Audio Data Collection Policy – (CCTV)

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Responsible Officer	Manager Information Systems & Governance	Date Approved:	18/03/2026
Review Officer:	Director Corporate & Community Services	Review Due:	18/02/2028
Author:	Senior Advisor Governance & Compliance	Commencement:	18/03/2026

1. PURPOSE

To provide a principled framework for assessment and approval of proposals for purpose-specific enabling of audio data collection capability to support CCTV installations within and around Council controlled facilities to ensure compliance with obligations arising under specific legislation. This policy must be read in conjunction with Council's CCTV policy instruments.

2. SCOPE

- This policy applies across Council.
- This policy does not apply to *personal use* of listening devices as applies to circumstances outside the scope and context of Council's CCTV installations.[1]
- This policy does not apply to the use of Body Worn Camera devices.
- This policy does not apply to the collection of audio data for the purpose of animal management related investigations.

3. POLICY STATEMENT

Council is obliged to observe Part 4 of the *Invasion of Privacy Act 1971* (Qld) in relation to use of listening devices where such use may potentially capture a **private conversation**.[2] Council additionally holds obligations under the *Information Privacy Act 2009* (Qld) (IP Act) in relation to storage, handling and disclosure of any information (to include audio data) captured.

3.1 GENERAL ASSESSMENT PRINCIPLES

Where a proposal is raised for enabling of audio data collection capability at any Council controlled facility where CCTV is installed and operational or is proposed to be installed, Council will have regard for the context of the audio data collection to consider:

- The overarching purpose of the audio data collection enablement—what the audio data collection seeks to achieve—the proposal must align with the relevant *objectives* outlined in Council's existing CCTV policy.[3]
- The level of necessity for enhanced surveillance to include audio data collection to support the collection of CCTV image data at the subject location. Such necessity should include an objective assessment of the need for capture of enhanced audio material evidence based upon any prior documented incidents occurring at the subject location;

[1] See *Invasion of Privacy Act 1971* (Qld) s 42(2) for use of a listening device by a person who is **party** to a private conversation as defined. See also s 43(2) for the application of exemptions.

[2] See especially *Invasion of Privacy Act 1971* (Qld) s 43(1) and s 49A offence provision for a corporation and executive liability provision.

[3] See especially *Closed-Circuit Television (CCTV) System Policy* (MSC) s 3.1 **points 1-4**. See also s 3.3.

- Council's ability to *justify* the purpose for the audio data collection. Consideration should be afforded to the location of the intended capture. It will be inherently more difficult to justify collection in a non-public place such as a private office or work area for example;
- The level of risk assigned to the absence of audio data—the extent to which the absence of audio data obscures or prevents understanding of the CCTV image data collected at the subject location. To assist, consideration should be afforded to the expected level of additional understanding audio data will provide to the visual imagery data collected at the subject location;
- Assessment of the extent of expectation of persons regularly attending and moving about the subject location that privacy will exist at the subject location—the extent to which persons expect that what is spoken about at the subject location will remain private (see definitions section for **private conversation**). For example, a conversation will not be private in circumstances where a party to the conversation ought reasonably to expect the words may be heard by somebody else, i.e., a conversation held in a public place;[4]
- The length of time that the intended audio data collection is to remain in place along with the future potential of any requirement for prolonged ongoing collection of audio data at the subject location;
- The potential impact of *public perception* arising from the audio data collection activity given the existence of obligation to inform persons of the collection (see particularly, requirements under section 3.2 below);
- That all information collected from an audio enabled CCTV device installation forms the basis of a *public record*[5] immediately upon collection and is subject to the requirements of the *Public Records Act 2023* (Qld) which in turn imposes obligations on the ownership and keeping of public records.[6]
- That persons hold a right to and may apply for *access* to public records containing their personal information under the *Right to Information Act 2009* (Qld).[7]

3.2 INFORMATION PRIVACY

Council additionally holds obligations under the IP Act which regulates the collection, storage, handling, use and disclosure of **personal information** collected from any audio enabled CCTV device installation in a Council controlled area.[8] Collection of audio data must align with lawful purpose and must be consistent with Council CCTV and current recordkeeping policy. Accordingly, the following principles will apply to the assessment of any proposal for enabling of audio data collection at an existing or proposed CCTV installation location:

- Audio data may only be collected for a *lawful purpose* directly related to a function or activity of Council.[9]
- persons who may be captured by the audio data collection enabled CCTV installation, and therefore from whom *information* is collected, **must be made aware** of the purpose of the audio data collection and must be informed of any law authorising the audio data collection and to whom the information may be disclosed.[10] **Appropriate signage must be installed in the subject location** in accordance with Council's CCTV procedure.[11]
- Council will take all reasonable steps to ensure that personal information that is collected via enabling of audio data in conjunction with any CCTV installation is *relevant* to the purpose for which

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[4] See especially *Invasion of Privacy Act 1971* (Qld) s 43.

[5] See *Public Records Act 2023* (Qld) s 9 defines "public record" as information recorded on, in or by using any medium that is made, received or kept in the course of another public authority carrying out activities for a purpose of the authority, including the exercise of its statutory, administrative or other public responsibilities; and that evidences the activities, affairs or business of the authority.

[6] See *Public Records Act 2023* (Qld) ss 11, 13, 14, 15.

[7] See *Right to Information Act 2009* (Qld) s 23.

[8] See *Information Privacy Act 2009* (Qld) s 27.

[9] See *Information Privacy Act 2009* (Qld) sch 3 s 3 – QPP 3. See also *Closed-Circuit Television (CCTV) System Policy* (MSC) s 3.7.

[10] See *Information Privacy Act 2009* (Qld) sch 3 s 5 – QPP 5.

[11] See *Closed-Circuit Television (CCTV) System Procedure* (MSC) s 3.3.

it is collected.[12] The personal affairs of an individual must not be unlawfully or unreasonably intruded upon.[13]

- Council will comply with all lawful requirements for use, secure storage, access to and disposal of all information collected from an audio enabled CCTV installation.[14]

3.3 APPROVAL

- Enabling of audio data collection will not be considered for a subject location which is not associated with a CCTV installation.
- Any proposal for enabling of CCTV audio data collection will be subject to assessment and approval by Council's Chief Executive Officer or delegated officer with approval issued via emailed authorisation.
- All proposal submissions for enabling of CCTV audio data collection must be accompanied by a report clearly articulating the *identified purpose* and *justification* for the enablement and how the enablement meets the objectives of Council's CCTV policy.
- Where enabling of CCTV audio data collection is approved, the approval will be communicated to the Manager Information Systems & Governance, who will oversee the implementation.

3.4 APPROVAL CONDITIONS

- Approval for enabling of CCTV audio data collection will be subject to the requirements of Council's CCTV policy;
- Approval for CCTV audio data collection will be subject to regular and at minimum, an annual assessment of the necessity for continued data collection. Such assessment will include consideration of all points listed in section 3.1 of this policy. Audio data collection will remain enabled for a CCTV installation location only for the period of time deemed to be necessary to fulfil the original declared and approved purpose;
- CCTV audio data collected must be used only for the originally approved purpose and no other purpose whatsoever.
- Approval for enabling of CCTV audio data collection will be subject to strict adherence to the principles outlined in section 3.2 of this policy.

4. REPORTING

Council will maintain a schedule of current audio enabled CCTV sites in accordance with section 3.1 of Council's *Closed-Circuit Television (CCTV) System Procedure*.

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.

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[12] See *Information Privacy Act 2009* (Qld) sch 3 s 3 – QPP 3.

[13] See *Human Rights Act 2019* (Qld) s 25(a). See also s 58(1)—decision making implication.

[14] See *Information Privacy Act 2009* (Qld) sch 3 s 6, 11, 12 – QPP 6, QPP 11 and QPP 12. See also *Closed-Circuit Television (CCTV) System Policy* (MSC) s 3.8. See also *Closed-Circuit Television (CCTV) System Procedure* (MSC) ss 3.2.1-3.2.4. See also *Records Management Policy* (MSC) ss 3.2, 3.3.3.

Personal Information – means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion—

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not.[15]

Information may include an audio and/or video recording.

Private conversation – means any words spoken by one person to another person in circumstances that indicate that those persons desire the words to be heard or listened to only by themselves or that indicate that either of those persons desires the words to be heard or listened to only by themselves and by some other person, but does not include words spoken by one person to another person in circumstances in which either of those persons ought reasonably to expect the words may be overheard, recorded, monitored or listened to by some other person, not being a person who has the consent, express or implied, of either of those persons to do so.[16]

6. RELATED DOCUMENTS AND REFERENCES

Administrative Access Scheme Policy (MSC)
Closed-Circuit Television (CCTV) System Policy (MSC)
Closed-Circuit Television (CCTV) System Procedure (MSC)
Human Rights Act 2019 (Qld)
Information Privacy Act 2009 (Qld)
Invasion of Privacy Act 1971 (Qld)
Public Records Act 2023 (Qld)
Records Management Policy (MSC)
Right to Information Act 2009 (Qld)

7. REVIEW

It is the responsibility of the Manager Information Systems & Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every two (2) years or as required by Council.

[15] See *Information Privacy Act 2009* (Qld) s 12

[16] See *Invasion of Privacy Act 1971* (Qld) s 4.