dealt with through the Council's adopted complaints management policy and investigated by the delegated Complaints Officer.

4. REPORTING

Nil additional reporting required

5. DEFINITIONS

Camera Surveillance – includes any *equipment* used to observe and record images, such as closed-circuit television (CCTV), temporary or fixed cameras (such as automatic number plate recognition cameras), body-worn video and unmanned aerial vehicles.

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.

⁹ See especially *Public Records Act 2002* (Qld); *Records Governance Policy v1.0.2* (QSA).

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)
Administrative Action Complaints Management Policy (MSC)
Closed-Circuit Television (CCTV) System Procedure (MSC)
Code of Conduct for Councillors (MSC)
Employee Code of Conduct (MSC)
Evidence Act 1977 (Qld)
Human Rights Act 2019 (Qld)
Information Privacy Act 2009 (Qld)
Local Government Act 2009 (Qld)
Public Sector Ethics Act 1994 (Qld)
Right to Information Act 2009 (Qld)

7. REVIEW

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